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August 30, 2010

Donald R. Schregardus, SES OASN (EI&E)
Deputy Assistant Secretary of the Navy
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1000 Navy Pentagon
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SUBJECT: PROGRAMMATIC AGREEMENT AMONG THE DEPARTMENT OF DEFENSE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE GUAM STATE HISTORIC PRESERVATION OFFICER, COMMONWEALTH OF THE NORTHERN MARIANAS STATE HISTORIC PRESERVATION OFFICER, FEDERAL HIGHWAY ADMINISTRATION, AND THE NATIONAL PARK SERVICE REGARDING THE MILITARY RELOCATION TO THE ISLAND OF GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS

Håfa Adai Mr. Schregardus,

Let me first thank you and your team for allowing our office to continue this dialogue on the Programmatic Agreement and for allowing more public input.

Since August 23, the Programmatic Agreement and its appendices have been made available through our office by way of Public Service Announcements and through our website www.historicguam.org. Needless to say, this, and the August 25 meeting with "Interested Parties," created an atmosphere of mistrust and misgiving on the entire scope of the PA. Several written comments, enclosed here, have expressed dissatisfaction in not allowing more public involvement on such great and important matters. A resolution is expected to be approved today by the 30th Guam Legislature expressing their objection to the PA, also enclosed. Concerns raised include public access to sites on DoD properties, determinations of effects on Appendix D, lack of public input, and the entire process itself. These concerns must be addressed before the September 8 target date to sign the PA, or continue consultation with public involvement beyond September 8.

After further reviewing the PA, we felt impressed to note our concerns once again on some issues raised previously, and on others that were overlooked. These are:

1. Under Section VII. PROJECT AREA-SPECIFIC MITIGATION FOR GUAM, C. Cumulative Effects Mitigation, 5. Other Measures, add the words and sentence in bold letters, under:

- a. The DOD is committed to implementing measures to mitigate cumulative effects on **culture and** historic properties that may result from this Undertaking, and will implement the following measures.
 - i. The DoD recognizes that a Guam Museum and Cultural Center would provide a repository for information regarding historic properties on Guam as will serve to highlight and educate the public on Guam history and culture. A Guam Museum and Cultural Center also could provide a central location on Guam for curation of artifacts and research the education of the public, visitors, and DoD employees and families. The parties to this PA concur that such a facility will supplement and enhance other measures set out in this document to avoid, minimize or mitigate potential and adverse cumulative effects of the Undertaking. **Therefore DoD will, under Section 110(g) of NHPA, support and fund the construction by GovGuam of a Guam Museum and Cultural Center in the amount of \$20,000,000 (twenty million dollars).**

While we appreciate the commitment to ask Congress, and believe it is in good faith, it does not convey any assurances to the people of Guam should Congress reject the request, potentially leaving the island with zero dollars in mitigation funding. This does not seem reasonable or fair.

2. Under the same Section VII. PROJECT AREA-SPECIFIC MITIGATION FOR GUAM, D. Guam SHPO Capacity, rephrase stipulation 1 to say:

The DoD also recognizes that the current staffing and funding for the Guam SHPO are limited and that the additional workload associated with the Undertaking and its effects and with other Guam SHPO responsibilities will further reduce the office's capacity to carry out its functions under Guam law, the NHPA and this PA. The DoD commits to funding the shortage caused by the Undertaking, under section 110(g) of NHPA, in the amount of \$598,000 the first year, and \$189,000 annually thereafter for the duration of the Undertaking.

SHPO Workload. Our office has, and will continue to experience an increase in workload as a direct result of the buildup. The PA falls short in taking full responsibility for this, and states that the DoD will advocate for additional funding on behalf of our office. This does not seem reasonable or fair. Again, after reviewing various legal opinions on this matter, we believe that the DoD, under section 110(g) of NHPA, has the authority to fund both cumulative effects as well as the for additional staffing and workspace for the SHPO's office.

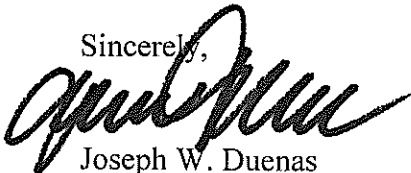
3. Appendix D. Remove Appendix D and its references from the PA. We feel that this Appendix will turn the PA into a decision making document rather than a guidance document. Additionally, we found after further reviewing archaeological survey reports and studies, that there are inconsistencies with some of the determinations. Appendix D asserts that the signatories to the PA are concurring on the determinations of effects on historic properties; if it is the DoD's intent to only assert that the majority of archaeological sites will be affected by the undertakings, then it can be so indicated without attaching Appendix D.

Secondly, the information provided to make such a determination is inadequate and in researching the undertakings, the determinations do not coincide with the finding of the archaeologist in the *Archaeological Surveys and Cultural Resources Studies on the Island of Guam in Support of the Joint Guam Build-Up Environmental Impact Statement* report. Therefore we do not concur with the determinations. In our opinion the "No Adverse Effect" determinations should not be stated as such when there is an indirect effect to an historic resource. If an historic resource is indirectly affected, then it is, in our understanding, an adverse effect. Furthermore, we have found there are areas within the Navy's Area of Potential Effect that have not been surveyed as defined in the Navy's documents, so any reference to a 100% coverage should be removed.

4. Review Time. Increase review period from 30 to 45 days.
5. Aggressively seek more public involvement with the community.
6. Update the Guam Historic Preservation Plan for 2012, including every five (5) years throughout the life of the PA.
7. Remove all reference to Route 15 realignment.

Mr. Schregardus, throughout our conversations, we felt you to be sincere in your efforts to amicably bring this Agreement to conclusion, recognizing the fact that this Buildup, a first of its kind in the nation, brings with it valid concerns raised by not just our office, but by the community, who in fact are the very ones that we are obligated to serve. We are confident that we can work with you to find ways to address each and every concern so that DoD's mission can proceed with the knowledge that we all played a part, in good faith, to protect and preserve Guam's heritage.

Sincerely,



Joseph W. Duenas
Director

Co-Signature:



Lynda Dordallo Agon
Guam (State) Historic Preservation Officer