

**PROGRAMMATIC AGREEMENT AMONG
THE DEPARTMENT OF DEFENSE¹,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE GUAM STATE HISTORIC PRESERVATION OFFICER,
AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS STATE
HISTORIC PRESERVATION OFFICER REGARDING THE MILITARY
RELOCATION TO THE ISLANDS OF GUAM AND TINIAN**

WHEREAS, the Department of Defense (DoD), acting through the Joint Guam Program Office (JGPO) as the action proponent defined in the Environmental Impact Statement covering the Guam and Commonwealth of the Northern Mariana Islands (CNMI) Military Relocation, proposes to develop, construct, and operate additional facilities and infrastructure on Guam and Tinian in order to meet national defense mission requirements associated with the relocation (Undertaking), as described in the Final Environmental Impact Statement (FEIS); and

WHEREAS, the Undertaking comprises three primary actions as defined in the FEIS: (1) relocation of 8,600 Marines and their 9,000 dependents from Okinawa to Guam; (2) construction and operation of a transient nuclear aircraft carrier wharf; (3) establishment and deployment of an Army Air and Missile Defense Task Force; and related actions on Guam; and

WHEREAS, DoD, in implementing the Undertaking, proposes to authorize or carry out a variety of DoD projects identified in the FEIS that are funded in whole or in part by DoD, including those carried out by or on behalf of DoD by authorized contractors, agencies, and individuals; those carried out by third parties with DoD financial assistance and in which the DoD has control of the expenditure of funds; and those DoD activities requiring a Federal permit, license or approval; and

WHEREAS, the projects associated with the Undertaking include, but are not limited to, constructing new training areas, base housing, and office areas; maintaining, rehabilitating, repairing, constructing, and demolishing buildings, structures, and roads; and installing, repairing, and updating utilities and infrastructure on Guam and Tinian; and

WHEREAS, DoD has determined that the Undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code (U.S.C.) 470f, and its implementing regulations, 36 Code of Federal Regulations (CFR) part 800; and

¹DoD Representative Joint Region Marianas / United States Navy and the United States Marine Corps will sign this agreement. Additional DoD services may also sign the agreement.

WHEREAS, DoD has determined that the Undertaking will affect historic properties as defined by 36 CFR part 800.16(l); and

WHEREAS, DoD has established the Area of Potential Effect (APE) for the direct and indirect effects of the Undertaking based on the FEIS as shown and described in Appendix A; and

WHEREAS, the APE for cumulative effects on historic properties includes the entire islands of Guam and Tinian; and

WHEREAS, DoD has determined that the effects on historic properties cannot be fully determined prior to approval of the Undertaking; and

WHEREAS, should there be changes to the projects included within the Undertaking, or new actions or projects proposed that support the Undertaking, that have potential effects on historic properties that have not been fully analyzed, DoD will conduct supplementary consultations pursuant to the terms of this PA; and

WHEREAS, DoD recognizes the long and unique history of Chamorros on Guam and the CNMI and the importance of protecting and preserving the record of that history under Federal law; and

WHEREAS, DoD anticipates that other federal agencies, such as the Environmental Protection Agency and U.S. Army Corps of Engineers, as well as public, private, and Special Purpose Entities (SPEs) may conduct other activities² during the period of implementation of the Undertaking on the islands of Guam and Tinian that may be related to the Undertaking but that are independent of the control and authority of DoD, and that these agencies and entities are separately responsible for ensuring their compliance with Section 106 of the NHPA for those activities; and

WHEREAS, DoD acknowledges that potential effects to historic properties may result from reasonably foreseeable activities by other federal agencies, public and private entities, and SPEs, and must be taken into account as cumulative effects of the Undertaking; and

WHEREAS, DoD has developed this Programmatic Agreement (PA) pursuant to 36 CFR §800.14(b)(3) and in consultation with the Guam (State) Historic Preservation Officer (SHPO), the CNMI SHPO, and the Advisory Council on Historic Preservation (ACHP), Invited Signatories, Concurring Parties,³ and the public; and

² Such activities include, among other things, design, finance, demolition, construction, extension, ownership, management, acquisition, lease, sale, rehabilitation, operation and maintenance of infrastructure; Such projects are limited to those that are reasonably foreseeable within the period of implementation of the projects comprising the Undertaking.

³ For purposes of this PA, Concurring Parties are those groups, agencies, and/or individuals invited by DoD to participate in development of the PA and to concur with its provisions. Parties electing to indicate their concurrence by signing the agreement are afforded the specific opportunities to comment on the actions, as defined in Stipulation I.C.3 of this PA. Concurring Party status does not include the authority to amend, formally object, or terminate this PA, nor is additional agreement from the Concurring Parties required to finalize decisions authorized in this agreement.

WHEREAS, it is in the interests of all parties to identify means by which consultations pursuant to this PA may be streamlined in recognition of the limited staff and increased workloads of the Guam and CNMI SHPOs; and

WHEREAS, the Tinian Landing Beaches, Ushi Point Field, and North Field, Tinian Island National Historic Landmark (collectively known as the Tinian NHL) are located within the APE of the Undertaking, and DoD has notified the Secretary of the Interior (SOI), through the National Park Service (NPS), of this Undertaking pursuant to 36 CFR §800.10(c) and the SOI has elected to participate in this consultation through the NPS as an invited signatory; and

WHEREAS, in addition to the Tinian NHL, the Undertaking may have potential adverse effects to historic properties within the National Park System, including properties comprising the War in the Pacific National Historical Park on Guam. Pursuant to this PA, DoD will consult with the Signatories, Invited Signatories, and Concurring Parties to undertake such planning and actions as may be appropriate to avoid, minimize, and/or mitigate these effects; and

WHEREAS, as part of the Undertaking, DoD has requested that the U.S. Department of Transportation Federal Highway Administration (FHWA) supervise the administration of improvements to off-installation roadways, as described in the FEIS, with funds transferred to FHWA from DoD appropriations in accordance with the Defense Access Road (DAR) program established in 23 United States Code (23 USC) Section 210, which provides a means for the military to pay for its fair share of public road improvements required as a result of sudden or unusual defense-generated traffic impacts or requirements and requires that FHWA shall carry out the DAR projects following standard Federal-aid Highway Program procedures, including compliance with Section 106 and its implementing regulations. Accordingly, FHWA has been invited to be a signatory to this PA for purposes of coordinating its own Section 106 responsibilities for the DAR projects; and

WHEREAS, as outlined in Appendix B, DoD has held eleven public meetings to seek public comment and input under the NHPA (four were held early in the process to identify historic properties, while seven meetings were held after the release of the Draft EIS so that meaningful consultation on the Undertaking and the impacts that it may have on these properties could be conducted) and also has allowed for additional input from the general public and other interested parties through a series of “Partnering Sessions,” “Scoping Meetings,” “Village Meetings,” and individual direct correspondence with persons and organizations, and has taken these comments into account while developing this PA; and

WHEREAS, the Signatories, and Invited Signatories electing to sign, agree to carry out the roles and responsibilities assigned to them in this PA.

NOW, THEREFORE, DoD, United States Marine Corps (USMC), ACHP, Guam SHPO, and CNMI SHPO agree that in carrying out the Undertaking in accordance with the procedures defined by this PA, DoD will satisfy its Section 106 responsibilities for the Undertaking.

STIPULATIONS

DoD shall ensure that the following measures are carried out:

I. APPLICABILITY

- A. This PA applies to all individual projects associated with the Guam and CNMI Military Relocation, as identified in the FEIS and listed in Appendix A and as added or modified pursuant to Stipulation I.D. These projects are collectively referred to as the “Undertaking,” per the definition of that term in 36 CFR §800.16(y).
- B. Unless otherwise noted, this PA will utilize the definitions found at 36 CFR §800.16. A glossary of terms and acronyms is provided as Appendix C.
- C. The parties included on the signature pages of the PA have separate roles and responsibilities under the PA, depending on whether they are Signatories, Invited Signatories, or Concurring Parties.
 1. Signatories: The following parties are identified as Signatories to this PA: DoD, USMC, Guam and CNMI SHPOs, and ACHP. All Signatories will be responsible for complying with the provisions of this PA, and have assigned rights under Stipulations XIII, XIV, and XV related to dispute resolution, amendment, and termination under this PA.
 2. Invited Signatories: The following parties are identified as Invited Signatories to this PA: the NPS, FHWA, Department of the Army, and Department of the Air Force. Invited Signatories electing to sign the PA assume roles under Stipulations IV, V, and VI. These roles are not applicable to Invited Signatories who do not sign the agreement.
 3. Concurring Parties: The following parties have been invited to sign the PA as Concurring Parties and, once they have signed the PA, assume roles defined in the text of this PA to consult⁴ on identification, evaluation, and treatment of historic properties, to participate in semi-annual reviews, to participate in resolving objections, and to advise the Signatories. Consulting Parties identified during the development of this PA include: the Mayor of Tinian, the Northern Mariana Islands Museum of History and Culture, the Guam Preservation Trust, the National Trust for Historic Preservation, the Department of Chamorro Affairs, the Guam Museum, Commission on Decolonization, Task Force on

⁴ For purposes of this PA, the terms “consult” and “consultation” (as defined in 36 CFR 800.16(f)) shall not be interpreted to imply or require procedures or input from any party to this agreement or the public beyond the procedures incorporated in the PA.

Free Association, We Are Guahan, Fuetsan Famalao'an, Boonie Stompers, Chamorro Tribe, Nasion Chamoru, Guam Legislature, Taotaomona Native Rights, and Dr. Tom King. DoD may invite additional organizations and individuals to become Concurring parties in the future, based on expression of interest and involvement with historic preservation issues.

- D. All Signatories, and Invited Signatories electing to sign, agree to carry out the roles and responsibilities assigned to them in this PA.
1. For specific projects within the Undertaking that are proposed on DoD leased lands, such as the northern portion of Tinian, the DoD Representative, who also serves as Commander, Joint Region Marianas (CJRM), is responsible for complying with applicable project-specific stipulations.
 2. CJRM, as the Regional Commander responsible for all shore installation management issues on Guam, shall be responsible for complying with applicable project-specific stipulations. When projects associated with the Undertaking will occur on a specific DoD installation on Guam, the Installation Commanding Officer (ICO) will oversee compliance with applicable project-specific stipulations. The project proponent shall be responsible for funding and complying with the agreed upon stipulations and mitigations. The installation Cultural Resources Manager (CRM), as representative of the ICO, shall ensure that the project proponent carries out the agreed upon stipulations.
 3. For specific projects within the Undertaking that are proposed on lands held by DoD under less than fee simple ownership (i.e., lands used or controlled by DoD under leases, licenses and easements), the project proponent, if a Signatory to this agreement, shall be entitled to utilize the procedures incorporated in Stipulations IV and V for compliance with Section 106 of the NHPA. DoD, acting through CJRM, is responsible for ensuring NHPA compliance among project proponents for activities included within the Undertaking, regardless of the signatory status of the project proponent, if the project is carried out by or on behalf of DoD.
 4. For specific projects associated with the Undertaking that involve improvements to any off-installation roadways under the DAR Program, as described in the FEIS, the FHWA is separately responsible for ensuring compliance with Section 106 of the NHPA and is not subject to the other stipulations in this PA. FHWA will continue to consult with the appropriate SHPO and other consulting parties pursuant to Section 106 and its implementing regulations on any DAR projects necessitated by this undertaking until an agreement is reached or the process is resolved in accordance with 36 CFR §800.3-7.
 5. DoD, acting through CJRM, is responsible for ensuring that measures incorporated in the PA to address the cumulative effects on historic properties

of other reasonably foreseeable activities conducted on the islands of Guam and Tinian during the period of implementation of this PA are carried out, and that cumulative effects are taken into account during any supplementary consultations conducted for new actions or changes to existing projects under this PA for this Undertaking.

- E. In the future, if DoD proposes new actions or projects on Guam or Tinian that support the Undertaking but that are not listed in Appendix E to this PA, such actions will require supplemental review in accordance with the stipulations of this PA. DoD shall notify the Signatories, Invited Signatories, and Concurring Parties to this agreement in writing of the new project(s), then follow the procedures detailed in Stipulations IV and V of this PA. DoD shall also notify the public and other consulting parties (as may be identified at the time) of the proposed new actions or projects to resolve potential effects to historic properties through written notice and publication to a public website. Agreements developed through supplemental consultation under this PA will be reported in the Annual Report as required by Stipulation XI.

II. PROFESSIONAL STANDARDS

- A. All surveys, testing, and planning relating to archaeological resources in the form of ~~archaeological objects~~, sites, structures, and districts will be carried out by, or under the oversight or supervision of, a person or persons meeting the professional qualification for Archaeologist found in ~~the SOI "The SOI's Historic Preservation Professional Qualification Standards, 48" (SOI Qualification Standards), 62 Federal Register (FR) 4471633712.~~
- B. All historic property surveys and eligibility determinations ~~of built properties for architectural resources~~ in the form of historic buildings, structures, sites, objects, and districts will be carried out by, or under the oversight or supervision of, a person or persons meeting the professional qualifications for Architectural Historian, ~~Historian, under Standard a~~ or ~~Historical Architect b~~ found in SOI ~~Professional Qualification Standards, 48 or Historical Architect under Standard a or b found in SOI Qualification Standards, 62 FR 4471633719, or 62 FR 33713-4.~~
- C. Traditional Cultural Property (TCP) studies and eligibility determinations will be carried out by, or under the oversight or supervision of, a person or persons having a ~~graduate degree~~ ~~Master's Degree~~ in Anthropology, History, or ~~closely~~ related field; ~~with~~ documented experience or expertise involving Pacific Island cultures; and previous experience conducting TCP studies and evaluations.
- D. All historic property surveys and eligibility determinations for historic or cultural landscapes will be carried out by, or under the supervision of, a person meeting the professional qualifications for ~~Historian 48 Federal Register (FR) 44716; or~~ Historic Landscape Architect ~~in the proposed under Standard a or b found in SOI~~

Qualification Standards, 62 FR 33720 ~~or Historian under Standard a or b found in the SOI Qualification Standards, 62 FR 33722 or related field.~~

- E. DoD will use appropriate contract performance requirements, and/or appropriate source selection criteria for cultural resources contractors that shall include, but not necessarily be limited to, minimum qualifications for historic preservation experience and satisfactory prior performance, as appropriate to the nature of the work and the type of procurement, developed with the participation of DoD professionals meeting the standards of Stipulation II.B, for projects involving historic buildings, structures, and landscapes; Stipulation II.A, for projects involving archaeological resources; Stipulation II.C for projects involving TCPs; and Stipulation II.D for projects involving historic or cultural landscapes.

III. OTHER AGREEMENTS

- A. The following agreement documents have been previously executed for DoD actions on the islands of Guam and Tinian. These agreement documents shall continue to apply for the circumstances for which they were developed until they should either expire or be terminated, and are not in any way superseded or invalidated by the stipulations related to the Undertaking contained herein. Similarly, the stipulations of the agreement documents listed below will not apply to the review or implementation of the projects comprising the Undertaking addressed in this PA.
1. 2008 Programmatic Agreement Among the Commander, Navy Region Marianas, The Advisory Council on Historic Preservation, and the Guam Historic Preservation Officer Regarding Navy Undertakings on the Island of Guam.
 2. 2009 Programmatic Agreement Among the Department of Defense Representative Guam, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia and Republic of Palau, Commander, Joint Region Marianas, Commander, 36th Wing, Andersen Air Force Base, the Guam Historic Preservation Officer, and the Commonwealth of the Northern Mariana Islands Historic Preservation Officer Regarding Military Training in the Marianas.
 3. 2006 Memorandum of Agreement Between the United States Air Force and the Guam State Historic Preservation Officer Regarding the Northwest Field Beddown Initiatives at Andersen Air Force Base.

IV. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. In planning for the Undertaking, DoD has conducted extensive surveys and evaluations, and, in consultation with the Guam and CNMI SHPOs, ACHP, NPS,

and Concurring Parties, applied the results to the siting/lay down of individual projects to avoid and minimize effects to historic properties. DoD has provided documentation of these efforts to the Signatories and Invited Signatories. Appendix D provides an overview of completed surveys, areas of known sensitivity, and identified historic properties⁵.

- B. DoD surveys and evaluations have focused on project-specific APEs, defined consistent with 36 CFR §800.16(d) to include those portions of the islands of Guam and Tinian subject to direct and indirect effects of projects included in the Undertaking, based on the current FEIS as shown and described in Appendix E. In the course of supplemental reviews pursuant to Stipulations IV and V of this PA, the Signatories and Invited Signatories may request that additional project-specific APEs be defined consistent with 36 CFR §800.16(d) to address potential direct and indirect effects of individual projects.
- C. In addition to the archaeological and architectural surveys and evaluations noted in Stipulation IV.A above, DoD has completed extensive archival research and oral history studies and interviews to identify traditional cultural places, sacred sites, and culturally important natural resources such as the *donni sali*, *nunu*, *da'ok*, *dukduk*, *ifit* trees, and medicinal plants.
- D. For the majority of project areas included within the Undertaking, DoD has provided documentation of identification efforts and determinations of eligibility to the applicable SHPO, consistent with 36 CFR §800.4(b)(2) and §800.11. Appendix D summarizes the results of DoD's recommendations and status of SHPO concurrence.
- E. Consistent with the process defined below, as part of each year's annual review of projects (see Appendix E), DoD will seek additional information from the Signatories, Invited Signatories, and Concurring Parties, and the public regarding historic properties in project areas associated with the Undertaking, prior to finalizing determinations of eligibility, consistent with 36 CFR §800.4(a)(3) and §800.4(b)(1). DoD will update Appendix E annually to reflect the review of such additional information on identification and evaluation of historic properties.
 - 1. Beginning in ~~March~~ 2011, or within 30 days of the formal submission of the Presidential Budget to Congress, ~~whichever is earlier, and occurring annually thereafter through the duration of the Undertaking and this PA,~~ DoD will provide information about military construction projects anticipated for the following fiscal year (October 1-September 30). Military construction

⁵ As defined under 36 CFR 800.16(l) historic properties are prehistoric or historic districts, sites, buildings, structures, or objects included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

projects funded by the Government of Japan will also be evaluated at the same time.

- a. Notices to the public of availability of this information, ways to access the information, the duration of the public input period, and ways to provide input will be distributed through Public Service Announcements which utilize cable TV, radio, and newspaper media to reach the public. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
 - b. DoD will take into account all comments provided within 45 days of public notification of availability.
 - c. The list of projects provided to the public may change as the budget process moves through Congress. DoD will provide notice of any projects added to the budget and will take into account public input received within 45 days of such notification. Notification will occur through Public Service Announcements in the formats noted above. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
2. DoD will utilize a publicly accessible Cultural Resources Information (CRI) website to make information available to the public and request the public's input regarding the identification and evaluation of historic properties within project-specific APEs for direct and indirect effects. The website may be operated under a DoD contract. The website will provide information and appropriate supporting documentation regarding DoD's identification and evaluation efforts and findings, in order to provide the public opportunities to comment. Upon request, DoD will provide up to 10 printed copies of the information to the appropriate SHPO for distribution to interested parties who may not have access to the Internet.
 - a. The CRI website will include supporting information regarding study areas, the scope of DoD identification efforts, and DoD's findings of eligibility. The information will be presented to allow interested members of the public to provide comments on the identification and evaluation of historic properties. The website will include comments received during the comment period, as appropriate.
 - b. Confidentiality requirements under the Archaeological Resources Protection Act (ARPA) and NHPA prohibit Federal Agencies from publicly disclosing the exact nature and location of archaeological sites and other types of historic properties such as TCPs.

- F. Solicitation, discussion, and review of additional information under this PA may be required when new information is received regarding the potential presence of historic properties; or when project areas listed in Appendix E have not been assessed for the presence of historic properties through onsite field surveys; or New project areas are introduced; or the APE for a project changes to incorporate previously unsurveyed areas.
1. When new information or new areas are introduced consistent with part E of this stipulation, DoD will consult with the appropriate SHPO for up to 15 days to determine whether supplemental identification measures are warranted. If DoD and SHPO agree, or if SHPO does not comment within 15 days, DoD will proceed consistent with its findings. If the parties do not agree within 15 days from the date DoD initiates consultation on supplemental identification, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's proposed resolution and proceed consistent with its findings. Any remaining disagreement will be addressed under Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.
 2. When SHPO and DoD concur in the need for supplemental identification and evaluation efforts, DoD will submit a work plan to the SHPO prior to conducting field investigations, such as archaeological testing, architectural surveys, other data collection, or ethnographic interviews.
 - a. DoD will notify the other Signatories and Concurring Parties of the submission of a work plan and, upon request, these parties may review work plans; however, data subject to Archaeological Resources Protection Act (ARPA) (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3) will be restricted consistent with those statutes DoD will consider comments from these parties in consultation with SHPO, as stipulated below in subpart b of this part.
 - b. SHPO will comment on work plans provided by DoD within 45 calendar days of the date such documentation is received by the SHPO. If SHPO concurs with the plan, DoD may proceed accordingly. If DoD has received no written comments from the SHPO within ~~45~~ days after submission of the plan to the SHPO, DoD may assume concurrence and proceed consistent with its findings.
 - c. If SHPO disagrees with the work plan, SHPO will provide written notification to DoD within 45 days from the date SHPO received the plan. The notice should include the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO of DoD's response. If the parties still

disagree, DoD and SHPO will consult for an additional period not to exceed 15 days from the date of DoD's notice of proposed response. If consensus cannot be reached within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and proceed accordingly. Further disagreement, if any, will be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.

3. The results of supplemental identification and evaluation efforts, if such efforts are required, will be submitted to the appropriate SHPO for review.
 - a. In conducting supplemental identification and evaluation efforts, DoD will ensure that documentation consistent with 36 CFR §800.11 is submitted to the appropriate SHPO. The level of effort for identification of historic properties will be consistent with 36 CFR §800.4(b)(1) and published SHPO survey guidelines where these do not conflict with applicable federal guidelines.
 - b. SHPO will comment on results provided by DoD within 45 calendar days of the date the documentation is received by the SHPO. If SHPO concurs with the results, DoD may proceed accordingly. If DoD has received no written comments from the SHPO within 45 days after submission of the results to the SHPO, DoD may assume concurrence and proceed accordingly.
 - c. If SHPO disagrees with the results, SHPO will provide written notification to DoD within 45 days from the date SHPO received the results. The notice should include the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO of DoD's response. If the parties still disagree, DoD and SHPO will consult for an additional period not to exceed 15 days from the date of DoD's notice of its proposed response. If consensus cannot be reached within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and proceed accordingly. Further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.
- G. DoD will provide appropriate supplementary data produced as part of identification and evaluation efforts for this Undertaking, which may include official SHPO site/structure recordation forms and Geographic Information System (GIS)

shapefiles if any are generated as part of the assessment or study, to the appropriate SHPO, ACHP, and the NPS (if a property is an NHL or if an NPS site is within the APE for direct and indirect effects for the project) upon completion of the project with the final report submission.

1. If any previously identified historic properties within the APE being investigated have been re-surveyed or additional information gathered, then DoD will update the forms for these properties consistent with the appropriate SHPO standards.
2. The parties to this PA recognize that some of the data submitted, such as site locations in the form of maps or GIS files may contain sensitive information and are subject to the confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3) and any other applicable Federal law or regulation.

V. ASSESSMENT AND RESOLUTION OF EFFECTS

- A. For specific projects included within the Undertaking scheduled for award in Fiscal Years 2010 and 2011, DoD has provided documentation and consulted with the SHPOs on determinations of effect, and measures to avoid and minimize adverse effects to historic properties, as follows:

1. Fiscal Year 2010 and 2011 Projects on Guam

Data supporting the determinations of effect for the projects listed in Table E-1 of Appendix E were first submitted to the Guam SHPO in 2009. In consultation with Guam SHPO that continued through August 2010, DoD has planned these projects to avoid and minimize adverse effects to historic properties through avoidance and site redesign. Based on this prior consultation, DoD finds:

- a. Projects P-204, P-1003, J-006, J-007, and J-008 will affect no historic properties.
- b. Projects J-001, P-100, P-101, and J-017 will have adverse effects on historic properties. Consistent with Stipulation V.B.3 below, DoD will provide data recovery plans subject to additional review prior to taking action that could affect these historic properties.

2. Fiscal Year 2010 and 2011 Projects on Tinian

Data supporting the determinations of effect for the projects listed Table E-3 of Appendix E were submitted to the CNMI SHPO in 2009. In consultation with CNMI SHPO that continued through August 2010, DoD has planned its projects to avoid and minimize adverse effects to historic properties through avoidance

and site redesign. Based on this prior consultation, DoD finds the projects identified as T-1, T-2, T-3, and T-4 will adversely affect historic properties. DoD will provide data recovery plans subject to additional review consistent with Stipulation V.B.3 below.

3. Additional Review of Fiscal Year 2010 and 2011 Projects

To facilitate public involvement and review by the parties to the PA and the public, DoD will post findings for the FY2010 and 2011 projects on the CRI website. If the appropriate SHPO objects to DoD's findings and plans for avoidance and minimization of adverse effects, SHPO will notify DoD in writing of the objection within 10 days of the date DoD posts its findings to the website. Based on the objection, DoD will modify its action consistent with SHPO's comments, or refer the matter for dispute resolution consistent with Stipulation XIII.B.

- B. All remaining projects beyond those identified for FY2010 and FY2011 (see Table E-2 of Appendix E) will be subject to further review to provide the Signatories, Invited Signatories, Concurring Parties, and the public with sufficient information to allow DoD and the respective SHPO to consult on the determinations of effect. The consultations for these projects will be carried out on an annual basis, in a three-step process that includes the parties to the PA and the public in review of identified historic properties and assessments of effect.
1. To facilitate public involvement in the annual review process, DoD will post to the CRI website the summary memoranda (PA Memos) for public inspection for the projects proposed for that fiscal year. Consistent with the measures defined below, DoD will provide PA Memos to the public for comment prior to DoD authorization of ground-disturbing activities or other actions with the potential to adversely affect historic properties. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
 - a. PA Memos will provide concise summaries of project information with a map showing the project footprint and results of cultural resources review, subject to the limitations defined under Stipulation IV.E.2.b.
 - b. Notices to the public of availability of this information will be distributed per the process in Stipulation IV.E.1.a.
 2. If DoD finds that either no historic properties are present or that historic properties are present but the project will have no adverse effect on those properties, DoD will provide documentation of this finding to the respective SHPO. DoD will notify the respective SHPO and make the documentation

available for public inspection prior to approving the project, consistent with the following conditions.

- a. DoD will post PA Memos document findings on the CRI website and upon request, will provide up to 10 hard copies to the appropriate SHPO for distribution to Concurring Parties or the public.
 - b. DoD will take into account comments received within 30 days of the date of public notification. All comments received during the comment period will be posted on the CRI website. If no comments are received, DoD will proceed consistent with its findings.
 - c. If comments are received during the 30-day review period, DoD will consult with the appropriate SHPO for an additional period not to exceed 15 days with the goal of reaching consensus on the finding of effect. If the respective SHPO and DoD cannot agree within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and proceed accordingly. Further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.
3. If DoD determines that a project will have adverse effects on historic properties, DoD will provide an opportunity for the parties to the PA and the public to comment on DoD's plan for resolving adverse effects.
 - a. DoD will post PA Memos documenting its findings on the CRI website and via hard copy upon request, subject to the limitations under Stipulation IV.E.2.b.
 - b. DoD will take into account comments received within 30 days of the date of public notification. If no comments are received, DoD will proceed consistent with its findings.
 - c. If comments are received during the 30-day review period DoD will take the comments into account and consult with the SHPO for up to 15 additional days with the goal of reaching consensus on the resolution of effect. If the respective SHPO and DoD cannot agree within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and proceed accordingly. Further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.

4. DoD will maintain a record of findings made under this stipulation and provide information on findings to the parties to the PA and the public upon request, consistent with the confidentiality provisions under Stipulation IV.E.2.b.

C. Guam Training Ranges

In an effort to continue refining measures to avoid, minimize and mitigate impacts on historic properties associated with the proposed construction and operation of training ranges on Guam, DoD will consult with the Signatories, Invited Signatories, Concurring parties, and the public regarding potential effects to historic properties. The consultation will address the location, orientation, design, and operation of the ranges within any area that may be selected in the Navy's Record of Decision (ROD) for the live fire training range complex. DoD will:

1. Review the Range Location, Orientation, and Design

DoD will consult with the parties to the PA and the public to address range location, orientation, and design within any site that may be selected in the Navy's ROD for the live fire training range complex, in order to assess, avoid, minimize, and mitigate potential direct and indirect effects on historic properties. The review will include:

- a. Review of historic properties and culturally sensitive natural resources within the areas potentially affected by the alternatives. The review will address potential direct and indirect effects to historic properties, including the potential auditory effects of range operations, and the potential effects of orientation/design alternatives.
 - i. DoD will provide information to the parties and the public, consistent with any applicable confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3).
 - ii. DoD will take into account all comments received within 45 days of the date the information is made available to the public. If no comments are received, DoD will proceed consistent with its findings. If comments are received, DoD will notify SHPO of DoD's findings and proposed response to comments, and consult for up to 15 additional days to reach agreement. If SHPO concurs with the DoD's findings, DoD may proceed consistent with its findings.
 - iii. If SHPO disagrees with DoD's findings, SHPO will provide written notification to DoD within 15 days from the date SHPO received DoD's findings and proposed response to comments. The notice should include

the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO in writing of DoD's response. If the parties cannot agree, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and proceed accordingly. Further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.

2. ~~Consider~~Consideration of New Information

If new information on alternate locations for the live fire training range complex outside those assessed in the FEIS is provided by the Signatories, Invited Signatories, Concurring Parties, or the public while engaging in the review process stipulated here, DoD will review that new information and determine whether supplemental analysis is warranted under NEPA and NHPA. In determining whether new information warrants supplemental analysis DoD will:

- a. Apply the Suitability and Feasibility Criteria (SFC) defined in the FEIS to evaluate the potential viability of a new location for the live fire training range complex.
- b. If new proposals meet the SFC, DoD will conduct planning level cultural and natural resources reviews to further assess the viability of the location.

3. Ensure Access to Pagat Village and Pagat Caves

If DoD selects an alternative for the range complex in the Route 15 area as noted in the FEIS, DOD commits to providing 24 hour a day/seven day a week unimpeded access to the Pagat Village and Pagat Cave historical sites, as part of the measures to avoid, minimize and mitigate impacts on historic properties. DoD will adjust proposed range layout plans to continue unfettered access to these important historical and cultural locations.⁶ Pagat cave and Pagat village would not be included in the footprint of the complex and full ownership of these properties would remain with the Government of Guam.

4. Develop Range Mitigation Plan

~~3. Supplemental Agreement~~

⁶ Navy Under Secretary Robert O. Work. Letter to the Honorable Eddie Baza Calvo, Guam Governor, February 7, 2011

If the Guam range review process outlined above results in a determination of adverse effect, DoD will develop a Range Mitigation Plan (RMP)~~an amendment to the PA~~ stipulating measures to avoid, minimize and mitigate adverse effects, as applicable. The RMP~~amendment~~ will also include a plan for access consistent with Stipulation VI.C.2, or provisions for amending an existing access plan, to include opportunities for access to culturally sensitive locations, if any, that may be constrained by construction or operation of the proposed training ranges.

- a. DoD will provide drafts of the RMP~~amendment~~ to the Signatories, invited Signatories, and Concurring Parties. DoD will take into account all comments received from those parties within 45 days of distributing the draft language. If no comments are received during the comment period, DoD will finalize the RMP~~amended agreement~~ for signature.
- b. The RMP~~MOA will be an amendment to this PA and~~ will be effective upon signature by DoD, USMC, ACHP, and SHPO.
- c. If the Signatories cannot agree on the content of supplemental processes proposed as additions to the RMP, PA. DoD will consult with the parties for an additional period of up to 15 days. If the~~The~~ parties cannot agree within 15 days, DoD will document its decision in writing to the Signatories, Invited Signatories, and Concurring Parties and proceed consistent with its findings. Any remaining disagreements will be resolved in accordance with Section XIII.B of this agreement. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.

VI. GENERAL MITIGATION MEASURES

A. Enforcement of Construction Contractor Measures

Where DoD enters into a contract that involves a project for the Undertaking covered by this PA with the potential to affect historic properties, DoD will include stipulations in that contract to the effect that the contractor must follow the guidance set out in the scope of work regarding historic properties. These stipulations will incorporate pertinent portions of the PA or similar language as an enforceable part of the underlying contract consistent with the Federal Acquisition Regulations (FAR).

B. Adverse Effects on Archaeological Sites

1. Data Recovery excavations will be completed for any archaeological historic properties adversely impacted by the Undertaking.

- a. Prior to conducting any archaeological data recovery excavations, DoD shall submit a data recovery plan to the appropriate SHPO, as well as other Signatories and Invited Signatories if requested. DoD shall, to the extent practicable, incorporate the measures in ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (Appendix F). DoD will consider comments received within 45 days of delivering the data recovery plan. If no comments are received within 45 calendar days DoD may proceed with the project in accordance with the plan. Should SHPO disagree, they shall provide in writing to DoD the objection and any proposed revisions to resolve the objection. DoD will consult with the SHPO for an additional 15 days to resolve any disagreement. If the consultation fails to result in agreement within 15 days, DoD shall advise the Signatories, Invited Signatories, and Concurring Parties of its decision and proceed consistent with its findings. Further disagreement will proceed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 5 days of DoD's notice of decision.
- b. Data recovery plans will include the standard operating procedures for Inadvertent Discovery for archaeological materials and human remains included in Appendices F and G of this PA.
- c. Reports of Archaeological Data Recovery projects shall be submitted to the appropriate SHPO for a 45-calendar day review prior to being finalized. A hard copies of final documents will be given to the appropriate SHPO to archive in their research library with the understanding that these reports may contain sensitive information and are subject to the confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3).

2. Public Education and Interpretation

To ensure that the public benefits from the information retrieved from archaeological sites during data recovery excavations, DoD, in coordination with the Signatories, Invited Signatories, and Concurring Parties, will use the data recovered from such excavations to develop the following types of educational materials for the public:

- a. An information package developed for use on the Internet that includes photos, a summary of the excavations, materials recovered, and significance of the site to the regional culture.
- b. Translations of appropriate summary report materials into Chamorro to be made available to the Guam Museum and educational programs on Guam.

- c. 100 copies of a fact sheet on the site, to be provided to the appropriate SHPO for distribution to the public.

C. Indirect Effects on Historic Properties

1. As a best management practice to reduce the potential for certain types of possible indirect adverse effects on historic properties (such as increase in population or visitation in areas where historic properties are located), DoD will conduct initial orientation briefs for all incoming DoD personnel, their families, and contractors dealing with the sensitivity of the historic properties in the area. In addition, DoD will conduct annual historic preservation awareness briefings for all DoD personnel and contractors working on Guam and Tinian. DoD will conduct additional studies and management plans as indicated in Stipulations VII and VIII.
2. Access to Historic Properties on DoD Lands
 - a. In recognition of the significance that many historic properties located within DoD installations have to various cultural and historic groups on Guam and the CNMI, and acknowledging that restrictions on access to historic properties may constitute indirect effects, DoD will manage public access to historic properties as outlined below.
 - i. Access Plans – For DoD controlled lands on Guam and Tinian, DoD will develop plans for regular public access to historic properties. These plans will be developed in coordination with the Signatories, Invited Signatories, Concurring Parties, and interested public. Consistent with applicable DoD and installation security instructions and guidelines, the access plans will address access procedures, public safety concerns and protocols, emergency situations and standard operating procedures, and will provide contact information for the Access Plan Coordinator (APC).
 - ii. Input received through coordination with the public and interested parties, combined with observations of previous use/attendance of the area, will be used by DoD to develop the access plans. Factors such as special requirements or optimal times for specific activities (such as *suruhanus* collecting their medicinal plants) will be integrated into the access plans, to the maximum extent practicable.
 - iii. Once the access plans are completed, DoD will publish the plans at local libraries and post the plans on DoD websites. Further, DoD will notify the public of available access to DoD controlled lands through mass media (such as local newspaper, radio, television, internet).

Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.

- iv. Reasonable efforts will be made to accommodate access outside of established access hours noted in the access plan for cultural purposes and educational opportunities. Requests will be considered in light of military operational requirements, anti-terrorist/force protection security conditions, and current DoD and installation security instructions and other guidelines.
 - b. To facilitate timely responses for access requests and publications of general access notifications, DoD will designate an individual on the staff of Joint Region Marianas to serve as Access Plan Coordinator (APC) for this PA.
 - c. Should the sufficiency of access be disputed by any parties to the PA or the public, the disputing party(ies) may submit a description of the concern in writing to the APC. Within 7 days, the APC will contact the parties involved to develop a plan for addressing the dispute. If necessary, the APC will coordinate with the CRM, the DoD REP, and the concerned party(ies) and will attempt to resolve the dispute. If the dispute cannot be resolved, the APC and CRM will consult with the disputing party(ies) for up to 15 days to attempt to resolve the concern. The results of such dispute resolution efforts will be included in the reporting described below in Stipulation XII.
3. In recognition of culturally important natural resources, highly forested areas were avoided during the early planning process for the Undertaking. However, in places where impacts cannot be avoided to such resources, DoD will coordinate with Concurring Parties to contact traditional artisans and provide the artisans an opportunity to safely collect these resources consistent with applicable DoD and installation security instructions and other safety related guidelines.
4. If *suruhanus* request installation access for medicinal plant collection, DoD will afford access consistent with applicable DoD and installation security instructions and other safety related guidelines for individuals that practice traditional healing methods and allow medical plant collection if the plants collected are not threatened or endangered species. All such requests for access, allowances of access, and methods or manners of access will be conducted in accordance with the access plans discussed in VI.C.2 above.

D. Cumulative Effects on Historic Properties

DoD recognizes that the projects comprising the Undertaking, when combined with other reasonably foreseeable projects conducted by DoD, other federal agencies, and other public, private, and SPE entities may have cumulative effects on historic

properties on the islands of Guam and Tinian, inclusive of historic properties on private, public, or other federal agency lands. The specific measures to mitigate cumulative effects resulting from the Undertaking are outlined in Stipulations VII and VIII below.

E. Professional Oversight

DoD will retain a full-time Archaeologist throughout the life of the construction program of this Undertaking to provide site checks, oversee coordination and execution of the archaeological mitigation measures in the PA and to provide quality control. This person shall support the CJRM in responding to and reporting of any inadvertent discoveries to the Signatories, Invited Signatories, and Concurring Parties per Stipulation XII.

VII. PROJECT OR AREA-SPECIFIC MITIGATION FOR GUAM

A. The following mitigation will be conducted for those specific projects within the Undertaking whose effects cannot be avoided. As previously noted, DoD will coordinate with the Signatories, Invited Signatories, and Concurring Parties to identify additional means of avoiding or minimizing adverse effects to historic properties.

B. Mitigation for Direct and Indirect Effects for Known Historic Properties

1. Data recovery excavations will be considered standard mitigation for any historic property that is strictly archaeological in nature and will be adversely impacted. Procedures under Stipulation VI.B will be followed.

a. Exceptions to standard mitigation may be addressed in a supplemental agreement to resolve adverse effects associated with range construction, consistent with Stipulation V.C.

2. Naval Base Guam - South Finegayan Naval Housing

DoD will preserve and protect South Finegayan Naval Housing Latte Stone Park (Site 6608-0811) from potential indirect effects by placing informational signage within the existing interpretive kiosk located near the site. DoD will contract the design and installation of the signage. Guam SHPO will review the contents of the signage prior to installation.

3. DoD will ensure that Naval Munition Site (NMS) access activities conducted as part of the Undertaking will not change the routes or configuration of the existing access trail for the Southern Mountains (Mount Lamlam and Mount Jumulong Manglo). DoD access activities are expected to occur approximately one week per month when DoD personnel use the trail to hike in and out of the

NMS area. However, the trail will be open to pedestrians during all other times when the route is not in use by DoD, including the annual Good Friday procession. Pedestrian use of the trail by the DoD will not be addressed as a potential adverse effect to the viewshed of the Southern Mountains.

C. Mitigation for Cumulative Effects

1. In recognition that projects included within the Undertaking, combined with other DoD, federal agency, private, public, and SPE activities on the Island of Guam may have collective or cumulative effects on historic properties, DoD will complete as mitigation the programmatic measures listed in parts C.2 through C.5 of this Stipulation:

2. Update of Guam Historic Preservation Plan

In lieu of previously proposed preservation plans, cultural landscape reports, or Guam Synthesis, the Guam SHPO has requested that DoD apply the same level of effort to support the update to the 2012 Guam Historic Preservation Plan as part of their five-year update cycle. Specifically, DoD will synthesize data from inventory and evaluation efforts completed for the Undertaking with existing data available in reports, recordation forms, maps, and other archival sources on Guam and provide such information to the Guam SHPO. Data provided by DoD will supplement the existing historic and prehistoric contexts and provide baseline information on the status of identification and evaluation efforts on Guam since the previous Plan was published.

3. National Register Nominations

As part of its compliance responsibilities under Section 110 of the NHPA, DoD will nominate one or more historic properties on DoD lands on Guam for listing on the National Register of Historic Places per year for as long as this PA is in effect per Stipulation XVII, or until all historic properties on DoD lands have been nominated. DoD will coordinate with the Guam SHPO to determine priorities for nominating historic properties.

4. Guam Museum Measures

DoD is committed to implementing measures to mitigate cumulative effects on historic properties that may result from this Undertaking. ~~DoD, and~~ commits to implement the following measures:

- a. DoD recognizes that a Guam ~~Museum and~~ Cultural Repository facility ~~Center~~ would provide a repository for curation of archaeological information regarding historic properties on Guam and as well as serve as a source of information to highlight and educate the

~~public~~ on Guam history and culture. DoD supports the recommendation~~A Guam Museum and Cultural Center also could provide a central location on Guam for curation of artifacts and research and education~~ of the Economic Adjustment Committee (EAC) for construction of a 20,000 square foot curation facility to provide critically needed curation capacity~~public, visitors, and DoD employees and families. The parties to the Government of Guam. Construction of~~ this PA concur that such a facility will supplement and enhance other measures set out in this document to avoid, minimize, ~~and or~~ mitigate potential adverse cumulative effects of the Undertaking. Therefore, as part of the FY 2012 ~~or 2013~~ budget, consistent with~~based on~~ the recommendation~~timing~~ of the EAC~~Federal budget process~~, DoD commits to seeking~~seek~~ Congressional authorization and appropriation to support the construction by GovGuam of a Guam Museum and Cultural Center in the amount of \$5,000,000 (five million), or authority for DoD to transfer existing DoD MILCON funding in the amount of \$5,000,000 (five million) to another federal agency with authority to support the construction of a Guam ~~Museum and Cultural Repository~~Center.

b. In addition to the Guam Cultural Repository facility addressed above, DoD will also advocate to other Federal agencies to support a complete museum complex on Guam to house and display Guam's unique cultural artifacts for the public's benefit.

cb. Should Congress not authorize ~~the such an appropriation or~~ transfer referenced above of authority in the~~its~~ FY 2012 ~~or 2013~~ budget, DoD will reinstate consultation with the parties to this PA to address this aspect of proposed mitigation of cumulative effects. Within thirty (30) days of receiving confirmation that the appropriation has not been authorized, DoD will resume discussions with the parties to this PA to consider alternate funding methods to support construction of a Guam Cultural Repository~~Museum and curation facility~~, with the intent to resolve this issue within ninety (90) days of the start of those discussions. Alternatives that will be reviewed will include, but not be limited to, considering construction of comparable facilities~~a museum~~ on DoD lands or obtaining a DoD property interest on mutually agreed upon site for construction, in accordance with Section XIII of this PA.

D. National Park System on Guam

DoD will continue to coordinate with the NPS to determine the potential indirect adverse effects associated with the Undertaking on historic properties within the National Park System on Guam, including properties comprising the War in the

Pacific National Historical Park. To assess these effects, DoD will provide NPS with the data compiled under item C.2 of this Stipulation as baseline information. If project reviews during the Annual Workshop, (Stipulation XII.B.) lead to the identification of adverse effects in the future, then DoD, in coordination with the Signatories, Invited Signatories, and Consulting Parties will develop appropriate mitigation measures based on the evaluation and resolution of effects.

VIII. PROJECT OR AREA-SPECIFIC MITIGATION FOR TINIAN

A. The mitigation measures listed in parts B and C of this Stipulation will be implemented for those specific projects within the Undertaking on the Island of Tinian for which direct and indirect effects to historic properties cannot be avoided. As previously noted, DoD will work with the ~~CNMI~~ SHPO, Signatories, Invited Signatories, Concurring Parties, and the public to identify additional means of avoiding or minimizing adverse effects to historic properties.

B. Mitigation for Direct and Indirect Effects

1. A Cultural Landscape Report (CLR) for the Tinian NHL detailing its history and significance through time has been completed. The CLR is the most recent research and analysis of the historic character of the landscape of the NHL and its larger setting, and thus augments the existing management plan for the NHL. DoD has provided copies of the final CLR to NPS and CNMI SHPO. DoD will implement recommendations from the CLR that do not conflict with current range safety, range management, or natural resources requirements. ~~DoD mitigation measures will consult~~ ~~be incorporated into the next Integrated Cultural Resources Management Plan (ICRMP) update for Tinian.~~ ~~DoD will confer~~ with NPS and CNMI SHPO ~~with the intent~~ to determine appropriate cooperative measures for managing the NHL, including ~~consideration of~~ updating the nomination. Within 90 days of the effective date of this PA, DoD will consult with NPS and CNMI SHPO to develop a cooperative agreement to support appropriate measures to maintain access to NHL contributing elements.

2. Data Recovery

- a. Although historic records indicate that the remains in the Camp Churo/Chulu also known as “Old Village” cemetery (Site TN0034) were moved, a Ground Penetrating Radar study of the former cemetery will be conducted prior to range construction. The CNMI SHPO will have 45 calendar days to review the work plan prior to the start of the study.
- b. If the CNMI SHPO disagrees with the work plan, the CNMI SHPO shall advise the CRM in writing of the reasons for the disagreement within 45 calendar days from receipt of the plan; otherwise, DoD can proceed with the

project in accordance with the plan.

- i. If remains are discovered, then the applicable Standard Operating Procedures (SOP) specified in Appendix G will be followed. The CNMI SHPO and other Concurring Parties shall have 45 calendar days to review the report detailing the results of the study before it is finalized.
 - ii. If the CNMI SHPO or Concurring Parties disagree with the report, the CNMI SHPO shall advise the CRM in writing of the reasons for the disagreement within 45 calendar days from receipt of the report; otherwise, concurrence may be presumed. DoD will take into account any timely objections in finalizing the report.
 - iii. DoD will provide one hard copy and one electronic copy of the final report to the CNMI SHPO.
- c. Archaeological data recovery excavations will be completed for any historic properties (Sites TN0002, TN0034, TN606, TN0619, 5007, 5009, 5011, 5012, 5022) subject to direct adverse effects by the Undertaking (see Stipulation VI.A). These data shall be synthesized into a series of publications as defined in Stipulation VIII.B.3.

3. Publications

- a. DoD will consult with the CNMI SHPO to develop the format of a Thematic Synthesis that will be generated from information gathered from data recovery efforts in the area of the proposed ranges on Tinian. Optimally, three thematic publications, for Camp Churo/Chulu, Japanese Farmsteads, and West Field will be produced. However, if the information recovered for these properties is not sufficient for volumes, a single combined synthesis will be completed.
 - i. DoD will provide copies of the synthesis to the CNMI SHPO and other consulting parties who request to review the document. These parties shall have 60 calendar days to review the document(s) before they are finalized. If the CNMI SHPO and Concurring Parties disagree with the document, the CNMI SHPO and Concurring Parties shall advise the CRM in writing of the reasons for the disagreement within 60 calendar days from receipt of the plan; otherwise, concurrence will be presumed 60 calendar days after submission of the documents to the CNMI SHPO and Concurring Parties. DoD will take into account any timely objections in finalizing the report.
 - ii. The publication(s) will consist of a glossy soft cover booklet(s) or similar format. DoD will produce a total of 300 hard copies that will be

divided between the NPS and CNMI SHPO for dissemination to various other institutions (such as local high schools or community colleges) or agencies that promote the history and culture of the CNMI. A master digital version for reprints or for posting on the Internet will be provided to both the NPS and the CNMI SHPO.

- b. DoD will update the Navy's Self-Guided Tour of Historic North Tinian pamphlet based on ideas and suggestions gathered during public consultation meetings held on Tinian and Saipan in 2009 and information compiled within the Tinian CLR.
 - i. DoD will provide copies of this document to the CNMI SHPO and other consulting parties who request to review the document. These parties shall have 60 calendar days to review the document before it is finalized. If the CNMI SHPO and Concurring Parties disagree with the document, the CNMI SHPO and Concurring Parties shall advise the CRM in writing of the reasons for the disagreement within 60 calendar days from receipt of the plan; otherwise, concurrence may be presumed.
 - ii. A total of 1000 hard copies of the pamphlet will be produced and provided to the NPS and CNMI SHPO for dissemination to various other institutions (such as the Visitor's Bureau) or agencies that promote the history and culture of the CNMI. A master digital version for reprints or for posting on the Internet will be provided to both the NPS and the CNMI SHPO. The CRM in charge of an installation will receive 500 of the hard copies of the pamphlet.
- c. In addition, DoD will prepare a training module subject to review by the SHPO, for training of individuals doing work on Tinian for the Undertaking, in order to increase awareness and sensitivity. The module shall be required training for DoD personnel and contractors.

4. Access to Military Leased Lands in North Tinian

- a. In developing the design of the proposed training ranges on Tinian, DoD will site the ranges in such a way that would allow Eighth Avenue to remain open. This proposed range configuration will allow the public access to the historic properties located in North Tinian including the Tinian NHL even when the new ranges described in the FEIS are in use. Broadway Avenue will remain open when the new ranges are not in use. DoD does not currently have an alternative access plan for those periods when Eighth Avenue or Broadway Ave are impassable due to rain, but agrees to work with the CNMI SHPO and NPS to provide suitable alternatives.

C. Cumulative Effects Mitigation

1. DoD is committed to implementing measures to mitigate cumulative effects on historic properties that may result from the Undertaking. In recognition that the Undertaking, combined with other DoD, federal agency, private, and public actions on the Island of Tinian may have collective or cumulative effects on historic properties, DoD will complete as mitigation the programmatic measures listed in ~~subparts~~ parts C.2 and through C.3 below ~~4 of this Stipulation~~:
2. National Register Nominations
 - a. As part of its compliance responsibilities under Section 110 of the NHPA, DoD will help the CNMI SHPO nominate one or more historic properties on DoD controlled lands on Tinian for listing on the National Register of Historic Places per year, as long as this PA is in effect per Stipulation XVII or until all historic properties on DoD lands are listed, whichever comes first.
 - b. DoD will coordinate with the NPS to update the Tinian NHL historic district, based on the results of the Tinian CLR.
3. Other Measures

DoD recognizes the importance of a permanent CNMI curation facility on Saipan and a that Tinian will benefit from development of a cultural and interpretive center on Tinian to display artifacts recovered from sites on Tinian. Therefore, DoD will seek to include as part of upcoming presidential budget submission a request for Congressional authorization and appropriation to transfer a total of \$1.7 million in DoD funds to another federal agency with authority to support new construction or renovation of existing buildings as follows:

- a. \$1.2 million to construct or rehabilitate an appropriate permanent curation facility on Saipan meeting the requirements of 36 CFR 79. Such a ~~This type of~~ facility would provide a critically needed repository for archaeological collections and related information on historic properties that can and serve to highlight and educate the public on cultural resources.
- a. b. \$500,000 Tinian's history. The Signatories, Invited Signatories, and Concurring Parties concur that such a facility will supplement and enhance other measures set out in this PA to avoid, minimize or mitigate adverse effects of the Undertaking. Therefore, DoD, as part of the FY 2012 or 2013 budget, based on the timing of the Federal budget process, DoD commits to seek Congressional authorization and appropriations to support new construction or renovation of an existing building as selected by the Mayor of Tinian for use as a cultural and interpretive center on Tinian. This type of

~~facility would provide a valuable opportunity to interpret information on historic properties and serve to highlight and educate the public on Tinian's history in the amount of \$500,000 (five hundred thousand), or authority for DoD to transfer existing DoD MILCON funding in the amount of \$500,000 (five hundred thousand) to another federal agency with authority to support the construction or renovation of a development of the facility.~~

- ~~cb.~~ Should Congress not authorize such appropriations ~~an appropriation~~ or transfer of authority, within thirty (30) days of receiving confirmation that the appropriation has not been authorized in its FY 2012 or 2013 budget, DoD will reinstate discussions with the parties to this PA to address the mitigation of cumulative effects. ~~Within thirty (30) days of receiving confirmation that the appropriation has not been authorized,~~ DoD will consult ~~resume discussions~~ with the parties to ~~this PA~~ to consider resubmission of the request or other alternate mitigation ~~measures~~ with the intent to agree on an alternate plan for the mitigation ~~resolve this issue~~ within ninety (90) days of the start of those discussions, or in accordance with Stipulation ~~Section~~ XIII of this document.

IX. SHPO CAPACITY

A. DoD recognizes that the additional workload associated with the Undertaking and its effects may exceed current capacity of the Guam and CNMI SHPOs to carry out their responsibilities under Guam and CNMI law, the NHPA and this PA. DoD is unable to directly fund Guam and CNMI SHPO responsibilities, but commits to work cooperatively with the SHPOs to reduce workload.

1. DoD will designate two individuals to serve as principal points of contact and liaisons to the Guam and CNMI SHPOs, respectively, to assist with coordination and communication during the construction phase associated with the Undertaking. The liaisons shall be duty-stationed part-time at the SHPO offices no less than 20 hours per week. These individuals shall be responsible for ensuring that all DoD requests for review and/or concurrence by the SHPO staff are sufficiently documented per 36 CFR §800.11(e) and (f). In addition, the liaison shall consolidate and coordinate DoD cases for SHPO review.
2. DoD will equip the liaisons with a computer and GIS software to expand the Guam and CNMI SHPOs' ability to incorporate GIS data in their own management systems. While DoD cannot supply the SHPOs with GIS software, DoD can provide viewer access to GIS data associated with DoD projects to assist the SHPOs' overall capacity for managing their cultural resources data.

3. In coordination with the Guam and CNMI SHPOs, DoD will conduct annual reviews to assess the effectiveness and utilization of the liaison positions and associated resources.

- B. DoD also commits to supporting any appropriate request to Congress by the SOI to increase the appropriations for the Historic Preservation Fund (HPF) and encourages the NPS to review the allocation of funds from the HPF to the Guam and CNMI SHPO in light of the increased workload.

X. CURATION

- A. Curation for those archaeological collections generated as a result of the studies completed for this Undertaking or as a result of data recovery excavations will be undertaken in accordance with the terms of 36 CFR §79 and the stipulations listed in parts B through D of this Stipulation.

- B. Curation of Materials Found in Guam: Lands Held by DoD Under Less than Fee Simple Ownership

- 1. All archaeological materials (artifacts, midden, ecofacts, manuports, etc.) collected during the course of the Undertaking from lands held by DoD under less than fee simple ownership on Guam shall, consistent with federal law, be transferred to the Guam Museum, either in its current leased location or in its new facility once it is constructed, for curation per local regulations (Guam Public Law 29-147). Should the Guam Museum be unable to accept the materials, the agreement for curation of materials collected on DoD lands (per ~~XIX.C.2.a.i~~ below) shall apply.

- C. Curation of Materials Found on Guam: Lands Owned by DoD

- 1. Curation Assessment

A project to assess the current state of DoD archaeological collections on Guam with a specific emphasis on areas that will be affected by the Undertaking is in progress by DoD. A draft of the report will be provided to the Signatories, Invited Signatories, and Concurring Parties when it is complete. The study will predict the amount of curation space that will be needed for the archaeological collections generated by the Undertaking, and will provide information on the condition of existing DoD collections, the current and future capacity of curation facilities on Guam and how well those facilities meet the standards of 36 CFR §79.

- 2. Curation Facility

Based on the results of the Curation Assessment completed per Stipulation ~~XIX.C.1~~, DoD will select the appropriate repository location(s) on Guam meeting the standards of 36 CFR 79 for archaeological materials collected during the Undertaking.

- a. Within one year, DoD will provide for curation of collections generated by the Undertaking on Guam at appropriate curation facility(ies) and maintain control of the materials until a permanent, consolidated curation facility meeting the standards of 36 CFR §79 is available. If DoD facilities are inadequate to properly curate the materials, DoD will negotiate an agreement and appropriate curation fees with NPS for the use of its facility for temporary storage.
- b. When the Guam Museum has completed construction of a curation facility meeting the standards of 36 CFR §79, DoD will transfer its collections to the Guam Museum and enter into a cooperative agreement with the Guam Museum for the purpose of curating the collections at that facility on behalf of DoD. DoD will negotiate an appropriate fee structure for curation of the collections.
- c. If, after five years, the Guam Museum has been unable to provide a permanent curation facility, DoD will construct a federal curation facility on lands in which DoD has a real property interest to house collections from DoD lands. Depending on where it is constructed and how construction is funded, this facility could also house collections from other federal agencies. The facility would be designed and staffed to meet the standards of 36 CFR §79.

D. Curation of Materials Found on Tinian

1. Curation Assessment

A project to assess the current state of DoD archaeological collections in the CNMI with a specific emphasis on areas that will be affected by the Undertaking is in progress. A draft of the report will be provided to the Signatories, Invited Signatories and Concurring Parties when it is complete. This study will ~~address~~predict the amount of curation space that will be needed ~~for~~ the archaeological collections that may be generated by the Undertaking from lands on Tinian, the condition of existing DoD collections, the current and future capacity of curation facilities in the CNMI, and how well those facilities meet the standards of 36 CFR §79.

2. All archaeological materials (artifacts, midden, ecofacts, manuports, etc.) collected during the course of the Undertaking on Tinian shall, consistent with federal law, be transferred to the CNMI Museum for curation. DoD will ~~transfer its collections to the CNMI Museum and~~ enter into a cooperative agreement with the CNMI Museum within 90 days of the effective date of this PA for preparation and accessioning of the collections.

3. DoD will negotiate with the CNMI Museum to develop an appropriate fee structure for the curation of the collections resulting from the Undertaking in the CNMI, which the CNMI Museum may use to address its curation capacity.
4. Under an appropriate loan agreement with the CNMI Museum, display quality artifacts will remain on Tinian for tourism displays and educational purposes.

XI. DISCOVERIES AND EMERGENCIES

- A. As noted in Stipulation VI.E above, a DoD Archaeologist will monitor ground disturbing projects with the potential to affect historic properties, oversee coordination and execution of the mitigation measures outlined in the PA, and provide quality control. The Archaeologist will be responsible for supporting the CJRM in managing any inadvertent discoveries and emergencies consistent with the procedures defined below. If during the performance of the Undertaking, previously unknown archaeological sites are discovered and are not accounted for in an archaeological monitoring plan, then:
 1. Any activities within the immediate area will be halted, and reasonable measures will be taken to avoid or minimize impacts to the discovery pending further review under subpart ~~2b~~ of this Stipulation.
 2. The DoD Archaeologist will evaluate the discovery to assess potential effects. DoD will determine what actions can be taken to resolve adverse effects, if any, and notify the appropriate SHPO and ACHP within 48 hours. The notification shall describe DoD's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects, if any are identified. The SHPO and the Council shall respond within 48 hours of the notification. DoD shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. DoD shall provide the SHPO and ACHP a report of the actions when they are completed.
 3. Should any discoveries be evaluated as eligible for listing on the NRHP and preserved in place, then management of such historic properties will be incorporated into existing ICRMPs, or new ICRMP developed in consultation with the appropriate SHPOs, and their locations plotted on the installation GIS.
- B. If during any part of the Undertaking, human remains are discovered, the applicable Standard Operating Procedures specified in Appendix G shall be followed.
- C. In the event that natural disasters (such as typhoons or tidal waves), fires, sudden disruptions of utilities service, spill events or other emergency events occur, the appropriate CRM may take immediate actions to preserve life and property without

appropriate review under this PA prior to carrying out such emergency actions. However, emergency response work will take into consideration that historic properties may be affected by recovery or emergency efforts. When possible, such emergency actions will be undertaken in a manner that does not foreclose future preservation or restoration of historic properties. The CRM will notify the appropriate SHPO by telephone of the emergency and will follow up with written documentation if any historic properties were discovered or disturbed by the emergency efforts. Consultation under this PA with the appropriate SHPO will be conducted as soon as practical based on the emergency circumstances.

XII. REVIEW

- A. In December and June of each calendar year after the PA is executed, or on an alternate schedule agreed to by the Signatories and Concurring Parties should projects be delayed, DoD shall prepare a report itemizing the review activities carried out pursuant to this PA. These reports shall be provided to the Signatories and Invited Signatories and to the Concurring Parties upon their request. The report shall consist of six sections noted as follows:
1. Section I shall include a list of all individual projects (as identified in Stipulation V.A) completed within the six-month reporting period that were determined to qualify for findings of No Historic Properties Affected or No Adverse Effect on Historic Properties. This list shall include the date of approval by the CRM and description of the project scope.
 2. Section II shall include a list of all individual projects (Stipulation V.C) completed within the six months for which supplemental consultation under this PA has been conducted, including the determination of effect and any mitigation measures identified.
 3. Section III shall include any additional coordination under this PA initiated (Stipulations I.D and I.E) within the past six months as a result of changes or additions to the Undertaking. DoD shall provide a summary showing the project name, date of adverse effect notification and status of consultation.
 4. Section IV will provide a summary of progress on the implementation of mitigation measures specified in Stipulations VI, VII and VIII.
 5. Section V will include a list of projects to be completed in the next reporting period, including the determination of effect and any mitigation measures required.
 6. Section VI shall include maps showing the project locations as well as any portions of the APE where sensitivity designations have been changed as a result of further identification and evaluation efforts.

B. Annual Workshops

DoD will conduct annual workshops on Guam and the CNMI to review the documentation and projects that have been conducted during the year and to allow Signatories, Invited Signatories, Concurring Parties, and additional Parties (as identified) to discuss ~~the~~ how well the PA is working. DoD shall document these discussions in minutes distributed to the parties, and shall take these discussions into account as appropriate. Parties will be provided opportunities to participate in this meeting via conference call, video teleconference (VTC), or in person. DoD will not be responsible for funding the attendance costs of any non-DoD participants.

XIII. RESOLVING OBJECTIONS

A. Should a Signatory object to actions carried out or proposed with respect to the implementation of this PA not subject to prior resolution efforts under Stipulations IV, V, and VI, the objecting party shall provide all other Signatories, Invited Signatories, and Concurring Parties with written documentation of the objection. The parties will consult, as appropriate, for up to 45 days to resolve the objection.

1. If agreement is reached, DoD will summarize the resolution and provide the information to the Signatories, Invited Signatories, and Concurring Parties.
2. If agreement is not reached, DoD will refer the matter to ACHP consistent with subpart B.

B. Objections referred through processes defined under Stipulations IV, V, and VI, or those not resolved through discussions among the parties within the 45-day dispute resolution process defined under subpart A above, shall be addressed as follows.

1. Exceptions

If the dispute involves the National Register eligibility of a property, DoD may elect to submit the matter to the Keeper of the National Register, consistent with 36 CFR §60.9.

2. Continuing Actions

- a. DoD may provide the parties to the PA with information regarding actions DoD believes could continue without interfering with the dispute resolution process.
- b. Within 5 days of receiving DoD's plan for continuing action, the ACHP will provide comments on DoD's plan.

- c. DoD will take ACHP comments into account, notify the parties to the dispute of DoD's decision on possible continuing actions, and proceed accordingly.

3. Resolution Process

- a. DoD shall forward relevant documentation to the ACHP with DoD's proposed resolution.
- b. Within 30 calendar days of receiving DoD's proposed resolution, the ACHP shall:
 - i. Concur with the DoD's proposed resolution; or
 - ii. Provide the DoD with recommendations on the proposed resolution.
- c. Within 30 days receiving comments from the ACHP, DoD shall:
 - i. Take into account ACHP's recommendations in making a final decision on the matter; and
 - ii. Provide written documentation of DoD's decision to the Signatories, Invited Signatories, Concurring Parties, and the public; and proceed consistent with its decision.
- d. If the ACHP has not responded within 30 days, DoD shall provide written documentation of DoD's decision to the Signatories, Invited Signatories, Concurring Parties, and the public and proceed with its decision.

XIV. AMENDMENT

- A. Any of the Signatories may propose amendments to this PA as outlined in Items B and C of this stipulation.
- B. Written notice must be sent to all Signatories by the Signatory proposing to amend the PA. The request will include the proposed amendment(s) with justification. The Signatories involved shall then consult to consider the proposed amendment.
- C. Amendments must be approved by all Signatories prior to adoption and shall take effect upon signature by all Signatories,

XV. TERMINATION

- A. Any of the Signatories may propose to terminate this PA.

- B. The termination process starts when a Signatory provides written notice the other Signatories, Invited Signatories, and Concurring Parties of its intent to terminate. Termination shall take effect no less than 30 days after this notification. The notice must explain in detail the reasons for the proposed termination. The PA will be terminated at the end of the 30 -day period unless the parties agree to longer period of consultation.
- C. If the PA is terminated, DoD will notify all parties to the PA of its plan for complying with Section 106 for the remainder of the Undertaking and request the ACHP to comment within 45 days.
- D. DoD will take into account comments provided by the ACHP within 45 days, prior to making a final decision on how to comply with Section 106 for the remainder of the Undertaking in the absence of a PA. .

XVI. ANTI-DEFICIENCY ACT

- A. The Anti-Deficiency Act, 31 U.S.C. §1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.
- B. If compliance with the Anti-Deficiency Act alters or impairs DoD's ability to implement the stipulations of this PA, DoD shall conduct supplementary consultation under the PA with the Signatories, Invited Signatories, and Concurring Parties. If an amendment is necessary, then Stipulation XIII shall be followed.

XVII. DURATION

This PA shall become effective upon execution by all Signatories and shall remain in effect until all projects associated with the Undertaking are completed or within 20 years from the date of execution (whichever occurs first), unless the PA is terminated prior to that in accordance with Stipulation XV.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement satisfies DoD Section 106 responsibilities for the Undertaking, affords the ACHP a reasonable opportunity to comment, and takes into account the effects to historic properties on Guam and Tinian.

Each of the undersigned certifies that they are authorized to bind the party they represent for purposes of entering into this agreement, consistent with their roles as defined under Stipulation I.C of this PA.

SIGNATORIES

DEPARTMENT OF DEFENSE REPRESENTATIVE
JOINT REGION MARIANAS/UNITED STATES NAVY

By: _____ Date: _____

Paul J. Bushong
Rear Admiral, US Navy
Department of Defense Representative Guam, Commonwealth of the Northern Mariana
Islands, Federated States of Micronesia and Republic of Palau;
Commander, Joint Region Marianas

UNITED STATES MARINE CORPS

By: _____ Date: _____

John J. Broadmeadow
Brigadier General, United States Marine Corps
Deputy Commanding General, Marine Corps Forces Pacific

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

John M. Fowler
Executive Director

SIGNATORIES (continued)

GUAM STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

~~State Historic Preservation Officer (Governor Appointed)~~
~~Department of Parks and Recreation~~

By: _____ Date: _____

Lynda Bordallo Aguon
Guam (State) Historic Preservation Officer
Guam Historic Resources Division (State Historic Preservation Office)
Dept. of Parks and Recreation

THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS HISTORIC
PRESERVATION OFFICE

By: _____ Date: _____

Melvin L.O. Faisao
State Historic Preservation Officer
CNMI Department of Community and Cultural Affairs

INVITED SIGNATORIES

UNITED STATES ARMY

By: _____ Date: _____

Jeffery L. Underhill
Brigadier General, United States Army
Commanding General, 94th Army Air & Missile Defense Command
United States Army Pacific

UNITED STATES AIR FORCE

By: _____ Date: _____

John W. Doucette
Brigadier General, United States Air Force
USAF Commander, 36th Wing

NATIONAL PARK SERVICE

By: _____ Date: _____

Christine S. Lehnertz
Regional Director, Pacific West Region
National Park Service

INVITED SIGNATORIES (continued)

DEPARTMENT OF TRANSPORTION

By: _____ Date: _____

Abraham Wong
Division Administrator
Federal Highway Administration, Hawaii Division

CONCURRING PARTIES

CHAMORRO TRIBE

By: _____ Date: _____

Frank J. Schacher, Tribal Chairman

DEPARTMENT OF CHAMORRO AFFAIRS

By: _____ Date: _____

Sylvia M. Flores
President

FUETSAN FAMALAO'AN

By: _____ Date: _____

Therese Terlaje

CONCURRING PARTIES (continued)

GUAM BOONIE STOMPERS

By: _____ Date: _____

Ed Feeley
Vice-President

~~CONCURRING PARTIES (continued)~~

GUAM LEGISLATURE

By: _____ Date: _____

Judith T. Won Pat
Speaker, Guam Legislature

GUAM MUSEUM

By: _____ Date: _____

Anthony Ramirez
Museum Curator

CONCURRING PARTIES (continued)

GUAM PRESERVATION TRUST

By: _____ Date: _____

Joseph E. Quinata
Chief Program Officer

INTERESTED INDIVIDUAL

By: _____ Date: _____

Thomas King, Ph.D.

CONCURRING PARTIES (continued)

NASION CHAMORU

By: _____ Date: _____

Danny "Pagat" Jackson
Maga'Lahi

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date: _____

Anthea Hartig, Ph.D.
Director, Western Office

CONCURRING PARTIES (continued)

NORTHERN MARIANA ISLANDS MUSEUM OF HISTORY AND CULTURE

By: _____ Date: _____

Scott Russell
Acting Chair, Board of Governors

CONCURRING PARTIES (continued)

TAOTAOMONA NATIVE RIGHTS

By: _____ Date: _____

Trini Torres
Pilong Maga'Haga

TASK FORCE ON FREE ASSOCIATION

By: _____ Date: _____

Jose Ulloa Garrido,
Chairman

TINIAN

By: _____ Date: _____

Ramon M. Dela Cruz
Mayor, Tinian

CONCURRING PARTIES (continued)

WE ARE GUAHANGHUAHAN

By: _____ Date: _____

Leevin Camacho

Vice President

LIST OF APPENDICES

Appendix A – Area of Potential Effects Maps

Appendix B – NHPA Public Involvement Summary

Appendix C - Glossary and Acronyms

Appendix D - Summary of Identification and Evaluation Efforts, including information on identified Archaeological Sites

Appendix E - List of Projects included in the Undertaking

Appendix F - ACHP's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites

Appendix G - Standard Operating Procedures
