

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÁHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
144-38 (COR)	Sabina Flores Perez Chris Barnett Therese M. Terlaje Telo T. Taitague	Relative to calling for a redrafting of the Draft 2026 Programmatic Agreement governing Department of Defense undertakings on Guåhan with comprehensive stakeholder consultation and public participation, expressing advocacy to preserve the National Historic Preservation Act Section 106 process, call for a full review of the implementation and outcomes of the 2008 Programmatic Agreement, and urge for the inclusion of the Legislature and cultural preservation advocates as consulting parties in future programmatic agreements.	2/13/26 12:56 p.m.			2/17/26	Author	3/5/26 9:00 a.m.	3/20/26	8/19/26 As Substituted on the Floor.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Resolution No. 144-38 (COR)

As Substituted on the Floor

Introduced by:

Sabina Flores Perez
Chris Barnett
Therese M. Terlaje
Telo T. Taitague

Relative to calling for a redrafting of the Draft 2026 Programmatic Agreement governing Department of Defense undertakings on Guåhan with comprehensive stakeholder consultation and public participation, expressing advocacy to preserve the National Historic Preservation Act Section 106 process, call for a full review of the implementation and outcomes of the 2008 Programmatic Agreement, and urge for the inclusion of the Legislature and cultural preservation advocates as consulting parties in future programmatic agreements.

BE IT RESOLVED BY *I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN*:

WHEREAS, the CHamoru people have developed a distinct oceanic civilization on Guåhan for over 3,000 years, and the island contains ancestral burials, latte sets, water wells, shell artifacts, pottery, limestone mortars, and other irreplaceable cultural resources that reflect CHamoru history, identity, and continued presence; and

WHEREAS, Guåhan has experienced extensive military occupation and land acquisition, resulting in cumulative impacts to cultural sites, sacred lands, and ancestral remains, many of which remain inaccessible or inadequately protected; and

1 **WHEREAS**, the National Historic Preservation Act (NHPA) was enacted to
2 ensure federal accountability in protecting historic and cultural resources, and Section
3 106 of the NHPA requires federal agencies to consider the effects of undertakings on
4 historic properties through a transparent, consultative, and public process; and

5 **WHEREAS**, the NHPA Section 106 process mandates public involvement,
6 consultation with Indigenous communities, consideration of alternatives to avoid or
7 minimize harm, and clear documentation of decisions and mitigation measures; and

8 **WHEREAS**, Programmatic Agreements are intended for limited circumstances
9 involving repetitive or routine activities and must still meet the standards of
10 transparency, consultation, and accountability established under 36 CFR Part 800; and

11 **WHEREAS**, the 2008 Programmatic Agreement between the Commander, Navy
12 Region Marianas (CNRM), the Guam State Historic Preservation Officer (SHPO), and
13 Executive Director, Advisory Council on Historic Preservation, has governed military
14 undertakings on Guåhan for more than fifteen years without a comprehensive public
15 accounting of its implementation, enforcement, or cumulative impacts on cultural
16 resources; and

17 **WHEREAS**, no publicly accessible report has been issued documenting the
18 outcomes of the 2008 Programmatic Agreement, including the number of projects
19 conducted, sites disturbed or preserved, ancestral remains encountered, or disputes
20 resolved; and

21 **WHEREAS**, the Draft 2026 Programmatic Agreement proposes to replace the
22 2008 Programmatic Agreement without providing transparency or accountability
23 regarding the performance or failures of the existing agreement; and

24 **WHEREAS**, the Draft 2026 Programmatic Agreement applies broadly to
25 construction, demolition, land clearing, infrastructure development, archaeological
26 monitoring, and the treatment of cultural resources across all current and future
27 Department of Defense lands; and

28 **WHEREAS**, large-scale and high-impact military projects, including the
29 Enhanced Integrated Air and Missile Defense System (EIAMDS), are included within

1 the scope of the Draft 2026 Programmatic Agreement, despite their significant
2 environmental, cultural, and social consequences; and

3 **WHEREAS,** the Draft 2026 Programmatic Agreement allows military
4 undertakings to proceed without defined opportunities for public comment or
5 meaningful consultation. Additionally, the Advisory Council on Historic Preservation
6 (ACHP) is actively attempting to redraft Section 106 regulations to undermine historic
7 preservation, including revoking provisions that mandate federal agencies to consult
8 with SHPO and members of the public when developing programmatic agreements; and

9 **WHEREAS,** the Draft 2026 Programmatic Agreement centralizes decision-
10 making authority within the Department of Defense and limits the Guam SHPO's ability
11 to independently halt, pause, or terminate undertakings that threaten historic properties
12 or ancestral remains; and

13 **WHEREAS,** the Draft 2026 Programmatic Agreement fails to formally include
14 CHamoru cultural organizations, Indigenous practitioners, community groups, or the
15 Guam Legislature as consulting or concurring parties; and

16 **WHEREAS,** the United Nations Declaration on the Rights of Indigenous
17 Peoples (UNDRIP), supported by the United States government, affirms Indigenous
18 peoples' rights to self-determination, cultural protection, participation in decision-
19 making, and free, prior, and informed consent regarding projects affecting their lands
20 and heritage; and

21 **WHEREAS,** Articles 12, 18, 19, 26, and 32 of UNDRIP specifically affirm
22 Indigenous rights to ancestral remains, cultural sites, lands, and participation in
23 decisions involving military and development projects; and

24 **WHEREAS,** the Draft 2026 Programmatic Agreement does not align with these
25 international standards and does not ensure Indigenous consent or leadership in
26 decisions affecting CHamoru cultural resources; and

27 **WHEREAS,** the promise of a community roundtable/public forum for the newly
28 drafted 2026 Programmatic Agreement was not fulfilled; and

1 **WHEREAS**, community members, cultural practitioners, and advocacy
2 organizations have publicly called for full and comprehensive stakeholder engagement
3 and public participation in drafting a new 2026 Programmatic Agreement, as well as a
4 full review of the results of the 2008 Programmatic Agreement; now, therefore, be it

5 **RESOLVED**, that *I Mina'trentai Ocho Na Liheslaturan Guåhan* does hereby call
6 for a redrafting of the Draft 2026 Programmatic Agreement governing Department of
7 Defense undertakings on Guåhan with comprehensive stakeholder consultation and
8 public participation and advocate for preservation of the National Historic Preservation
9 Act Section 106 process to protect CHamoru cultural resources for future generations;
10 and be it further

11 **RESOLVED**, that *I Mina'trentai Ocho Na Liheslaturan Guåhan* further calls for
12 a full review and public accounting of the implementation, impacts, and outcomes of
13 the 2008 Programmatic Agreement governing Department of Defense undertakings on
14 Guåhan; and be it further

15 **RESOLVED**, that *I Mina'trentai Ocho Na Liheslaturan Guåhan* calls for the
16 formal inclusion of the Guam Legislature, CHamoru cultural organizations, Indigenous
17 practitioners, community groups, and concerned residents as consulting parties in
18 future cultural resource agreements; and be it further

19 **RESOLVED**, that the Speaker and the Legislative Secretary certify, and the
20 Legislative Secretary attest to, the adoption hereof, and that copies of the same be
21 thereafter transmitted to the Patrick Lujan, Guam State Historic Preservation Officer;
22 Brett W. Mietus, Rear Admiral, U.S. Commander, Joint Region Marianas; Travis
23 Voyles, Vice Chairman, Advisory Council on Historic Preservation; Dr. Albert K.
24 Barume, United Nations Special Rapporteur on the Rights of Indigenous Peoples; and
25 to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI OCHO NA
LIHESLATURAN GUÅHAN ON THE DAY OF 2026.**

FRANK BLAS, JR.
Speaker

SABRINA SALAS MATANANE
Legislative Secretary