

**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 the withdrawal of the Draft 2025 Programmatic Agreement and the 2008 Programmatic Agreement governing Department of Defense undertakings on Guåhan, and demanding full implementation of the National Historic Preservation Act Section 106 process to protect CHamoru cultural resources for future generations.	2/13/26 12:56 p.m.							

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

Resolution No. 144-38 (COR)

Introduced by:

Sabina Flores Perez *SFP*
Chris Barnett *CB*
Therese M. Terlaje *TMT*
Telo T. Taitague *TTT*

Relative to calling for the withdrawal of the Draft 2025 Programmatic Agreement and the 2008 Programmatic Agreement governing Department of Defense undertakings on Guåhan, and demanding full implementation of the National Historic Preservation Act Section 106 process to protect CHamoru cultural resources for future generations.

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

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

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

10 **WHEREAS**, the National Historic Preservation Act (NHPA) was enacted to
11 ensure federal accountability in protecting historic and cultural resources, and Section

1 106 of the NHPA requires federal agencies to consider the effects of undertakings on
2 historic properties through a transparent, consultative, and public process; and

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

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

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

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

20 **WHEREAS**, the Draft 2025 Programmatic Agreement proposes to replace the
21 2008 Programmatic Agreement without providing transparency or accountability
22 regarding the performance or failures of the existing agreement; and

23 **WHEREAS**, the Draft 2025 Programmatic Agreement dramatically expands the
24 scope of military authority by automatically including all future Department of Defense
25 land acquisitions on Guåhan without triggering additional consultation or public review;
26 and

1 **WHEREAS**, the Draft 2025 Programmatic Agreement applies broadly to
2 construction, demolition, land clearing, infrastructure development, archaeological
3 monitoring, and the treatment of cultural resources across all current and future
4 Department of Defense lands; and

5 **WHEREAS**, large-scale and high-impact military projects, including the
6 Enhanced Integrated Air and Missile Defense System (EIAMDS), are included within
7 the scope of the Draft 2025 Programmatic Agreement, despite their significant
8 environmental, cultural, and social consequences; and

9 **WHEREAS**, the Draft 2025 Programmatic Agreement allows military
10 undertakings to proceed without defined opportunities for public comment, meaningful
11 consultation, or access to archaeological sensitivity maps and supporting
12 documentation; and

13 **WHEREAS**, the Draft 2025 Programmatic Agreement centralizes decision-
14 making authority within the Department of Defense and limits the Guam SHPO's ability
15 to independently halt, pause, or terminate undertakings that threaten historic properties
16 or ancestral remains; and

17 **WHEREAS**, the Draft 2025 Programmatic Agreement fails to formally include
18 CHamoru cultural organizations, Indigenous practitioners, community groups, or the
19 Guam Legislature as consulting or concurring parties; and

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

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

4 **WHEREAS**, the Draft 2025 Programmatic Agreement does not align with these
5 international standards and does not ensure Indigenous consent or leadership in
6 decisions affecting CHamoru cultural resources; and

7 **WHEREAS**, community members, cultural practitioners, and advocacy
8 organizations have publicly called for the withdrawal of both the Draft 2025
9 Programmatic Agreement and the 2008 Programmatic Agreement and for the
10 restoration of full NHPA Section 106 protections; now, therefore, be it

11 **RESOLVED**, that *I Mina'trentai Ocho Na Liheslaturan Guåhan* does hereby call
12 for the immediate withdrawal of the Draft 2025 Programmatic Agreement between the
13 Commander, Joint Region Marianas and the Guam State Historic Preservation Officer;
14 and be it further

15 **RESOLVED**, that the Legislature further calls for the withdrawal of the 2008
16 Programmatic Agreement governing Department of Defense undertakings on Guåhan
17 until a full public accounting of its implementation, impacts, and outcomes has been
18 completed; and be it further

19 **RESOLVED**, that *I Mina'trentai Ocho Na Liheslaturan Guåhan* demands the
20 full implementation of the National Historic Preservation Act Section 106 process for
21 all military undertakings on Guåhan, including case-by-case review, public
22 participation, and Indigenous consultation; and be it further

23 **RESOLVED**, that the Legislature calls for the formal inclusion of CHamoru
24 cultural organizations, Indigenous practitioners, community groups, and concerned
25 residents as consulting parties in any future cultural resource agreements; and be it
26 further

1 **RESOLVED**, that the Speaker and the Legislative Secretary certify, and the
2 Legislative Secretary attest to, the adoption hereof, and that copies of the same be
3 thereafter transmitted to the Patrick Lujan, Guam State Historic Preservation Officer;
4 Brett W. Mietus, Rear Admiral, U.S. Commander, Joint Region Marianas; Travis
5 Voyles, Vice Chairman, Advisory Council on Historic Preservation; Dr. Albert K.
6 Barume, United Nations Special Rapporteur on the Rights of Indigenous Peoples; and
7 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