

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
Informational Briefing/Hearing/ Oversight Hearing / Roundtable Hearing

STANDING COMMITTEE / SENATOR	HEARING	COMMITTEE REPORT	HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation, and Hagåtña Restoration.	Oversight Hearing	Digital Committee Report on the Oversight Hearing on the Guam State Historic Preservation Office.	3/18/26 2:00 p.m.	7/14/26	

Office of Senator
SHELLY V. CALVO

MAJORITY WHIP & CHAIRPERSON

Child Welfare, Youth Affairs, Senior Citizens,
Women's Affairs, Disability Services, the Arts, Culture,
Historic Preservation & Hagåtña Restoration



I Mina'trentai Ocho Na Liheslaturan Guåhan
THE 38TH GUAM LEGISLATURE

Guam Congress Building
163 Chalan Santo Papa, Hagåtña, Guam 96910
officeofsenatorshellycalvo@guamlegislature.gov
(671) 989-5682/3

July 13, 2026

The Honorable Frank Blas Jr.

Speaker

I Mina'trentai Siette na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

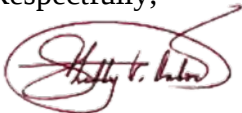
VIA: **The Honorable V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Committee Report on the Oversight Hearing for SHPO**

Buenas yan Håfa Adai!

Transmitted herewith is the Committee Report on the Oversight Hearing of SHPO under the Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation, and *Hagåtña* Restoration.

Respectfully,



Senator Shelly V. Calvo
Chairwoman



COMMITTEE ON RULES

RECEIVED:

July 13, 2026 3:01 p.m.

Marie Crisostomo

Office of Senator
SHELLY V. CALVO

MAJORITY WHIP & CHAIRPERSON

Child Welfare, Youth Affairs, Senior Citizens,
Women's Affairs, Disability Services, the Arts, Culture,
Historic Preservation & Hagåtña Restoration



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(671) 989-5682/3

COMMITTEE REPORT

Oversight Hearing:

Relative to Guam State Historic
Preservation Office (SHPO) to review
and discuss the Draft 2025
Programmatic Agreement

Office of Senator
SHELLY V. CALVO

MAJORITY WHIP & CHAIRPERSON

Child Welfare, Youth Affairs, Senior Citizens,
Women's Affairs, Disability Services, the Arts, Culture,
Historic Preservation & Hagåtña Restoration



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THE 38TH GUAM LEGISLATURE

Guam Congress Building
163 Chalan Santo Papa, Hagåtña, Guam 96910
officeofsenatorshellycalvo@guamlegislature.gov
(671) 989-5682/3

May 18, 2026

MEMORANDUM

To: **All Members**
Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation, and Hagåtña Restoration

From: **Senator Shelly V. Calvo**
Committee Chairperson

Subject: **Committee Report Oversight Hearing on SHPO**

Buenas yan Håfa Adai!

Transmitted herewith for your consideration is the Committee Report on **the Oversight hearing for SHPO**

This report includes the following:

- Notices of Public Hearing
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies and Supporting Documents
- Committee Vote Sheet
- Committee Report Digest

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Respectfully,

Senator Shelly V. Calvo, Chairwoman



Office of Senator Shelly Calvo
<officeofsenatorshellycalvo@guamlegislature.gov>

FIRST NOTICE of Oversight Hearing: March 18, 2026

2 messages

Office of Senator Shelly Calvo

<officeofsenatorshellycalvo@guamlegislature.gov>

To: phnotice@guamlegislature.gov

Bcc: "advertise@kanditnews.com" <advertise@kanditnews.com>

Wed, Mar 11,
2026 at 8:34 AM

FOR IMMEDIATE RELEASE

March 11, 2026

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Shelly V. Calvo

Re: FIRST NOTICE of Oversight Hearing: March 18, 2026

The Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation, and Hagataña Restoration will conduct an Oversight Hearing on Wednesday, **March 18, 2026 at 2:00 pm** in the Public Hearing Room of the Guam Congress Building.

The Oversight Hearing will cover the **Guam State Historic Preservation Office (SHPO)** to review and discuss the **Draft 2025 Programmatic Agreement**, including proposed updates, consultation requirements, and anticipated impacts on historic preservation processes.

While attendance of the Oversight Hearing is open to members of the general public, participation will be limited to representatives of the Guam State Historic Preservation Office. Those interested in participating in the Public Hearing to provide testimony may

contact the Office of Senator Shelly V. Calvo at (671) 989-5682 or via electronic mail at officeofsenatorshellycalvo@guamlegislature.gov for further guidance.

The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via I Liheslaturan Guåhan's live feed. Written testimonies may be sent via email to officeofsenatorshellycalvo@guamlegislature.gov.

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Respectfully,



Office of the People | Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682

E officeofsenatorshellycalvo@guamlegislature.gov



03.11.2026 MEMORANDUM_ SHPO OVERSIGHT.pdf
820K

Ed Pocaigue <sgtarms@guamlegislature.gov>

Wed, Mar 11, 2026 at 8:42 AM

To: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Hafa Adai,

Posted on calendar.

[Quoted text hidden]

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Edward S. Pocaigue, Jr.

Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guahan

Guam Congress Building, 1st Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

☎ 1-671-969-3514

✉ sgtarms@guamlegislature.gov

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Office of Senator
SHELLY V. CALVO
MAJORITY WHIP



I Mina'trentai Ocho Na Liheslaturan Guåhan
THE 38TH GUAM LEGISLATURE

Guam Congress Building
163 Chalan Santo Papa, Hagåtña, Guam 96910
officeofsenatorshellycalvo@guamlegislature.gov
(671) 989-5682/3

COMMITTEES

CHAIRPERSON

Child Welfare, Youth
Affairs, Senior Citizens,
Women's Affairs,
Disability Services,
the Arts, Culture,
Historic Preservation
& Hagåtña Restoration

VICE CHAIRPERSON

Transportation, Tourism,
Customs, Utilities &
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and Foreign Affairs

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& Veterans Affairs

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Housing, Agriculture,
Parks & Infrastructure

Rules

FOR IMMEDIATE RELEASE

March 11, 2026

MEMORANDUM

To: All Senators, Stakeholders, Media
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FIRST NOTICE of Oversight Hearing: March 18, 2026

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FIRST NOTICE of Oversight Hearing: March 18, 2026

PUBLIC HEARING



 **Posted on:** 03/11/2026 12:54 PM

 **Posted by:** Marc Catahay

 **Public Hearing Date:** 03/18/2026 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?
department_id=92)

 **Division(s):**
OFFICE OF SENATOR SHELLY V. CALVO (/notices?
division_id=296)

 **Notice Topic(s):**
PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:**
PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

March 11, 2026

MEMORANDUM

**To: All Senators, Stakeholders,
Media**
From: Senator Shelly V. Calvo

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Hearing: March 18, 2026**

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Oversight hearing on the 2025 Draft Programmatic Agreement (SHPO)

Scheduled for March 18, 2026

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FIRST NOTICE of Public Hearing by Senator Shelly Vargas Calvo
Published on Kandit on March 11, 2026

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Office of Senator Shelly Calvo
<officeofsenatorshellycalvo@guamlegislature.gov>

SECOND NOTICE of Oversight Hearing: March 18, 2026

1 message

Office of Senator Shelly Calvo

<officeofsenatorshellycalvo@guamlegislature.gov>

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Mon, Mar 16,
2026 at 9:00 AM

FOR IMMEDIATE RELEASE

March 16, 2026

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Shelly V. Calvo

Re: SECOND NOTICE of Oversight Hearing: March 18, 2026

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Respectfully,



Office of the People | Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682

E officeofsenatorshellycalvo@guamlegislature.gov



03.16.2026 MEMORANDUM_SHPO OVERSIGHT.pdf

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SECOND NOTICE of Oversight Hearing: March 18, 2026

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SECOND NOTICE of Oversight Hearing: March 18, 2026



PUBLIC HEARING

 **Posted on:** 03/16/2026 11:13 AM

 **Posted by:** Marc Catahay, Office of Senator Shelly V. Calvo

 **Public Hearing Date:** 03/18/2026 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?
department_id=92)

 **Division(s):**
OFFICE OF SENATOR SHELLY V. CALVO (/notices?
division_id=296)

 **Notice Topic(s):**
PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:**
PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

March 16, 2026

MEMORANDUM**To: All Senators, Stakeholders,
Media****From: Senator Shelly V. Calvo****Re: SECOND NOTICE of Oversight
Hearing: March 18, 2026**

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contact the Office of Senator Shelly V. Calvo at (671) 471-1111.

contact the Office of Senator Shelly V. Calvo at (671)

989-5682 or via electronic mail

at officeofsenatorshellycalvo@guamlegislature.gov for further guidance.

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SECOND NOTICE of Public Hearing by Senator Shelly Vargas Calvo
Published on Kandit on March 16, 2026

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SHPO Oversight Hearing Agenda

Location: Guam Legislature Public Hearing Room

I. Call to Order

- Welcome and Opening Remarks
- Roll Call
- Confirmation of Public Notice Requirements

II. Purpose of the Roundtable

Discussion of the Draft 2025 Programmatic Agreement and review of issues identified during the March 18, 2026 oversight hearing, including opportunities for revision prior to final execution.

III. Presentations

A. Guam State Historic Preservation Office (SHPO)

- Status of revisions following the public comment period
- Summary of public comments received
- Proposed amendments to the Draft PA
- Timeline for completion

B. Joint Region Marianas (JRM)

- Federal perspective on the Draft PA
- Consultation obligations under Section 106 of the National Historic Preservation Act
- Implementation process

C. Advisory Council on Historic Preservation (if available)

- Federal consultation standards
- Review responsibilities
- Recommendations

IV. Guided Committee Discussion

A. Consultation Process

- Distinction between consultation and public comment
- Opportunities for earlier stakeholder engagement

- Compliance with NHPA consultation requirements
- B. Scope of the Agreement
 - Activities covered under the Programmatic Agreement
 - Relationship between the PA and traditional Section 106 reviews
 - Treatment of low-, medium-, and high-sensitivity projects
- C. Transparency and Accountability
 - Public notification procedures
 - Reporting requirements
 - Access to project information
 - GIS mapping and documentation
- D. Cultural Resource Protection
 - Traditional Cultural Properties (TCPs)
 - Avoidance versus mitigation
 - Cumulative impact analysis
 - Archaeological monitoring protocols
- E. Institutional Capacity
 - SHPO staffing and funding needs
 - Federal support for implementation
 - Long-term preservation planning
- V. Stakeholder Roundtable
 - Invited discussion from:
 - SHPO
 - Joint Region Mariana
 - Guam EPA
 - Cultural practitioners
 - Archaeologist
 - University of Guam representatives
 - Community organizations
 - Members of the public

VI. Committee Discussion and Next Steps

Potential actions include:

- Recommendations for revisions to the Draft PA
- Requests for additional information
- Scheduling of future meetings

- Legislative recommendations regarding Guam's historic preservation laws
-

VII. Public Comment

VIII. Adjournment

[illegible]

Guam State Historic Preservation Officer Testimony

(Oversight Committee Testimony)

Håfa Adai. It's me again, Patrick Lujan, Guam State Historic Preservation Officer.

I appreciate this Committee for continued discussion on this PA. I'd like to personally thank Dr. Robert Underwood. He is the only person so far to reach out and meet with me this week to discuss the implications of solidifying an Agreement with the military as opposed to terminating it.

Let's talk about this Programmatic Agreement

Since most of the details and concerns have been brought up in previous hearings here in the Legislature, let me reiterate that it is still in 'DRAFT' form – still open for public comment until March 20th, making it the longest public comment period of 105 days, this coming from fellow professionals who deal with Pas, NEPA and other such documents.

We still need to have the Advisory Council on Historic Preservation review and comment, but I chose to prioritize our people's comments before the ACHP.

We've reviewed all 30 comments that came through email so far (majority templated) and have listened to the testimonies given in two public hearings in the last two weeks.

Some of the things that have been noticed are the following:

- 1) An obvious typo that required one signature. We all know an agreement takes at least two parties. That will be fixed.
- 2) The topic of Traditional Cultural Properties. That will be added as a Stipulation.
- 3) Public notice on projects on medium/high sensitivity areas. We will look into online notices to make those available and include that in the PA.

There are other minor but substantive suggestions that we will take into account.

Other notes to point out that I didn't mention last week:

- This PA allows consistency across installations, otherwise each will be operating independently.
- This gives our office a threshold to hold installations to consistent standards for archaeological treatment.

Ever the optimist, I appreciate the attention this PA process has attracted – both productive and even the not so productive.

Before I yield my time, I'd like to repeat my plea to the senators and interested parties that after this PA exercise concludes, that we spend some time on updating our local historic preservation laws. It's long overdue. Thank you!

Good afternoon, Senator, et al.

I have been in heritage preservation for over 40 years in Texas, the American Southwest, Hawaii, Guam, and the Philippines as well as excursions, not incursions, in Ecuador, Mexico, Micronesia, the Congo, Germany, the Caribbean, among other places for archaeological research as well as World Heritage site visits. I have served as President of ICAHM since 2019, and was for six years on the Texas Historic Preservation Review Board as well several local boards in the Rio Grande, in Hawaii, and in Guam. These boards all oversee aspects of the National Historic Preservation Act of 1966. I was in Guam from 2007 as Director of MARC and Asst. VP for Research and Graduate Studies at the University of Guam. We had a good run with Dr. Robert Underwood bringing in and managing very important federal programs like NIH, NSF Epscor, NASA Epscor, the CESU program with our first project, the Micronesian Biosecurity Plan, among many other since.

With all this experience, I can say with certainty that a programmatic agreement for management of historic resources is a good thing. It promotes cooperation, transparency and protection and preservation of cultural as well as historic places. The programmatic agreement is one paragraph in the regulations for NHPA (Subpart B CFR 800.3-800.7) that recommends the PA as a tool for managing development and adverse effects on historic properties. It provides a detailed, place-specific protocol for management interactions for review and compliance. This PA, as do most, recommends that certain types of impact are trivial regarding the impact to historic resources. With over 900 reviews a year already completed it is a waste of everybody's time to review hundreds or thousands more like painting the window sash on buildings barely 50 years old. GSHPO still gets to review them before they are done, just in a binder with dozens of others that require and receive scrutiny. You can see the reviews of these quarterly reports in the correspondence of the office.

The programmatic agreement is also a tool for managing the overall resource, the accumulation of data from many projects, and permits a 30,000 foot view of sites arrayed over the landscape. This has already been really important in assessing and evaluating the numerous small artifact scatters and blackened hearth stains scattered over the northern plateau. GSHPO consistently treats these all as significant places and recommends either avoidance or data recovery, and this is leading to a landscape awareness of ephemeral settlement in a water-poor, soils deficient landscape. The commitment to GIS studies in the PA is extremely important for managing the data as well as the places. The 2011 PA is more explicit, and was meant for the buildup and mitigation agreements, but the 2008 and 2025 also support GIS studies and shared data from DoD with GSHPO as well as a significant GIS atlas for military lands. With a PA it is possible to perceive archaeological landscapes as well as to preserve them. Using the "Section 106 approach" without a PA requires individual notifications, plans, reports, and eligibility assessments and concurrences that focus on single undertakings and places and there is no tool for assessing overall archaeological resources and landscapes, nor for assessing cumulative impacts.

The Programmatic Agreement is a tool, not a "*Ding an sich*", a thing-in-itself as Kant proposed about reality and our perception of it. It can be misused, but a PA in place is more protection for the resource as it provides protocols for tracking undertakings and impacts. For example, the

single episode of neglect of an historic site from the last few years, on North Field, was tracked in the transmittals and reports of the activity and the cultural resource monitoring. They came in late and may have occasioned a momentary breach but the process worked although some damage was done. It's not clear if it was a charley foxtrot moment, but several things including the absence of a cultural resource manager at one of the installations contributed to it and the incident has raised awareness and improved communications. Without the PA it would probably not have been noted.

No tool is perfect, and must be used wisely and consistently. This PA tool needs to be constantly tested and re-examined, and that is why a new one is being proposed to replace the 2008 PA. This one calls for an updated ICRMP where cumulative impacts can be assessed through its inventory of activities and actions, reiterates the place and importance of the Public Access Program, provides risk maps as "sensitivity areas" that the SHPO will share with the public. As I understand it, the PA provides for the planning justifications to make budget requests that support mitigation of unavoidable impacts that otherwise would be unfunded. It also provides the transparent, cooperative agreement-to-agree that is the basis for MOA's and commitment letters from DOD for a heritage management workforce training program; for Star Cave environmental monitoring; access trails to West Bonya latte site; and an electronic 106 review process that will make it even less likely that there will be breaches of preservation protocol. We can look forward to commitments for renewed TCP studies among other items that are being discussed as responses to comments from the public review.

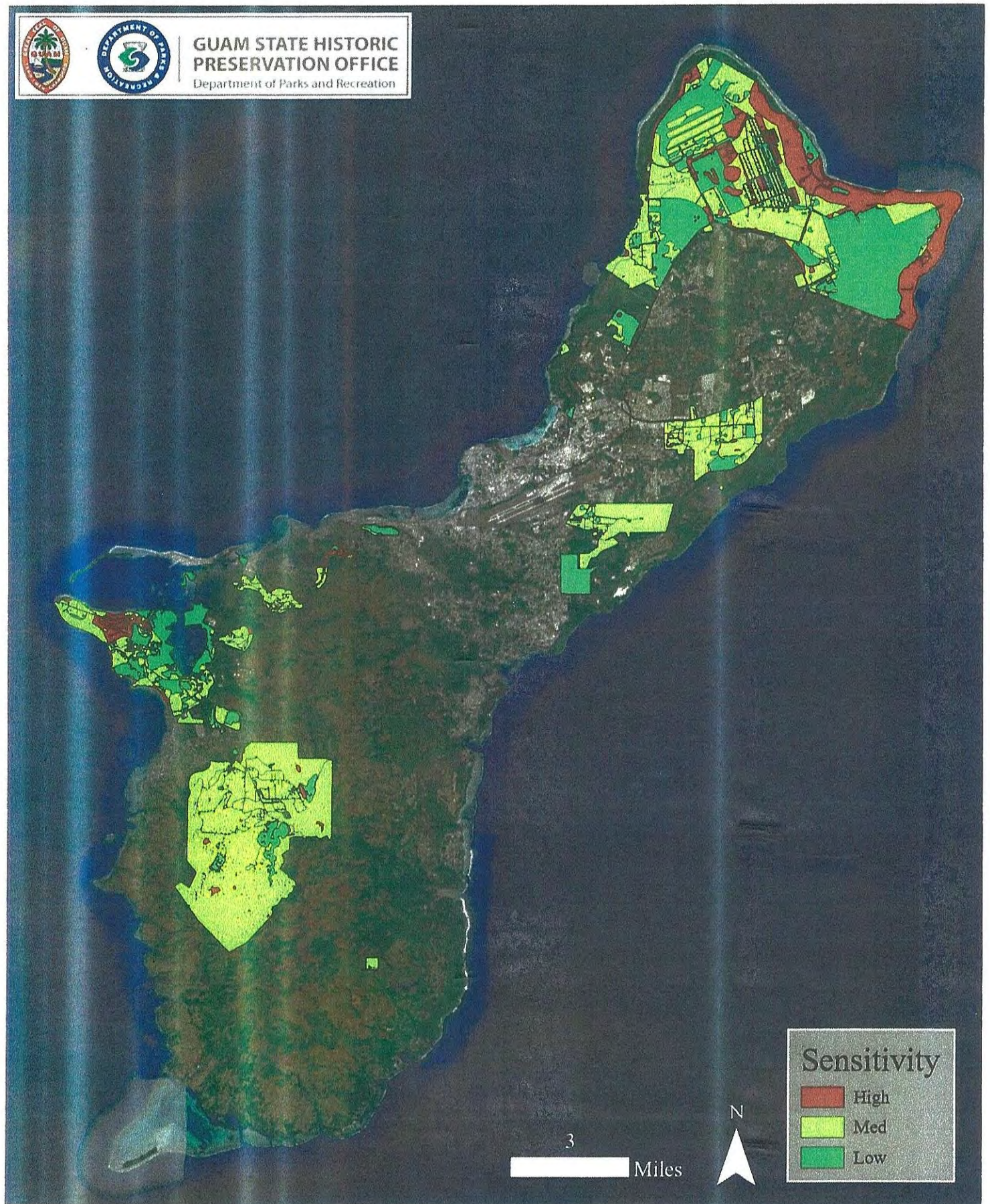
In the intervening 6 years since I retired from UOG and then returned to work with SHPO I have seen an enormous change in preservation management. Before there was a clear "our side of the fence" mentality in both camps. Now the DOD environmental managers are guamanians and the fence is less opaque. Many of the archaeological techs are now "of" guam and not imports from Tennessee and Kansas; the artifacts will be curated at a Guam curation repository funded by DoD and staffed by locals; reburials are happening with respect to local families and descendants; and the ancient names of the island are returning to places on the DoD maps and landscapes. This is a form of mitigation. The PA doesn't hinder this, it promotes it.

Respectfully submitted JAP

Military Land Archaeological Sensitivity Guahan



**GUAM STATE HISTORIC
PRESERVATION OFFICE**
Department of Parks and Recreation



Office of Senator
SHELLY V. CALVO
MAJORITY WHIP



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Rules

I. OVERVIEW

- The Committee convened an oversight hearing on March 18, 2026, to examine the Draft 2025 Programmatic Agreement (PA) between Joint Region Marianas (JRM) and the Guam State Historic Preservation Office (SHPO).
- The hearing focused on:
- Proposed updates to the 2008 Programmatic Agreement
- Consultation requirements under the National Historic Preservation Act (NHPA)
- Impacts on Guam's cultural and historic preservation framework

PUBLIC NOTICE REQUIREMENTS

Public notice requirements were satisfied in accordance with the Open Government Law, with notices disseminated on March 11 and March 16, 2026.

SENATORS PRESENT

Senator Shelly V. Calvo (*Chairperson*)

Senator Sabina Perez

Senator Christopher Dueñas

Senator Telo T. Taitague

Vice Speaker V. Anthony Ada

Senator Chris Barnett

Senator Therese Terlaje

ATTENDEES

Patrick Lujan, SHPO Director

Dr. John Peterson, Archaeological Heritage Expert

Glenn San Nicolas, Guam EPA



II. TESTIMONY & DISCUSSION

A. Opening Statement – Senator Shelly V. Calvo

Chairperson Senator Shelly V. Calvo called the oversight hearing to order at 2:03 PM, acknowledged the presence of committee members and senators, and confirmed compliance with the Open Government Law, noting that proper notices were issued on March 11 and March 16, 2026, and duly posted on official government platforms.

The Chair proceeded to administer the oath to all individuals providing testimony and outlined the rules of conduct for the hearing, emphasizing

that oral testimony should be limited to five minutes and that written submissions should be provided to the Committee for recordkeeping.

She then delivered her opening statement:

Before we begin, I want to briefly review the rules of conduct for today's afternoon hearing.

Written comments or presentations should be provided to the committee. Please provide them to our legislative staff to make copies or send them via email to the officeofsenatorshellycalvo@legislature.com.

- Oral testimony should be summarized within a five-minute time frame so that all stakeholders and community members have the opportunity to participate.
- Once you have presented, please remain in the room for any follow-up questions from members of the committee.
- Questions and comments will be limited to the subject matter on today's agenda, which is...

The Draft 2025 Programmatic Agreement, including proposed updates, consultation requirements, and the anticipated impacts on Guam's historic preservation processes.

We gather today not merely to review a procedural document, but to examine a framework that sits at the intersection of federal authority, local governance, and cultural stewardship.

The proposed Programmatic Agreement between Joint Region Marianas and the Guam State Historic Preservation Office attempts to reconcile two enduring realities in Guam: first, our island's strategic role within the national defense posture of the United States; and second, our identity as a place of deep cultural continuity, where the land itself serves as a living archive of CHamoru history, memory, and belonging.

This agreement seeks to streamline compliance with federal historic preservation requirements under Section 106 of the National Historic Preservation Act. It aims to provide predictability in how Department of Defense projects are reviewed, how consultation is conducted, and how adverse effects are addressed.

There is merit in clarity. There is value in efficiency. And there is a legitimate public interest in ensuring that necessary infrastructure and defense-related projects are not subject to unnecessary delay. But efficiency, if left unchecked, can narrow our field of vision.

The question before this Committee is not whether a Programmatic Agreement is appropriate — such agreements are widely used across jurisdictions. The question is whether this agreement reflects the full measure of our responsibility to the people of Guam.

We must ask:

- Does this framework merely expedite compliance, or does it strengthen protection?
- Does it treat consultation as a procedural checkpoint, or as a substantive dialogue grounded in respect for cultural knowledge systems?
- Does it ensure that when impacts to historic properties are unavoidable, mitigation efforts are not simply technical exercises, but meaningful acts of preservation and documentation?

We must also consider the structural realities at play. The imbalance of resources and authority between federal agencies and local institutions is not insignificant. The effectiveness of this agreement will depend, in no small part, on whether the Guam State Historic Preservation Office is adequately supported, empowered, and positioned to fulfill its role as a steward of our heritage.

Now, I have confidence in Mr. Patrick Lujan, who has served in this position for a number of years. This oversight hearing, however, is a process to inform the general public of our course or pathway. It is a channel to offer updates, as well as to enlighten us on the benefits that such an agreement may offer to Guam.

As Chair, I convened this oversight hearing because our community has raised serious concerns about the Draft 2025 Programmatic Agreement and what it means for the protection of our cultural and historic resources. This draft is not simply an administrative exercise. It directly affects how we safeguard the places, stories, and ancestral connections that define who we are as a people.

I also want to acknowledge the SHPO's recent comments expressing his willingness to work with this body and with the community to ensure that the draft agreement truly addresses the concerns that have been raised. We appreciate that commitment, and today's hearing is an opportunity for SHPO to provide clarity on his role in this process, to help us understand where things stand in the negotiations with the authors of this agreement, and to walk us through the conservation, transparency, and protective measures that guide this office's work. This clarity is essential if we are to move forward in a way that strengthens — not weakens — our historic preservation framework.

Moreover, we must examine how this agreement engages the community not as an afterthought, but as an essential partner.

Cultural preservation is not solely the domain of agencies; it resides in the knowledge, practices, and voices of the people.

Guam's history — from ancient CHamoru civilization through periods of colonization and conflict, including World War II — reminds us that the loss of cultural sites is not merely physical. It is a loss of narrative, identity, and continuity.

This oversight hearing, therefore, is not adversarial in nature. It is deliberative. It is an exercise in ensuring that governance structures reflect both practical necessity and moral responsibility.

We look forward to hearing from our federal partners, our local preservation officials, cultural practitioners, and members of the public. Your testimony will help inform whether this agreement achieves the balance it seeks or whether refinement is necessary.

Si Yu'os Ma'åse' for your presence and your commitment to this important discussion.

With that, we will begin.

B. Testimony of Patrick Lujan (SHPO Director)

Mr. Patrick Lujan, Director of the State Historic Preservation Office (SHPO), introduced himself, expressed appreciation to the Committee for the continued discussion on the Programmatic Agreement, and delivered his testimony:

Thank you. Good afternoon. I appreciate the committee for a continued discussion on this PA. I'd like to personally thank Dr. Robert Underwood. He's the only person, so far, to reach out and meet with me this week to discuss the implications of solidifying an agreement with a military approach as opposed to terminating it.

So, let's talk about the programmatic agreement. Since most of the details and concerns have been brought up in the previous hearings here in the legislature, let me reiterate that this Programmatic Agreement is still in draft form and open for public comment. We actually have two more days with the deadline of March 20th. Always open despite that making it the longest public comment period of 105 days. This coming from fellow professionals who deal with PAs, NEPA, and other such documents. We still do need to have the advisory council on historic preservation review and comment, but I chose to prioritize our people's comments before the ACP.

We reviewed all 30 comments that came through email so far, majority templated, and have listened to the testimonies given in the two public hearings in the last two weeks.

Some of the things that have been noticed are the following:

- An obvious error where it required one signature that we all know agreements take at least two parties that will be fixed.
- The topic of traditional cultural properties that will be added as a stipulation.
- And also, the public notice portions on projects of medium to high sensitivity areas. We're looking into that, where online notices to make those available should be included in the PA.

So, we've been looking at the comments as we've been getting them and identifying areas where we can improve it. And then, of course, there are minor but substantive suggestions that we'll take into account.

Other notes to point out that I didn't mention last week is that this PA allows consistency across installations. Otherwise, each of the bases will be operating independently on their projects. And this also gives our office a threshold to hold installations to consistent standards for archaeological treatment.

Ever the optimist, I appreciate the attention this PA process has attracted – both productive and even the not so productive.

Before I yield my time, I do plead once again with this body, the senators, and interested parties that after this PA exercise concludes, that we spend some time on updating our local historic preservation laws. That's long overdue.

Without further ado, I appreciate the time again, and I'll be open for questions after Dr. Peterson gives his testimony.

Key Position:

- The 2025 PA improves consistency across military installations.
- Without a PA, processes become fragmented and inefficient.

- Advocated for **updating Guam's local preservation laws.**

C. Testimony of Dr. John Peterson

Dr. John Peterson introduced himself, stated his credentials in heritage preservation, and provided his testimony in support of the Programmatic Agreement:

Good afternoon, Senator and senators on the panel. I've been in heritage preservation for over 40 years in Texas, the American Southwest, Hawaii, Guam, and the Philippines, as well as excursions in Ecuador, Mexico, Micronesia, the Congo, Germany, the Caribbean, among other places for archaeological research, as well as World Heritage –

I have served as president of the International Committee for Archaeological Heritage Management, part of ICOMOS, since 2019, and was for six years on the Texas Historic Preservation Review Board, as well as several local boards in the Rio Grande, in Hawaii, and on Guam. These boards all oversee aspects of the National Historic Preservation Act of 1966.

I was in Guam from 2007 as director of MARC and assistant vice president for research and graduate studies at the University of Guam. And with Dr. Robert Underwood as president, we had a good run bringing in many important federal programs like National Institutes of Health, National Science Foundation EPSCoR, NASA EPSCoR, the Cooperative Ecosystem Studies Unit Program with our first project, the Micronesian Biosecurity Plan, among many others.

With all this experience, I can say with certainty that a programmatic agreement for management of historic resources is a good thing. It promotes cooperation, transparency, and protection and preservation of culture as well as historic places.

The programmatic agreement is one paragraph in the regulations for the National Historic Preservation Act that recommends the PA as a tool for managing development and adverse effects on historic properties. It provides a detailed, place-specific protocol for management interactions for review and compliance.

This PA, as do most, recommends that certain types of impact are trivial regarding the impact to historic resources. With over 900 reviews a year already completed, it's a waste of everybody's time to review hundreds or thousands more like painting the window sash on buildings barely 50 years old.

The Guam SHPO still gets to review them before they're done because they are in a binder with dozens of others that receive scrutiny, review, and compliance by the office. You can see the reviews of these quarterly reports in the correspondence of the office.

The programmatic agreement is also a tool for managing the overall resource, the accumulation of data for many projects, and permits a 30,000-foot view of sites arrayed over the landscape.

Using the Section 106 approach without a PA requires individual notifications, plans, reports, and eligibility assessments, and concurrences that focus on single undertakings and places. And there is no tool for assessing overall archaeological resources and landscapes, nor for assessing cumulative impacts.

The programmatic agreement is a tool, not a “thing-in-itself,” as Kant proposed about reality and our perception of it. It can be misused, but a PA in place provides more protection for the resource as it provides protocols for tracking undertakings and impacts.

No tool is perfect and must be used wisely and consistently. This PA tool needs to be constantly tested and re-examined, and that is why a new one is being proposed to replace the 2008 PA.

In the intervening six years since I retired from UOG and then returned to work with the SHPO, I have seen an enormous change in preservation management... The PA doesn't hinder this – it promotes it.

Thank you.

Key Insights:

- Current system processes over **900 reviews annually**
- PA reduces unnecessary reviews (e.g., minor maintenance)
- GIS-based mapping improves planning and risk assessment
- PA allows **cumulative impact analysis**, unlike case-by-case Section 106 reviews

D. Testimony of Glenn San Nicolas (Guam EPA)

Mr. Glenn San Nicolas, Acting Administrator of the Guam Environmental Protection Agency, introduced himself and delivered the agency's position on the draft agreement:

Håfa Adai Madam Chair, members of the Committee. My name is Glenn San Nicolas. I'm the acting administrator while my administrator Michelle Lassimosa is currently off island. Guam EPA's position statement on the draft 2025 Programmatic Agreement.

Thank you for this opportunity to present Guam EPA's position on the draft 2025 PA between Joint Region Marianas and the Guam State Historic Preservation Office.

Guam EPA recognizes the importance of updating the 2008 PA to reflect the scale and complexity of current and future military activities on Guam. The draft 2025 PA provides clear delineation and responsibilities across Andersen Air Force Base, Navy Base Guam, and Marine Corps Base Camp Blaz. This clarity is essential for ensuring that environmental and cultural resource reviews occur early, consistently, and in coordination with all relevant agencies.

We support the PA's improvements in documentation, consultation structure, and public transparency, including the extended public comment period. These updates strengthen accountability and help ensure that federal undertakings are evaluated with the seriousness our cultural and environmental resources deserve.

However, the draft still allows certain undertakings to proceed without full project-specific Section 106 review. This occurs through programmatic allowances that exempt some activities from review, phase identification provisions that permit construction to begin before archaeological surveys are complete, and reliance on inadvertent discovery procedures that only take effect after ground disturbance has already occurred.

On Guam, where cultural resources are often uncovered during construction, these mechanisms create a real risk that impacts will be identified only after damage has already taken place.

We also note that expanding responsibilities place the Guam SHPO at a time of reduced federal funding. Without adequate capacity, even the strongest procedural framework cannot be fully implemented.

Guam EPA urges continued inter-agency coordination and federal support to ensure that the PA's requirements can be met.

Guam EPA remains committed to working collaboratively with SHPO, Joint Region Marianas, and partner agencies to ensure that environmental protection and cultural stewardship remain central to all federal undertakings on Guam.

Si Yu'os Ma'åse' for the opportunity to provide this position statement.

E. Key Issues Raised by Senators

The Committee proceeded to an extensive deliberation phase, marked by substantive exchanges between members, the SHPO Director, and resource persons. The discussion revealed **fundamental policy tensions** between efficiency and protection, consultation and procedure, and federal authority versus local stewardship.

Consultation vs. Public Comment Framework

Senator Sabina Perez initiated a critical line of inquiry focusing on the distinction between *consultation* and *public comment*, emphasizing that this difference is not merely semantic but foundational to compliance with the National Historic Preservation Act (NHPA).

She articulated:

“Consultation is a process of engagement at the beginning – where stakeholders help shape the outcome. Comment is reactive – it happens after the document is already formed.”

Senator Perez read into the record federal consultation guidelines, emphasizing that consultation must involve:

- Early-stage participation;
- Exchange of ideas rather than unilateral drafting;
- Efforts to reach agreement with affected stakeholders;
- Continuous communication with both public and private entities.

She stressed that:

“What appears in this draft reflects a process where consultation did not occur. The public was invited only after the agreement was already constructed.”

This assertion framed one of the central disputes of the hearing: whether the Draft 2025 PA complied with the **spirit and intent of consultation requirements**, or merely satisfied procedural minimums through a public comment period.

Director Lujan responded by emphasizing that the draft remains open and evolving, stating:

“We are here on a draft. The intent is to gather input and improve it.”

However, Senator Perez maintained that the **timing of engagement** is determinative, reiterating that:

“The structure of the document already reflects decisions made without broader input.”

Transparency, Scope, and Structural Gaps

A second major line of deliberation centered on **transparency and definitional clarity**, particularly regarding the scope of undertakings covered by the PA.

Senator Perez raised concerns that the draft:

- Does not clearly define specific projects or properties;
- Lacks explicit criteria for identifying adverse impacts;
- Relies on broad, generalized terms such as “undertakings” without clear boundaries.

She stated:

“This agreement creates a blanket authority over activities that we cannot fully define, monitor, or assess in advance.”

She further pointed out the absence of:

- Identified historic properties;
- Clear mitigation protocols;
- Public-facing documentation of impacts.

This, she argued, creates a “**hollow framework**” that prioritizes procedural compliance over substantive protection.

Director Lujan countered that:

"We don't know what projects are coming – that's the nature of military planning. What we've done is create a sensitivity mapping system that guides how we respond when projects arise."

He emphasized that GIS-based archaeological sensitivity mapping serves as the primary tool for anticipating impacts, adding:

"It's a living system. If new findings emerge, the classification changes."

Despite this, concerns remained among Committee members regarding the **lack of predefined accountability mechanisms**, particularly in relation to how decisions would be communicated to the public.

Stakeholder Participation and Democratic Legitimacy

Senator Chris Barnett expanded the discussion into the broader issue of **democratic participation and legitimacy**, questioning the process by which the draft agreement was developed.

He observed:

"What we're hearing is that SHPO and Joint Region Marianas drafted this agreement without consultation from cultural groups, stakeholders, or even elected officials."

He noted that this pattern reflects a recurring concern in military agreements on Guam:

"We enter comment periods, but people feel their voices are not actually shaping the outcome."

Senator Chris Barnett emphasized that legitimacy is not derived solely from technical correctness but from **inclusive process**, stating:

"An agreement of this magnitude should not just be between agencies – it should be something the people of Guam can stand behind."

He proposed the possibility of returning to the drafting stage to incorporate broader consultation from the outset.

Director Lujan acknowledged the concern but expressed reservations about restarting the process:

"We didn't start from scratch – we built from the 2008 agreement. Starting over may not necessarily benefit the island."

He emphasized that the current draft should instead be treated as a **baseline document for refinement**, rather than discarded entirely.

Policy Continuity vs. Institutional Progress

Senator Christopher Dueñas introduced a counterbalancing perspective, focusing on the importance of **institutional continuity and forward progress**.

He framed the issue as a choice between:

- Advancing with an improved framework; or
- Reverting to a less structured, project-by-project review system.

He stated:

“Without progress, we go nowhere. If we abandon this, we risk going backwards.”

Senator Dueñas emphasized that the 2025 PA represents:

- Improved data integration through GIS systems;
- Better coordination across installations;
- More structured oversight mechanisms.

He further clarified that:

“This is still a draft. The process itself allows for refinement.”

In questioning the SHPO Director, he highlighted that:

- The 2008 PA remains in effect;
- There is no immediate risk in continuing deliberations;
- The current draft offers a **more modernized framework** aligned with technological advancements.

Dr. Peterson supported this position, noting:

“The new agreement is based on real data accumulated over years — not just probabilistic assumptions. That’s a significant improvement.”

Scope Expansion and Negotiation Leverage

Senator Terlaje raised concerns regarding the **expanded scope** of the 2025 PA, particularly its application to all Department of Defense undertakings.

She observed:

“We are expanding the scope significantly – from specific installations to potentially all DoD activities – and yet we are not seeing proportional safeguards.”

She questioned whether Guam is leveraging its negotiating position effectively, stating:

“If we are agreeing to something this broad, we should be securing stronger protections, stronger consultation, and stronger concessions.”

Key concerns raised included:

- Lack of enforceable avoidance provisions;
- Continued reliance on data recovery rather than preservation;
- Absence of guarantees for community participation in future projects.

She further emphasized:

“The agreement does not strengthen our ability to stop destruction – it only formalizes how it is managed.”

Director Lujan responded by highlighting practical realities:

“Avoidance happens. We’ve had instances where sites were preserved. But not every site can be avoided – this applies to private development as well.”

He maintained that the PA provides a structured process for balancing development and preservation, rather than eliminating impacts entirely.

Section 106 and Compliance Mechanisms

A technical but critical discussion emerged regarding the relationship between the PA and **Section 106 review processes**.

Senator Perez questioned:

“If this PA covers all DoD undertakings, what remains subject to Section 106 review?”

Director Lujan clarified that:

- Low-sensitivity areas may be streamlined under the PA;
- Medium and high-sensitivity areas still trigger **Section 106-like processes**;
- Projects outside the PA framework continue to undergo full review.

He explained:

“Anything in medium or high sensitivity zones will still require consultation and deeper analysis.”

However, Senator Perez noted that such safeguards are **not explicitly stated in the draft**, reinforcing concerns about ambiguity.

Institutional Capacity and Resource Constraints

Several members also raised concerns regarding the **capacity of SHPO** to implement the expanded framework.

Guam EPA highlighted that:

- Expanded responsibilities are occurring alongside **reduced federal funding**;
- Effective implementation depends on **adequate staffing and technical resources**.

Director Lujan acknowledged:

“More personnel would always help, but we are working within our current limitations.”

This raised broader questions about whether the agreement’s **operational demands align with institutional capacity**.

Philosophical Divide: Efficiency vs. Protection

Ultimately, the deliberations revealed a deeper philosophical divide among Committee members:

Position 1: Reform Through Refinement

- Proceed with the 2025 draft;
- Improve through comments and revisions;
- Emphasize efficiency and modernization.

Position 2: Reform Through Reconstruction

- Withdraw or restart the draft;
- Prioritize early consultation;
- Strengthen safeguards before adoption.

This divide was summarized implicitly through the exchange:

“Do we improve what we have, or do we rebuild to ensure it reflects our values from the start?”

Committee Direction Moving Forward

Despite differing positions, there was general consensus on the following:

- The draft requires **further refinement**;
- Public participation must be **strengthened**;
- Transparency mechanisms should be **enhanced**;
- Additional review through a **roundtable discussion** is necessary.

The deliberations concluded with a commitment to continued engagement, reflecting the complexity of balancing:

- National security priorities;
- Cultural preservation;
- Democratic participation.

III. FINDINGS AND RECOMMENDATIONS

A. Key Findings

1. The Draft 2025 PA represents a **significant procedural update** from the 2008 agreement.
2. The current draft improves **coordination, data management, and efficiency**.
3. However, **concerns remain** regarding:
 - o Consultation process
 - o Transparency of provisions
 - o Scope of applicability
 - o Protection mechanisms for cultural resources
4. There is a **clear need for balance** between development and preservation.
5. Public participation and trust are **critical to the legitimacy** of the agreement.

B. Recommendations

1. **Continue Review Process**
 - o Conduct a roundtable discussion within two weeks
 - o Incorporate stakeholder feedback into revised draft
2. **Enhance Consultation Mechanisms**
 - o Engage community stakeholders earlier in drafting
 - o Ensure meaningful participation beyond public comment

3. **Improve Transparency**

- o Clarify scope, covered projects, and impact assessments
- o Develop accessible reporting and monitoring systems

4. **Strengthen Cultural Protections**

- o Expand provisions on TCPs and cumulative impacts
- o Ensure clear protocols for avoidance and mitigation

5. **Support SHPO Capacity**

- o Advocate for increased resources and staffing
- o Enhance digital systems for tracking and public access

6. **Maintain Existing Framework Pending Revision**

- o Continue operating under the **2008 PA** while refining the 2025 draft

C. Committee Action

The Committee will:

- Continue reviewing testimony and documentation
- Seek clarifications and propose amendments
- Work collaboratively with SHPO, stakeholders, and federal partners

The Draft 2025 Programmatic Agreement remains **under deliberation** pending further revisions and consultations.