

2011 Programmatic Agreement Among the Department of Defense, 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

*\*Definitions of Commonly Used Terms\**

December 2021

This glossary is intended to clarify the most commonly used terms in Programmatic Agreement (PA) Memos and Semi-Annual Reports, and to ensure that the information presented is easily understood by individuals outside the field of Cultural Resources Management (CRM).

**Frequently Used Terms**

**Absolute dating** – assigning a specific, numerical date or date range to an historical object, structure, artifact, or sample. The opposite of absolute dating is “relative dating” (see definition below), where no numerical dates are assigned; rather, age is described as “older than” or “younger than” another object.

**Adverse effect** – a permanent, negative impact to a historical or archaeological resource. Can include physical damage, or a negative change to the surrounding environment such as noise pollution.

**Advisory Council on Historical Preservation (ACHP)** – oversees the Federal Preservation programs, including the National Historic Preservation Act (NHPA) and all related Code of Federal Regulations (CFR). See Participants and Applicable Laws.

**Archaeology** – the study of past cultures by examining the things people left behind. Archaeological studies rely on contributions from other fields of study, including history, soil science and geology, lithic and ceramic studies, hydrology, osteology, and mapping technologies (remote sensing, Geographic Information Systems [GIS], etc.).

**Archaeological Site** – in the broadest sense, an archaeological site is a place (or group of physical sites) in which evidence of past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. Sites may range from those with few or no remains visible above ground, to buildings and other structures still in use. Beyond this, the definition and geographical extent of a "site" can vary widely, depending on the period studied and the theoretical approach of the archaeologist. While different states and U.S. Territories use different criteria to determine what an archaeological site is, the conditions used to distinguish archaeological sites from isolated artifacts and features for projects subject to the 2011 PA include:

- The presence of 30 or more pre-Contact ceramic sherds in a 15 meter area;
- The presence of 10 or more lithic (stone) and/or shell artifacts in a 15 meter area; and,
- The presence of two or more temporally associated archaeological features without artifacts.

**Area of Potential Effect (APE)** – area that may be directly or indirectly impacted by a development project. The APE may extend beyond the footprint of the project to include visual, audible, or other impacts to the surrounding area.

**Archaeological Resources Protection Act (ARPA)** – see Participants and Applicable Laws.

**Artifact** – something created or modified by people (e.g., shoe, pencil, stone tool, pottery, etc.). Human and animal remains are not considered artifacts unless they have been modified (e.g., bone fishhook).

**Artifact scatter** – areas with less dense concentrations of cultural material than an archaeological site. For instance, a small grouping of glass bottle shards may only be considered an artifact scatter rather than an archaeological site. Preservation specialists typically characterize an archaeological site versus an artifact scatter *before* conducting an archaeological survey.

**Blue Box** – geographic area analyzed under the National Environmental Policy Act (NEPA) for an undertaking, typically larger than the construction footprint. A construction footprint is the perimeter of the construction area measured by the length, width, and depth to give the square area.

**Carbon dating** – method to determine the age of organic (once-living) samples, such as plant matter from soils, food matter from the inside of ceramics, or charcoal from a fire pit. This method is completed in a scientific laboratory by referencing the decay rate of carbon isotopes, which are found in all organic materials, and which decay at a known rate.

**Ceramics** – pottery, baked clay vessels or objects; usually cookware or food ware. Ceramics, and even ceramic fragments (called “sherds”), can provide important information to archaeologists (Figure 1). Because ceramic production methods and ceramic styles vary from culture to culture and change over time, vessels and sherds sometimes have characteristics that can be associated with a particular group of people in a specific time or place. Sometimes archaeologists are able to determine what was stored in the vessel, which can give insight to what provisions people used or had access to. Analysis of the clay and materials used to make the ceramics can indicate the vessel’s origin, which can teach us about travel or trade.

Example: During the Pre-Latte Period, the rims of pots were about the same thickness as the walls of the pots or even a little thinner. These rim sherds are called “Type A” rims. During the Latte Period, pot rims were thicker than the walls. These are called “Type B” rims. Potters made thicker and thicker rims as time went on. An exceedingly thick rim is evidence that the pot was made toward the end of the Latte Period or even during the Post-Contact Spanish? Period.



*Figure 1. Left: Latte Period ceramic sherd, view of front (i.e., exterior) surface. Middle: view of profile. Right: Latte Period ceramic sherds found on ground surface during archaeological monitoring. Ceramics are one type of diagnostic artifacts.*

**CFR** – “Code of Federal Regulation,” see Participants and Applicable Laws.

**Cultural Resource Management (CRM)** – the management of cultural resources within a framework of federal, state, and local laws, regulations, and guidelines for research, planning, and stewardship. CRM considers the effects that proposed undertakings (e.g., construction) might have on heritage assets (e.g., archaeological sites).

**Diagnostic** – “diagnostic artifacts” are artifacts that have characteristics or design features that specifically indicate a particular time and/or group of people. For example, ceramic pots from the Pre-Latte Period have very specific forms and designs making them distinct and recognizably different from Latte Period ceramics. Ceramic vessels or sherds possessing these identifying characteristics are considered diagnostic.

**Earth oven** – also referred to as a “combustion feature.” Earth ovens are covered pits dug into the ground and used to cook food. The remains of these pits are detectable during archaeological excavations and appear as dark soil stains (Figure 2). Earth ovens may contain fire-affected (burned) rocks, shell, bone, charcoal, or even artifacts such as ceramics or stone tools. Because of this, earth ovens can provide insight into a diverse range of human activities such as what people ate, what natural resources they had access to, etc., and can be extremely valuable elements of an archaeological site.

Additionally, earth ovens tend to contain organic (once-living) samples and artifacts which can be used for radiocarbon dating or other specialized analyses.



Figure 2. The dark soil stains seen in the left and right images are partially excavated subsurface features. These stains were buried under top layers of soil, and were uncovered by a surface grader. Archaeological investigations determined that these subsurface features were remnants of fire hearths or earth ovens.

**Faunal analyst** – a specialist who studies non-human bones, such as bones from mammals, fish, birds, reptiles, shells, etc. (Figure 3 and Figure 4). See Zooarchaeologist.

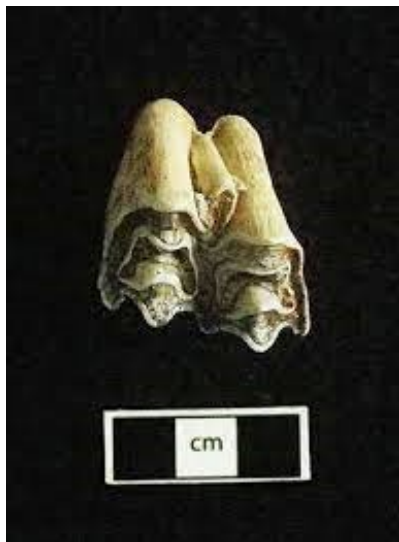


Figure 3. Carabao teeth.



Figure 4. Common marine shell fragments from archaeological sites on Guam.

**Feature** – features are similar to artifacts; however, features are non-portable and cannot be moved without being destroyed or altered in some way. A latte shaft is an example of a feature. Subsurface features are beneath the ground, and are often only detectable by examining the soil during an excavation (See Figure 2). Earth ovens (defined above) are an example of subsurface features.

**Flake** – called so because of its appearance, a flake is a piece of stone that results from the manufacture of stone tools (Figure 5). During stone tool production, a larger rock (core) is broken and chipped down into a smaller tool. The chipped-off rocks are called flakes. Flakes might also be called “debitage” (French word *débitage* for cutting of stone). See Lithics.



Figure 5. Flake, ordebitage fragment.

**Green Box** – specific geographic area in which construction activities are confined. It includes the building footprint and associated staging areas.

**Historic Property** – a property such as an archaeological site, building, structure, object or district that is eligible for listing or is listed on the National Register of Historic Places (NRHP). The National Park Service (NPS) categorizes historic properties into the following types:

- Site – a site is the location of an event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure (Figure 6).
- Building – a building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity (Figure 7). "Building" may also be used to refer to a historically and functionally related unit; such as a courthouse and jail, or a house and barn.



Figure 6. Latte set at the Naval Magazine (NAVMAG) Ordnance Annex. Example of prehistoric occupation that is eligible for listing on the NRHP.



Figure 7. Historic Lujan House in Hågatña. Example of historic building that is listed on the NRHP. The house was reportedly built by hauling coral stones from Hågatña Bay and constructed via the CHamoru method of *mampostería* (stone and mortar). Photo Courtesy of the Guam Preservation Trust.

- Structure – According to the NPS, the term "structure" is used to distinguish from buildings those functional constructions made usually for purposes. Structures nominated to the National Register must include all of the extant basic structural elements. Parts of structures cannot be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant (i.e., present, surviving, existent), must be included when considering the property for eligibility.

Some examples of structures include aircrafts, automobiles, bridges, boats and ships, lighthouses, earthwork, fences, highways etc... (Figure 8).



Figure 8. Spanish-period Taleyfac Bridge in Hågat is an example of a significant structure that is listed on the NRHP. Photo Courtesy of Wikimedia Commons.

- Object – constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples: boundary marker, fountain, milepost, monument, sculpture (Figure 9).



Figure 9. Vietnam War era conference table at Joint Region Marianas headquarters. Example of an historic object that is significant and has nominated to the NRHP. This table accommodated an important meeting associated with the Vietnam War. U.S. President Lyndon Johnson, cabinet members and military leaders met with South

Vietnam counterparts to plan for a war they believed was ending in victory. The proposed South Vietnam constitution was presented at the meeting. This presidential meeting was important to local residents and the table is a reminder of the event.

- District – a district possesses a concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development (e.g., the Hagåtña and Inalâhan Historic Districts) (Figure 10).



Figure 10. Inalâhan (Inarajan) Historic District listed in the NRHP. Photo Courtesy of Inarajanguam.com from Inarajan Historic District Revitalization Plan.

**Horizontal construction** – involves construction activities occurring mostly along the ground surface, as opposed to “building up.” Horizontal construction might involve building roads, sidewalks, or installing utility lines. Horizontal construction could also include activities that occur in advance of a vertical construction project, such as vegetation removal or levelling. Horizontal construction has higher potential than vertical construction to impact historic properties.

**Integrity** – the ability of a resource to convey its significance. Integrity is the degree to which a historic property retains characteristics related to its original context and condition. Integrity is considered in the framework of seven different “aspects of integrity,” which include: location, design, setting, materials, workmanship, feeling, and association. To be listed in the National Park Service’s (NPS) National Register of Historic Places (NRHP), a property must be 50 years or older, must be shown as eligible under the NRHP criteria, AND must retain its integrity.

**Lithics** – stone artifacts; usually stone tools, and the stone debris generated from stone tool production (called “flakes”). Lithics can be very useful for studying archaeological sites; stone tools produced via flaking are particularly useful. This is because lithic production techniques and stone tools changed over time and place. Thus, lithics with certain characteristics can be tied directly to a time, place, and group of people (i.e., they are diagnostic). Additionally, the origin of some stone types can be determined, which may provide clues to an area’s travel or trading practices.



Stone tools include a range of artifacts, from finely shaped slingstones and adzes, to less modified hammerstones and pounders. On Guam, there are fewer sources and types of stone suitable for lithic manufacture, particularly chert, which is a very desirable stone type for producing flaked tools. While chert flaked tools (and chert flakes from tool manufacture) are found, they are less prevalent and therefore have not been analyzed to the same extent as other artifact types. Stone tools that are ground into shape or show wear from grinding (called “ground stones”) are more common, and are mostly constructed of volcanic material. Ground stone tools may be naturally occurring shapes or ground into the desired shape for the intended purpose. Other tools may be made from materials such as fossilized urchin spines (Figures 11-13).



Figure 11. Left: Ground andesite adze. Right: Adze made from a giant clam shell. Adzes are one type of diagnostic artifact.



Figure 12. Left: Ground hammerstone. Right: Ground stone tool fragment.

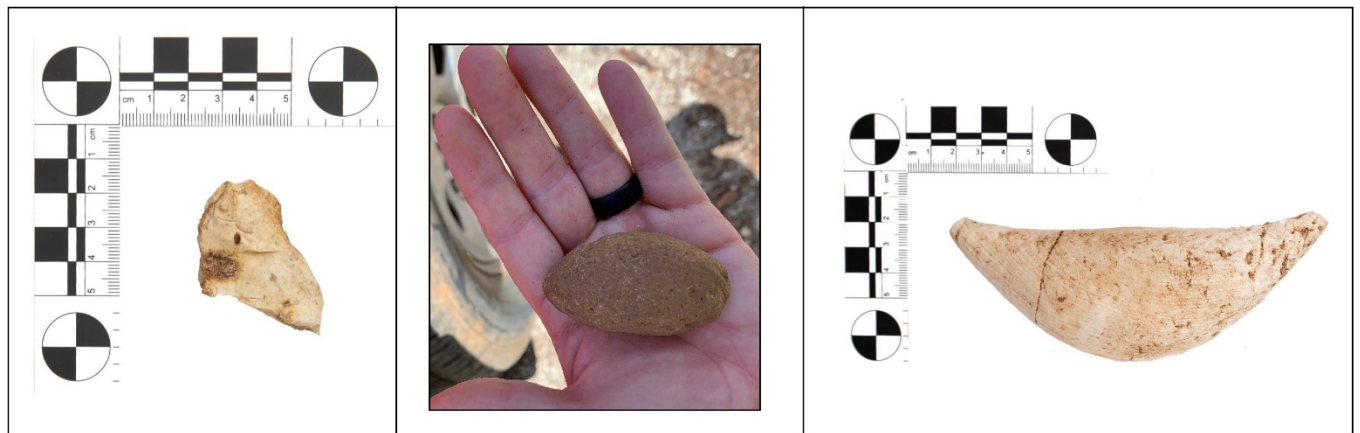


Figure 13. Left: Chert flake fragment. Middle: Ground slingstone. Right: Sinahi.

**Midden** – an archaeologically significant trash deposit. Middens can provide a wealth of archaeological data as they often contain food remains, housewares, or tools. Organic (once-living) materials in middens can be tested to establish a date range for the deposit.

**Mitigation** – actions designed to offset an activity’s negative impact on a historic property. Mitigation efforts usually include excavation and removal of archaeological material (data recovery). Other forms of mitigation might include photographic, video, or other means of documentation to capture pre-activity conditions and relevant historical data. For more information, see Participants and Applicable Laws.

**National Environmental Policy Act (NEPA)** – see Participants Applicable Laws.

**National Historic Preservation Act (NHPA)** – see Participants and Applicable Laws.

**National Register of Historic Places (NRHP)** – see Participants and Applicable Laws.

**Osteologist** – a specialist who studies bones. Osteology is a sub-discipline of anatomy, anthropology, and archaeology. Osteology is a detailed study of the structure of human bones, skeletal elements, teeth, bone morphology, function, disease, and pathology among other things. Through analysis of human skeletal remains, osteologists can often determine age, stature, gender, injuries and diseases, cause of death, health, and nutrition of an individual or population.

**Paleoenvironmental reconstruction** – creating a description of what a landscape was like in the past and how that landscape has changed over time. Considerations include the plants, animals, waterways, and topography that once existed in an area. This analysis is accomplished by specialists who examine pollen, seeds, charcoal, faunal remains, and other evidence.

**Post-review discoveries** – refers to any archaeological or historic discovery after the Section 106 consultation has been completed or during construction. Post-review discovery is covered under 36 CFR 800.13 (See Participants and Applicable Laws), which states that if an archaeological or historic property is discovered or unanticipated effects on historic properties are found after the Section 106 process is completed, the federal agency shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties.

When a cultural resource is discovered during a federal project, construction is stopped in the immediate vicinity until the resource can be examined by a federal archaeologist. If the discovery is found to be significant, it must be protected pending further investigation, and the State Historic Preservation Office (SHPO) and Advisory Council on Historic Preservation (ACHP) must be notified within 48 hours. The SHPO and the ACHP then have 48 hours to respond with comments about the resource. This short turn-around is facilitated by a previously agreed upon work plan. The federal agency must consider and respond to any comments received from the SHPO or ACHP. Once the comment period has closed, the federal agency may then continue with the project according to the work plan and provide both SHPO and ACHP. This process provides a mechanism to ensure that potentially significant cultural resources are brought to the attention of, considered, and consulted over with higher authorities.

**Qualifying characteristics** – characteristics that meet one or more of the National Park Service’s published Criteria of Eligibility (defined above). Even when a historic property possesses qualifying characteristics, other attributes such as integrity must also be considered to determine a property’s eligibility for listing on the National Register of Historic Places (NRHP).

**Reasonable and good faith effort** – Section 106 regulations (36 CFR § 800.4(b)(1)) set out several factors the agency must consider in determining what is a “reasonable and good faith effort” to identify historic properties. They call for the agency official to “take into account past planning, research and studies; the magnitude and nature of the undertaking and the degree of federal involvement; the nature and extent of potential effects on historic properties; and the likely nature and location of historic properties within the APE. The agency official should also consider other applicable professional, state, tribal, and local laws, standards, and guidelines. The regulations note that a reasonable and good faith effort may consist of or include “background research, consultation, oral history interviews, sample field investigation, and field survey.”

<https://www.achp.gov/digital-library-section-106-landing/meeting-reasonable-and-good-faith-identification-standard>

**Relative dating** – a way of describing how old an object or a property is in the absence of known years or dates, relative dating provides something’s age in *relation* to the age of another thing. For instance, to say one structure is “older” or “younger” than another structure is a relative dating.

**Shell and bone tools** – tools or personal effects made from shell and/or bone. Examples include personal ornamentation (jewelry), fish hooks, gorges, and adzes. Shell adzes were constructed from the giant clam and could be ground to a sharp edge (Figure 11). Ground shell adzes were then mounted on wooden handles and could be used for woodworking. Since there were no large animals in the islands in pre-contact times, human bone was used for some purposes. Human clavicles (collar bones) were sometimes used to make large compound fish hooks and human long bones were used to make spear points.

**Shard** – a fragment of a glass vessel.

**Sherd** – a fragment of a ceramic vessel.

**Significance** – in order to be listed on the National Register of Historic Places, a property must possess significance. The significance of a historic property is determined by considering the property’s eligibility criteria (defined above). A property that possesses the listed eligibility criteria while maintaining its integrity may be considered significant. A property that does not possess any of the eligibility criteria or lacks integrity may not be significant. Significance is considered on national, state, and local levels. See National Register of Historic Places eligibility criteria below (40 CFR § 60.4).

**Secretary of the Interior (SOI)** – see Participants and Applicable Laws.

**Stratigraphy** – the geological study of sediment layers (strata) and layering (stratification) (Figure 14). As time passes, archaeological sites that were once visible above ground may become buried via natural sediment accumulation. Archaeologists are trained to recognize and analyze soil stratification to make determinations about the age of an archaeological site or archaeological deposits, including subsurface features (defined above). Archaeologists can also recognize disruptions in natural stratification which might indicate human usage, archaeological site modification, or natural disturbances (e.g., tree root growth, animal burrow, etc.).



Figure 14. All three images depict different types of stratigraphy. The image to the right is edited to show how strata within a stratigraphic profile can be subdivided, recorded, and subsequently reported.

**Undertaking** – a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.

**Vertical construction** – constructing buildings or structures that are taller than they are long/wide (e.g., a house). In locations with shallow soils, buildings and structures are typically built directly on top of bedrock following horizontal construction, or clear-cutting and leveling the ground to prepare for vertical construction (see definition above). In areas with deeper soils, stable foundations, such as pilings or footings, must be constructed to support buildings.

**Zooarchaeologist** – also known as faunal analyst, is a branch of archaeology that studies remains of animals from archaeological sites. Zooarchaeologists gather and observe the fragments of the bones from reptiles, mammals (non-human), amphibians, and birds from an archaeological site (Figure 3). They gather clues on how humans and animals subsisted together and how humans used animals for both subsistence and tools. See Faunal Analysis.

### Types of Archaeological Investigation

**Archaeological monitoring** – when archaeologists observe construction activities in order to identify, protect, document, and/or recover any archaeological material that might be unexpectedly encountered during those construction activities. Archaeologists may also be called upon to monitor construction activities near known sites to ensure no damages or disturbances to the site occur. Both the 2011 Programmatic Agreement (PA) and the 2018 Resolution Agreement require archaeological monitoring programs and define the circumstances under which an archaeological monitor might be necessary, as well as the methods for carrying out monitoring, and the procedures for handling any cultural materials that may be removed from a construction site.

**Block excavation** – a large excavation that is organized via a grid system, where each grid block is an individual “excavation unit” (see definition below). Dividing larger excavations into smaller grid units

allows archaeologists to control and organize the data recovery process, and ensures that the excavation is producing scientifically sound and well recorded data.

**Data recovery** – obtaining information about a property (typically an archaeological site) via careful excavation and documentation. Data recovery may be used for academic investigations to target specific information or it may be used to mitigate damage or loss of a property (site) when the property can't be avoided by a construction project.

**Excavation unit** – sometimes referred to as a “test pit,” excavation units are the actual holes archaeologists dig during the data recovery process. Excavation units typically, but not always, measure 1 meter x 1 meter in size. Depth is controlled while digging an excavation unit by observing and following natural changes in the soil, or by digging in specified depth increments (called “arbitrary levels,” usually 10 cm). By excavating the test pit in a controlled fashion, archaeologists can detect more artifacts, conduct a more precise soil analysis (which aids in dating the site), and better understand how and when cultural materials were deposited into the ground.

**Field investigation** – an archaeological investigation in which archaeologists physically survey an area to locate, identify, or evaluate cultural or historic properties. Field investigations can include pedestrian surveys (systematically walking along a survey area to identify superficial features), or subsurface surveys using shovel-tests or excavation units to collect information about archaeological or historical material beneath the ground.

**Flotation** – typically used to recover seeds or plant remains from soil samples taken from an archaeological feature; can also be used to recovery tiny bones or artifacts. Flotation is a laboratory technique in which dried soils are laid on top of a very fine mesh screen and water is gently bubbled up through the mesh. The water causes lighter material (light fraction), such as seeds and plant matter, to float. The technician can then separate the floating materials from the heavier soils and stones (heavy fraction), and sort the materials for further analysis.

**Intensive survey** – a systematic and detailed archaeological field investigation to locate and identify historic sites within a given area. Such surveys typically rely on field investigations, including pedestrian surveys or shovel testing. Because data recovery typically occurs after a site is already identified, excavation units are not usually part of an intensive survey.

**Mechanical digging** – digging using an industrial machine, such as an excavator. Mechanical digging can either be a construction activity, as would be observed by an archaeological monitor, or can be completed by an operator with the specific intention of removing topsoil from an archaeological site.

**Pedestrian survey** – an archaeological field technique that involves walking along transects (survey lines) to detect and record superficial archaeological/historic artifacts, features, and/or sites. Transects are spaced in standardized, strategic increments to ensure the survey area is adequately surveyed, and takes into consideration the probability of finding a site, the topography, the vegetation, and the regional guidelines and standards.

**Plan view** – a drawing or photograph of the floor of an excavation unit or a feature viewed from directly overhead (Figure 15). Ideal for mapping burials, foundations, posthole alignments, or other site or feature types that might be arranged horizontally across the bottom on an excavation.

**Profile view** – drawing or photographing the vertical wall of an excavation unit (Figure 15). Ideal for mapping soil stratification, depths and widths of subsurface features such as earth ovens, buried roads, or ground surfaces. Profile views are useful for establishing relative dating—deeper materials are generally older than the materials on top of them.

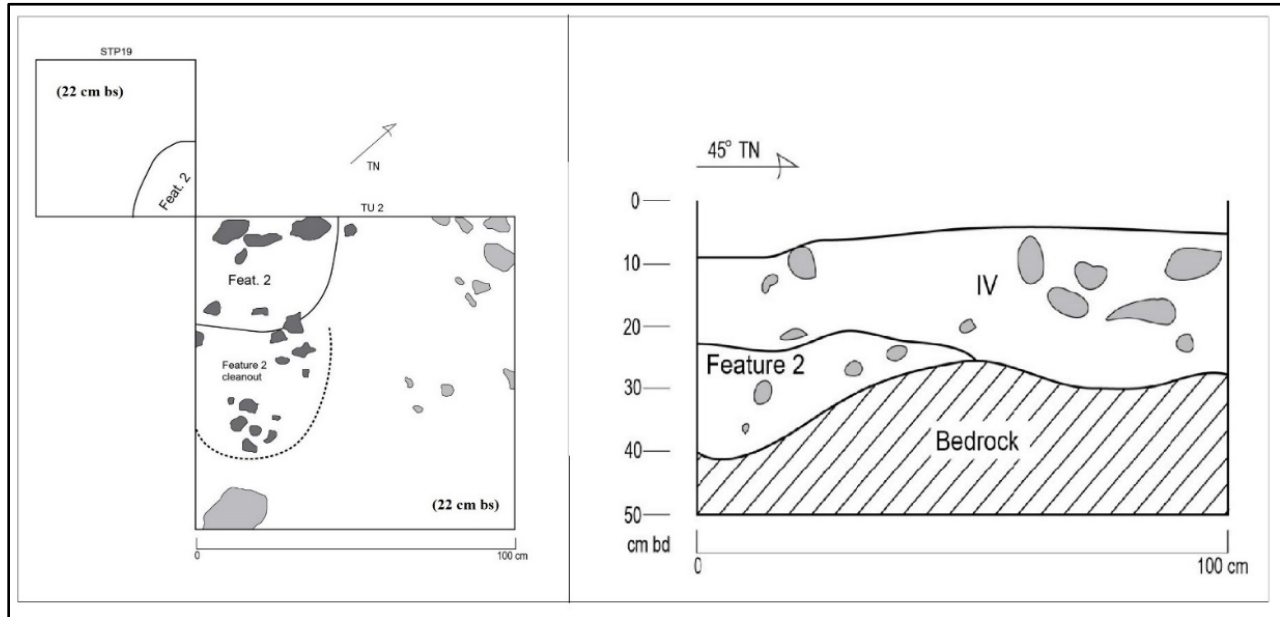


Figure 15. Left: Example of a plan view map. Right: Example of a stratigraphic profile map.

**Reconnaissance level survey** – preliminary evaluation of an area that is to undergo an archaeological or historical evaluation. Reconnaissance studies are a way for cultural resource managers to study a site prior to disturbing it. This level of survey uses techniques such as archival research, evaluating maps and photos, and site visits or pedestrian surveys to physically view the survey area.

**Screening** – sifting excavated soil through a metal mesh screen to determine whether cultural material such as artifacts are present. Smaller materials, such as soil, pass through the screen mesh, while materials exceeding the width of the mesh will remain in the screen. The remaining materials can then be analyzed to detect cultural material or artifacts. While the use of ¼ inch mesh is most typical, ⅜ inch mesh or smaller might be used.

**Shovel testing** – using a shovel and screen to excavate a series of small archaeological test units, which are usually dug to supplement pedestrian surveys or to complete sub-surface investigations during an intensive survey. Shovel tests are most commonly dug systematically along transect lines and at prescribed spacing intervals to achieve controlled coverage of a survey area. However, extra shovel tests might sometimes be dug at the discretion of an archaeologist to investigate a particular interest area. Sediments from shovel tests are run through screens to detect archaeological material (screening). The size and frequency of shovel tests is typically defined in a work plan prior to the onset of an archaeological survey (e.g., 30cm × 30cm shovel tests, dug to 100cm below surface or bedrock, spaced every 30m along each transect in a survey area).

**Testing** – broadly speaking, testing refers to archaeological investigations that involve digging, or “subsurface investigations.” Archaeological testing can occur at most phases of an archaeological study and can serve many purposes. Test units are sometimes dug prior to an intensive archaeological investigation to better understand an area’s soil characteristics and potential to yield archaeological material. Testing might also occur after a buried archaeological site has been detected, and used to determine the width and depth of a site or feature (horizontal and vertical extent). Archaeological sites might also undergo testing to determine where certain features may be located, or to determine whether the site is eligible for listing on the National Register of Historic Places.

**Water screening** – similar to screening (above), except this technique relies on water to facilitate soil separation and removal while screening for artifacts. Screening can occur in the field or in a laboratory. It involves placing excavated soils into a mesh screen, then flushing water over the screen to remove the soils, leaving only larger materials which can be hand-sorted to identify artifacts. Water screening is particularly useful whenever screening large volumes of soil, or when excavating through very compacted or clay soils.

### **Participants and Applicable Laws**

**36 CFR 79** – citation for the law explaining standards for federal curation. Standards include structural requirements to qualify as a federal repository (security, pest control, and climate control), qualifications for staff positions, and standards for packaging and documenting of collections, and management requirements, such as making collections available for qualified researchers, lending collections for educational purposes or exhibit, etc.

**36 CFR 800** – protection of historic properties - Implementing regulations for Section 106.

**36 CFR 61** – Standards and Qualifications, listed under Appendix A of 36 CFR 61, establishes the minimum education and experience required for professionals working in the field of History, Archaeology, Architectural History, Architecture, and Historic Architecture. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus: 1) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management; 2) At least four months of supervised field and analytic experience in general North American archeology, and; 3) Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period. See Secretary of Interior (SOI) qualifications below.

**2011 Programmatic Agreement (2011 PA)** – establishes the standards and guidelines for both the Federal agency and the SHPO regarding the treatment of both known historic properties and properties encountered during the undertaking. More specifically, a PA is a type Section 106 agreement document that is created and used when effects to historic properties cannot be fully determined prior to final approval of an undertaking. The ACHP regulations provide for development of two-party agreement documents between a federal agency and SHPO. The 2011 PA was developed 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,



and the public for Military Relocation to Guam and the Commonwealth of the Northern Mariana Islands ([Guam and CNMI Programmatic Agreement \(navy.mil\)](#)).

**Archaeological Resources Protection Act (ARPA)** – requires permits to conduct archaeological investigations on federal land, establishes penalties for violations.

- **Section 9 of ARPA** – states that information concerning the nature and location of any archaeological resource for which excavation or removal requires a permit or permission may not be made available to the public without permission of the Federal Land Manager (or written request by the governor for specific information).

**Advisory Council on Historic Preservation (ACHP)** – established by the National Historic Preservation Act (NHPA). A cabinet-level federal agency that advises the President on matters pertaining to historic preservation. The ACHP oversees the Federal Preservation programs, including the National Historic Preservation Act (NHPA) and all related Code of Federal Regulations (CFR).

**CFR** – The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. The Federal Register is the official journal of the US government containing agency rules, proposed rules, and public notices.

**Keeper (of the National Register)** – a National Park Service position. The Keeper reviews applications for listing properties on the National Register of Historic Places. The Keeper also responds to requests for determinations of eligibility, particularly when disputes arise between the federal agency and SHPO. The Keeper’s decisions are final.

**(Lead) Federal Agency** – federal agency responsible for consultations on an undertaking, usually the funding or permitting agency.

**National Environmental Policy Act (NEPA)** – passed into law in 1969, this act requires the federal government to consider all impacts of its projects on the community. This includes environmental and social issues as well as cultural.

**National Historic Preservation Act (NHPA)** – passed into law in 1966 with subsequent amendments, this was the first comprehensive law addressing historic preservation. NHPA established the Advisory Council on Historic Preservation, State Historic Preservation Offices, the National Register of Historic Places, a federal grant program for preservation, and more. Similar State laws were passed the following decade. Federal Agencies follow federal laws and are not subject to state or local laws.

- **Section 106 (of the NHPA)** – applies to federal undertakings. Section 106 requires that federal agencies consider the effects of their undertakings on historic properties. See 36CFR800 for details. Federal agencies must consult with the SHPO(s) in locations that may be affected by their undertakings, but the role of SHPO in federal undertakings is advisory. Final decisions are made by the Federal Agency after considering comments received from the SHPO, the public, or the ACHP.
- **Section 110 (of the NHPA)** – requires federal agencies to identify historic properties on the lands they manage.

- **Section 304 (of the NHPA)** – provides for withholding of information about the location, character, or ownership of a historic resource if disclosure causes a significant invasion of privacy, risks harm to the resource, or might impede the use of a traditional religious site. Section 304 requires consultation between the federal agency and the Secretary of the Interior.

**National Park Service (NPS)** – authored the compliance standards that both State and Federal agencies comply with and provides funding to State Historic Preservation Offices (SHPO), through Historic Preservation grants, to administer federal preservation programs in their jurisdiction. The NPS receives annual reports from SHPOs and may conduct audits of SHPO programs. SHPO performance can impact their federal funding. The Secretary of the Interior (SOI), through the NPS, maintains the National Register of Historic Places (NRHP), and oversees the establishment and implementation of standards for Register listing, including eligibility and integrity.

**National Register Criteria for Evaluation (36 CFR 60.4)** – the historic resource should be at least 50 years old, and be associated with an important historic context (local, state, or national). When evaluated within its historic context, a property must be shown to be significant for one or more of the four:

- a. Property is associated with significant historical events (e.g. Asan Beach Invasion);
- b. Property is associated with an important individual (e.g. Yokoi’s Cave);
- c. Property is the work of an artist or master, exemplary of an architectural type, poses high artistic value, or embodies distinctive characteristics of a type, period, or method of construction (e.g. the Mesa House in Hågatña). These includes architecture and probably most commonly refers to architecture, but does not apply exclusively to architecture;
- d. Property is important for the information it has provided or for the potential it has to provide important information (e.g. Asan Village site).

**National Register of Historic Places (NRHP)** – a list of properties that are considered important by the community. Properties may be significant at the national, state, or local level. Listing or being determined eligible is recognition and assures that effects of federal projects on the property are considered; it does not guarantee preservation. In order to be considered eligible, a property must meet one of four official criteria: Criterion A. association with an important event, Criterion B. association with an important individual, Criterion C. exemplary of an important type of architecture, art, or work of a master, or Criterion D. provides, or has the potential to provide, important information to the historical or archaeological record. However, meeting one of the criteria does not automatically qualify the property for NRHP inclusion. Other factors, such as its integrity (degree to which the property retains its NRHP-eligible characteristics) must also be considered.

**The Public** – the views of the public are essential to informed Federal decision making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking. The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decision making.

Prior to the start of the Undertaking, the DoD took into account all comments made by the public regarding the identification of historic properties. DoD held 11 public meetings to seek public comment and input under the NHPA. Four meetings were held early in the process to identify historic properties, while seven meetings were held after the release of the Draft Environmental Impact Statement (EIS) so that meaningful consultation on the Undertaking and the impacts that it may have on these properties could be conducted. Additional input from the general public and other interested parties has been gathered through a series of “Partnering Sessions,” “Scoping Meetings,” “Village Meetings,” and individual direct correspondence with persons and organizations, and the DoD has taken these comments into account while developing the 2011 PA.

The DoD notifies the public and other consulting parties (as may be identified at the time) of proposed new actions or projects to resolve potential effects to historic properties through written notice and publication to a Cultural Resources Information (CRI) public website.

To facilitate public involvement in the annual review process, the DoD posts summary memoranda (PA Memos) to the CRI website for public inspection for the projects proposed for that fiscal year. The DoD provides 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.

**Secretary of Interior (SOI) Standards**– requirements used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- At least four months of supervised field and analytic experience in general North American archeology; and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

**State Historic Preservation Office (SHPO)** – the SHPO is a state government function created by the National Historic Preservation Act. SHPOs serve in an advisory role to support federal organizations, state and local governments, and private sector. Their duties include surveying and recognizing historic properties, reviewing nominations for properties’ inclusion on the NRHP, and reviewing undertakings for effects on cultural resources.

**\*Please Refer to the Links Provided within the CRI Website for the Following Resources Listed Below (Note: the titles below are not hyperlinked)**

- 36 CFR PART 800 Protection of Historic Properties (i.e., Section 106)36 CFR PART 60.4 Criteria for Evaluation
- 1966 The National Historic Preservation Act - As amended through December 16, 2016
- ACHP - Meeting the “Reasonable and Good Faith” Identification Standard in Section 106 Review
- Citizen’s Guide to Section 106
- How to Apply the National Register Criteria for Evaluation – National Register Bulletin
- NEPA – Section 106 and Environmental Impact Statement