

**Comment Received on
J-200-II AAFB North Ramp Utilities II – Communications Line**

Comment Type	Name or UserID	Date of Response	Comment	Response
CRI Website	Elyse-Noelle Torres Bias	August 10, 2020	<p>The following are excerpts from the comment letter embedded below.</p>  <ul style="list-style-type: none"> • Statutory and Regulatory Framework <p>At the most basic level, the federal agency is required to do the following five duties as mandated under the NHPA: “[1] reasonable and good faith effort to identify historic properties; [2] determine whether identified properties are eligible for listing on the National Register based on criteria in 36 C.F.R. § 60.4; [3] assess the effects of the undertaking on any eligible historic properties found; [4] determine whether the effect will be adverse; and [5] avoid or mitigate any adverse effects.”³</p> <ul style="list-style-type: none"> • Failure to Include New Information with Respect to Newly Discovered Human Bone Fragments in the PA Memo, HAER, and Public Education Documents is a Failure to Identify Historic Properties in Good Faith. <p>The DoD failed to Identify the Human Bone Fragments that were found at AAFB Northwest Field in September 2019 when DoD (1) did not timely re-investigate the site’s historical and cultural significance by failing to mention in the J-200-II PA Memo, Released In June 2020, the discovery of human remains; (2) completely failed to re-write its Public Educational and Interpretation Series and HAER to include the discovery of human remains; (3) fails to conduct oral history interviews to evaluate the historical significance of the property it intends to destroy and to evaluate the historical significance of the human remains.</p> <ul style="list-style-type: none"> • Irreversible Damage to Guam’s Ecosystem and Limestone Forest and Lack of Mitigation Measures Contravenes the NHPA. <p>Contrary to the purpose of the NHPA, the DoD fails to make a “reasonable and good faith effort”¹¹ when it did not consider the</p>	<p>The Navy has received your comments on the J-200-II AAFB North Ramp Utilities II – Communications Line Programmatic Agreement (PA) Memo. Project J-200 proposes to conduct design studies and subsequently construct telecommunications infrastructure consisting of an underground distribution of communications fiber optic cabling in concrete encased duct banks and manholes at Andersen Air Force Base (AAFB), Guam. Below, we are providing summarized responses to your comments submitted through the Cultural Resources Information (CRI) website.</p> <p>The Navy has fulfilled its responsibilities in conducting a Section 106 review of the subject undertaking and any effects to historic properties that may be present within the Area of Potential Effects (APE). A Section 106 review is conducted for every undertaking and documented in each PA Memo.</p> <p>The Navy goes beyond its basic level of responsibilities by:</p> <ul style="list-style-type: none"> - Conducting a reasonable and good faith of effort to identify all sites that are both eligible and not eligible as historic properties within the APE; -Conducting additional surveys if it is deemed necessary; -Conducting data recovery level effort investigations in accordance with the guidance provided by the Advisory Council on Historic Preservation (ACHP) both before and during construction activities; - Conducting multiple data recoveries within the same site when the additional information had the potential to re-characterize the site; and -Redesigning project footprints in order to avoid and preserve numerous historic properties as well as to preserve in place a traditional Chamorro burial area. <p>The Section 106 review should not be confused with a regulatory requirement to preserve archaeological sites and historic properties. Under this review process, if a historic property is adversely effected,</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
			<p>impact of their actions to the limestone plateau as provided in the PA Memo. DoD’s efforts to identify historic properties fails to commensurate with the assessment of other environmental factors.¹² “Historic property means any. . . site. . . eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior.”¹³</p> <ul style="list-style-type: none"> • Archaeologist’s Credentials <p>There is no information on the CRI Website that identifies the DoD’s “dedicated archaeologist” and their credentials—and without information, the public cannot assess whether appropriate professional standards are met. According to the 2011 PA Stipulation II.A., their archaeologist must meet the “professional qualification for Archaeologist found in the SOI Professional Qualification Standards, 48 Federal Register (FR) 44716[.]”¹</p> <p>The public does not have any evidence with respect to the human remains and its age or ethnicity. There is no evidence that the archaeologist complied with their duties and responsibilities under the PA and federal law.</p> <ul style="list-style-type: none"> • DoD fails to make a reasonable and good faith effort to identify historic properties <p>...there is no evidence that the DoD made reasonable efforts with individuals that are knowledgeable over the site’s identifiable historical significance.</p> <p>...There is no evidence the DoD made reasonable efforts to include this information in its reports, HAER, or Public Education documents, among others. Specifically, there is no evidence that the DoD obtained information directly from interviews with CHamoru people that have information regarding the site.</p> <ul style="list-style-type: none"> •HAER is old and obsolete and must be rewritten to document the significance in accordance with the changing perceptions. <p>HAER does not include information on the human remains, and the limestone forest, the former villages, the names of the</p>	<p>then mitigation measures must be offered by the agency and consulted upon with the State Historic Preservation Officer (SHPO). Adverse effects can come in many forms; under 36 CFR §800, the restoration of a historic property is also considered an adverse effect. This review process is valuable tool and without it, archaeological sites and historic properties would be impacted without any proper review and mitigation.</p> <p>In accordance with the 2011 PA, solicitation, discussion, and review of additional information may be required when new information is received regarding the potential presence of historic properties; or when project areas listed in Appendix E of the PA have not been assessed for the presence of historic properties through onsite field surveys; new project areas are introduced; or the APE for a project changes to incorporate previously unsurveyed areas. A data gap analysis to determine the need for supplemental identification and evaluation surveys was completed and those surveys were conducted. Alignment of the communication lines were coordinated with the AAFB Cultural Resource Manager to avoid historic properties. Your comments regarding the appropriate incorporation of new information are not consistent with the process established in the PA. Historic American Engineering Records (HAER) document historic sites and structures related to engineering and industry. Human skeletal fragments itself, while sensitive, may not be defined as a historic property. The public interpretation booklet is not intended to serve as a resource for identifying historic properties as part of the PA Memo process. In regard to your comment about oral history reviews, these types of studies have been conducted for cultural investigations supporting prior completed environmental planning processes. Specifically, a summary of interviews for ethnographic oral history for the Marine Corps Relocation cultural resources study can be found in the report referenced below. This report is located at the Guam Historic Research Division (GHRD).</p> <p>Welch, David 2010 <i>Archaeological Resources and Cultural Survey Studies on the Island of Guam in Support of the Joint Build-Up Environmental Impact Statement</i></p> <p>Your broader environmental comments on the limestone plateau cannot be reviewed in this process as a historic property. The National Historic Preservation Act (NHPA) of 1966 was passed</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
			<p>landowners that used to take care of the land before the US military took it from the CHamoru people, nor oral interviews.</p>	<p>primarily to acknowledge the importance of protecting our nation's heritage. The act established permanent institutions (i.e., SHPO) and created a clearly defined process (i.e., 36 CFR § 800 and 36 CFR § 60.4) for historic preservation in the United States. Through this act, historic properties that would be affected by federal projects, or by work that was federally funded, must be documented to standards issued by the Secretary of the Interior (SOI). Historic properties are prehistoric or historic districts, sites, buildings, structures, or objects included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). PA Memos are not intended to receive other comments, although the National Environmental Policy Act (NEPA) studies related to the military relocation provide information on many resource types.</p> <p>Other comments on the identification and treatment of human remains encountered and the credentials of the professional archaeologists on staff were also received. The stipulations put in place by the 2011 PA are adhered to. Steps to identify, consult, and determine disposition is completed pursuant to the procedures in the PA and by professionals meeting the standards in Stipulation II. These individuals have decades of experience, the requisite education, and have worked openly and collaboratively throughout their careers consistent with their profession's standards and guidelines.</p> <p>A number of your comments pertained to the adequacy of identification efforts for the undertaking. As mentioned above, the Navy has indeed made reasonable efforts with individuals that are knowledgeable regarding the cultural and historical significance of areas that were being considered for development in support of the Joint Guam Build-up. And, in line with the regulatory requirements of 36 CFR § 800.4(b)(1), the level of effort considered past planning, research and studies, the magnitude and nature of the undertaking, 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. As stated above, the HAER was created to document historic sites and structures related to engineering and industry. The HAER is not the appropriate document to incorporate the cultural resources identified in your comments, and revising the HAER is unnecessary since it is on the National Register and any additional documentation would not result in amending its status. The mitigations related to Northwest Field</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
CRI Website	Carlana Aguon	August 12, 2020	<p>The Following are excerpts from the comment letter embedded below.</p>  <ul style="list-style-type: none"> • 2011 Programmatic Agreement <p>...the regulations over the “Identification of historic properties,” 36 CFR §§ 800.4, et seq. , have been substituted by the PA. Specifically, the 2011 PA’s procedures for “Identification and Evaluation of Historic Properties” are provided under Section IV. ¹³ The 2011 PA’s procedures are less arduous than the procedures required under “Identification of historic properties,” 36 CFR §§ 800.4, et seq. Nevertheless, the federal actions must be consistent with the NHPA, the NHPA’s implementing regulations, and the 2011 PA.</p> <ul style="list-style-type: none"> • Public does not have access to information relating to identification of the properties. <p>There are many historic properties in the vicinity of the area of potential effect. ¹⁴ And the information relating to the DoD’s efforts in identifying historic properties must be publically available. The 2011 PA outlines procedures that must be followed when identifying and evaluating historic properties. ¹⁵ Stipulation IV.E.2 states the following:</p> <p style="padding-left: 20px;">DoD will utilize a publicly accessible Cultural Resources Information (CRI) website to make information available to the public and request the public’s input regarding the identification and evaluation of historic properties within project-specific APEs for direct and indirect effects. The website may be operated under a DoD contract. The website will provide information and appropriate supporting documentation regarding DoD’s identification and evaluation efforts and findings, in order to provide the public opportunities to comment. ¹⁶</p> <p>In short, DoD is required to make specific information available using “a publicly accessible Cultural Resources Information (CRI) website.” This failure to implement a basic procedure</p>	<p>are consistent with the 2011 PA, and thus proper measures have been applied.</p> <p>The Navy has received your comments on the J-200-II AAFB North Ramp Utilities II – Communications Line Programmatic Agreement (PA) Memo. Project J-200 proposes to conduct design studies and subsequently construct telecommunications infrastructure consisting of an underground distribution of communications fiber optic cabling in concrete encased duct banks and manholes at Andersen Air Force Base (AAFB), Guam. Below, we are providing summarized responses to your comments submitted through the Cultural Resources Information (CRI) website.</p> <p>Section 106 is review process. In line with the regulatory requirements of 36 CFR § 800.4(b)(1), the level of effort for PA Memos consider past planning, research and studies, the magnitude and nature of the undertaking, 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. As such, the Department of the Navy has fulfilled its Section 106 responsibilities.</p> <p>In accordance with Stipulation IV.E.2. of the 2011 PA, the Cultural Resources Information (CRI) website provides information and appropriate supporting documentation regarding DoD’s identification and evaluation efforts and findings, in order to provide the public opportunities to comment. As it relates to your comment on access to information on identification efforts, the CRI website includes copies of all PA Memos related to the undertaking, the Guam Training Ranges Review and Analysis, the PA, Semi-annual Reports, and other materials. The intent of the PA requirement is to provide sufficient information for the public to contribute to the effort to identify historic properties and to comment on the assessment of effects. Hence, the Area of Potential Effects (APE) is provided with each public PA Memo. However, specific information containing information on the location and nature of historic properties are subject to confidentiality restrictions under the Archaeological Resources</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
			<p>evidences that DoD’s Section 106 responsibilities have not been fulfilled.</p> <p>In reviewing the documents available from the Cultural Resources Information section of the NAVFAC website, ¹⁷ there are several materials cited that are missing and available documents are either outdated or lacking information. Without the documents, the public cannot make a meaningful evaluation of the DoD’s identification efforts. To gain an understanding of the proposed project and its effects on the historical sites and cultural resources within the proposed area, I request that the Naval Facilities Engineering Command Pacific address the items listed in the following sections and make available to the public for review and comment before moving forward with this project:</p> <ul style="list-style-type: none"> • Appendix D (architectural and archaeological surveys) is not available on CRI Website and must be made available. <p>Appendix D, which “provides a list of all archaeological and architectural surveys as part of the FEIS, an overview of completed surveys, areas of known sensitivity, and identified historic properties” ¹⁸ is missing from the website.¹⁹</p> <p>The public needs to know the locations of buildings/developments and their proximities to the historical sites mentioned in the Interpretation Series Booklets. The PA Memo’s information and maps contain insufficient information regarding how the specific GHPI sites will be influenced by the “scale and nature” of the undertaking and must be clarified by the DoD. ²⁰</p> <ul style="list-style-type: none"> • The mitigation measures in the form of Public Education and Interpretation does not use all information recovered at the sites, and therefore fails to properly mitigate adverse effects. <p>The PA Memo claims that “mitigative work” included a “public interpretation booklet[.]” ²⁸ However, there are a number of mitigation measures under Stipulation VI. that are not honored. ²⁹ Most significantly, human remains were found within the proposed project sites. The findings of human remains must be honored and respected in a public education document,</p>	<p>Protection Act (ARPA) and the National Historic Preservation Act (NHPA), as described in Stipulation IV.E.2.b.</p> <p>Pursuant to the PA, Memos will contain concise summaries of project information with a map showing the project footprint and results of cultural resources review, subject to the limitations previously described in Stipulation IV.E.2.b. While your comments state that the PA Memo lack sufficient information, the J-200 II PA Memo meets content requirements from the PA. The results of information from studies outside of the APE are not required to be incorporated for each project.</p> <p>Stipulation VI.B.1 of the 2011 PA describes the public interpretation booklet as a mitigation measure published in English and Chamorro, and posted on the CRI website, that includes images, a summary of the work done, including a summary of any excavations, materials and data recovered, and a statement of the significance of the site to the regional culture. Your comments contend that because human skeletal remains that were inadvertently identified during the course of other project work was not included in the booklet, the mitigation was improper. However, the booklet contains all the types of data necessary in accordance with the PA.</p> <p>Your comments also state that the PA Memo does not provide sufficient information to support adequate mitigation of adverse effects, citing archaeological remains upon the Northern Plateau and former settlements that may have existed beneath Northwest Field. Historic properties outside of the APE are not a part of review for this project. Furthermore, past human activity beneath Northwest Field may have occurred prior to its construction, but it is not likely that those remains could be considered eligible for listing as a historic property in the National Register of Historic Places (NRHP) due to a loss of integrity i.e., the skeletal remains were fragmentary. These undetermined remains (unknown ethnicity or age of deposition) are still deserving of respectful and dignified treatment, so the Navy has consulted with the Guam SHPO and jointly developed standard operating procedures for</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
			<p>consistent with Stipulation VI.B. DoD must revise insufficient/inaccurate information provided in Public Education Documents in a manner that:</p> <ul style="list-style-type: none"> - Completely reflects accurate Inventory of Artifacts - Must mention human remains, and any other artifact that was discovered on the historic property. - Provides sufficient and accurate information on the CHamoru villages or lanchos that existed prior to the land being turned over to the DoD. - Honors the names of the CHamoru families that once took care of the land prior to military ownership. The public education documents place emphasis on military weapons and aircrafts. It is military focused and fails to mention the CHamoru families who lived in the area. Guam is very family oriented and connections are made through last names/family names, or family origin. -Demonstrates map data showing overall project area, historical site locations within the project area, and findings for each location. This is to preserve the memory of historic properties, including artifacts. - Provides an individual booklet for each historical site written in the CHamoru and English language. Again, Stipulation VI.B.1. requires “[a]n information package in booklet form in English and Chamorro, and posted on the CRI website, that includes: <ul style="list-style-type: none"> *images, *A summary of the work done, *Including a summary of any excavations, materials and data recovered, and *A statement of the significance of the site to the regional culture.” - A few of the public education and interpretation booklets each include 1 page of information in English and 1 page of the same information in CHamoru. As these are named historically significant sites and eligible for the NRHP, I single sheet of information is insufficient. This is not by definition a “booklet” per Stipulation VI.B.1. The DoD’s mitigation efforts translate into literally a single page of military history. This is a clear violation of NHPA as it fails to preserve any CHamoru history. 	<p>recovering and documenting remains in disturbed contexts. The goal is to re-inter the remains through an appropriate ceremony in coordination with the SHPO at a designated crypt so that these unknown individuals may rest in peace.</p>

Comment Type	Name or UserID	Date of Response	Comment	Response
			<p>DoD’s Public Educational documents are insufficient and need to be revised to include necessary information, ie, data recovered on sites. The DoD fails to properly mitigate the adverse effects by failing to provide the public with sufficient and accurate educational document.</p> <ul style="list-style-type: none"> ● PA Memo fails to properly mitigate adverse effects. The goal is to mitigate adverse effects relevant to each site “to understand, protect and celebrate its unique history, and to preserve the unique characteristics and significance for the current users and future generations.”³⁰ DoD fails to deliver sufficient information to suggest that historical findings in and around the Northwest Field are preserved through mitigation efforts. <p>The Northern Plateau is a historically rich area as this was a place where ancient villages such as Magua’ and Litekyan existed before colonization. To date, there are 43 “culturally and historically significant sites” discovered since military construction began.³¹ The land, human remains, and the artifacts, as well as the resources of the Northern Plateau are extremely significant to the CHamoru people, our culture, and our history.</p>	