

FOUR SMALL ADDITIONS TO U&SI IN J-001B

The following are the Department of the Navy (DON) responses to Senator Therese Terlaje's numbered comments, expressed on the Navy's CRI Website in a PA Memo Comment Form for J-001B, Revised APE Utilities and Site Improvements Phase IA Naval Base Guam Telecommunications Site, Guam (RC#2016-0048), PA Memo #1 submitted on January 3, 2018. DON responses are in *italics* immediately following each comment:

- 1) Although DOD has determined that there are no historic properties within the new section of the J-001B Phase IA APE, the memo also indicates that mitigation is ongoing pursuant to Section VI of the 2011 Programmatic Agreement. The memo does not clearly identify what impacts to properties are being mitigated under this section, nor does it include an overview of DOD responses to previous comments and concerns presented by the Guam SHPO. The map provided for public review and comment also does not identify how the revised APE avoids existing historic properties. Additionally, the memo does not include discussion of Section XI of the 2011 PA, which may be initiated to mitigate any adverse effects on historic properties should unknown historic properties be discovered within the additional 75 acres added to this APE. While a mitigation plan may be developed under Section XI, our historic properties should be protected and kept in context. The historic properties should be avoided, and this project should not proceed without final consensus and explicit approval by Guam SHPO.

The 2011 Programmatic Agreement (2011 PA) addressed overall impacts of the project on historic properties and provided a procedure for consulting on individual projects (PA Memos), and described mitigations for direct, indirect, and cumulative effects. PA Memos are not intended to address overall issues; they provide information related to identification efforts and effects of specific projects on historic properties within the Area of Potential Effects (APE) of a specific project.

Mitigations referenced in the PA Memo include mitigations of adverse effects on nine archaeological sites that will be directly impacted by the proposed project. Stipulation VI.A.1b of the 2011 PA states that the standard mitigation of adverse effects on purely archaeological sites shall be data recovery excavations. Sites were identified and evaluated for significance (eligibility for listing in the National Register of Historic Places) during archaeological investigations conducted for J-001B. Investigations included reviews of existing information plus additional field surveys. Surveys were conducted under a Work Plan that was reviewed by SHPO. Proposed mitigations were then included in archaeological data recovery plans that were also reviewed by SHPO. SHPO expressed concerns that were subsequently discussed in a 12 July 16 meeting and addressed in the final Data Recovery Plan delivered on 29 July. DON consults directly with SHPO during each phase of work (survey, data recovery, reporting). Data recovery excavations in J-001B have been completed and a draft technical report and draft public information booklet (mitigation required under VI.B.1 of the 2011 PA) have been delivered to SHPO for their review and comment. DON considers comments made by SHPO, other PA Parties, and the public; however, DON is not required to follow recommendations. DON follows recommendations

that are appropriate and contribute to management of historic properties, but protection of historic properties is only one of several factors considered in decisions related to construction.

Regarding avoidance of historic properties in the added APE; the additional areas were surveyed and no historic properties were found, so there is no need for a discussion on how the historic properties in the areas of potential effect (i.e. project footprint) will be avoided.

Regarding Discoveries and Emergencies (Stipulation XI), Stipulation VI.D.1 of the 2011 PA requires that each contractor working on military relocation projects receive cultural resource awareness training before beginning work. The training includes instructions on how to recognize and report discoveries and describes procedures to protect discoveries pending evaluation by professional archaeologists and notification of SHPO in the case of encountering human remains. As of January 2018, more than 2000 construction contractors, military members, and scientists working on Military Relocation Projects on Guam have received the training, providing additional eyes in the field trained to recognize and respond to unexpected discoveries. Procedures for reporting the discovery of human remains are included in construction contracts. In addition, there will be monitoring of vegetation removal and grading in sensitive areas.

ACHP's discussion of what constitutes a reasonable and good faith effort to identify historic properties within the APE is located at http://www.achp.gov/docs/reasonable_good_faith_identification.pdf. Please note that the same document includes a brief list of what is not required of a reasonable and good faith effort:

- Does not require "approval" of SHPO or other consulting party;*
- Does not require identification of every historic property within the APE;*
- Does not require investigations outside of or beneath a properly documented APE;*
- Does not require ground verification of the entire APE.*

DON continues to consult in good faith under laws related to management of historic properties. The J-001B(1A) PA Memo #1 is the first that addresses only this additional acreage. When a second PA Memo is required to address proposed mitigations of adverse effects on historic properties, comments made on the first PA Memo and DON response to each comment are included in PA Memo #2 for reference and are also posted on the CRI website and made available through SHPO. Announcements of availability of new information are posted in Public Service Announcements in local media and are also sent directly to PA Signatories, the Governor's office, Guam Mayor's Council, and the Guam Legislature.

- 2) *The most current archaeological survey for this project was conducted seven years ago in 2010. Given the increase of 75 acres to the project site, and thus an enlarged area of vegetation clearance and an overall larger area of potential affect, this property should be re-surveyed. Additionally, in previous comments submitted in January of 2015, the Guam SHPO indicated that the survey area does not cover the entire APE, and is therefore insufficient (RC2014-0625). What are the requirements for updating a more*

current archeological report to ensure that the public is provided the best information for this review?

DON is confident that our investigations have constituted reasonable and good faith efforts to identify historic resources in the project areas. As stated in the ACHP guidelines addressing methods and reasonable and good faith efforts (please see link above), a variety of methods, including reference to archival surveys, may be used to identify historic properties, and there is no requirement to discover every site or cover all the ground within the APE.

- 3) This is an extensive project that includes clearing, grubbing, grading, digging, trenching, drilling, processing and stockpiling of green waste, erosion and sediment control, as well as the construction of roadways, sidewalks, curbs, gutters, installation of signs and fencing, an electrical substation, underground electrical distribution, telecommunications conduit and cabling, and water and sewer utilities. This memo does not address the potential removal of limestone forest habitat or the removal of culturally important natural resources within the additional 75 acres. The memo also does not discuss how erosion and sediment control or utilities construction may be carried out to avoid historic properties.

The added areas where construction activity will occur have been surveyed for certain natural resources of cultural importance, with trees used in woodworking being a priority. Traditional woodworkers, herbal practitioners and traditional healers will be provided with opportunities to collect plants from these areas along with the larger area of J-001B, as per Stipulation VI.D.3 of the 2011 PA. The collection efforts will be managed through the Public Access Plan.

- 4) Given the extensive scope of this project and the substantial increase of 75 acres to the APE, I propose that this PA Memo be revised and reopened with an extended period for public comment.

This PA memo addresses a relatively small addition to J-001B U&SI. Extensive archaeological surveys that included these areas have been completed and no historic properties have been discovered. Information about the location and nature of sites in the larger J-001B APE surrounding the four areas proposed for inclusion have been reviewed by SHPO. The added areas were surveyed for historic properties and were found to contain none. Neither a revision nor an extended comment period is justified as no historic properties will be impacted.

- 5) This PA Memo does not give specific details of the known historic properties and potentially unknown historic properties that lay within the APE, and the particular ways in which these properties will be impacted. Finegayan is known to comprise of ancient villages and also is located adjacent to other known ancient village sites such as Haputo. Effective public engagement and participation in the submission of comments is compromised without sufficient information provided to the public and government entities. We need to be informed of the historic properties involved, the potential of unknown historic properties, which may occur within these areas, and the

ways they will be impacted. For example, the public should be given enough information to effectively comment, in advance of destruction, on the details, including the movement and storage of latte, or the unearthing of burials.

DON is prohibited from releasing detailed information about the location and nature of historic properties in accordance with confidentiality requirements outlined in section 13-3.6.d of Operational Navy Instruction (OPNAV) 5090.1d and as defined in Section IV.2.b. of the 2011 PA. These provisions were intended to protect historic resources. DON produces two versions of each PA Memo, one for the public that is limited in content by the referenced laws, and a version for SHPO review that contains detailed information about the nature and location of the properties. SHPO receives funding from the National Park Service to manage federal preservation programs, including preparing and managing an inventory of historic properties; therefore, SHPO receives detailed information about historic properties, maintains a collection of technical reports and other publications, and maintains a GIS database to assist in management of historic properties.

As part of mitigation efforts stipulated by the 2011 PA, DON will prepare public information booklets (Stipulation VI.B.1) that discuss the findings of archaeological investigations in the APE and place the properties within a regional and temporal context. A draft booklet was delivered to SHPO on November 9, 2017 for their review. Unlike the technical reports that go only to SHPO, the Final Public Information Booklets will be available for anybody. However, the booklets cannot be prepared until fieldwork, lab work, and reporting have been completed, so the information they contain is not available to the public until consultations have been completed. PA Memos provide the public with information about each site ahead of mitigation. Although some details must be withheld, the information provided is considered to be sufficient for public review and comment. SHPO receives technical details and has individuals in the office who meet the Secretary of Interior's Standards (published in 36 CFR 61) and are trained to understand and comment on those more detailed documents.

DON surveys located nine significant sites in the APE of J-001B; all had been disturbed to some extent by post-WWII development. The majority of sites consisted of small ceramic scatters that also included one or more cooking pits. Two sites contained cisterns and are dated to pre-WWII ranches; one site was a large post WWII Construction Battalion (Seabee) camp. Although the sites were disturbed, archaeologists were able to obtain information about the environment and land use over a period of several centuries. One larger pre-contact site was documented. The site was heavily disturbed, but also provided a lot of information. The site contained midden areas surrounding a topographic depression that contained relatively deep soils and may have been suitable for small-scale farming, although evidence for cultivation was not discovered. Several large stones thought to be displaced latte elements were scattered across the site and may have been associated with the midden areas. The original location of latte sets could not be determined due to extensive disturbance. Following a site visit by members of the Guam Legislature and staff of Guam HPO, the latte and lusongs were collected and stored in a protected location on NCTS pending a decision on disposition, probably in an interpretive display, as discussed during a previous Annual Workshop (Item 45 in workshop minutes, April 27, 2017). Archaeologists interpreted the small sites as resource extraction sites where forest resources were processed for use in

coastal villages such as Haputo. The larger site was interpreted as a location where a few families resided part time. Evidence observed supported the hypothesis that the site was not a permanent village, but might have been occupied by a few families during the Late Latte to Contact Periods. New discoveries will be managed according to PA Stipulation XI.

A few small bone fragments were found in J-001B, but there was no evidence of burials in the APE. Any inadvertent discoveries of human remains will be managed according to Appendix G of the 2011 PA. This Standard Operating Procedure is also included in contracts as an enforceable measure.

The only burials encountered during all surveys for military relocation projects thus far were found in the ca. 1000 acre water well field development area east of Potts Junction. This area contains pockets of relatively deeper soils that were exploited both pre-contact and during the lancho era. The burials are not located near any proposed construction. They were not removed from the ground, but were preserved in place in accordance with SHPO consultation outcome. A lancho site documented in the water well development area has been nominated for listing in the National Register of Historic Places.