



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 89-9

ADOPTING PROCEDURES FOR
PRESERVING HISTORIC SITES

WHEREAS, under Government code Section 13985.23 the Territorial Planning Commission and Territorial Seashore Protection Commission are required to cooperate with the Department of Parks and Recreation in the preservation and protection of significant sites; and

WHEREAS, under Government Code Section 13985.42 the Territorial Planning Commission and Territorial Seashore Protection Commission are required to institute procedures to assure that their programs contribute to the preservation of significant sites; and

WHEREAS, the Guam Institute for Spanish Chamorro Culture has never been established; and

WHEREAS, the Department of Parks and Recreation shall be the primary enforcement agency for historic preservation concerns; and

WHEREAS, the Guam Review Board for Historic Preservation is constituted to determine the eligibility of sites for inclusion in the Guam Register of Historic Places and to advise the Department of Parks and Recreation on all aspects the historic preservation program; and

WHEREAS, the criteria for inclusion in the Guam Register of Historic Places and for inclusion in the National Register of Historic Places are substantially the same; and

WHEREAS, other preservation references developed by the federal government use terminology compatible with the preservation requirements set forth in the laws of the Territory of Guam.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by the authority vested in me, by the Organic Act of Guam, do hereby order:

1. The Territorial Planning Commission and Territorial Seashore Protection Commission shall impose conditions to protect the integrity or significance of sites which are either listed on the Guam Register of Historic Places, or eligible for such inclusion as a part of their review of all applications placed before them.



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2. In imposing such conditions, the Territorial Planning Commission and Territorial Seashore Protection Commission shall use standard procedures adopted by the Department of Parks and Recreation and the Guam Review Board for Historic Preservation for the purpose of ensuring consistent identification and treatment of significant sites affected by development projects.
3. When a preservation condition is imposed on a project, the Department of Parks and Recreation shall use the Secretary of Interior's Standard and Guidelines for Archaeology and Historic Preservation to ensure consistent standards of performance in meeting the conditions so imposed.
4. Where significant sites are reasonably expected to occur but have not yet been identified or documented, an applicant shall be required to both fully identify such significant sites that may be affected by the proposed project, and to consult with the Department of Parks and Recreation after completion of such identification in order to devise appropriate and feasible measures to avoid or mitigate any adverse effects to the significant sites.
5. Where mitigation measures are undertaken to record information of importance to scientific study of historic sites, these mitigation measures shall be devised in accord with principles stated in "Treatment of Archaeological Sites: A Handbook", a guideline published by the Advisory Council on Historic Preservation.
6. Avoidance or mitigation of adverse affects shall, to the highest degree possible, also take into account non-scientific aspects of historic significance, including but not limited to the associations with important events, people and traditional practices and beliefs.
7. All Government of Guam agencies, departments, bureaus and commissions shall conform to the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation in carrying out their historic preservation responsibilities under laws of Guam.



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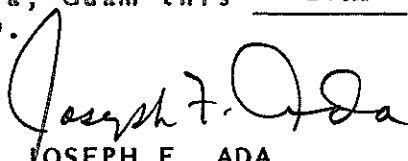
8. In the absence of the Guam Institute for Spanish-Chamorro Culture, Government of Guam agencies, departments, bureaus and commissions shall consult with the Department of Parks and Recreation to carry out the responsibilities of Government Code Section 13985.42.
9. In the event that either the Department of Parks and Recreation, the applicant to the Territorial Planning Commission, or Territorial Seashore Protection Commission, or members of the public feel that any condition imposed by the TPC with respect to historic preservation, or any action in fulfillment of that condition is inadequate or will not provide appropriate protection for the historical significance of affected sites, that party may appeal for a hearing of a joint board composed of a quorum of the Territorial Planning Commission and a quorum of the Guam Review Board of Historic Preservation.

This joint board will hear the complaint, be empowered to call witnesses and to review records of any relevant government agency, and to hear statements from interested parties.

On review of the complaint and the subsequent materials, the joint board may either re-affirm the condition or action taken, or may make recommendations to the full TPC for changes with a statement of reasons for the changes.

Enactment of changes in a condition shall require separate action by the full Territorial Planning Commission or Territorial Seashore Protection Commission.

SIGNED AND PROMULGATED at Agana, Guam this 24th day of April 1989.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor of Guam