

Rules and Regulations for  
The Guam Register of Historic Places

1.0 Authority and Purpose

These regulations are issued pursuant to authority in section 13985.2 (3), 13985.19(d), and 13985.52, Government Code of Guam.

The purpose of these regulations is to provide for an orderly and effective administration of the Guam Register of Historic Places, and to promote the public benefit from recognition and protection of properties with significance in the history, culture, architecture, and archaeology of Guam.

2.0 Definitions

GHPRB Guam Historic Preservation Review Board

DHR Division of Historic Resources, Department of Parks and Recreation

Department Department of Parks and Recreation

3.0 Criteria for inclusion in the Guam Register of Historic Places.

3.1 Any building, structure, object, area, or site that is significant in the history, architecture, archaeology or culture of Guam or the nation may be listed in the Guam Register of Historic Places.

3.2 A historic property has significance if it possesses integrity and one or more values that distinguish the property as of historic or cultural importance to the community.

3.2.1 To possess the quality of integrity, a historic property must consist of a preservable entity which retains the relevant aspects of location, design, setting, materials, workmanship, feeling, organization, or association which embody the values attributed to the property.

3.2.2 A property with integrity possesses significance if the property embodies one or more of the following:

a. A property has cultural value if the property contributes integrally to the continuation of an on-going practice which is important in the values generally held by members and participants of a cultural tradition, or if the property is attributed special and important status in the traditions maintained by members and participants of a culture.

b. A property has interpretive value if the property embodies associations to important events, the lives and works of important or outstanding persons, or embodies the style or

type of character associated with important patterns of events or actions in the history of Guam.

c. A property has research value if the property provides a context from which systematic study can provide an important contribution to knowledge of the past.

#### 4.0 Nomination Process

The purpose of an orderly nomination process is to provide an opportunity for public scrutiny and comment regarding properties proposed for inclusion in the Guam Register of Historic Places, and to ensure due care in the evaluation of properties proposed for inclusion in that register.

#### 4.1 Nomination Form

Nominations forms shall present relevant information regarding the property proposed for inclusion on the Guam Register of Historic Places. This information shall be clearly marked on current forms as adopted by the Department of Parks and Recreation for the purpose of processing nominations.

Information to be included on the form shall include but not be limited to:

- a. Common designation of the property
- b. Legal owners at the time of nomination
- c. Location of the property
- d. The physical extent of the property being proposed for inclusion on the Guam Register of Historic Places
- e. A brief narrative of the relevant history of the property
- f. A designation of the values embodied by the property
- g. A map of the location and major features of the property
- h. Current condition of the property

Supplemental maps, photographs, and other descriptive materials may accompany the nomination form. While these may be helpful in consideration of the nomination, they are not required. Register listing may be done when the information presented with the nomination form is sufficient to document the property's significance.

#### 4.2 Nomination Process

##### 4.2.1 Origination of Nomination and screening

Nominations of properties to the Guam Register of Historic Places may be made by any person, and by the Historic Resources Division of the Department of Parks And Recreation. Nominations made by

persons other than the DHR shall be by completion of current forms used by the Department of Parks and Recreation and submission of the completed form to the Chairperson of the Guam Historic Preservation Review Board.

The Chairperson shall notify the full GHPRB of receipt of a completed nomination form and forward it to the Guam Historic Preservation Officer for technical revisions if necessary. Incomplete nomination forms shall be returned.

The GRBHP may discuss the eligibility of nominated properties prior to circulation of public notices, but may not include a property on the Guam Register without public notice as provided below. Prior to circulation of public notices, the Board may reject a nomination or return it to the drafter for technical amendment and revision.

#### 4.2.2 Public Notice

4.2.2.1 When the Chairperson of the GHPRB determines that a received nomination form appears in order, the Guam Historic Preservation Officer shall ensure that proper public notices of the nomination are circulated as specified below.

Public notice of the nomination shall be provided to:

- a. The Governor
- b. The Speaker of the Legislature
- c. The Mayors of the villages in which any of the nominated properties are located.
- d. The legal owners of the property. In the case of ownership by more than ten parties, or disputed ownership, effective notice may be provided by publishing a notice in general circulation newspapers.
- e. All general circulation newspapers and all radio and television stations of general audience.
- f. any other parties deemed to have a particular interest in the property through prior communications with the department or the GHPRB.
- g. the following government of Guam agencies:
  1. The Department of Land Management
  2. The Bureau of Planning
  3. The Guam Environmental Protection Agency
  4. The Office of the Attorney General

4.2.2.2 The public notice shall be circulated at least 30 days in advance of the date on which the GHPRB meets to take official action on the nomination. If no action is taken within a year of the circulation of the notice, listing of the property shall not take place without re-notifying the public and providing another 30 day period for comment.

4.2.2.3 The public notice shall include, but not be limited to the following information:

- a. a copy of the completed nomination form.
- a. the date of the scheduled hearing by the GHPRB.
- b. how to provide written comment on the nomination if desired.
- c. the effects that the listing may have regarding obligations of the government and the owners of the property.

4.2.2.4 Any person may comment on the nomination by providing written comments to the Department or to the GHPRB prior to the scheduled meeting date. The hearing for listing of the property on the Guam Register shall also be held as a public meeting with opportunity provided for public comment at that time.

4.2.2.5 Concurrent review of the property may take place for recommending the property for nomination to the National Register of Historic Places. If such concurrent review is taking place, public notices must clearly state that the two registers are separate, and that outcomes of reviews for each are independent, subject to differing authorities and having different effects on the properties. Different effects of the two registers shall be clearly described.

4.2.2.6 Objection by the owner. Should the owner of the property object to having it listed on the Guam Register of Historic Places, the GHPRB shall specifically respond to the owner's stated concerns. If the GHPRB finds that the property in question is significant, the GHPRB may list the property on the Guam Register regardless of the owner's objections.

#### 4.2.3 Comments

All written comments regarding the nomination received prior to the public meeting at which the nomination is considered shall be copied and provided to all GHPRB members prior to the meeting.

#### 4.2.4 Permissible revisions at nomination hearing

Public comments may provide more accurate information than what was originally provided on the form supporting the nomination. Discussions at the GHPRB meeting may also reveal some needed revisions of information on the form as circulated desirable. The GHPRB may direct revision of the information on the nomination forms so long as the changes required do not substantially change the physical areas, historical narrative, or significance attributed to the nominated property.

Proposed minor alterations may be noted in the minutes of the meeting, and verified on corrected copies of the nomination form at a subsequent GHPRB meeting.

Substantial alterations or revisions in the physical area included in the nominated property, its historical narrative, or the significance will require a new public notice and subsequent GHPRB consideration after the public has opportunity to comment on the revised nomination.

4.3 Inclusion of a property in the Guam Register of Historic Places shall be by vote of a simple majority of a quorum of the Guam Historic Preservation Review Board, in accord with any by-laws adopted governing such votes by the Board.

## 5.0 Appeals

5.1 Should an owner of a property nominated and included in the Guam Register of Historic Places wish to appeal the inclusion, the owner must demonstrate that the inclusion was based on an error in either the designation of the physical area intended in the nomination, or in the significance attributed to the property. The nomination form, any amendments made at the GHPRB meeting, written comments, and copies of any voice recordings of comments made at the meeting will be available to an owner wishing to make an appeal.

5.2 An appeal must be filed within 45 days of the meeting at which the GHPRB listed a property on the Guam Register.

5.3 An appeal must be written, and submitted to the chairperson of the GHPRB.

5.4 The GHPRB will consider an appeal of a listing at the next available meeting after the appeal has been received.

5.5 The Board shall take one of four actions regarding an appeal:

- a. Reject the appeal, and retain the property in the register.
- b. Accept the appeal and remove the property from the register.
- c. Amend the information on the forms if the appeal has provided minor corrections to information included on the nomination forms.
- d. Require re-nomination if the appeal demonstrates substantial amendments are needed to the area, historical narrative, or attribution of significance of the property.

5.6 The action of the GHPRB on appeal shall be final.

## 6.0 Revision of Register Listings

6.1 Changes of information on Guam Register forms shall require re-nomination if the changes involve a change of the physical area included in the registered area, a substantial change in the historical narrative, or in the significance of the property.

6.2 The GHPRB may designate other categories of information on the Register forms which may be revised or updated with Board concurrence.

6.3 The GHPRB may designate categories of information which may be updated or revised by staff of the DHR as new or changed information regarding the property becomes available.

#### 6.4 Removal from the Register

6.4.1 A property may be removed from the Register when sufficient documentation has been provided to the GHPRB to demonstrate that the property no longer has significance.

Requests for removal of a property from the register shall be submitted to the Chairperson of the GHPRB for consideration. Such requests may be submitted by any person and by the staff of the DHR.

Removal from the Guam Register of Historic Places shall be by majority vote of a quorum in accord with any by-laws adopted by the board governing such votes.

#### 7.0 Determinations of Eligibility

The purpose of a determination of eligibility is not to replace formal listing, but to provide assistance in identifying and evaluating the significance of unregistered properties considered during reviews for certificates of approval from the Guam Historic Preservation Officer. A determination of eligibility provides guidance for decisions that must be made in situations where completion of other responsibilities depends on determining whether a particular property is or is not historically significant.

#### 7.1 Requests for Determination of eligibility

7.1.1 A request for a determination of eligibility shall be submitted in writing to the Chairperson of the GHPRB through the DHR.

7.1.2 A request for determination of eligibility should contain sufficient information for the integrity, historic values, and extent of the property in question to be judged. A determination of eligibility does not need to supply other information which may be needed for full nomination and listing of the property on the Guam Register of Historic Places.

7.2 A request for determination of eligibility with supporting information shall be placed on the agenda of the next available regular meeting agenda of the GHPRB.

7.2.1 The GHPRB may take any one of the following actions with respect to the determination:

a. request additional specific information about the property before reaching a conclusion. The request will be tabled until the additional information is provided.

b. determine that the property is eligible by the criteria for inclusion in the Guam Register of Historic Places.

c. determine that the property is not eligible by the criteria for inclusion in the Guam Register of Historic Places.

### 7.3 Appeal of a decision by the Guam Historic Preservation Officer

When the Guam Historic Preservation Officer has decided that a property not listed in the Guam Register of Historic Places is eligible or not eligible by the criteria for inclusion in the Guam Register of Historic Places, this decision may be challenged by any affected party by submission to the GHPRB of a written request for determination of eligibility. When the request for determination of eligibility is in response to such a decision, the GHPRB shall require a written statement of evaluation from the GHPO and shall afford those contesting the GHPO decision opportunity to respond to the written evaluation.

