

## Appendix B

### **STANDARD OPERATING PROCEDURE (SOP) REGARDING THE DISCOVERY OF HUMAN REMAINS ON GUAM**

**PURPOSE:** This SOP provides uniform guidelines in the event that human remains are discovered or disturbed during the course of any action, undertaking, or activity (including those caused by natural occurrences such as erosion) on DoD-retained lands on Guam.

**ETHICS:** Any human remains regardless of ethnicity or time of deposition shall be treated with respect and dignity.

#### **REFERENCES:**

- a. National Historic Preservation Act, 36 CFR Part 800
- b. Archaeological Resources Protection Act.
- c. Certain aspects of the Native American Graves Protection and Repatriation Act
- d. The Guam Department of Parks and Recreation General Guidelines for Archaeological Burials
- e. Section IV Reburial Guidelines Amendment (March 2010) were also incorporated into this SOP

**RESPONSIBILITY:** Primary responsibility for carrying out this SOP lies with the cultural resources managers (CRM) for each installation under Commander, Joint Region Marianas (CJRM). These procedures should be briefed to all on-site managers and supervisors who are carrying out work that could result in discovery of remains on DoD property or during DoD sponsored projects.

#### **STEP I – INITIAL DISCOVERY**

If human skeletal remains (or remains thought to be human) are found during a DoD project or on DoD retained lands on Guam, the following procedures shall be followed:

1. The remains shall be protected from the elements and the area around the discovery shall be secured. CJRM security personnel and the CRM should be notified immediately.

2. If human remains were uncovered during a Navy construction project, then the contracting officer associated with the specific project shall be notified per the contract clause referencing these procedures. Work shall stop within the immediate vicinity of the find. The contracting officer shall be notified of all subsequent consultations regarding the remains

### **STEP II - PRELIMINARY IDENTIFICATION**

CJRM, CRM shall determine if the skeletal remains are animal or human. This shall be done by a professionally trained in the identification of human remains (such as an archaeologist, physical anthropologist, forensic specialist) and such professional shall examine the remains and make a determination as to whether they are human. If the skeletal remains are identified as human, then proceed to Step III.

### **STEP III IDENTIFICATION - AGE OF DEPOSITION (TIME PERIOD) AND ETHNICITY**

If possible, the age of deposition (time period) and ethnicity of the remains shall be determined based on skeletal morphology, context, and associated artifacts by (or under the supervision of) an archaeologist meeting federal qualifications set forth in 36 CFR 61, Appendix A. This determination shall be made as soon as possible, taking into account specific circumstances regarding the discovery of the remains. The following steps shall be undertaken during the identification phase:

**Modern Remains:** If the skeletal remains are found to be human and are modern, then CJRM security personnel and Naval Criminal Investigative Services (NCIS) will take over the investigation.

**World War II Remains:** If the skeletal remains are found to be human and are from World War II (WWII), then the following procedures shall be followed:

1. If there is reason to believe that the remains are from WWII and are of the indigenous origin (Chamorro) or of any other civilian present on Guam at the time, then the Community/Public Affairs office shall be notified and involved in the consultation process.

2. If there is reason to believe that the remains are of U.S. military personnel, then the Joint POW/MIA Accounting Command (JPAC) shall be notified and will take over the case.
3. If there is reason to believe that the remains are Japanese from World War II, the Consulate General of Japan (CGJ), Hagatna, Guam, shall be notified and consulted with as to the disposition of the remains.
4. A courtesy call will be made to the Guam State Historic Preservation Office (SHPO) to inform them that human skeletal remains from WWII time period were uncovered. However, other agencies such as JPAC or CGJ have jurisdiction over human remains from this time period. Depending on the preliminary determination by the agencies as to whether the remains are of recent, historic, or pre-contact deposition, the following steps shall be taken:
  - (a) Remains Older than 50 years (Historic and Prehistoric): If the skeletal remains are found to be human and older than 50 years (and are not associated with WWII), then following procedures shall be followed:
    - i. The CRM shall notify the SHPO within three working days of the identification that the skeletal remains are human and are historic or prehistoric in nature.
    - ii. If requested, the CJRM CRM shall arrange for a site visit by a SHPO representative.
    - iii. The CRM shall consult with the SHPO and follow Section II and III of the Policy Guidance in the Guam Department of Parks and Recreation General Guidelines for Archaeological Burials.
    - iv. If any other organization or agency comes forward and expresses an interest in participating in the consultation process, they must submit a written request expressing their desire to participate in the consultation process and explain how they are culturally affiliated with the human remains. Their comments will be considered in the overall decision making process.

- v. If the remains are encountered during project construction, CJRM shall determine the feasibility of project alternatives that will avoid disturbance of the remains or whether disinterment is necessary. If a mass burial is indicated, preservation in place shall be the preferred alternative. The results of the consultation shall be placed on file at CJRM environmental office and JPAC shall be notified.

**Undetermined Remains:** If a determination as to the age of deposition of the remains or the ethnicity of the remains cannot be determined, the procedures below shall be followed:

1. The SHPO will be notified and consulted with. Based on the consultation, a decision will be made to either preserve the remains in situ or to remove them for further analysis in hopes that the age of deposition and ethnicity can eventually be determined so that the appropriate protocols can be followed.
2. If it is determined that the skeletal remains and any associated artifacts will be exhumed, then the remains should be documented by (or under the supervision of) a qualified archaeologist.
3. Tests involving damage to the skeletal material are highly discouraged and will not be performed by the Navy. However, should it be necessary, performance of radiocarbon dating on any associated charcoal, midden, or artifacts may be conducted at the discretion of the Navy in consultation with the SHPO in order to determine age of deposition. The results of these tests, if any, shall be presented in the report by the recording professional. This report shall be submitted to the CJRM CRM and the SHPO as a record of the study.
4. If additional tests were conducted, another attempt to determine age of deposition and determine the ethnicity of the skeletal remains will be made based on the results. If a determination can be made on the age of deposition or ethnicity, then the disposition of the human remains will be conducted according to appropriate protocols outlined previously.
5. If a professional(s) not associated with the Navy, meeting the qualifications set forth in 36 CFR 61 Appendix A, seeks to analyze the skeletal remains they shall submit a written request to the CJRM CRM. The CJRM CRM shall notify the SHPO of the request and will follow the procedures outlined in the Research Guidelines section of the Guam Department of Parks and Recreation General

guidelines for Archaeological Burials. The applicant shall be notified within 30 days of submission of the Research Design whether it has been accepted or rejected. The cost of the tests and report preparation shall be borne by the applicant. A copy of the results and findings shall be provided to the Navy and the SHPO within six months after the tests are conducted. The remains shall be curated at the laboratory of the researcher until plans for reburial have been made.

6. If the age of deposition or ethnicity of the human remains cannot be determined, then the CJRM CRM, in consultation with the SHPO, shall curate the remains and any associated artifacts in the event that further information may come to light or rebury the remains. A record of the consultation process shall be placed on file at CJRM environmental office and at the SHPO.

#### **STEP IV - DISPOSITION**

CJRM shall follow Sections II and III of the Policy Guidance in the Guam Department of Parks and Recreation General Guidelines for Archaeological Burials when dealing with the disposition of human remains older than WWII. Reiterated below are procedures tailored specifically to burials found on Navy property on Guam using the Department of Parks and Recreation General Guidelines for Archaeological Burials as a general guideline and Section IV (C through G) of the Reburial Guidelines Amendment (March 2010).

1. If the remains are found eroding out of the soil, the Navy, in consultation with the SHPO, shall decide whether the remains can be preserved in place or whether the remains would be severely damaged by leaving them in situ. The results of the decision-making process shall be placed on file at the CJRM environmental office.
2. If the remains are exposed during a project, and the project can be redesigned to avoid the remains, or the remains can be left in place then the following steps shall be taken: The remains and any associated artifacts shall be recorded in situ by an individual meeting the qualifications set forth in 36 CFR 61.9 using standard archeological procedures set forth in 48 CFR 44720. Every effort shall be made to determine the number of individuals and the age, sex, and ethnicity of the remains. The documentation and a record of the location of the remains shall be kept on file at CJRM environmental office. A copy shall be provided to the SHPO.

3. If the project cannot be redesigned to avoid disturbing the remains the following steps shall be followed:
  - (a) The remains and any associated artifacts shall be removed by an archeologist meeting the professional qualifications set forth in 36 CFR 61.9, using standard archeological procedures set forth in 48 CFR 44720.
  - (b) A report of the excavation techniques and findings, along with a photographic record shall be submitted to CJRM within 30 days of disinterment. The documentation shall be kept on file at CJRM and a copy provided to the HPO; any associated artifacts shall be temporarily curated at the contractor's laboratory until the final disposition of the remains is determined.
4. If remains have to be moved, then through consultation with the SHPO it will be determined by CJRM that the human remains may be reburied elsewhere. CJRM will follow Section IV(A)(1, 3-4) or Section IV(C-G) of the Guam Department of Parks and Recreation General Guidelines for Archaeological Burials if determined appropriate and funds are available. Re-burial shall occur within two (2) years of the identification of the remains. If circumstances prevent this date from being met, then CRNM shall notify the SHPO and continue to work on reaching an agreement on re-burial. The documentation and a record of the location of the remains shall be kept on file at the CJRM environmental office. A copy shall be provided to the SHPO.