

OPA finds concerns with preservation office

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Several concerns were highlighted in the report of an audit by the Office of Public Accountability on the Guam State Historic Preservation Office/Guam Historic Resources Division program area on review and compliance for fiscal years 2018 through 2023. The report noted that current operations are not in line with the enabling statute, that there is a need for comprehensive mapping and survey of Guam, that GSHPO rules and regulations require an adjudication process and that GSHPO/GHRD officials impose unauthorized requirements.

The audit confirmed that the former state archeologist/Guam territorial archeologist at GSHPO/GHRD imposed requirements and conditions on permit applications that exceeded the agency's authority, according to the OPA. Notable examples include unilaterally ordering a contractor to stop work and remove equipment from a project site without proper authority, and requiring a private party to construct certain facilities, including a reburial monument, as conditions for permit approval.

Those actions raised concerns from affected parties, leading to a review by the Office of the Attorney General, which found the actions to be beyond GSHPO's legal authority, the OPA

stated in the audit report. To prevent future overreach, the Department of Parks and Recreation, which contains GSHPO/GHRD, mandates the entity to seek OAG approval for any permit conditions beyond its statutory scope, according to the audit report.

Moreover, another official had a programmatic agreement with one party, and while the agreement appeared to reflect mutual consent between the parties, the OPA found that the requirements imposed by it were unjustified and exceeded the bounds of Guam law regarding the authority of GSHPO/GHRD.

"In addition, deficiencies were identified in our review of GSHPO/GHRD's permit application review process. Although majority of the application files tested for both review and compliance and certificate of approval applications had the required documents for clearance (i.e. ownership documents, vicinity maps, stamps and signatures), we identified several application files that did not properly conclude the permit review process due to missing reports (i.e. site inspection reports, Guam Historic Resources Division Reports, and archeological reports)," the OPA stated in the audit report.

"On average, the time for an application to be received, reviewed and cleared took 10 days for (review and compliance) applications, which exceeds GSHPO/GHRD's policy to

complete review of applications within five business days (for those with no issues or [certificate of approval] requirement). There is no policy on how long a COA application review should take, but we found that it takes an average of 37 days for GSHPO/GHRD to complete reviews of COA applications," the audit added.

The concerns and deficiencies highlight the need for corrective action to streamline GSHPO/GHRD's authority with current operations and improve its review and permit clearance process while still preserving and promoting Guam's rich cultural heritage, the OPA said in the audit report.

The OPA made several recommendations, including that lawmakers and officials work to streamline operations, and that rules and regulations and standard operating procedures undergo a thorough review and approval process through the Administrative Adjudication Act.

GSHPO/GHRD acknowledged the OPA's findings and recommendations and is actively working with Sen. Shelly Calvo and the Office of the Governor to introduce legislation that would clarify the roles and functions of the entity, the OPA added in the audit report.

"The audit highlighted the dual role of GSHPO/GHRD, which operates both as a federally recognized entity overseeing compliance with

U.S. historic preservation laws and as a division within the Department of Parks and Recreation responsible for enforcing Guam's historic preservation regulations. To address these issues, GSHPO/GHRD proposes legislative and regulatory updates, including the adjudication of its rules, the formal definition of the state archaeologist's responsibilities and improvements to application processing procedures. The state archaeologist position is currently undergoing a transition following concerns over unauthorized actions, which stemmed from long-standing misuse of the role," the OPA stated in the audit report.

GSHPO/GHRD ultimately recommend reorganization as an autonomous entity under the governor's office to enhance its authority and efficiency regarding historic preservation efforts on Guam, according to the audit report.

The entity also supports the OPA's recommendation to refine the Department of Public Works permit application process to ensure accurate routing and clear agency roles.

DPW stated that the building permit application form currently lists DPR for clearance, with routing to GSHPO/GHRD. Required agency approvals are specified under law and any change would require legislative amendment, according to the audit report's summary of DPW's response.

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sources to offset the potential loss."

Freshman Republican Sen. Shawn Gumataotao has introduced Bill 11-38, calling for a BPT rollback.

Gumataotao said the BPT rate increase was meant to be an interim solution, "and despite several bills aimed at reverting the rate to 4%, mainly in response to the COVID-19 pandemic, none of those measures passed."

Leon Guerrero has consistently resisted calls for a rollback, restating her position in her State of the Island address on March 12.

"Let me be clear about where I stand.

I will not support raising the (BPT) to 4% on small businesses paying 3% today," the governor said.

"While large businesses on Guam are currently levied the 5%, those with a revenue of up to \$500,000 pay 3%," Leon Guerrero said. "Tonight, I'm calling on this Legislature to go further. Let's raise that cap to \$1 million."

Meanwhile, Duenas is banking on the military buildup to provide a continued boost to the local economy, especially in light of the continued slow recovery of the tourism industry.

"The increase in defense spending on Guam has helped with keeping

collections healthy. Given the current geopolitical climate, I don't foresee any radical reduction in military spending," Duenas said.

But local officials are also wary of how any federal budget cuts that the Trump administration and the new Department of Government Efficiency, led by Elon Musk, will impact Guam.

Duenas said, "What my policy stance has been, and will continue to be, is stringent fiscal discipline with regard to appropriations.

"I will not hear any nonemergency appropriations measures until we have good, accurate data on where we stand financially," Duenas added.

The Appropriations Committee chair said there are options being considered regarding government reorganization if a resulting decline in revenue requires it.

"While layoffs are not the preferred course of action, contingency plans have to be considered to ensure fiscal stability. These plans may involve restructuring certain departments to improve efficiency and reduce costs, but we remain committed to minimizing disruptions to our workforce," Duenas said.

He noted that existing Guam law mandates that if revenues go below projections by 3%, "We go back to the drawing board."

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them to be posted in locally licensed electronic newspapers and websites.

Bill 25-38 was the first measure up for discussion during the abbreviated session.

Barnes spoke on certain changes made to the measure during the markup meeting, which followed the public hearing.

She said an eligible platform would have to be in business on Guam for five years.

It would also be required to certify

that it reaches at least 15% of the local population.

"So, Mr. Speaker, this would mean the only media companies where these notices will be placed are ones that have proven it can stand the test of time and provide engaging and informative content to a large enough share for our island residents," Barnes said.

Barnes said it was a simple proposal "to get our people informed and to save our government some money."

But Sen. Telo Taitague said, "The proposed bill to allow bloggers and

social media platforms to serve as a primary channel for such notices, in my view, is premature, inadequate and not without challenges."

"Online platforms like bloggers or social media excludes a significant portion of our population, particularly those in remote areas," Taitague said. "How can we in good conscience adopt a system that leaves so many behind?"

Taitague said she was also concerned that bloggers have the autonomy to delete comments or block users they disagree with.

"This raises serious questions about

transparency and impartiality," she said.

"Government notices must be disseminated through reliable and unbiased channels, free from personal agendas or censorship," Taitague added.

The Guam Daily Post has long accepted government public notice postings and maintains a circulation of printed newspapers and digital news on various platforms.

The session was recessed by Blas just after 10 a.m. Tuesday, and was scheduled to reconvene at 9 a.m.