

Audit: Preservation agency's operations not in line with legislation

By Dana Williams
For Pacific Daily News

An audit of Guam's historic preservation office found that its operations are not in line with its enabling legislation, it has not followed laws requiring the comprehensive mapping of historic sites, and previous officials imposed requirements on permit applications that exceeded the agency's author-

ity. The Office of Public Accountability recommended "corrective action to streamline (Guam State Historic Preservation Office/Guam Historic Resources Division) statutory authority with current operations, and improve its review and permit clearance process while still preserving and promoting the rich cultural heritage of Guam."

The preservation office operates under the Department of Parks and Recreation. It is responsible for making sure construction and development projects comply with preservation laws and guidelines.

The office processed more than 5,000 review and compliance applications during the audit period, 2018 through 2023 – about 900 a year.

Auditors examined 61 applications for project review and compliance and found 36% of those were completed in a timely manner.

The average time was 10 days, exceeding the five-day policy.

The shortest amount of time for review was zero days, and the

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A message from Simon Sanchez High School students



Simon Sanchez High School students and their teacher Monica Flis put on the finishing touches on March 22, 2025 to the extension of a mural previously painted along Marine Corps Drive in Yigo. The students said the added sign seeks to once again call the government of Guam to designate an alternate campus or rebuild their school. Since Typhoon Mawar rendered their campus in Yigo unusable, Simon Sanchez High School students have been attending double-session classes at John. F. Kennedy High School in Tamuning.

RICK CRUZ/PACIFIC DAILY NEWS

CCU OKs \$62.9M for Mangilao hospital water, sewer

By Joe Taitano II
Pacific Daily News

The Guam Waterworks Authority on Tuesday night got the approval to take \$62.9 million in American Rescue Plan Act funds to install sewer and water for a new hos-

pital in Mangilao.

Members of the Consolidated Commission on Utilities approved GWA's request to take the funds without objection.

Money will be provided as a sub-grant from the Guam Economic

Development Authority, which is the lead agency for the Mangilao hospital project.

Commissioners also approved GWA's request to take about \$1.89 million of that funding for design work on the new

sewer and water installations.

With the approvals from the CCU, the ball is officially rolling on both power and water installs for the contested Man-

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Police believe woman fell from 3rd floor of GMH

By Jojo Santo Tomas
Pacific Daily News

Chief of Police Stephen Ignacio on Tuesday said police believe the woman found dead at Guam Memorial Hospital on March 15 fell from the 3rd floor of the hospital.

Ignacio, during a press conference at the Guam Police Department headquarters in Tiyan, confirmed the woman's identity — Rita A. Perez, 58, of Mangilao.

Her body was found in an off-limits area at GMH.

"We will work closely with our investigators to determine — what really is the big question — what caused Ms. Perez to be found on the first floor after falling from three floors. We don't know what caused it," Ignacio said.

Ignacio said Perez was found in the first-floor courtyard, and that police believe she fell from the third floor. The courtyard is generally not accessible to the public.

There were too many unknown factors to make assumptions and that a toxicology report might help detectives piece together what happened, he said.

"We continue to work with the medical examiner's office. We are still waiting for toxicology re-

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GHURA: \$1M Toto Gardens upgrade to cost \$162K more

By Joe Taitano II
Pacific Daily News

Plans for a basketball court upgrade and a new generator room at the Toto Gardens in Mong-mong-Toto-Maite will cost about \$162,600 more than originally projected, according to a Tuesday meeting of the Guam Housing and Urban Renewal Authority board.

GHURA last May awarded a \$1 million contract to O.H. Construction to upgrade the existing basketball court at the Toto Gardens affordable housing area, and to build a new room for an onsite generator.

But costs for the basketball court specifically swelled after the contractor discovered the foundation of the court was not concrete but asphalt, GHURA engineer Michael Racuyal told commissioners Tuesday.

Because of that, the contractor was unable to anchor any structures for the new court to the floor, Racuyal said.

The asphalt is also hazardous on rainy days, because it is slippery.

The discovery was only made after O.H. Construction began dig-

ging up the floor of the court that was built in the 1980s, he said.

Additionally, there is a concrete slab beneath the asphalt, but it is located about 16 inches underneath the dirt, Racuyal said.

"This happens," GHURA Deputy Director Fernando Esteves said. "As they break it, we're discovering something you couldn't see on the initial estimates."

According to the change order, it will cost \$36,000 to demolish the existing concrete pad and asphalt at the court.

Grading the site and then pouring a new concrete foundation will cost another \$118,000.

Other additional costs include breaking and digging a concrete slab and removal of two 45-foot containers, at about \$20,600, based on the change order.

Costs specifically for the upgrade of the basketball court were only at \$40,000, based on an intent to award from GHURA.

Commissioners approved the change order without objection.

Reach reporter Joe Taitano II at JTaitano@guampdn.com.

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longest was 55 days.

Some 10% had no clearance dates, and 21% "were cleared on the same day, violating GSHPO/GHRD's policy prohibiting same-day reviews."

For 22 applications requiring a certificate of approval, the average time was 37 days, exceeding the 30-day goal.

The range was zero to 205 days, with 18% being cleared on the same day, in violation of the policy.

'Ambiguity has caused confusion'

The audit stated that multiple sections of the Guam Code Annotated contain rules that no longer align with the GSHPO/GHRD's operations.

For example, one section of the law designates the Guam historic preservation officer as the executive director of the Guam Preservation Trust Fund. But the fund is a separate agency with its own executive director, and GSHPO/GHRD isn't involved in its management.

The law doesn't specifically mention the Guam State Historic Preservation Office, but does mention the Department of Parks and Recreation, Guam Historic Resources Division and Guam Historic Preservation Review Board.

"This ambiguity has caused confusion over the roles and responsibilities of GSHPO/GHRD or DPR in their responsibility over preservation laws," the audit stated. "Given that current operations may not fully align with codified law, this



PDN FILE PHOTO

In this 2024 file photo, Guam State Historic Preservation Officer Patrick Lujan places a woven basket onto the ground during a reinterment of Chamoru ancestral remains that predated the Spanish occupation. The remains were found on one of the Camp Blaz construction sites in Dededo, an area that will be used for urban training for U.S. Marines.

suggests that at some point after the laws were established, a decision was made for the GSHPO/GHRD to operate contrary to the (Guam Code Annotated) —without legislative approval."

The audit noted that the agency has drafted updated legislation to address inconsistencies, but it has not been introduced yet.

Comprehensive mapping, surveys

Despite legal mandates dating back to the 1990s, the agency has "not fulfilled its responsibility of developing a comprehensive island-wide database of historic and archaeological sites," according to the audit.

"While GSHPO maintains a database for assessing project impacts, gaps in mapping often necessitate additional surveys before permit approval, causing delays," the audit stated.

The audit also stated that relying on internal records "affects operational efficiency, compliance, and

public access to historical data, which can affect informed land purchases."

"To address this, DPR and GSHPO should prioritize updating and publicly sharing a complete mapping database to fulfill legal requirements and improve accessibility," it added.

Officials imposed unauthorized requirements

The audit also confirmed that former officials imposed requirements on permit applications that exceeded the agency's authority.

These concerns had been addressed in December 2023 when the acting director of Parks and Recreation issued a letter to the Guam Historic Preservation Office rescinding unauthorized conditions placed on private projects and outlining specific legal provisions.

Auditors noted that a former territorial archaeologist unilaterally ordered a company to stop work and remove equipment from a project site without proper authority.

The official also ordered "a private party to construct facilities, including a reburial monument, public restroom, and parking stalls, as conditions for permit approval," the audit stated.

In August 2023, a private company complained to the Office of the Attorney General, citing a potential conflict of interest with another official.

The company and the official worked out an agreement where the company would secure permits for projects, contract an archaeologist to oversee activities, pay for

excavation, reporting and reburial of remains and collaborate with the agency to oversee the placement of a reburial monument and plaque.

To prevent similar situations in the future, Parks and Recreation has required the agency to work with the Office of the Attorney General for approval of any permit requirements that exceed the agency's authority.

In April 2024, the governor appointed the Parks and Recreation acting director "as the SHPO for limited purposes, specifically to oversee telecommunication company permits and ensure compliance with the Guam Public Employees Ethics Code," the audit stated.

Response to audit

In his response to the audit, State Historic Preservation Officer Patrick Lujan noted that the agency has been working with a senator to introduce legislation "in keeping with the functions of the audit."

"We are also working with the Governor's Office in identifying areas of the current law that need revision or clarity," Lujan wrote.

Lujan also pointed to a recommendation that the agency be removed from the Department of Parks and Recreation and placed under the Office of the Governor.

"This would strengthen and make clear the role of the GSHPO as an autonomous federal review agency and would confer authority from the Office of the Governor on the functions and responsibilities for historic preservation on Guam," he added.

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