



DEPARTMENT OF THE NAVY
 JOINT REGION MARIANAS
 PSC 455 BOX 211
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 Ser J00/0056
 January 27, 2020

The Honorable Tina Rose Muna Barnes
 Speaker, 35th Guam Legislature
I Mina'Trentai Singko Na Liheslaturan Guahan
 163 W. Chalan Santo Papa
 Hagåtña, Guam 96910

3566-20-1529
 Speaker Tina Rose Muña Barnes

FEB 11 2020
 Time 2:01 () AM () PM
 Received By: Ulen

Dear Madam Speaker,

Thank you for your letter of December 16, 2019 transmitting questions from the legislature to Captain Hans Sholley regarding the Civil-Military Coordination Council (CMCC) Informational Briefings held on November 25th & 26th, 2019.

I thank you for your sincere interest in facilitating our mutual desire for transparency and information sharing with the People of Guam. Our replies to the questions are enclosed and were coordinated with the governor's staff. We also provided information, where available, for some questions directed to Government of Guam agencies.

I appreciate our continued partnership and collaboration. Please do not hesitate to call me anytime at (671) 349-3200 or my point of contact on this matter, Mr. Roy Tsutsui, at (671) 349-5094 or Roy.Tsutsui@fe.navy.mil.

Sincerely,

J. V. MENONI
 Rear Admiral, U.S. Navy
 Commander

- Enclosures:
1. 35th Guam Legislature Informational Briefing Replies to Questions, Title: Informational Briefing on the Civil-Military Coordination
 2. CMCC Charter
 3. CMCC April 12, 2018 meeting minutes
 4. CMCC August 15, 2019 meeting minutes
 5. CMCC November 6, 2019 meeting minutes

Copy to: Governor Lou Leon Guerrero

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**JOINT REGION MARIANAS RESPONSE TO THE 35TH GUAM LEGISLATURE'S
QUESTIONS FOR THE NOVEMBER 25TH & 26TH, 2019 INFORMATIONAL BRIEFING
ON THE CIVIL MILITARY COORDINATION COUNCIL**

Questions Received From Senator Regine Biscoe Lee

Labor

1. How many H-2 workers are estimated to be needed to complete the entirety of the buildup?

At peak construction there is a requirement for 7,000 full time jobs. Of these, half are expected to go to Guam residents with the rest being sourced off island (an unspecified number of which could be satisfied with H-2B workers) according to the 2015 SEIS.

2. When were the estimations for DOL's staffing needs studied?

The DoD analyzed this information as a result of interviews with Government of Guam (GovGuam) agencies during the development of the 2015 Final Socioeconomic Impact Assessment Study (SIAS). In the 2015 SIAS, a peak year increase of 11 FTEs was identified as agency staffing impact for Guam DOL. As impacts would decline to baseline over the long-term, 0 additional FTEs were needed for steady-state and beyond.

3. Which buildup EIS/SEIS were used to formulate the estimation?

The SIAS supports the analysis within the 2015 Final Supplemental Environmental Impact Statement as required under the National Environmental Policy Act (NEPA). The 2015 Final Supplemental Environmental Impact Statement was used for the estimation.

4. How long will you need the additional increases in personnel?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where development permitting activity is highest. However, the answer to the specific question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

5. What plan will there be to phase these temporary employees in and out of government service?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

Public Works

1. How long until all DAR projects are completed?

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All DAR projects associated with the Marine Corps Relocation are anticipated to be completed once Camp Blaz is fully operational.

2. How long will these improvements last?

The improvements are designed to last for the specific service life design of the improvement, which varies based on usage and other site specific factors. For example, well-maintained asphalt roads should last around 15 years or more before major rehabilitation.

3. When hardening roadways, what is the new maximum load these roads will be designated?

The maximum load for DAR project roads are designed for the heaviest tactical vehicle anticipated, which exceeds the range of most commercial loads on Guam's roadways. Specific design load for each project can be obtained via inquiry through GovGuam DPW.

4. What standards or guidance were used to determine the new max load capacity for these utility hardening projects?

DAR roads are designed in accordance with federal Department of Transportation standards.

5. How many additional employees does DPW need to effectively regulate all current and upcoming DAR projects?

DAR projects are administered by the Guam Department of Public Works, who hire program management staff to oversee these projects. In general, the 2015 SIAS indicates a 0.8 FTE increase in key professional staff at maximum with a steady-state staffing of 0.1 FTE for other development associated with the Marine Corps Relocation.

6. How were these estimates calculated?

Estimates in the 2015 SIAS were estimated based on agency responses and interviews conducted for that study. The program management costs are included in funding granted by the Department of Transportation and is estimated based on a percentage of total project cost.

7. How long will you need the additional increases in personnel?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where activity is highest. However, the answer to the specific question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

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8. What plan will there be to phase these temporary employees in and out of government service?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

Public Health

1. How are the inspections of workers housing conducted?

As part of the Federal Acquisition Regulation clause “Permits and Responsibilities,” federal contractors are responsible for complying with applicable local law or regulation and paying fees associated with regulatory oversight. However, the specific answer on how inspections of workers housing is conducted falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

2. Can you provide an overview of the inspection and permitting process?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

3. There are concerns expressed by some renters that the need for workers housing is being met by stretching the legal limits of residential or non-workforce housing. For example, allegations have been made that companies lease multiple 2-bedroom apartments to house 4 or 5 non-immigrant workers at a time, rather than develop or utilize regulated Temporary Workforce Housing. How is DEH handling these concerns?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

4. How many formal complaints of this nature has DPHSS received and/or investigated in the last five years?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

5. Are the estimates of needed FTEs for the division inclusive of these investigative activities?

An additional 38 FTEs at peak year and increase of 7 FTEs at steady-state were identified as general staffing impacts to Guam Public Health and Social Services (GPHSS) from population growth under the 2015 Final SIAS. The permitting branch of the Guam Division of Environmental Health (DEH) under the GPHSS, which reviews occupancy and sanitary permits,

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would have a staffing impact of an additional 0.8 FTE at peak year and increase of 0.5 FTE in the steady state.

Port Authority

1. How would the use of a temporary employment agency to address staffing needs related to the buildup work?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

2. What procurement/contractual processes will be used to legally and formally sustain this relationship?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

3. How much (estimated percentage or dollar figure) would be saved by utilizing a temporary employment agency instead of using existing authority to hire temporary/part-time/seasonal workers or to seek the re-employment of retired workers who are allowed to maintain their annuities?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

4. How many additional employees does PAG need to effectively handle the increased throughput associated with the buildup?

The PAG did not provide any specific staffing needs during the SEIS comment period or SIAS interviews. Concerns were primarily tied to infrastructure improvements and operational efficiency. Separate requirements (e.g. cargo/biosecurity inspection) under Guam Customs and Quarantine were analyzed for potential shortfalls.

5. How were these estimates calculated?

The PAG did not provide any specific staffing needs during the SEIS comment period or SIAS interviews. Therefore, no estimates were calculated. Concerns were primarily tied to infrastructure improvements and operational efficiency. Separate requirements (e.g. cargo/biosecurity inspection) under Guam Customs and Quarantine were analyzed for potential shortfalls.

6. How long will you need the additional increases in personnel?

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The PAG did not provide any specific staffing needs during the SEIS comment period or SIAS interviews

Land Management

1. How many Temporary Workers Housing Facilities are currently in existence?

Per the 2015 SIAS, only 1,800 Temporary Workforce Housing Units were planned at the time of study completion. The SIAS further states that the DoD would rely on construction contractors, who have expertise in the areas of workforce housing and logistics, to support temporary foreign worker housing requirements. While GovGuam and federal agencies would retain their authority to conduct inspections and enforce laws, DoD contract provisions would require aspects of quality control and oversight and contractors with proven track records. Well thought-out plans related to workforce housing, including quality of life requirements, would be given award preference. However, the specific answer to how many are currently in existence falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

2. How many are operating and occupied?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

3. How many are vacant or non-operational?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

4. What goes into the permitting process to establish an M1 zoned property? Can you provide an overview of the process?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

5. Are there differences between the process to establish an M1 zone and rezoning a property to M1? If so, what are they?

Properties currently zoned M1 Light Industrial Zone are approved for all activities stated in §61309 of Title 21, Chapter 61, Guam Code Annotated without prior approval of the GLUC. To establish a new M1 zone would require an alteration to the existing Land Use Master Plan being implemented by GovGuam. To formally rezone a single parcel to an M1 zoning classification would require a Municipal Planning Council review for the affected area, review

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by the ARC members, and approval by the GLUC. All rezoning classifications can also be conducted through the Guam Legislature via passage of specific legislation.

6. What is the estimated cost for the needed increase in FTEs?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

7. How long will you need them?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where activity is highest. However, the answer to the specific question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

8. How were these estimates calculated?

Estimates in the 2015 SIAS were estimated based on agency responses and interviews conducted for that study.

9. How long will you need the additional increases in personnel?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

10. What plan will there be to phase these temporary employees in and out of government service?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

Department of Parks and Recreation (State Historical Preservation Officer)

1. What is the plan to recruit specialized personnel needed for buildup-related activities at the SHPO?

The Navy developed qualifications for a third-party liaison to meet requirements of the 2011 PA in coordination with Guam SHPO and in consideration of Secretary of Interior Standards. Qualifications include education in archaeology, experience with Section 106 process under National Historic Preservation Act, ability to utilize GIS and liaising skills to properly coordinate sensitive work with discretion. A candidate vetted by Colorado State University has been

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affirmed by the Guam SHPO and JRM, with expected start sometime 1st Quarter of Calendar Year 2020.

2. Are there any third party certifications needed for these positions? If so, what are they?

Third-party certifications are not required beyond the education and experience required by professional qualifications.

3. How viable or workable would procuring the services of a private archaeology firm be to satisfy the needs to adequately regulate, investigate, and otherwise comply with historic preservation laws?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

4. On the inadvertent discoveries of artifacts, remains, or other historically and culturally significant items, how many have been allowed to be removed from the site?

In accordance with the 2011 PA, all inadvertent discoveries during construction that would be unavoidably impacted will require archaeological analysis to validate the anticipated preservation of information through data recovery. As of 13 January 2020, seven areas have been fully recovered.

5. How many have been preserved in place?

There are hundreds of known sites that were avoided during planning for the Marine Corps Relocation which remain untouched today. To illustrate, please consider sites preserved in place in the vicinity of Northwest Field: The survey of the indirectly impacted areas (the Surface Danger Zones) of Live Fire Training Range Complex (LFTRC), which includes the machine gun range and the four smaller ranges, 79 archaeological sites were discovered. Of that number, 60 were determined to be eligible for listing in the National Register of Historic Places. None of these sites will be disturbed by construction. 35 sites were discovered in the construction footprint. Of these, 20 were considered to be eligible. Of those 20, 14 were data recovered and removed for archiving; six were avoided by relocating a range road. Of the 114 sites (80 eligible), only 14 of the eligible sites were subject to preservation through data recovery.

6. Where are the items that have been removed being stored?

While under an archaeological services contract, any removed artifacts are required by the contract to be appropriately stored with climate control and other regulatory preservation systems. When the artifacts are transferred to DoD, they are stored in the Marine Corps Activity Guam (MCAG) interim storage area until the new Guam curation facility is constructed.

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7. What are the climate control and other preservation systems in place at this space?

The MCAG storage space complies with climate control to ensure the proper storage temperature and humidity for archaeological collections. The custody and archiving records are managed by MCAG archaeological staff. The MCAG interim storage space also complies with physical security and accountability, pest control, proper archival storage and other regulatory provisions for research and education.

8. What is the status of constructing the cultural repository meant to properly house these historically and culturally significant items?

The Guam Cultural Repository has broken ground at the University of Guam campus and is projected to be completed around 2021. The Guam Buildup Office at the Office of the Governor has oversight of the project.

9. What is the estimated cost for the needed increase in FTEs? How long will you need them? How were these estimates calculated?

The increased FTE for SHPO is 0.6 FTE at max year and 0.1 FTE at steady state. Joint Region Marinas is providing at least 0.5 FTE support via a third-party liaison (via Colorado State University) to the Guam SHPO per the 2011 PA. Discussions are ongoing to increase liaison support in the interim to 1 FTE as authorized under the 2011 PA. Estimates in the 2015 SIAS were estimated based on agency responses and interviews conducted for that study.

10. How long will you need them?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where activity is highest. However, the answer to the specific question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

11. How were these estimates calculated?

Estimates in the 2015 SIAS were estimated based on agency responses and interviews conducted for that study.

12. How long will you need the additional increases in personnel?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where activity is highest. However, the answer to the specific

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question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

13. What plan will there be to phase these temporary employees in and out of government service?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

Department of Agriculture

1. What permits need to be issued by DoAg for military-buildup related projects/activities?

There are no specific permits issued by the Guam Department of Agriculture (GDA) that relate directly to construction projects within areas of military jurisdiction. Indirect or induced projects that occur within GovGuam jurisdiction undergo the building permit review process (with GDA as a reviewer) and associated fees are paid by third parties providing services to the federal government. The inspection of cargo indirectly related to the buildup is conducted by the Biosecurity Division of the Department of Agriculture. This activity is funded via fees paid based on shipping weight.

2. Can you provide an overview of the permitting process for each relevant permit required?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

3. What's the plan to recruit specialized personnel? Are there any third party certifications needed for these positions? If so, what are they?

The Department of Agriculture establishes their own position requirements to meet biosecurity and building permit mandates under Guam law.

4. Are there third party certifications needed for these positions? If so, what are they?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

5. What is the estimated cost for the needed increase in FTEs?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

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6. How long will you need them?

There are two time periods where increases in personnel are relevant. The greater shortfall is during the construction phase, where activity is highest. However, the answer to the specific question on how long are the additional increases in personnel needed falls within the purview of the GovGuam and it is not appropriate for the DOD to comment.

7. How were these estimates calculated?

Estimates in the 2015 SIAS were estimated based on agency responses and interviews conducted for that study.

8. What plan will there be to phase these temporary employees in and out of government service?

This answer falls within the purview of the Government of Guam and it is not appropriate for the DOD to comment.

Joint Region Marianas, Naval Facilities Engineering Command Marianas & Marine Corps Activity Guam

1. When the Navy invokes its "Good Neighbor" policy to describe how it will proceed with the Guam Buildup, what does that entail? Are there formal standards, benchmarks, commitments, or other guiding language that defines what the Navy means by it will be a "good neighbor?" If so, what are they?

JRM's commitment to being a "good neighbor" is formalized under the Guam Four Pillars policy. The pillars that continue to guide our engagement include One Guam, Green Guam, and Net Negative. The fourth pillar, 24/7 Access to Pagat Trail and Cave, has been met by the Navy's selection of the Northwest Field siting alternative for the Live Fire Training Range Complex.

The One Guam initiative is the DoD commitment to improve the quality of life for the people of Guam and the military who will call Guam home. The One Guam initiative can be measured by the number of successful mutually-agreeable endeavors that the DOD and GovGuam have partnered on, including funding for civilian infrastructure and regular forums for engagement such as the Civilian-Military Coordination Council.

The Green Guam initiative is a DoD commitment to develop the most energy efficient infrastructure possible and to support Guam's development of sustainable and renewable energy projects. The Green Guam initiative is measured by increased energy efficiency of JRM

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installations and agreements with local agencies/utilities on renewable energy and other green projects.

Net Negative is the commitment to have a smaller DoD footprint on Guam after the relocation of Marines, than its 2011 footprint. The Net Negative strategy is measured by the acres of land returned to GovGuam, which as of a 2017 report to Congress, the Navy anticipated returning more than 600 acres by the completion of the buildup.

2. Would the Navy be willing to formally or informally connect its Summer Intern Development program with the Legislature's Public Policy Institute?

NAVFAC Marianas (NFM) runs the summer intern program referenced in this question. NFM is very open to discussing means of improving or expanding the internship program. The point of contact for this program is the NFM Business Director, Dr. Sam Roundtree (Samuel.Roundtree@fe.navy.mil) and Total Force Development, Ms. Therese Hocog (Salomae.Hocog@fe.navy.mil).

3. Has or will the Navy or other appropriate military command/office be formally committing to the stated mission of hiring local residents for the estimated 800 civilian DOD employees needed in relation to the transfer of and sustained operations for the Marines to Guam?

The Marine Corps is committed to hiring highly qualified applicants to meet its needs and welcomes anyone interested in applying to visit USAJOBS.gov for available positions.

4. What data will be shared in the anticipated MOU between the Navy and GWA?

The types of data to be shared include but is not limited to:

- (a) Water and wastewater infrastructure (GIS data and associated attribute data)
- (b) Property and any appropriate real estate maps (Easement data)
- (c) Hydraulic data including elevation, flow, pressure and modeling, etc.
- (d) Remote sensing data
- (e) Water quality data
- (f) Equipment and performance data
- (g) Other data as deemed appropriate by both parties

Both parties would agree to maintain the integrity, validity and confidentiality of the data, maintain the security of the data provided by each party, signed Confidentiality and Nondisclosure Agreement (NDA) and abide by the conditions outlined in the other party's NDA, and ensure that third parties that require the use of the requested data also sign and agree to abide by the corresponding Confidentiality and Nondisclosure Agreement.

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5. What considerations/factors are weighed when the Navy advocates for "data recovery" and "preserve in place" in response to inadvertent discoveries of historically and culturally significant items or sites?

Preservation in place is always the first preference, but considerations and factors are weighed to ensure the most appropriate preservation action is conducted. Prior to selecting a site for construction, an analysis assesses for the presence of historic properties and artifacts. The assessment determines if extraordinary or critically unique artifacts are present and provides an understanding of anticipated mitigations, design modifications to prevent or reduce impacts, and level of archaeological services that will be needed for monitoring, analysis and data recovery. The assessment includes the probability for having inadvertent findings during construction monitoring. The analysis for the future Camp Blaz Marine Corps Base and Live Fire Training Range Complex (LFTRC) sites reported no extraordinary or critically unique artifacts were known to be present or likely to be discovered during construction monitoring. Therefore, data recovery became the expected preservation type of action for anticipated artifact scatters and other sites for only places that could not be avoided by construction. The data recovery process was included in the Programmatic Agreement which required an archaeological analysis of each finding to determine if the nature of the finding was extraordinary or critically unique before completing data recovery preservation. If the analysis determined an extraordinary or critically unique finding, change to design or other means for preservation in place is weighed against the values of data recovery and mission impact. This deliberation is conducted with SHPO consultation each time there is a finding. In the meantime, construction at the finding site, including a buffer area, is paused. Although data recovery for unavoidable impacts resulting from construction do occur, every opportunity for preservation is always considered. For example, in reviewing the LFTRC design with the Guam SHPO, Marine Corps Activity Guam (MCAG) recognized an opportunity to avoid and preserve in place several sites previously scheduled for data recovery. An area along the eastern edge of the Known Distance Rifle Range included a range road. By relocating the road, several archaeological sites could be avoided. This opportunity was presented to SHPO, who incorporated the suggested change in their review comments. The design change was made, preserving six sites in place.

Note that areas with high density of intact latte sets, like the extraordinary and critically unique sites at Naval Magazine, would have been largely avoided during planning. Based on analysis and monitoring results to date, such extraordinary sites are not expected in the construction areas.

6. What specifically does the Navy mean when it reports it has "preserved the overwhelming majority of cultural sites in and around our proposed development footprints?"

Since there are hundreds of cultural sites in proximity to future Camp Blaz and the Live Fire Training Range Complex (LFTRC), let us consider the sites preserved in place in the vicinity of Northwest Field: The survey of the indirectly impacted areas (the Surface Danger Zones) of LFTRC, which includes the machine gun range and the four smaller ranges, 79 archaeological sites were discovered. Of that number, 60 were determined to be eligible for listing in the

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NRHP. None of these sites will be disturbed by construction. 35 sites were discovered in the construction footprint. Of these, 20 were considered to be eligible. Of those 20, 14 were data recovered and removed; 6 were avoided by relocating a range road. Of the 114 sites (80 eligible), only 14 of the eligible sites were directly impacted and subject to preservation through data recovery.

When considering sites discovered during construction (inadvertent discoveries), with most of the clearing and grading for the four smaller ranges completed, there have been six (6) areas of potential cultural sites, some of which are extensions of previously discovered sites. Although it cannot be determined with certainty, the ratio of inadvertent discoveries to previously recorded sites suggests that there could be several additional sites in the SDZ.

This analysis demonstrates that, even without addition of these sites, the majority of sites, both eligible and non-eligible, have been preserved in place at the Live Fire Training Range Complex.

Regarding the J-001B project footprint (future site of Camp Blaz), previous post-War civilian and military disturbances evident in a series of aerial photographs, had probably removed or disturbed sites at the plateau; however, there is a concentration of important sites along the coastal area of Finegayan. Sites on the coast and slopes adjacent to J-001B are protected within the Haputo Ecological Preserve and the J-001B project will provide additional protection to these important sites by constructing an ungulate fence, which will also limit unauthorized access to the coastal area and provide additional protection to sites located there.

Note also that preliminary surveys of the LFTRC did not allow subsurface testing, as these surveys were conducted prior to a decision on where to place ranges, so surveys had to be done without disturbing vegetation. Removal of vegetation and ease of access during construction gives archaeological monitors additional visibility of the ground surface that would not necessarily be possible during preliminary surveys.

6a. Does the "preserve" label include data recovery actions, or is it used solely for artifacts/sites/remains that were preserved in place?

Data recovery preserves information even if the site must be disturbed or completely removed; preservation in place usually refers to avoidance of sites; however, in some cases, limited data recovery can collect information and the remainder of a site can be preserved in place. This is not always possible when sites must be unavoidably affected by construction activity (as allowed by National Historic Preservation Act law and regulations).

6b. What is the total number of cultural sites identified in this statement, and how many have been preserved?

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Please see response above. Note that the total numbers are subject to change as archaeological investigations in progress are completed.

7. Which identified sites have been identified to benefit from "additional opportunities to preserve sites within our projected footprints?" What are the referenced opportunities? What specific preservation actions/commitments are now on the table for these sites?

In reviewing the LFTRC design with the Guam SHPO, Marine Corps Activity Guam (MCAG) recognized an opportunity to avoid and preserve in place several sites previously scheduled for data recovery. An area along the eastern edge of the Known Distance Rifle Range included a range road. By relocating the road, several archaeological sites could be avoided. This opportunity was presented to SHPO, who incorporated the suggested change in their review comments. The design change was made, preserving six sites in place. These sites are described in the response above.

As demonstrated previously, the majority of sites have been preserved in place. For the sites that would experience direct impacts from construction, the specific preservation actions/commitments process included an engineering feasibility and archaeological analysis for consideration of preservation in place, modifying construction design, reduction of impacts or data recovery. The Programmatic Agreement analysis based on understanding of historic properties surveys and expectations of what would be found in the areas, anticipated numerous findings would not be extraordinary or critically unique and therefore promoted data recovery as the expected action to ensure cultural information was preserved through careful excavation by professional archaeologists. Actions prior to the data recovery and preservation include monitoring prior and during construction, pausing construction around (including a buffer area) a possible historic site, and conducting an archaeological analysis and consulting with the SHPO for each finding per the Programmatic Agreement. Although data recovery is the anticipated preservation action for areas that surveys indicate should not have extraordinary or critically unique sites, archaeological analysis is required to validate that data recovery will be appropriate. Underlying the above stated assessment process to preserve in the best way possible is the National Historic Preservation Act and regulations authority for data recovery when impact to a historic site cannot be avoided. All data recovery information has become valuable for understanding and recording cultural information for future generations' study. This information has been, and continues to be presented in technical reports and educational booklets (military funded) that inform people about life on the plateau during pre-contact and historic times.

In addition, the Marine Corps is in discussions with Guam Preservation Trust and SHPO to conceptualize an indoor and outdoor interpretive display of archaeological material recovered by archaeological investigations conducted within the future Camp Blaz footprint. The concept includes educational displays that will be accessible to the public and are also expected to contain examples of trees and plants that are culturally-important. Identification of possible funding source(s) is ongoing for this concept.

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8. When the Navy states, "We will continue to protect Guam's historical record" to describe how it will proceed with the Guam Buildup, what does that entail? Are there formal standards, benchmarks, commitments, or other guiding language that defines what the Navy means by it will "protect Guam's historical record?" If so, what are they?

The process for the management and protection of historic properties affected by the Marine Corps Relocation is specified by the 2011 Programmatic Agreement (PA). The PA addresses both direct and indirect impacts and includes cumulative impacts related to Navy projects. The Navy successfully advocated for Congressional authorization of \$12M for the Guam Cultural Repository. This is not only for military collections, but for all Guam collections. The PA provides opportunities for people to visit historic sites on military controlled lands. Navy provides opportunities for traditional practitioners, including wood workers and herbal healers, to collect material from construction areas. For traditional healers, access to other locations can be provided for collecting of medicinal plants.

When an archaeological site is found within a construction area, the preferred treatment is to leave it in place. If this is not possible, actions to minimize adverse effects are considered. If avoidance or minimization of adverse effects is not possible, then data recovery is conducted (as per the 2011 PA and allowed by NHPA law and regulations).

Results of the archaeological investigation are provided to the public in booklets in Chamorro and English (military funded). Hard copies are distributed to schools and interested individuals. Digital copies are stored on the Navy's Cultural Resource Information website, where they can be read and downloaded.

This is only part of Navy's commitment to protect sites and provide information to the public. We take our stewardship of Guam's cultural (and natural) resources seriously. We follow laws and regulations related to historic properties. We consult with SHPO on any action that has potential to impact historic properties. Marine Corps relocation contractors are given cultural resource awareness training. Substantial resources are allocated to comply with historic preservation laws. The Navy conducts Section 110 surveys to identify historic properties in our area of responsibility and we consult with SHPO on our actions, with opportunities for other agencies and the public to participate in the consultations.

Efforts to educate our personnel on CHamoru culture, preservation of sites in place during planning and design, protection of resources from vandalism through physical security, and collection and dissemination of information about sites through public information booklets is why so many important historic properties, including intact remnants of ancient CHamoru latte villages, remain protected on lands managed by Joint Region Marianas (JRM).

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Full compliance with the 2011 PA is protective of Guam's historical record. A joint review of compliance is performed during the Annual Workshop meetings with the Guam SHPO and other PA parties.

9. What is the status of transferring ownership of military or federally controlled properties that would be required to fulfill the "Net Negative" promise in the 2011 Four Pillars?

As reported to Congress in 2017, the Navy is on track to be at least approx. 600 acres Net Negative once Marine Corps Base Camp Blaz is complete. Currently there are 10 parcels of property, or approximately 125 acres of property in some stage of final disposition. Of these 10 parcels all of them have pending environmental actions, seven have pending SHPO actions and three have pending actions to be completed by General Services Administration (GSA). All of the parcels require funding to be allocated to complete the environmental actions. Current status can be viewed on the JRM public web site at <https://www.cnmc.navy.mil/regions/jrm/om/marine-corps-base-buildup-information.html> at the bottom of the page, listed under Net Negative.

Questions received from Senator Clynton E. Ridgell

1. Does Guam project that the additional revenue brought in by the buildup will be able to offset for additional manpower, maintenance and other costs that GovGuam will have to cover from the buildup?

The total projected GovGuam tax revenue from the Marine Corps Relocation is approx. \$86M/year at peak construction and \$40M/year at steady-state. Other GovGuam services required for the construction and operation of Camp Blaz are offset by fees and other utility payments by the DoD and its contractors. Hundreds of millions in civilian infrastructure upgrades for cultural repository construction, water, wastewater, roadway and port improvements are made possible by the Marine Corps Relocation.

2. The presentation discussed that there would be 24/7 unimpeded access to Pagat Village and Pagat Cave historical sites? Is this the only historic site that would have unimpeded access?

The Navy agreed to provide unimpeded access to Pagat when the Route 15 alternative for the LFTRC was the preferred alternative. Route 15 is no longer considered for the LFTRC due to overwhelming public input to better utilize NWF and avoid impacts to the race track.

There are many sites on lands under military jurisdiction that continue to be publicly accessible as they are outside installation fences. These sites include access to areas such as Mount LamLam, Mt. Jumullong Manglo, Fonte Dam, the KAL crash site, and to at least seven submerged dive sites. For sites within fenced areas of military installations, escorted access to historic sites on military land is available through the JRM Public Access Plan Coordinator.

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These sites are described in the JRM Public Access Plan that can be found at this link:
https://www.cnic.navy.mil/regions/jrm/om/Public_Access_Plan.html

3. *The military's energy plan is to introduce almost 40 MW of solar and 100% battery capacity storage. Is this planned to be rooftop solar or solar farms, and would this be outside of GPA's grid?*

The new solar system will be ground-mounted. The solar fields will be constructed on Navy property that will be leased to GPA. The system will be part of the GPA's grid.

4. *In the MITT Supplemental Environmental Impact Statement, there was concern about the impact of sonar on our aquatic life, especially the endangered species. What is being done in terms of preventing aquatic life injury due to military operations and use of sonar, which may see an increase from the buildup?*

Those are two different EISs, and there's no "nexus" between them. The 2015 MITT EIS/OEIS/ROD was specifically written for the purpose of identifying and mitigating the impacts of training activities (including underwater noise) to marine mammals, in support of the 5-year Letter of Authorization (LOA) we received from the National Marine Fisheries Service (NMFS). The 2019 SEIS/OEIS has likewise been specifically developed in support of our re-application to NMFS for a new 7-year Letter of Authorization. The LOA's document all of the mitigations necessary to avoid adverse effects to marine mammals, whether they are protected by the Endangered Species Act (ESA) and/or the Marine Mammal Protection Act (MMPA).

DoD activities addressed in the 2010 Guam Build-up Environmental Impact Statement, and the subsequent 2015 Roadmap Adjustment (2012) Supplemental Environmental Impact Statement (SEIS), will not have underwater noise issues, and therefore are not addressed in either of those documents.

5. *How will this increase of military presence and training impact access to local beaches and fishing spots?*

While the increase in military presence will be accompanied by an increase in training, there is no intent to close local beaches and fishing spots except as needed within military areas or areas with agreements to ensure public safety. These closures and the scheduled duration will be announced in advance to minimize inconvenience to the public whenever possible.

6. *The presentations discuss cooperation with SHPO; however, SHPO has expressed concerns and had conflicting findings with the military historians on what should be historically preserved. How are these conflicted findings resolved and what efforts are the military taking to listen to the native people about historically significant lands?*

There have been times that the Navy has disagreed with SHPO regarding adequacy of survey efforts, sufficiency of data recovery, and quality of reports. These concerns were addressed in a

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formal dispute that was resolved in July 2018 between Joint Region Marianas (JRM) and the Guam SHPO. The resolution included a request for additional archaeological monitors to inspect initial ground disturbances related to our construction activities.

Each comment from SHPO and actionable comments from the public are responded to and posted on the Navy's Cultural Resources Information website for transparency.

The Section 106 process is based on consultation. Federal agencies are required to consult with SHPO, based on the understanding that the SHPO maintains a collection of investigations and reports and has the most complete information about their area. Also, the SHPO is in a position to represent the people in historic preservation matters as mandated by Guam law. We consult on every action that has potential to impact historic properties. The National Historic Preservation Act that created the SHPO also provided a list of their responsibilities: consult with federal agencies, advise the federal agency, provide information to the federal agency, and assist the federal agency in its compliance with historic preservation requirements.

The Navy takes the SHPO's advice and community concerns very seriously. Actionable input is important in the process of consultation and proper consideration by the federal agency requires that the feedback is timely and specific to the project or activity under consultation. The decision document for the implementation of the Marine Corps Relocation under the National Environmental Policy Act is the 2015 Record of Decision. The Navy provides information about proposed projects for consultation with SHPO and the public. If we do not receive concurrence or there is a technical point of objection from the SHPO, we have additional consultations in an effort to reach agreement. If agreement cannot be reached, a signatory (such as the SHPO) may initiate a formal objection or dispute under the 2011 Programmatic Agreement (PA). This involves consultation among the signatories, including the Advisory Council on Historic Preservation or ACHP (oversees all SHPOs) for a period of up to 45 days in an effort to resolve the dispute. The Navy's preference is to resolve all disputes in a mutually-agreeable fashion, but there may be a point when the ACHP has to intervene to find a way forward. Fortunately, this has not occurred under the 2011 PA.

7. *Guam's cargo volumes are estimated to double at the peak of the buildup, is the infrastructure there to ensure that there is space and that the operating cranes can handle this increase in workload?*

The capacity and/or capability of the Commercial Port is an ongoing topic of discussion between GovGuam and Joint Region Marianas (JRM). \$50M was transferred from Department of Defense to Department of Transportation (DoT) for a \$50M DoT grant administered by DoT Maritime Administration (MARAD) awarded to the GovGuam to facilitate port modernization. JRM continues to work with GovGuam for advocacy of other improvements that is critical to the national defense mission.

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7a. Are new cranes going to be needed to fulfill this larger volume?

The Navy defers to the Port Authority of Guam on the current status of commercial port needs.

8. What are local agencies doing to mitigate the current housing crisis? A housing affordability study by Demographia labeled Guam housing as "severely unaffordable".

The DoD is implementing a housing program to fully meet the requirements of accompanied personnel on Guam. JRM will continue to engage with GovGuam to better understand and address any issues relating to housing affordability.

9. What is DOD going to do to mitigate the current housing crisis? DOD's own studies on the buildup warned against this. DOD's EIS studies show that this housing crisis could also result in an increase in homelessness and a rise in the cost of living without a rise in wages.

The 2015 Final Socioeconomic Impact Assessment Study (SIAS) concludes that no new housing units are required to meet the additional civilian housing demand that would be generated by the proposed action. No significant impact to housing affordability and increase to homelessness associated with the Marine Corps Relocation was indicated in the SIAS. The SIAS did conclude that there would be a benefit to the local economy and increase in civilian income and job opportunities as a result of construction and operation of the future Marine Corps Base Camp Blaz. The declining standard of living on Guam in place since calendar year 2000 is likely to be slowed down by increased economic activity.

Questions received from Senator Therese M. Terlaje

1. In the interest of transparency, please provide any documents or agreements regarding the Civil Military Coordinating Council, outside of the Record of Decision. Further, please provide minutes of past meetings of the Council, and notices of future meetings.

Joint Region Marianas (JRM) defers to the Office of the Governor to relay minutes and notices of future meetings to other Government of Guam stakeholders. However, enclosed is the CMCC Charter, April 2018 meeting minutes, August 2018 meeting minutes, November 2019 meeting minutes.

2. Our government agencies have researched and reported on the potential impacts of the military buildup on their operations. It is clear that in order for our agencies to continue to operate in the midst of the buildup, and in response to the added workload that the buildup brings, government of Guam must be supplemented with full time employees. The Guam Buildup Office has indicated that Governor is committed to ensuring that the federal government absorb

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the cost of the personnel needed to sustain government of Guam operations for the peak of the buildup.

2a. How will the funding be secured?

JRM is engaged with GovGuam through working groups in the CMCC to validate the potential shortfalls and to identify possible mitigation, including prioritization of work, identification of increased fees/tax revenue stemming from the buildup, temporary personnel assignments, advocacy for additional federal grants/assistance and consideration of construction pace and sequencing.

DoD prepared a 2015 Social-economic Impact Analysis Statement (SIAS) which used a manpower requirement algorithm* to estimate peak and later sustainment requirements for applicable GovGuam agencies. As DoD is not normally authorized or appropriate (conflict of interest) to provide GovGuam manpower funding, the SIAS described that the DoD would provide advocacy to assist GovGuam in its endeavor to provide adequate manpower. However, the CMCC formed a manpower working group to:

- (1) Validate the algorithm using current construction schedules,
- (2) Look at GovGuam's ability to fill vacancies and fund requirements and/or improve government processes to reduce manpower requirements,
- (3) Look at GovGuam ability to obtain federal assistance from agencies that have authority to fund GovGuam,
- (4) Forward the remaining unfunded requirements to the Navy along with the anticipated impacts to buildup construction pace to determine if the Navy can accept the delay or need to further advocate to appropriate federal agencies for funding, and
- (5) Attempt to obtain authorities and procedures for providing resources to GovGuam where needed and appropriate. This attempt would be first to look for existing authorities and then for authority from Congress.

*Algorithm: Example for Guam Environmental Protection Agency (GEPA).

The following variables and steps are taken to follow the SIAS algorithm using 2015 SIAS data:

- (1) Total number of permits processed by agency in a given year (GEPA in this case)
- (2) Total number of FTEs involved in processing permits (29 permits/FTE)
- (3) Total construction value associated with permits associated with the proposed action (e.g. military construction contracts)

To calculate updated values that could be influenced by a change to military construction value:

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(4) Multiply % change of forecasted gross military construction value with # of permits required associated with the realignment.

(5) Based on change to # of permits required, divide by 29 permits/FTE

(6) New value is # of FTE required based on updated project forecast

2b. What is the plan if funding is not received, if federal priorities change?

If funding from GovGuam, federal and DoD are insufficient for the manpower required to support the buildup construction pace, then the pace will likely be delayed. Other means to alleviate workload would be considered if funding is not identified.

2c. Will funding be continuous as needs change, as buildup progresses?

The manpower algorithm looks at both the peak requirement as well as the post construction requirement. Funding will not be continuous and will adapt as needs change. Due to sources of funding tied to construction, the construction-phase revenue is anticipated to peak during years with the most projects. The sources of revenue is anticipated to stabilize and reach steady-state levels once Camp Blaz is completed.

2d. How will we ensure that funding from federal government does not influence objectivity and affect missions of agencies?

Avoiding conflict of interest is a critical planning factor. This concern is paramount for regulatory agencies. DoD will not be authorized to fund positions that regulate DoD actions or influences objectivity. Missions of GovGuam agencies are not changed. Additional sources of revenue and/or funding from federal activities will not be any different than present sources of funding and is not anticipated to affect or influence objectivity of GovGuam operations.

Questions received from Senator William M. Castro

1. What is the military and/or federal government doing to ensure that locals are hired for these positions? Please provide a more aggressive plan at a higher percentage of locals being hired into these positions and a strategy to ensure it is met. For example, job training and recruiting programs funded in whole or in part by our federal partners, etc.

The 2015 SIAS concluded that there would be more civilian jobs on Guam both during construction and operation of MCB Camp Blaz. Using online and offline networks (USA Jobs and informal Guam email distribution), qualified local candidates should be well-informed of all job announcements made. Federal law requires that civil service employees are hired and retained based on merit and in compliance with personnel practices of the federal government.

Federal law requires that civil servants are hired and retained based on merit and in compliance with personnel practices of the federal government. JRM indirectly creates a talent

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pool for its future workforce by creating entry-level opportunities and career development for future civil servants through direct and indirect funding of projects via federal and local agencies, and contractors. Formal internships such as the Summer Hire program with the University of Guam provides students with experience of some tasks related to managing facilities and lands within installations. NAVFAC Marianas has been active in the establishment of the University of Guam Engineering School.

2. It is vital that the buildup benefits more than just commerce and infrastructure. These are great but I would like to see long-term economic benefits of investing in our finest resource - our people and the development of newer jobs and industries on the island. This should run parallel to the ongoing build-up. Would the military consider bringing jobs that may be filled in both the military and the private sector that are more closely related to technology such as cyber-security, cyber-terrorism, drone/unmanned vehicle operators? Please provide specific examples and how this may be weaved into future plans if they do not exist.

Cybersecurity is a fast-growing industry and JRM expects that mission growth in the Marianas will lead to new opportunities for qualified residents to apply for these high-tech jobs. This also presents an opportunity for partnering with institutions of higher learning to integrate cybersecurity and other high-tech field in their curriculum if it aligns with these technical positions needed on-island.

3. There are ample opportunities for the military to partner with GovGuam and private on-island entities to provide solutions, products and services not currently available. Would the military consider a joint technology initiative between GovGuam, federal partners and/or private sector developers for technology solutions that mitigate the effects of the build-up and/or provide a needed product or service to the community at-large? Please provide examples. (NOTE: The two examples I provided were a jointly funded 1) community policing and public notification mobile application that specific groups like fishers may utilize when the ranges are in use, and 2) a technology solution that allows for the application review committee process to be done online and by multiple partners. Both these solutions provide a vital service to all sectors of Guam.)

JRM would be interested in participating in both initiatives from both a range control and regulatory streamlining standpoint.

THESE ARE ALL THE QUESTIONS THAT HAS BEEN RECEIVED BY THE COMMITTEE ON THE GUAM BUILDUP.

Enclosures: 1. CMCC Charter
 2. April 2018 CMCC meeting minutes
 4. August 2018 CMCC meeting minutes
 5. November 2019 CMCC meeting minutes

[Final Version 9 (Signatures)]

Civil-Military Coordination Council Operating Charter
for the Guam Military Relocation Project

Among:

Co-Chairpersons (signatories)

Department of Defense (DoD)

- Commander, Joint Region Marianas – CJRM

Government of Guam (GovGuam)

- The Governor of Guam

Council Members (signatories)

Department of Defense (DoD)

- U.S. Marine Corps Activity - Guam – MCA-G

GovGuam Utilities/Infrastructure

- Consolidated Commission on Utilities
- Port Authority of Guam

Federal Agencies

- U.S. Department of Interior, Office of Insular Affairs – DoI (OIA)
- U.S. Department of Interior, National Park Service – DoI (NPS)
- U.S. Department of Commerce, National Oceanic and Atmospheric Administration/National Marine Fisheries Service – NOAA/NMFS
- U.S. Department of Interior, U.S. Fish and Wildlife Service, Ecological Services – USFWS ES
- U.S. Environmental Protection Agency – USEPA
- U.S. Department of Agriculture, Animal Plant Health Inspection Service – USDA APHIS
- U.S. Department of Transportation, Federal Highway Administration – DoT FHWA

Attachments:

- Appendix A: Supplemental Dispute Resolution Guidance

Enclosure (2)

I. Introduction

- a. To fulfill U.S. Government national security and alliance requirements in the Western Pacific region, DoD has proposed the development and construction of facilities and infrastructure on Guam and in the CNMI to support the Marines and their dependents relocating from Okinawa to Guam (hereinafter referred to as “Marine Relocation”).
- b. In the Guam and the CNMI Military Relocation Environmental Impact Statement (EIS) September 2010 Record of Decision (ROD), the Department of the Navy (DoN) described an Adaptive Program Management (APM) mitigation measure to revise construction tempo and adjust sequencing of construction activities to directly influence workforce population levels and indirectly influence induced population growth before significant environmental impacts¹ occur or infrastructure capabilities are exceeded. The September 2010 ROD also established the Civil-Military Coordination Council (CMCC) to implement the APM mitigation measure. See paragraph (d) below regarding the current DoN decision that APM is no longer a required mitigation measure.
- c. Subsequent to the September 2010 ROD, the DoD and the Government of Japan jointly announced on April 26, 2012, adjustments in the 2006 Realignment Roadmap Agreement to relocate U.S. Marine Corps forces from Okinawa, Japan to Guam (hereinafter referred to as “Roadmap Adjustments”). The Roadmap Adjustments reduce the number of military personnel and delayed the timing from the original realignment plan.
- d. To incorporate the significant Roadmap Adjustments to the proposed action, the DoD completed a Supplemental Environmental Impact Statement (SEIS) in August 2015 which analyzed the relocation effects of the construction and operation of a live-fire training range complex, main cantonment area and housing on Guam. The SEIS and subsequent August 2015 ROD concluded that APM was no longer required as a mitigation measure. The premise for APM was the avoidance and/or reduction of negative impacts to Guam’s resources, particularly to utility systems, associated with a substantial and short-term peak population increase during construction. Analysis in the SEIS indicated that such severe short-term peak impacts have been virtually eliminated due to the much slower pace of construction, reduced development footprint, and the substantially reduced and more gradual increase in population over the duration of construction and subsequent Marine Corps operations on Guam.
- e. The August 2015 SEIS and ROD acknowledged the benefits of the operation of the CMCC and retained the commitment of DoD to preserve the CMCC, its structure, roles and responsibilities as outlined in the 2010 ROD; fully participating in the CMCC; and considering its advice and recommendations in adjusting the pace and/or sequencing of military construction projects.

¹ The term “environmental impacts” is inclusive of sociocultural resource impacts.

- f. Section IX of the Charter provides a method to amend the Charter, if necessary. The DoD and other members continue to recognize the benefits associated with the continuance of the CMCC, and consider the CMCC to be integral to successful coordination among the Government of Guam, DoD and federal agencies associated with matters regarding the relocation of Marines to Guam. Thus, the CMCC will continue this collaboration and coordination to make recommendations to DoD or to local or federal agencies.

II. Purpose

- a. The primary purpose of this Charter is the creation of CMCC operating procedures which provide a process for the CMCC to make recommendations to DoD to revise current and future construction tempo, adjust sequencing of construction activities on Guam or other advice to directly influence workforce population levels, indirectly influence induced population growth or other recommendations to prevent or reduce significant environmental impacts, address sociocultural, socioeconomic, general/public services, public health and safety, environmental justice and protection of children issues; or before infrastructure capabilities are exceeded; and provide advice and recommendations to Government of Guam (GovGuam) or federal agencies regarding their actions associated with the Marine Relocation.
- b. The basic functions of the CMCC are to: (1) gather, share, and analyze data; (2) coordinate discussion among DoD, GovGuam, and federal agencies regarding any significant environmental, sociocultural, socioeconomic, general/public services, public health and safety, environmental justice and protection of children, or infrastructure resources impacts on Guam affected by the Marine Relocation effort (discussion includes evaluation of outcome satisfaction, and not just whether an identified alternative is/was feasible); (3) develop advice and recommendations to adjust current and future DoD construction tempo and sequencing of construction activities on Guam to directly influence workforce population levels and/or indirectly influence induced population growth or other recommendations as appropriate; and (4) develop advice and recommendation on actions undertaken by GovGuam or federal agencies associated with the Marine Relocation.
- c. This Charter fulfills the commitments made in the 2010 and 2015 RODs for establishing final operational procedures of a CMCC on Guam.
 1. The CMCC is a collaboration and coordination body that involves, as needed, establishing infrastructure system and environmental resource baseline conditions, estimating critical impact thresholds, monitoring system capacities and construction, tracking construction impact trends, and periodically reporting advice and recommendations to modify the Marine Relocation, public and private sector construction programs to avoid and/or reduce significant impacts as described in paragraphs IIa and IIb above.

2. The CMCC will be beneficial to all parties if there are any uncertainties and variables regarding the pace and/or sequencing of military construction, the levels of public and private development investment, and the potential associated impacts listed in paragraph IIa above on Guam.
3. Scope. The CMCC will address the direct, indirect, and cumulative construction impacts of the Marine Relocation (as described in paragraph IIa above), and will include public and private construction, as well as military construction². Public and private construction will take place during the same time as the Marine Relocation, will compete for the same resources, such as the port, drinking water and wastewater, and labor, and will also contribute to impacts to the environment, public health, utilities, and social services. That is why public and private construction plans are included as variables or factors in CMCC analyses and recommendations.
4. Although the CMCC has some flexibility, as law and policies permit, to determine what issues it may address, for areas of concern that the CMCC determines to not be within its function and scope, as described in paragraphs IIb and IIc.3 above, the CMCC shall defer the matter or recommendations to the appropriate government agency (or regulatory authority) for further coordination and discussion.
5. CMCC operation requires the coordinated efforts of multiple government agencies. This Charter lays out the membership, structure, roles, responsibilities, and operating procedures of the participating agencies in the CMCC.
6. The CMCC recognizes the importance of natural, manmade and political variability in contributing to environmental resilience, infrastructure and public service system capacity.

III. Civil-Military Coordination Council Membership and Structure

The membership and structure of the CMCC is outlined in this section. Consistent with the 2010 and 2015 RODs, the CMCC and its sub-elements shall be advisory only and each agency participating in the CMCC or its sub-elements shall retain its own decision making and regulatory authority.

a. Membership

The CMCC shall consist of the following number of government representatives from the listed agencies or entities. The CMCC may recommend, as necessary and appropriate, that the DoN appoint additional members to the CMCC.

DoD

² Such cumulative impacts are focused on the collective impacts of current and future actions.

- Commander, Joint Region Marianas – CJRM (1)
- U.S. Marine Corps Activities - Guam – MCA-G (1)

GovGuam

- Office of the Governor of Guam – appointed by the Governor, representing the Government of Guam (1)
- Guam Regulatory Agencies – Bureau of Statistics and Planning (1); Department of Labor (1); Department of Land Management (1); Department of Parks, Recreation and Historic Preservation (1); Department of Agriculture (1); Guam Environmental Protection Agency (1); and Department of Public Health and Social Services (1)
- Guam Utilities/Infrastructure
 - appointed by the Governor, representing the Department of Public Works (1);
 - appointed by the Consolidated Commission on Utilities, representing Guam Waterworks Authority and Guam Power Authority (1);
 - and the Port Authority of Guam (1)

Federal Agencies

- U.S. Department of Interior, Office of Insular Affairs – DoI (OIA) (1)
- U.S. Department of Interior, National Park Service – DoI (NPS) (1)
- U.S. Department of Commerce, National Oceanic and Atmospheric Administration/National Marine Fisheries Service – NOAA/NMFS (1)
- U.S. Department of Interior, U.S. Fish and Wildlife Service, Ecological Services – USFWS ES (1)
- U.S. Environmental Protection Agency – USEPA (1)
- U.S. Department of Agriculture, Animal Plant Health Inspection Service – USDA APHIS (1)
- U.S. Department of Transportation, Federal Highway Administration – DoT FHWA (1)

b. Structure

The CMCC structure shall be organized into four basic sub-elements with associated roles and responsibilities as follows:

- Co-Chairs
- Council
- Council Working Groups (CWGs), as needed
- Construction Council Working Group Analysts (Construction CWG Analysts)

1. Co-Chairs

The CMCC is co-chaired by:

- Commander, Joint Region Marianas (or designee)
- Governor of Guam (or designee)

2. Council

The Council is comprised of the members who are listed in Section IIIa, Membership, above.

3. Council Working Groups (CWGs)

CWG(s) will be established by the Council. The following CWGs are established or suggested and would address their respective key issue areas of concern:

- Construction (established)
- Utilities
- Cultural (established, distinct from any Guam cultural resources Programmatic Agreements)
- Natural Resources
- Transportation
- Housing
- Labor (established)

The CMCC may establish additional CWGs to address these and other areas of concern brought forward in the future regarding the Marine Relocation.

- a) The membership of a CWG shall be comprised of local and federal government agency representatives only as solely determined by the Council. CWG membership shall include representation by government agencies with appropriate expertise and/or regulatory authority and may include third party non-Council governmental entities with additional appropriate expertise. For further guidance, see Section VIII, General Provisions, paragraph VIIIj. The expectation is that not all working groups may be active throughout the Marine Relocation program and may be involved as needed. A CWG may be established and be active for a period and/or may be established so the CWG can identify/plan how and when it is necessary to engage on issues.
- b) Each CWG will have both a DoD and Government of Guam point of contact, and a federal point of contact, as appropriate. Each CWG will also have a Chair or Co-Chairs. CWG Chairs/Co-Chairs will be determined by the Council.

4. Construction CWG Analysts

The Construction CWG Analysts will be determined by DoD and the Government of Guam. They will include representatives from:

- NAVFAC Marianas
- Joint Region Marianas
- MCA-G
- Guam Department of Public Works
- Others, as needed

c. Roles and Responsibilities.

1. Co-Chairs

The primary responsibilities of the Co-Chairs are to provide leadership to the Council and to hold meetings as follows:

- a) Convene and facilitate Council meetings
- b) Approve and sign this charter and any subsequent modifications
- c) Oversee the implementation of this Charter
- d) Receive for consideration recommendations from the Council.
- e) If accepted by unanimous consent of the Co-Chairs, forward recommendation to the appropriate agency.

2. Council Members

The primary responsibility of the Council is to collaborate, coordinate and provide an integrated perspective, considering the significant direct, indirect, and cumulative construction-related impacts and military, public and private construction activity resulting from the Marine Relocation, and make recommendations to DoD, the Government of Guam and appropriate federal agencies with the goal of identifying measures to avoid and/or reduce potentially significant adverse impacts (as described in paragraph IIa) associated with construction activities resulting from the Marine Relocation before planned projects are initiated. Adjusting the pace and/or sequencing of all on-island construction are major considerations to be addressed by the Council. The Council will take into consideration recommendations from the CWGs, if any. The Council shall submit their recommendations to the Co-Chairs for consideration.

Council Members will:

- a) Establish CWGs in key issue areas of concern.
- b) Establish CWG Chair(s) and identify participating agencies. Ensure there is coordination between those groups by identifying potential impacts that affect more than one CWG.
- c) Provide an integrated, island-wide perspective on concerns and recommendations raised by the CWGs to ensure impacts are comprehensively addressed.

- d) Make formal recommendations to DoD, the Government of Guam, and/or appropriate federal agency, based on the recommendations of the CWGs (if established), regarding the pace and/or sequencing of construction, before that construction occurs to avoid and/or reduce potentially significant adverse impacts (as described in paragraph IIa). The recommendation process is further described in Section V.
- e) Address any monitoring needs elevated from the CWGs, per Section IV.
- f) Address any disputes elevated from the CWGs.
- g) Collaboratively schedule and conduct CWG workshop(s), as appropriate. Workshops are anticipated to be led primarily by DoD to facilitate Council and/or CWG function and effectiveness.
- h) Make recommendations to the Co-chairpersons for any CMCC Charter amendments.

3. Council Working Groups

The primary responsibility of the CWGs is to develop advice and recommendations on measures to avoid and/or reduce potentially significant adverse impacts (see paragraph IIa) associated with construction activities resulting from the Marine Relocation. The process for developing recommendations is outlined in Section V.

- a) Identify key indicators and data sets for potentially significant impacts associated with the construction phase of the Marine Relocation and induced population growth.
- b) Identify levels of potentially significant impacts, or “trigger” points. For more info on “trigger” points see paragraph IVd.
- c) Analyze trends and make predictions based on information from various sources, including the Construction Analyses Report (CAR) prepared by the Construction CWG Analysts. For more info on the CAR, see Section IIIc4.
- d) Share trends analyses with the Construction CWG Analysts on a regular basis.
- e) Develop recommendations on measures to avoid and/or reduce potentially significant adverse impacts associated with the construction phase of the Marine Relocation and induced population growth, before those impacts occur.
- f) Recommendations will include specific actions, responsible entities, and timeframes for action.

- g) CWGs will present to the Council on a periodic basis as determined by the Council, an update on progress within each CWG. CWG updates to the Council may be made in person or in writing to facilitate the ease of reporting. If presented in person, a written record of the update shall be submitted by the CWG for the record.

4. Construction CWG Analysts

The primary responsibility of the Construction CWG Analysts is to collect, analyze, and disseminate information on the anticipated impacts associated with the construction phase of the Marine Relocation, non-military construction, and induced population growth. These analyses will be presented to the Council and CWGs for review and evaluation with sufficient lead-time to provide recommendations. The Construction CWG Analysts will prepare a CAR which will be essential input to the CWG trend analyses that will determine whether construction impacts are approaching an unacceptable trigger point (for more info on trigger points see paragraph IVd). The process for analyzing this data is briefly outlined below.

- a) At each Council meeting, Construction CWG Analysts, the Government of Guam, and appropriate federal agencies will present a written account to the Council on the overall Marine Relocation, other DoD development activities on Guam, and all reasonably foreseeable public and private development to provide an understanding of the full scope of anticipated construction activity on Guam. Participants reviewing or receiving proprietary information shall refer to Section VIII General Provisions, paragraph VIIIc, for further guidance on safeguarding proprietary and other sensitive or confidential information.
- b) DoD and the Government of Guam will share their publicly available project “out-year” planning, even if this project planning is only projected and subject to change.
- c) Construction CWG Analysts will present to the Council and CWGs information and analysis, including the CAR, when requested by the Council or CWG. In order to maximize the efficiency of reviews and recommendations, projects will be grouped together based on the timing of solicitation and presented in sets (of projects) prior to the start of construction solicitation. In order to maximize efficiency of reviews and recommendations, Construction CWG Analysts will avoid providing project information more frequently than every 6 months unless, because of unforeseen circumstances, project start dates must be moved up and are projected to begin earlier than 6 months in the future.
- d) When information is available, Construction CWG Analysts are also encouraged to provide information and analysis for projects greater than 12 months in the future following the passage of any National Defense

Authorization Act (longer timelines for Council/CWG review of the out-year projects will be allowed in this case).

- e) Construction CWG Analysts, in collaboration with the CWGs, will continue to collect and update all available information on planned military, public, and private development, including population growth and anticipated potentially significant adverse impacts (see list of potential impacts listed in paragraph IIa). These updates will be contained in the CAR and are the primary mechanism relied upon by the Council and CWGs to evaluate the impacts of planned projects.
- f) Construction CWG Analysts will consider the results of other DoD performance-based mitigation measures in developing the CAR. These “other mitigation measures” are DoD’s ROD commitments, as well as DoD mitigation measures on other military projects outside the scope of the Guam and the CNMI Military Relocation EIS or SEIS.
- g) In an iterative process, Construction CWG Analysts will incorporate the trends analyses developed by CWGs into their CAR. Trends analyses are discussed under the “Council Working Groups” section above.
- h) Construction CWG Analysts will provide the CAR on a geographic basis as agreed upon by the Council.
- i) Construction CWG Analysts will identify the targeted construction start timeline for each development project.
- j) Construction CWG Analysts will assist in the development and execution of CMCC workshops, as appropriate.

IV. Monitoring and Data Collection

Council and CWG analyses are predicated on data collection and monitoring.

- a. The Council and/or CWGs will be responsible for identifying data sources necessary to monitor the condition of potential impacts (listed in paragraph IIa).
- b. To maximize efficiency, the Council, CWGs and Construction CWG Analysts will seek to utilize existing data sets collected through the process of established agency operations and interagency collaboration.
- c. If a CWG or Construction CWG Analyst identifies a crucial data gap, the CWG will raise that issue to the Council per the Basic Operating Parameters in Section VI of this Charter.

- d. Trigger points (referred to in paragraphs IIIc3(b) and IIIc4): The CMCC is not anticipated to expend significant effort on trigger points for most of the potential impacts listed in paragraph IIa with the virtual elimination of severe short-term impacts due to the much slower pace of construction, reduced Marine Corps footprint, and the substantially reduced and more gradual increase in population over the duration of construction and subsequent operation of the Marine Corps facilities on Guam (as described in paragraph Id). However, when the CMCC requires, data collection and monitoring will correlate to CMCC's established "triggers". Identified "trigger levels" are necessary conditions precedent to avoiding (versus responding to) significant impacts. Data collection requirements for specific technical, biological, environmental and other trigger point metrics will be developed by the Council, CWGs and/or Construction CWG Analysts. An evaluation of these metrics will help identify whether, and in what time frame, a proposed construction project(s) may result in a significant impact to the areas of concern listed in paragraph IIa. Trigger point metrics and their levels will be modified based on actual results and as information is gathered. The CWGs will evaluate the CAR and recommend to the Council whether the proposed construction should proceed as presented or whether specific proposed mitigation measures, including changing DoD or private construction tempo or sequence, should be implemented. For more info on "triggers" refer to paragraph VIb.2.

V. Recommendations (Refer to Figure 1)

Recommendations can be made regarding measures to avoid and/or reduce potentially significant adverse impacts (listed in paragraph IIa) resulting from or associated with the Marine Relocation. These recommendations may affect pace and/or sequencing of ongoing or future construction. Independent of matters affecting the pace and/or sequencing of military construction, recommendations may also address the coordination of public and private construction activities associated with the Marine Relocation effort.

a. Process for Making Recommendations

The process for making recommendations is shown on Figure 1, CMCC Recommendations and described below:

1. Recommendations are generated within individual CWGs or by the Council.
2. Any CWG recommendation must be advanced to the Council for consideration. Refer to Figure 1, CMCC Recommendations flowchart and Section VII, Dispute Resolution Procedures for more guidance.
3. If the Council determines to make the CWG recommendation to DoD, the Government of Guam, and/or the appropriate federal agency for consideration, the Council shall submit their recommendations to the Co-Chairs for consideration. If accepted by unanimous consent of the Co-Chairs, the recommendation shall be forwarded to the appropriate agency.

4. When an outcome of a CMCC recommendation affects infrastructure capacities, the CMCC may recommend prioritizing the use of that capacity by the provider for future construction activities through coordination amongst CMCC members.

b. Striving for Consensus

The Council and CWGs will strive for consensus when making recommendations. If irresolvable differences arise, the Council and/or individual CWG members will use the dispute resolution process outlined in Section VII. Consensus is defined in Section VIII, General Provisions.

c. Response to Council and CWG Recommendations

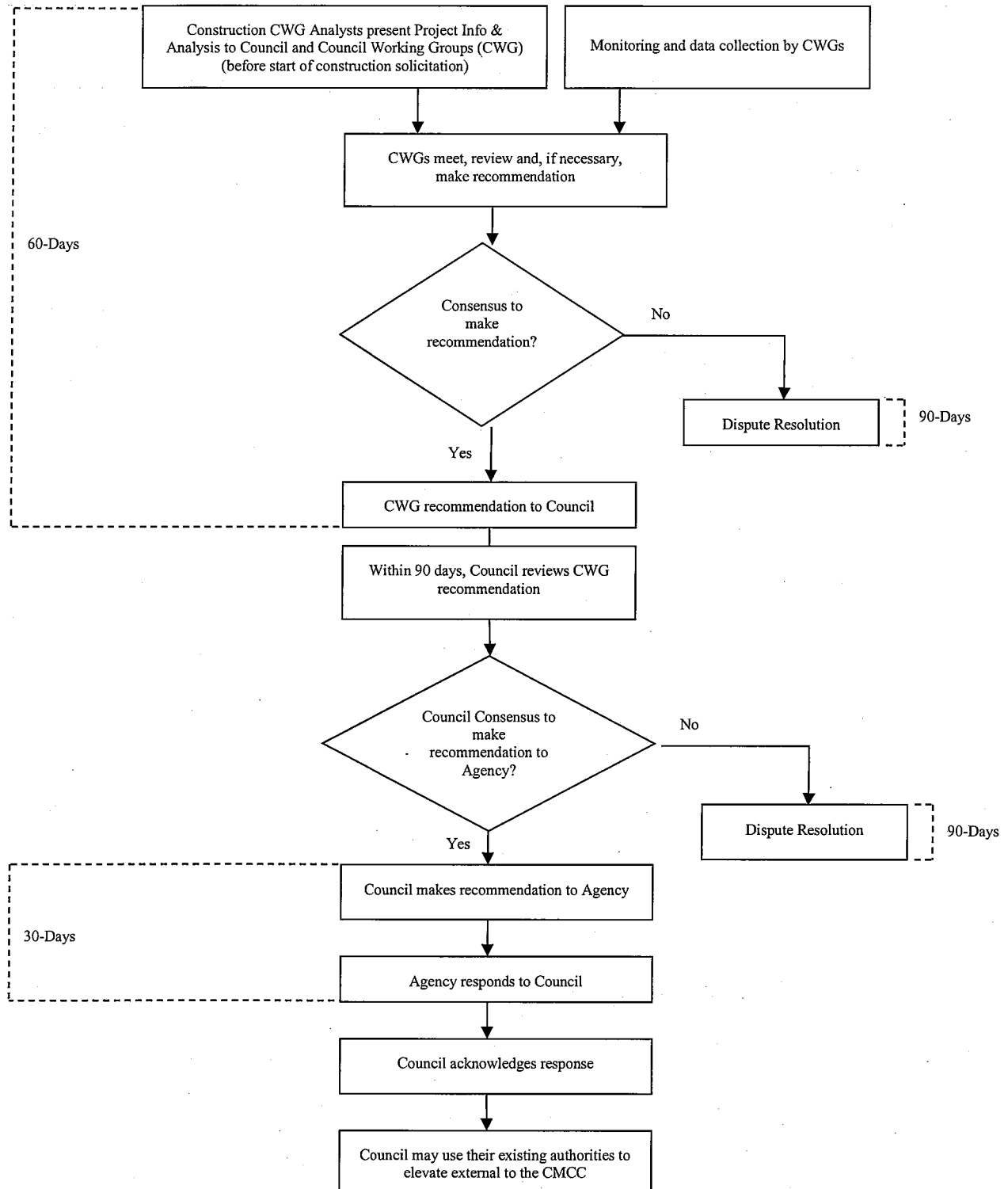
At the time a recommendation is proposed, the Council will request the appropriate authoritative agency to:

- Report back to the Council within 30 days of receiving a recommendation;
- Include in the reply whether or not the recommendation was accepted;
- If the recommendation was accepted, report on how the recommendation was or will be implemented;
- If the recommendation was not accepted, provide the reasons for not following the recommendation.

The Council members may use their existing authorities to elevate external to the CMCC and its process if the agency response was not accepted by the Council. If the agency response is accepted, the Council will follow up with the agency.

FIGURE 1: A flow chart of the CMCC structure and recommendation process is included below.

CMCC Recommendations



VI. Operating Parameters of the Council and CWGs

a. Basic Operating Parameters

1. The CMCC was established to facilitate interagency collaboration and coordination for the purpose and function described in paragraphs IIa and IIb, respectively.
2. The CMCC and the processes whereby it operates neither creates any new authorities, any new mechanism for regulatory enforcement, nor establishes limitations on the existing authorities of CMCC members.
3. Each member of the Council or CWGs shall retain its own decision-making and regulatory authority.
4. When a valid priority for funding exists (e.g., critical data or analyses requirement beyond the Council or CWG capability), the appropriate CMCC members or applicable CWG will first look for existing appropriate funding sources and authorities from agencies comprising the CWG. If none are available, the Council, which will review the requirement, and if valid as a priority will look for existing appropriate funding sources and authorities among the Council membership and/or other non-Council membership sources as appropriate. If none are available, the Council will recommend that the DoD or other agency, if more appropriate, incorporate the non-availability of any funding authorities into a justification for elevation through their respective channels, Office of Management and Budget or Congress where appropriate to try to obtain authorization and funding allocation.
5. Non-Council members may be invited to participate in Council meetings by agreement of the Co-Chairs. Discussions for making recommendations will be limited to Council members. CWG meeting results will be reported out at the Council meetings.

b. Six essential elements to CMCC operation:

1. Indicator Identification: What impacts are we trying to avoid?
 - a) Distinguish, where possible, between significant changes that might be attributable to military buildup construction and associated growth and conditions that existed previously or are unrelated to the buildup construction.
 - b) Provide adequate lead-time to implement changes to avoid and/or reduce significant environmental, utility, and social services impacts so that the buildup construction and associated public and private development can occur while avoiding significant impacts.
 - c) Focus on those portions of the existing infrastructure, environmental, and social networks that are currently under the greatest stress and quantify additional demand or impacts occurring due to the buildup construction.

2. Trigger Development and Implementation (below is amplifying info to paragraph IVd)

- a) The purpose of identifying triggers is to determine whether and when the risk of unacceptable impacts is forecast to occur, and to make recommendations on tempo, pacing, and/or project modifications to avoid and/or reduce those impacts. Triggers should target broad-based system assessment rather than day-to-day activities. Included below are the key trigger development considerations. These key considerations correspond to the 2010 FEIS and 2015 SEIS, which could serve as a resource for conceptualizing triggers. Developing triggers without linking back to the documented assessment of impacts and mitigation for a given resource may result in conflicting courses of action, duplication of effort, parallel efforts, or gaps in data collection and monitoring. Once each key consideration is accounted for, the next recommended step is to decide on preliminary triggers. The Council and/or CWGs may decide to use alternate approaches to develop triggers; however, a critical review should assess the appropriateness of the triggers. Notional examples of triggers are included in the FEIS, Volume 7, Chapter 2, page 59. The following key trigger considerations maybe helpful in developing a trigger proposal; additional references may also be useful.
- b) Triggers should be developed to respond to a variety of changes in island services and conditions with respect to the list of concerns in paragraph IIa. Importantly, one or a series of overarching triggers should be used to assess the speed and geographic focus of construction. The Construction CWG Analysts may facilitate the collection and availability of overarching development and population data for trigger points.
- c) Review and consider the 2010 FEIS and 2015 SEIS resource description and data sets, which are located in the first section of each resource chapter, including cumulative effects in Volume 7, Chapters 3 and 4. This review could support the preliminary identification of triggers and supporting data.
- d) Review and consider the 2010 FEIS Environmental Consequences and “Determination of Significance”. This review could support the identification of target thresholds, both qualitative and quantitative.
- e) Review and consider the 2010 FEIS/ROD summary findings for “Construction” impacts by region and/or installation, including cumulative effects. This step will identify, in most cases, impacts unique to construction activities. Focus should be on significant impacts (SI) and significant impacts mitigable to less than significant (SI-M).
- f) Review and consider the Final NAVFAC Pacific “Mitigation Monitoring and Tracking Plan for the Guam and CNMI Military Relocation Program, June 2011”, as amended.

3. Data Collection and Monitoring (refer to section IV for more info)

Baseline condition of the assessed resource is important to be understood and documented. Establishing the baseline condition will enable the identification of impacts or trends, both positive and negative, resulting from the buildup. The baseline conditions for all overarching triggers need to be established as soon as possible to accurately characterize the pre-program condition. Valuable baseline information about resources is available in the 2010 FEIS and 2015 SEIS under the “Affected Environment” section of each resource chapter and associated appendices.

4. Identifying Response Actions

Identify response actions that must be implemented when particular trigger thresholds are to be exceeded. These recommendations may include:

- a) Adjust the tempo, timing (often called pace) and/or sequencing of construction already underway or planned,
- b) Implement other actions, as appropriate, that align with the CMCC purpose stated in paragraphs IIa and IIb. For example, these may include infrastructure improvements, adjustments in construction management processes, or providing advice and recommendations to GovGuam or federal agencies regarding their actions associated with the Marine Relocation.

5. Identifying Responsible Parties

- a) Identify responsible party(ies) responsible for taking action.
- b) Responsible parties can be an individual federal or local agency or a group of agencies. “Responsible parties” identified by the CMCC is not synonymous with “Action Proponent” under the National Environmental Policy Act (NEPA). Responsible parties may or may not be associated with an agency’s financial commitment to implement triggers beyond agency participation or to fund broader CMCC activities. The CMCC should consider identifying responsible parties based on appropriateness and may consider factors such as capacity to provide technical expertise, agency mandate, existing programs, fiduciary responsibilities/liability and other similar considerations.

6. Making Appropriate Recommendations (see section V)

c. One Guam, Green Guam³

Deliberations and recommendations made by the CMCC (Co-Chairs, Council Members, CWGs, and Construction CWG Analysts) will be made in consideration of and with the intent to support DoD’s “One Guam” and “Green Guam” initiatives, which are designed to reduce and/or offset adverse impacts of the buildup on Guam’s community, culture, and environment.

³ “One Guam, Green Guam” describes DOD’s approach to the Guam military buildup as detailed in Under Secretary of the Navy Robert O. Work’s letter of Feb 7, 2011 to Gov. Eddie B. Calvo.

e. Timing and Frequency of Meetings

1. If CWGs are activated, CWGs shall meet as necessary to successfully track trends and develop recommendations to present to the Council. The Council shall strive to meet on a quarterly basis or as necessary. The Council and CWGs shall be prepared to meet on short notice to address critical, time-sensitive recommendations.
2. While in-person meetings are always preferable, Council and CWGs will make maximum use of best available communication technology, e.g., email, conference calls and video teleconferencing, as appropriate, to maximize effective agency participation and outcomes, and minimize agency costs. Meetings will be scheduled (day, time, location) to accommodate the broadest number of necessary participants.

f. Administrative Matters

Commander, Joint Region Marianas (CJRM), with the assistance of MCA-G or others as needed, shall be responsible for administrative matters associated with operation of the CMCC, including, but not limited to, maintaining accurate listings of relevant Council and CWG representatives, taking, maintaining, and distributing Council meeting notes, maintaining CMCC records, sending CMCC notifications and meeting venue logistics. CWG Chair(s) shall be responsible for taking and distributing CWG meeting notes, submitting such meeting minute notes to the CJRM or a designated DoD representative for CMCC records, and their meeting venue logistics.

VII. Dispute Resolution Procedures

Members shall strive to resolve disagreements or disputes through consensus at the lowest level possible and elevate only if resolution cannot be obtained.

- a. Disputes may arise at several levels within the Council and CWGs:
 1. Within a CWG
 2. Between CWGs
 3. Within the Council
- b. The following time limits are established for each level of dispute resolution:
 1. Local Level/CWGs – 30 calendar days
 2. Council level – 30 calendar days
 3. Co-Chairs level – 30 calendar days
 4. External elevation, as necessary
- c. The time limits begin upon written notice articulating the dispute issue to the partner entity at the appropriate personnel level.

- d. Efforts to resolve disagreements or disputes shall not affect underlying agency jurisdiction or regulatory authority. Nothing in this dispute resolution procedure precludes any other traditional or nontraditional approaches to dispute resolution. However, implementing the Council/CWG dispute resolution procedure is intended to resolve issues quickly, and to maintain constructive working relationships. The specific dispute resolution tools are intended to be expeditious, practical, respectful, and accessible.
- e. Agencies deciding to elevate areas of disagreement through external elevation should notify the Co-Chairs of their intent to do so, so that all agencies have the opportunity to brief the issue to their higher level Command/Agency.
- f. For more guidance on the dispute resolution process, refer to Appendix A Supplemental Dispute Resolution Guidance.

VIII. General Provisions

- a. **Governing Document.** In the event of a conflict between the Charter and Appendix (or future Appendices thereto), the terms of the Charter prevail.
- b. This Charter is not intended to, and does not affect any legal authority of any of the participating agencies. Agency participation in this process is to provide recommendations to the Council. Participation does not imply approval of any or all actions otherwise subject to regulation. Accordingly, participating agencies reserve all legal rights and authorities, including those related to inspection, enforcement and permitting that may arise.
- c. Documents, data, maps, and other information provided pursuant to this Charter may be pre-decisional (intra-agency or inter-agency memoranda or letters), proprietary (including confidential business information), privileged, protected, or otherwise prohibited from disclosure pursuant to applicable law. Proprietary information is information from government agencies or businesses that is identified as confidential through processes established in regulations specific to each entity. A Signatory Agency will clearly identify in writing any of the aforementioned categories of documents at the time of their disclosure and if any such information is disclosed orally it will be clearly memorialized in writing within a reasonable time from when it was disclosed, and it will be protected according to applicable regulations. Signatory Agencies will not disclose, copy, reproduce or otherwise make available in any form whatsoever to any other person, firm, corporation, partnership, association or other entity information designated as proprietary or confidential without explicit consent of the Signatory Agency who produced the document, except as such information may be subject to disclosure under the Freedom of Information Act (5 U.S.C. 552), or as otherwise authorized by law. If authorized for disclosure, the disclosing party is encouraged to notify other CMCC members as a courtesy. CMCC and CWG participants will be asked to sign and comply with non-disclosure forms for access to such data and discussions.

- d. As required by the Antideficiency Act, 31 U.S.C. Sections 1341 and 1342, all commitments made by Federal agencies in this Charter are subject to the availability of appropriated funds. Nothing in this Charter, in and of itself, obligates Federal agencies to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with agency budget priorities.
- e. The obligations under this Charter from the Government of Guam or its political subdivision are subject to the availability of appropriated funds. No liability shall accrue to the Government of Guam or its political subdivision for failure to perform any obligation under this Charter in the event that funds are not appropriated.
- f. This Charter does not confer or create any right or benefit, substantive or procedural, enforceable by law or equity, by a party against the United States, its agencies, its officers, or any person.
- g. The CMCC does not have independent governmental authority nor does it perform governmental functions, consistent with the provisions of 31 U.S.C. 1346(a).
- h. CMCC function and actions will not supersede regulatory roles and agreements between DoD, Federal regulatory agencies and the Government of Guam.
- i. The CMCC is comprised of full-time or permanent part-time local and federal government agency employees and therefore does not constitute an advisory committee for purposes of the Federal Advisory Committee Act (FACA). Upon request of the CMCC, representatives of non-government entities with special expertise may present technical information only, but shall not provide advice or make recommendations to the CMCC. The CMCC has sole responsibility for developing advice and recommendations.
- j. Nothing herein shall be interpreted to require any CMCC member to take any action, advisory or otherwise, that may conflict with the rules, regulations, or procedures of that member's own agency or organization.
- k. If any part, section, or clause herein is found to be in contravention of any statute applicable to the respective parties of this Charter, the invalidity of such part, section, or clause shall have no effect on the remainder of this Charter.
- l. Definition of Consensus: A procedure that relies upon an open-minded search for the best possible solution that all can endorse (albeit with different levels of enthusiasm). The appropriateness of consensus as a way of making decisions stems from the deep-seated conviction that persons should come to decisions in a spirit of unity. As such, this method is more than a procedure; it is an expression of a fundamental attitude. (Wellings, D. (2012). Decision making in the workplace. Cedar Grove, NC: Don Wells Consulting)

IX. Charter Review

The Charter will be reviewed annually, or as required, by the Council, and any changes will be approved by the Co-chairs who strive to achieve consensus of the Charter signatories.

X. CMCC Evaluation

CMCC's implementation effectiveness and the subsequent need for any CMCC operating improvements will be reviewed by the Council, at a minimum, annually and approved by consensus of the signatory parties to the Charter.

XI. Termination

The Council and/or CWGs shall cease to function:

- a. Upon completion of final projects associated with Marine Relocation effort as defined in the Guam and the CNMI Military Relocation EIS and SEIS; or
- b. Upon consensus of the Charter signatory parties; or
- c. 11 years upon signing of the Charter.

Signed:


Co-Chairpersons:

Joint Region Marianas


Shoshana S. Chatfield, RDML, USN
Commander, Joint Region Marianas

Date 4/12/18


Government of Guam


Eddie Baza Calvo
Governor of Guam

Date 4/13/18

Signatory Members:

U.S. Marine Corps Activity – Guam

 12 Apr 18
Brent W. Bien, Colonel Date
Officer-in-Charge

Department of Interior, Office of Insular Affairs

[Supports CMCC without signature]

Nikolao Pula Date
Director

National Park Service


 6/13/18
Stan Austin Date
Regional Director, Pacific West Region

U.S. Fish and Wildlife Service, Ecological Services

[Supports CMCC without signature]

Mary Abrams Date
Field Supervisor

U.S. Environmental Protection Agency, Region 9

 8. May 2018
Alexis Strauss Date
Administrator
Acting Regional Administrator

National Marine Fisheries Service

[Supports CMCC without signature]

Michael D. Tosatto Date
Regional Administrator, Pacific Islands Regional Office

U.S. Department of Agriculture, Animal Plant Health
Inspection Service, Wildlife Services

 12 Apr 2018


Rob Gosnell Date
State Director

U.S. Department of Transportation, Federal Highway
Administration

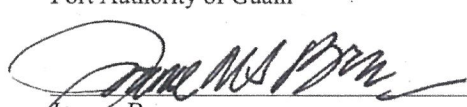
[Supports CMCC without signature]

Ralph Rizzo Date
Hawaii Division Administrator

Consolidated Commission on Utilities


Joseph T. Duenas Date
Chairman

Port Authority of Guam

 4/12/18
Joanne Brown Date
General Manager

Federal Agencies' signatures were provided separately and overlaid into this signature page for consolidation convenience. DoI, USFWS, FHWA and NMFS indicated CMCC support without requirement for Charter signature.

APPENDIX A

SUPPLEMENTAL DISPUTE RESOLUTION GUIDANCE

I. Identification of agency representative

In order to streamline the dispute resolution process, members of the Council or CWG should identify the appropriate representative who will speak for their agency/organization.

II. Timing of Elevation (refer to the Dispute Resolution Flow Chart at the end of this appendix)

Within 30 days upon receiving notice to initiate dispute resolution, the receiving agency(ies) involved will:

- a. Notify and schedule the representatives who will resolve the dispute and the staff who will brief them;
- b. Coordinate, develop, and distribute an internal CMCC Dispute Resolution briefing paper.

III. Briefing Paper

- a. A cooperatively prepared briefing paper is a key component of dispute resolution and its elevation. The briefing paper should be sent by the entity initiating dispute resolution to the other involved parties along with a draft agenda. The briefing paper should offer salient information precisely framing the issues requiring resolution.
- b. The briefing paper:
 1. Encourages neutral presentation of issues, rather than polarizing;
 2. Maximizes the likelihood of resolution of at least some of the issues as staff prepare for the elevation;
 3. Ensures that the problem statement is robust, clear, and focused; and
 4. Fosters improved communication.
- c. The briefing paper should be short and will need to be developed quickly—in 21 calendar days, in most cases, from the date of original notice. The preferred format for the briefing paper is presented below.
 1. The affected parties' interests, reasoning, issues, and alternatives will be addressed in the briefing paper. An agency shall be identified to take the lead for crafting the briefing paper. A representative from each agency responsible for the development of the briefing paper (a point of contact) should also be identified at this time.

2. Changes to the first draft of the briefing paper shall be incorporated using the “Track Changes” feature in Microsoft Word. A single set of changes will be sent by each agency’s point of contact. The lead agency may either accept the changes, or notate them in a comment box, with this document becoming the second draft. The lead agency shall then distribute the second draft to the contributors, incorporating the requested changes prior to sending a final document to the elevation decision-makers. There may be other iterations as needed, and as the schedule allows.
3. Informal telephone conversations and electronic mail should occur at all stages in support of the development of the briefing paper.
4. The specific timing for reviews, changes, and incorporation of changes may be modified by mutual agreement.

d. Content:

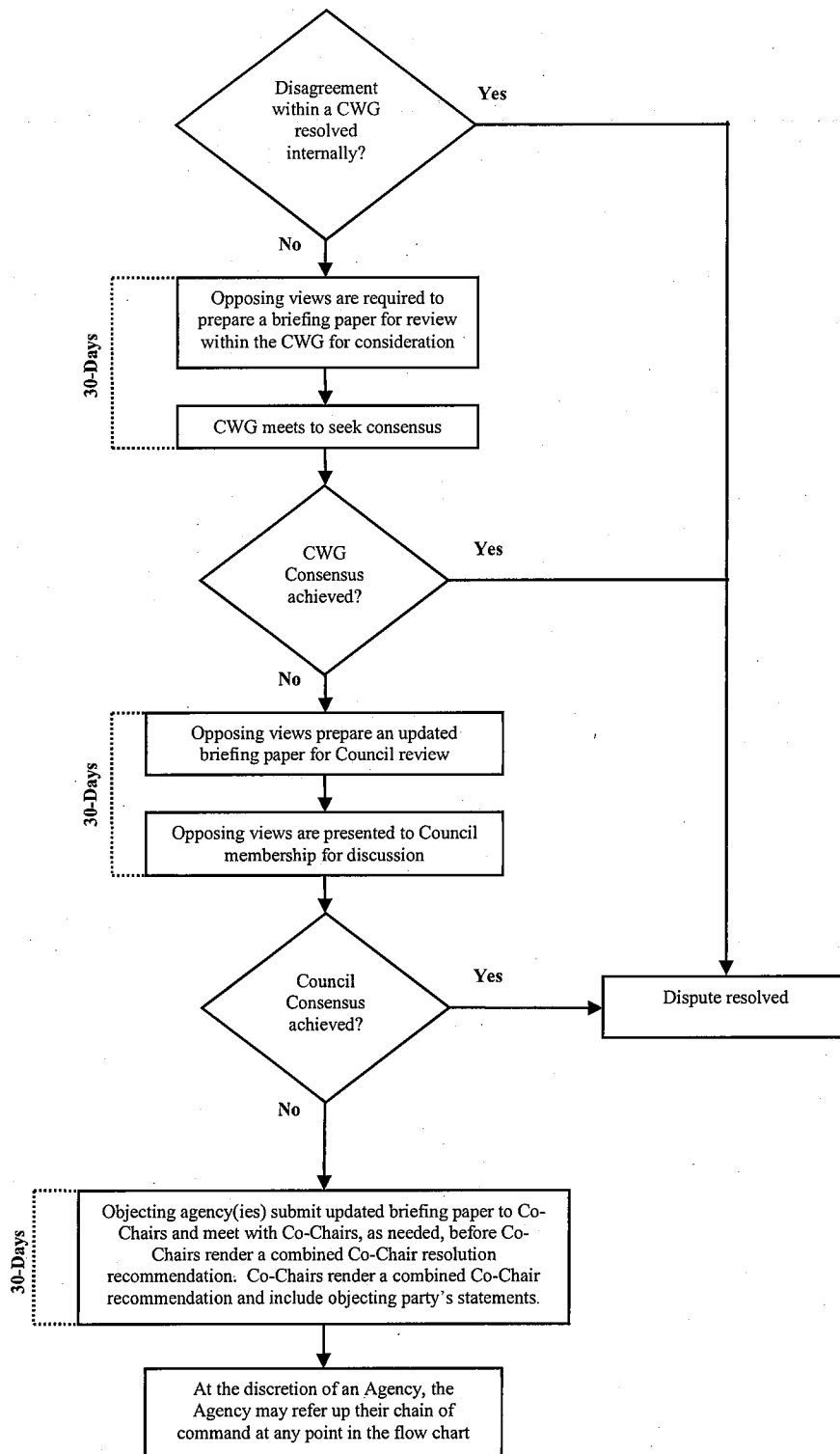
1. Executive Issues:
 - a) Provide focused, concise summary statement of the most important issue(s) by the entity initiating dispute resolution, answering the following questions:
 - 1) What are the issues that require resolution?
 - 2) Who are the stakeholders? What are their positions?
2. Background: (Not required if clarification of the main topic is unnecessary)
 - a) Include background amplifying data and information
 - b) Address only specific need to know information
 - c) Incorporate historical data that directly applies to the issue
3. Discussion:
 - a) Provide description of the significant issues
 - 1) Clearly state objectives and desired outcomes surrounding the issue
 - 2) Include hard data and facts
 - 3) Address all viewpoints (including opposition) and identify pros and cons for each option/alternative considered: “tell the rest of the story”
 - b) Include statement of assumptions and an assessment of risks pertaining to the issue
4. Recommendation:
 - a) Conclude point paper with a specific recommended course of action and alternatives
 - b) State whether there are stakeholders with dissenting opinions
5. Next Steps:
 - a) Resolution—If consensus is achieved, the final resolution shall be summarized.
 - b) Describe issues still requiring resolution (if any)
 - c) Update briefing paper, as needed, prior to elevating for further discussion

Notes to guide Dispute Resolution Briefing Papers:

- Keep the point paper to two pages or less, preferably a single page.

- Include the name and contact information of the paper's source.
- Date the paper
- Use Track Changes for all revisions upon receipt of the first draft through final.
- Limit major bullets to three lines or less.
- Limit the number of sub-bullets to two per major bullet.
- Limit sub-bullets to three lines or less.

Dispute Resolution Flow Chart



Civil Military Coordination Council (CMCC)
Governor Ricardo J. Bordallo Complex, Adelup
Governor's Conference Room
12 APR 2018 / 1100 – 1200

ATTENDEES

Government of Guam:	Ms. Barbara Alberti – National Park Service
Governor Eddie Baza Calvo	Ms. Jacqueline Flores – U.S. Fish and Wildlife Service
Mr. Robert Crisostomo, Build-up Coordinator	Mr. Michael Mann – U.S. EPA
Mr. Joey Duenas – Chairman, CCU	Ms. Valerie Brown – NOAA, U.S. National Marine Fisheries Service
Mr. Mike Borja – Director, Dept. of Land Management	Mr. Jeffrey Flores – USDA Wildlife Services
Mr. Carl Dominguez – Director, Bureau of Statistics and Plans	Ms. Katie Schuber – USDA Wildlife Services
Dr. Sam Mabini – Director, Guam Dept. of Labor	
Mr. Greg Massey, ALPCD-GDOL	Military:
Mr. Glen Leon Guerrero – Director, Dept. of Public Works	RDML Shoshana Chatfield, Commander, Joint Region Marianas (JRM)
Ms. Joanne Brown – General Manager, Port Authority of Guam	CAPT Jeffrey Grimes, Chief of Staff, JRM
Ms. Joyce Sayama – Guam Power Authority	Col Brent Bien, OIC, Marine Corps Activity Guam (MCAG), CMCC Secretariat
Mr. Graham Botha – Guam Power Authority	CAPT CAPT Dan Turner, P.E., Commanding Officer, Officer in Charge of Construction Marine Corps Marianas
Mr. Walter Leon Guerrero – Guam EPA	Mr. Roy Tsutsui, JRM CMCC Facilitator
Mr. Bill Reyes – Dept. of Parks and Recreation	Mr. Randy Sablan, JRM
Mr. Thomas Cruz – Guam Waterworks Authority	Mr. Harry Elliot – Environmental Counsel, JRM
Ms. Carol Perez – MIGI GC Executive Assistant, Military Buildup Office	Mr. Al Borja – Environmental Director, MCAG PWD
Federal Agencies:	Mr. Uriah Perez, MCAG
Mr. Brad Stubbs – NOAA, U.S. National Marine Fisheries Service	Ms. Jean Chabanne, MCAG
Ms. Krystina Alfano – U.S. Dol Insular Affairs	

TOPICS

Agenda

- Co-Chair Opening Remarks
- Review and approval of minutes of 3rd CMCC.
- Signing of V9 (Final) of the CMCC Operating Charter
- Working Group Reports
- Action Item Updates
- Co-Chair Closing Remarks

Enclosure (3)

Civil Military Coordination Council (CMCC)
Governor Ricardo J. Bordallo Complex, Adelup
Governor's Conference Room
12 APR 2018 / 1100 – 1200

Minutes

The Honorable Governor of Guam Eddie Baza Calvo and Rear Admiral Shoshana Chatfield, Commander, Joint Region Marianas (JRM) as Co-Chairs convened the fourth meeting of the CMCC with Guam agencies, federal agency partners, Marine Corps Activity Guam, and Officer in Charge of Construction Marine Corps Marianas.

Brief introductions and opening statements by Co-Chairs and MCAG CMCC Secretariat were followed by the signing of the CMCC Charter and updates from the Labor and Permits working groups.

Key discussion Points:

Opening Remarks

- RDML Chatfield expressed the importance of the signing of the CMCC Charter to guide discussion on pace and sequence of Marine Corps Relocation construction projects.
- RDML Chatfield acknowledged the CMCC as a unique forum allowing for open and transparent dialogue for identifying triggers and potential pitfalls before they arise.
- Governor Calvo recognized changes in the scope of the buildup, the continued issues with alien labor and his optimism regarding the loosening of restrictions on H-2B visas after the passing of NDAA legislation as well as a recent court case allowance.
- Governor Calvo also provided status of his certification of 1,500 H-2B visa applications of which 333 were approved by USCIS.
- Col Bien expressed appreciation for the establishment of the council and the ability to work closely with local and federal partners.

Charter Signing

- Signing of the Charter was completed by all local and military membership with the understanding that federal partners will provide signatures via email at a later date.

Working Group Updates

- Labor Working Group update was provided by Dr. Sam Mabini and Mr. Greg Massey. They described how the ALPCD developed a flow chart for labor processing specific to those projects related to military construction adding that, testing the new format and process will be underway shortly.
 - Also discussed were the three current pathways to securing H-2B visas as 1,541 positions had been filed, 333 positions approved and 3,667 slots remain as per language in the NDAA. ALPCD-GDOL identified a potential labor shortfall within the department associated with an anticipated workload ramp-up because of an increase in the numbers of filings. Additionally, a future labor working group discussion will need to take place as the prevailing wage rate is set to change.
- Permit Working Group update was provided by Mr. Walter Leon Guerrero. He described how a process flow chart and data are currently under review and awaiting GEPA additions.

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The working group also anticipated a potential staffing shortfall at GEPA as permitting requests increase.

- Cultural Resources Working Group (Guam State Historic Preservation Officer and JRM/MCAG historic preservation managers) will meet to determine any “triggers” or issues that may affect Marine relocation construction projects. This working group discussion is separate from the Programmatic Agreement conflict resolution process.

Closing Remarks

- RDML Chatfield acknowledged the longstanding relationships between the military and the people of Guam, committing to open lines of communication.
- Governor Calvo recognized the increase in the number of upcoming projects and looks forward to working on the issues together.

Action Items:

1. All previous action items completed.
2. NEW ACTION #1: Schedule and coordinate next CMCC meeting between the months of July and August 2018. Roy Tsutsui and Robert Crisostomo will identify working dates and distribute invites.
3. NEW ACTION #2: Labor working group will present a H-2B Visa processing status and a report on any CMCC triggers caused by the new prevailing wages changes at next CMCC meeting.
4. NEW ACTION #3: Cultural Resources working group will report status at next CMCC meeting.

Adjournment: The meeting adjourned at 1155.

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15 AUG 2018 / 1430– 1630

ATTENDEES

Government of Guam:

Governor Eddie Baza Calvo
Mr. Robert Crisostomo, Build-up Coordinator
Mr. Mike Borja – Director, Dept. of Land Management
Mr. Carl Dominguez – Director, Bureau of Statistics and Plans
Dr. Sam Mabini – Director, Guam Dept. of Labor
Mr. Greg Massey, ALPCD-GDOL
Mr. Glen Leon Guerrero – Director, Dept. of Public Works
Mr. Walter Leon Guerrero – Guam EPA
Mr. Bill Reyes – Dept. of Parks and Recreation
Mr. Thomas Cruz – Guam Waterworks Authority
Ms. Carol Perez – MIGI GC Executive Assistant, Military Buildup Office
Ms. Cassandra Santos, Program Coordinator, Guam Military BuildUp Office

Federal Agencies:

Ms. Krystina Alfano – U.S. DoI Insular Affairs
Ms. Barbara Alberti – National Park Service

Ms. Jacqueline Flores – U.S. Fish and Wildlife Service
Ms. Valerie Brown – NOAA, U.S. National Marine Fisheries Service
Mr. Brad Stubbs – NOAA, U.S. National Marine Fisheries Service
Ms. Katie Schuber – USDA Wildlife Services

Military:

RDML Shoshana Chatfield, Commander, Joint Region Marianas (JRM)
CAPT Hans Sholley, Chief of Staff, JRM
Col Brent Bien, OIC, Marine Corps Activity Guam (MCAG), CMCC Secretariat
CAPT Joseph Greeson, P.E., Commanding Officer, Officer in Charge of Construction Marine Corps Marianas
Mr. Roy Tsutsui, JRM CMCC Facilitator
Mr. Joseph Duenas – Legal Counsel, JRM
Mr. Al Borja – Environmental Director, MCAG PWD
SSgt Krystal Roberts, MCAG
Ms. Jean Chabanne, MCAG

TOPICS

Agenda

- **Co-Chair Opening Remarks**
- **Review and approval of minutes of 4th CMCC.**
- **Working Group Reports**
- **Action Item Updates**
- **Co-Chair Closing Remarks**

Minutes

The Honorable Governor of Guam Eddie Baza Calvo and Rear Admiral Shoshana Chatfield, Commander, Joint Region Marianas (JRM) as Co-Chairs convened the fifth meeting of the CMCC with Guam agencies, federal agency partners, Marine Corps Activity Guam, and Officer in Charge of Construction Marine Corps Marianas.

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Opening Remarks

- RDML Chatfield noted this was the 5th CMCC meeting, and that maintaining a regular dialog through these meetings has been valuable to JRM.
- RDML Chatfield would like the CMCC to continue its collaboration drum beat on any matters that may affect military construction pace or sequence.
- Governor Calvo referenced his efforts to overcome challenges and road blocks and highlighted accomplishments.
- Governor Calvo also informed the CMCC that he will travel to DC mid to late September. He will visit with Region 9 Representative and Congress. He asked if there were anything he could bring to their attention on behalf of the Guam community.

Charter Signing

- Update – NPS provided a copy of their CMCC Operating Charter signature which made the total signatures received eight. The remaining federal agencies that were requested to sign have indicated support for the CMCC without need to sign the Operating Charter. The federal agencies that did not sign had recently indicated that the reduced scope of the military relocation to Guam and the significantly extended construction schedule have transitioned their interest from being a CMCC Operating Charter signatory and full member to being in support of the CMCC, as needed. Therefore, the CMCC Operating Charter is considered fully signed and approved for implementation. The Operating Charter is considered dynamic and will be reviewed at least annually for any changes.

Presentations

- CAPT Joseph Greeson (Officer in Charge (OIC), Officer In Charge of Construction (OICC)) provided an overview of the projected military relocation construction projects.
 - \$60 M worth of projects have been awarded. The projected project investments are anticipated to triple next year. Continuing OICC careful analysis will identify and address any issues. Currently, there are no significant issues foreseen. Joint meetings with OICC will continue to discuss any questions or potential concerns.
 - **QUESTION:** Governor asked why there was significant delay to the hangars construction. "Is the construction behind due to shortage in construction personnel?"
 - **ANSWER:** Although these Air Forces hangars were not part of the Marine Corps relocation requirement, they were delayed mostly to accommodate clearance from the Munitions of Explosive Concern (MEC) program.
- **Labor Working Group** update was provided by Dr. Sam Mabini and Mr. Greg Massey, Guam Department of Labor (DoL)
 - Key points:
 - DOL is seeking CMCC endorsement of H.R. 6480, pending legal review.
 - Gov Calvo required a Government of Guam legal review/opinion of the H.R. 6480 and if legal concurs with the recommendation for a CMCC

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- endorsement. The review should include any H.R. 6480 association with the Programmatic Agreement and the Navy's 4 Pillars commitment to Guam.
- Update: Legal review was not able to be completed by end of Calvo Administration. With departure of Congresswoman Bordallo, the Bill dies unless re-introduced by Guam's new Washington Delegate in Congress.
 - DoL personnel augmentation: DoL reports they will reach a processing break point when H-2B population reaches 1,500 workers and will require personnel augmentation to meet the foreign labor demand for military relocation construction. DoL's brief indicated the need for 9 FTE staff at an approximate cost of \$326,000; however, any assistance would help mitigate shortage. Seed funding from a federal source is recommended, then the DoL program self-funds from registration fees thereafter.
 - The Labor Working Group is coordinating improvement to the military base access process for mandatory DoL enforcement inspections, which include no-notice inspections.
 - Update: Access for ALPCD inspectors has been successfully worked out and is in place.
 - The Labor Working Group is also coordinating improvement to expedite the DoL-JRM process for completion of DoD Statements pertaining to the H2B visa application process.
- **Permit Working Group** update was provided by Mr. Walter Leon Guerrero, Guam Environmental Protection Agency (GEPA)
 - Informed the CMCC of the current difficulty GEPA has in hiring skilled workers for professional positions, e.g., Engineer II or PE. A root cause is the insufficient pay scale.
 - Discussed rehiring retired workers.
 - Governor and legislative support may be required.
 - Current GEPA permit issuing pace is within threshold. However, projection with tripling construction projects certainly will cause a manpower issue or a backlog of permit applications.
 - Permit Working Group recommends GEPA submit their labor augmentation plan to the governor with detailed explanation of exhausted federal and local resourcing options and recommendation(s) for additional labor funding sources. Upon review of the plan, a possible outcome could include the Governor's office coordinating a CMCC recommendation for DoD to consider solutions for addressing GEPA's permit program manpower shortage during DoD's peak construction period.

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- **Cultural Resources Working Group** update was provided by Mr. Roy Tsutsui, JRM.
 - The previously reported issue between the Guam State Historic Preservation Officer and the military was resolved through the Programmatic Agreement's Conflict Resolution protocol. This resulted in a JRM signed letter capturing the parties' mutually agreed compromise.

Closing Remarks

- RDML Chatfield expressed gratitude to the CMCC members and working groups for their collaboration and effort to communicate and move projects forward together.
- Governor Calvo remarked that coordination of organizations was observed to be very productive and together we have gone through many road blocks by working collaboratively.

Action Items:

1. All previous action items were completed.
2. **NEW ACTION #1:** Schedule and coordinate next CMCC meeting early December. Roy Tsutsui and Robert Crisostomo will identify working dates and distribute invites.
 - Update: Due to scheduling conflicts, the CMCC was not able to schedule a December meeting.

Adjournment: The meeting adjourned at 1539.

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Joint Region Marianas, Nimitz Hill
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06 NOV 2019 /1113– 1214

ATTENDEES

Government of Guam:

Governor Lourdes Leon Guerrero
Mr. Tony Babauta – Chief-of-Staff, Office of the Governor
Ms. Carlotta Leon Guerrero – Sr. Advisor on Military and Regional Affairs, Office of the Governor
Ms. Vera Topasna – Executive Director, Guam Buildup Office
Mr. Dave Dell'Isola – Director, Guam Dept. of Labor
Mr. Walter Leon Guerrero – Director, Guam EPA
CDR Brian Birden – US Public Health Service assigned to Guam EPA
Mr. Vince Arriola – Director, Dept. of Public Works
Mr. Rory Respecio – General Manager, Port Authority of Guam
Ms. Linda DeNorcey – Director, Department of Public Health & Social Svcs
Mr. Richard Ybanez – Director, Dept. of Parks and Recreation
Mr. Patrick Lujan – Guam State Historic Preservation Officer
Ms. Chelsa Muna-Brecht – Director, Guam Department of Agriculture
Mr. Greg Massey – ALPCD-GDOL
Mr. George Bamba – Special Assistant, Guam Buildup Office
Ms. Carol Perez – Guam Buildup Office
Ms. Kristan Finney – Legal Counsel, GEPA
Mr. Chirag Bhojwani – Office of the Speaker, 35th Guam Legislature

Federal Agencies:

Ms. Barbara Albierti – National Park Service
Ms. Jacqueline Flores – U.S. Fish and Wildlife
Mr. Jeffrey Flores – USDA Wildlife Services

Military:

RDML John Menoni – Commander, Joint Region Marianas
CAPT Hans Sholley – Chief of Staff, Joint Region Marianas
COL Bradley Magrath – OIC, Marine Corps Activity Guam
CDR Jake Segalla – Executive Officer, NAVFACMAR
CDR Joshua Perry – Assistant Regional Engineer, JRM
Mr. Michael Paulovich – Executive Director, JRM
Mr. Peter Ridilla – Deputy Officer-In-Charge, OICC
Mr. Donald Baldwin – Deputy Officer-In-Charge, MCAG
Mr. Roy Tsutsui – JRM
Mr. Randy Sablan – JRM
Mr. Joseph Duenas – Regional Counsel, JRM
Mr. Al Borja – Environmental Director, MCAG PWD
Mr. Manuel Guarin – Deputy Operations Officer, NAVFACMAR
Mr. Uriah Perez – MCAG
Ms. Jean Chabanne – MCAG
Ms. Catherine Norton – PAO, NAVFACMAR
Mr. Christian Hodge – Deputy PAO, JRM

Enclosure (5)

Civil-Military Coordination Council (CMCC)
Joint Region Marianas, Nimitz Hill
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TOPICS

AGENDA

- Administrative scene setting
- Co-chair opening/welcoming remarks
- Overview of CMCC
- Projected military relocation construction projects
- Working Group updates
- Open discussion
- Action Items
- Next CMCC meeting schedule
- Co-Chair Closing Remarks
- Group photo

MINUTES

The Honorable Governor Lourdes Leon Guerrero and Rear Admiral John V. Menoni, USN, Commander, Joint Region Marianas (JRM) as Co-Chairs convened the sixth meeting of the CMCC with Guam agencies, federal agency partners, Marine Corps Activity Guam, and Naval Facilities Engineering Command, Marianas.

Brief introductions and opening statements by Co-Chairs were followed by an overview of the CMCC and updates on construction projects, labor, and updates from the Labor and Permits working groups.

KEY DISCUSSION POINTS

Opening Remarks

- Governor Leon Guerrero recognized the work that has gone into understanding the needs of the military buildup and its impact on the community including the many collaborative efforts between the Government of Guam and Department of Defense.
 - Governor Leon Guerrero communicated the transparency of her administration and support of a balanced, responsible, and responsive military buildup.
 - Governor Leon Guerrero acknowledged the collaborative successes between the DoD and GovGuam and reaffirmed the importance of prioritizing discussions to collaboratively find solutions for the staffing challenges of the Guam EPA and the Office of Alien Labor Processing.

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- RDML Menoni welcomed Governor Leon Guerrero as well as those present for the CMCC as an opportunity to collaborate with the governor and her staff.
 - RDML Menoni acknowledged current manpower challenges and proposed to create a working group out of the CMCC to develop solutions on those shortfalls. Also, RDML Menoni proffered the creation of another formal structure, not related to the CMCC charter, to discuss enduring issues of concern to the Government of Guam and its people because of the military presence.
 - RDML Menoni communicated a potential third party contract that will provide the SHPO with a full-time archaeologist to assist with non-DoD project work.

CMCC Overview

- Mr. Roy Tsutsui provided an overview of the history of the CMCC, the work specific to the charter, and current CMCC working groups.

Projected Military Relocation Construction Projects

- Mr. Peter Ridilla, Deputy Officer in Charge of Construction, provided a brief overview of current projects and anticipated construction projects in the next 3-5 years.
 - As part of the current construction update, Mr. Ridilla highlighted that 9% of the number of projects associated with the military relocation have been completed, 8% are in some form of execution which leaves 83% of the program remaining. He remarked the goal of construction is to get the first wave of Marines moved to Guam by the first half of the 2020's. He also anticipated construction to continue for several years after the arrival of those Marines. Mr. Ridilla communicated that his office has overseen \$65M in construction for FY18, that last year \$196M was spent in construction, this year will see \$326M in construction, and in FY21 it is projected that \$577M in construction can be anticipated. He went on to note that while 500-600 construction workers are currently working on OICC construction projects, DoD contractors are beginning to see issues with manpower in the way of competitor poaching, a gradual rise in salaries as a result of poaching, and an increase in H2B visa application submittals.
 - Governor Leon Guerrero requested information on the percentage of H2B workers working on military construction projects associated with the relocation. Mr. Ridilla will have that as an action item.
 - Mr. Ridilla went on to projects at Camp Blaz. He remarked that only one project has been awarded which is primarily clearing and infrastructure placement. Vertical projects will increase on Camp Blaz beginning next year with an award for bachelor enlisted housing.
 - Governor Leon Guerrero asked if cultural or historic sites have been discovered and what takes place when they are found.
 - Mr. Ridilla remarked that archaeologists are on staff working with the SHPO. He noted that when a site is found, work is paused in the area and a buffer zone is created around the site with orange construction

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- ence. Notifications are then made to the SHPO, a consultation process is completed, and data recovery is the next steps taken. He assured Governor Leon Guerrero that all established historical/cultural guidelines are followed when a site is discovered within the construction footprint.
- For the LFTRC, Mr. Ridilla noted that four ranges were under construction and the fifth, the Multi-Purpose Machine Gun Range (MPMG) range is anticipated, with available funding, to be awarded early next fiscal year.
 - Carlotta Leon Guerrero asked if the beginning of Andersen housing is tied to the MPMG being started. Mr. Ridilla, remarked that the \$178M project for Andersen housing has been awarded and is not tied to the MPMG range. He went on to provide clarification on the bachelor enlisted quarters (BEQ) pad at Camp Blaz in Finagayen. That project has been completed so that follow-on projects can proceed. While reviewing the specific location of the BEQ pad, it was noted to the CMCC attendees that the cultural sites found near the pad will not affect follow-on construction and that investigation at the cultural site is ongoing.
 - For the construction taking place at Andersen Air Force Base:
 - There are two aircraft hangars, logistics warehouse, housing projects, and two smaller projects which include a dining facility and an operations area.
 - Mr. Ridilla briefly discussed future construction at Andersen South. He noted that there will be no large scale clearing at the future Military Operations on Urban Terrain (MOUT) facility and that development will be mostly on previously disturbed areas.
 - To end, there are two ongoing projects taking place at Apra Harbor with the Waterfront Headquarters and a medical and dental clinic.
 - Governor Leon Guerrero asked if these projects were buildup related and Mr. Ridilla confirmed that all projects being discussed are DPRI projects and are associated with the relocation of Marines to Guam.

Working Group Updates

- Labor Working Group updates were provided by Mr. Dave Dell'Isolla, Guam Department of Labor Director. Mr. Dell'Isolla remarked that the ALPCD-GDOL is in need of three additional positions. He stated further that the positions are necessary to prevent delays given the 12-18 months of required training. Mr. Dell'Isolla reiterated manpower shortages at the ALPCD are near its critical path, that enforcement may be impacted, and numbers of H2B applications are beginning to increase. Currently, there almost 1,100 H2B workers on the ground with 1,648 visas approved. Further, he projected a ceiling of 1,500 H2B workers/filings before delays could be expected.
 - Greg Massey confirmed current workforce numbers and further acknowledged that NDAA exemption numbers have all been approved but that private sector non-DoD projects are being impacted.

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- Walter Leon Guerrero, Permit Working Group, provided a status update that GUAM EPA is at a crisis level. He stated that a workforce solution is necessary for the GEPA to meet its current workload as well as the anticipated workload as a result of the relocation.

Closing Remarks

- RDML Menoni thanked Governor Leon Guerrero and her staff for their presence and he thanked the team for their work and collaboration.
- Governor Leon Guerrero believed the meeting was very productive. She was pleased with the presentation on the status of construction as well as having a better understanding of the issues being discussed.

DECISIONS/ACTION ITEMS

1. All previous action items completed.
2. Complete GovGuam manpower shortfall needs analysis.
3. Creation of a working group to address non-CMCC enduring issues.
4. Information requested for percentage of H2B workers working on military construction projects associated with the relocation. [On 08 Nov 2019, the governor's office was provided an answer that although contractors fluctuate the number of H-2B workers used, as of the November snap shot accounting there were 91 H-2B workers among the approximate 600 construction workers on DPRI projects.)

ADJOURNMENT

The meeting was adjourned at 1214.

The next CMCC meeting would be considered to tentatively take place sometime in early February. Roy Tsutsui and Vera Topasna will identify feasible dates and invitations will be distributed.