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From Tom King 3/31/81  
JAN 6 - 1981

Robert R. Garvey, Jr.  
Executive Director  
Advisory Council on Historic Preservation  
1522 K Street, N.W.  
Washington, D.C. 20005

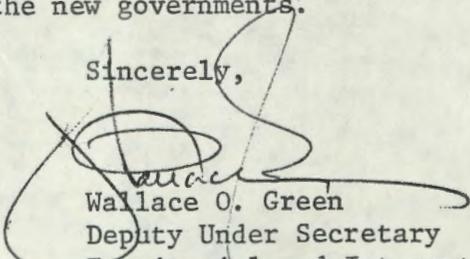
Dear Mr. Garvey:

Enclosed is a copy of a paper entitled, "Preliminary Case Report: Termination of Department of the Interior Administration, Trust Territory of the Pacific Islands," prepared by the Trust Territory State Preservation Officer. The paper considers, among other things, alternative approaches to historic preservation in Palau, the Marshall Islands, and the Federated States of Micronesia following the termination of the Trusteeship Agreement.

As you know, the Department of State and the Office of Micronesian Status Negotiations, headed by Ambassador Peter R. Rosenblatt, are conducting an environmental impact analysis in connection with the proposed termination of the Trusteeship Agreement and the establishment of the new "freely associated state" relationship of these areas with the United States. The comments and suggestions in the enclosed paper will, we believe, be of interest to Ambassador Rosenblatt as well as to the Advisory Council on Historic Preservation. I recommend you contact Ambassador Rosenblatt to insure that the Interagency Group, and the consultants who are preparing the Environmental Impact Statement have the benefit of and review suggestions and alternatives put forth by the Council in the context of United States policy and the status negotiations.

In the meantime, I have enclosed for your information, a copy of the compact as initialed by the three Micronesian parties to the negotiations. While the Historic Preservation Act is not one of those programs now contemplated to be continued after termination, I would call to your attention Section 224 of the compact which calls for the extension of additional services and programs at some future date, if mutually agreeable. In addition, Section 226 contemplates the provision of technical assistance to the new governments.

Sincerely,

  
Wallace O. Green

Deputy Under Secretary

Territorial and International Affairs

Enclosure

PRELIMINARY CASE REPORT  
TERMINATION OF DEPARTMENT OF THE INTERIOR ADMINISTRATION,  
TRUST TERRITORY OF THE PACIFIC ISLANDS

October 1980

PRELIMINARY CASE REPORT: TERMINATION OF DEPARTMENT OF THE INTERIOR  
ADMINISTRATION, TRUST TERRITORY OF THE PACIFIC ISLANDS.

(1) Involvement with the proposed undertaking.

The Department of the Interior, through its Office of Territorial Affairs, oversees the administration of the Trust Territory of the Pacific Islands. This administration was assigned to the United States under a Trusteeship Agreement with the United Nations after World War II.

The Trusteeship is scheduled to be terminated in 1981, at which time the Department will relinquish all administrative authority. Although the Department does not have discretion in this undertaking, it is taking actions preparatory to termination which make compliance with Section 106 of the National Historic Preservation Act appropriate.

The actual nature of the termination, and the post-termination relationship between the U.S. and the new governments of Micronesia (except that of the Northern Mariana Islands) is being negotiated by the President's Personal Representative. These negotiations are not under the control of the Department, but they do constrain the Department in its actions.

(2) Status of the Project.

Termination is scheduled to occur in 1981. The functions of the existing Trust Territory Government are being systematically dismantled and transferred to the new Micronesian governments.

The Northern Mariana Islands have elected to become part of the American Commonwealth, and will be a "state" for purposes of the National Historic Preservation Act; they will not be further discussed in this report.

Compacts of Free Association are being negotiated with the Federated States of Micronesia and the Republic of Belau. The Marshall Islands

have completed their negotiations. These negotiations are not under the control of the Department.

(3) Status of NEPA compliance.

The President's Personal Representative is currently preparing an Environmental Impact Statement (EIS) on termination action. A statement of work for the EIS appears as Appendix A.

(4) Description of the undertaking.

Upon termination of the Trusteeship, U.S. jurisdiction over Micronesia will end. Existing U.S. programs will be terminated with certain specific exceptions.

(5) Properties affected.

Twenty six (26)\* properties are currently listed in the National Register of Historic Places within the Federated States, Belau and the Marshall Islands. Fourteen (14)\* properties have been determined eligible for inclusion. One hundred and fifty (150)\*\* properties have been recorded by professional and other surveys that are eligible for inclusion in the opinion of the State Historic Preservation Officer. At least three hundred (300)\*\* additional properties are estimated to exist that would be determined eligible but have not yet been discovered.

\* These totals are low because of the Trust Territory's policy to nominate only those properties it plans to develop immediately, and to request determinations of eligibility only on properties to be affected by construction projects.

\*\* These totals exclude archeological sites eligible solely under 36 CFR Part 1202.6(d).

(6) Adverse effects.

All the criteria of Adverse Effect (36 CFR Part 800.3(b) may apply in varying degrees to various properties, for the following reasons:

A. The present historic preservation program in the Trust Territory

will end, because the Trust Territory will cease to be a "state" for purposes of the National Historic Preservation Act. Grants from the Historic Preservation Fund will cease, and any positive support given to historic preservation will be completely at the discretion of the new Micronesian Governments. While these governments have indicated their support in various ways (see attached Appendix C), the Department cannot guarantee that support will continue at the present level, in terms of either funding or professional standards. As a result, the Department cannot guarantee that land-use planning will give appropriate attention to historic properties, or that such properties will not be allowed to deteriorate and be destroyed.

- B. Section 106 of the National Historic Preservation Act will no longer apply to Micronesia, although certain U.S. agencies (especially Defense agencies) will continue to undertake activities there under terms of the Compact of Free Association. Thus the Department cannot guarantee that any protection will be afforded to historic properties threatened by U.S. agency actions.

Additionally, there will be a loss of informal control now exercised in the review of non-federal land-use projects. Non-federal projects can be expected to increase in numbers after termination, and correspondingly increase the damage done to historic properties.

(7) Written views of the State Historic Preservation Officer

See attached Appendix B

(8) Written Views of others.

See attached Appendix C

(9) Description and analysis of alternatives that would avoid the adverse effects.

Don't terminate the Trusteeship. This alternative is not politically feasible.

(10) Description and analysis of alternatives that would mitigate the adverse effects.

- A. Allow the new entities to continue participating in the Historic Preservation Fund Program after termination. This alternative would require an amendment to the National Historic Preservation Act. This alternative would allow for a continuation of the program at the current level of funding and professional quality. It would, however, continue to force the Micronesian programs to address sometimes irrelevant national priorities, and would place them in direct competition with the larger state programs for annual grants. Communications with HCRS and the amount of paperwork associated with the current program would also remain problems.
- B. Make arrangements to have the U.S. provide the Micronesian programs with an agreed upon sum of money for an agreed upon number of years, to be used for historic preservation activities. These funds would have "no strings" attached and could be used by the programs to engage in any preservation activities deemed appropriate. This approach would allow the local programs to use the funds for projects they see as valuable, and would also allow for them to avoid preparing the complicated and sometimes confusing paperwork required by HCRS. Additionally, Micronesian programs would not be forced to compete with other states for annual grant funds. However, providing grant funds without controls or required professional supervision and accountability, could result in activities damaging to historic properties. With no professional oversight, inappropriate or improperly supervised projects could be undertaken resulting in damage to historic properties. There would also be no guarantee that the grants would be used for historic preservation activities at all.
- C. Make arrangements to have the U.S. provide the Micronesian programs with an agreed upon sum of money for an agreed upon number of years, with some form of professional supervision built in. This could be accomplished by requiring the Micronesian programs to submit to HCRS a simplified annual work plan, listing projects and outlining basic

program direction, and a straight forward end-of-the-year progress report, in order to be eligible to receive the annual payments. This approach would allow for professional supervision by HCRS without requiring the Micronesian programs to participate fully as "states". It would still allow the Micronesian programs to develop their programs based on local priorities, but would offer a greater degree of professional review. It would also insure grants were expended on preservation related activities.

- E. Require U.S. agencies to follow Section 106 procedures when undertaking projects in Micronesia. This would include agency responsibility for identification of properties (through professional level surveys), avoiding unnecessarily damaging identified properties, and for developing and executing appropriate mitigation measures. This alternative would afford historic properties basic protection from federally assisted land-use activities, but would not provide funds or technical assistance for other important program functions.

(11) Cost of the Undertaking.

This information not available.

A P P E N D I X   A



THE PRESIDENT'S PERSONAL REPRESENTATIVE  
FOR MICRONESIAN STATUS NEGOTIATIONS  
WASHINGTON, D.C. 20240

We have reached a point in the Micronesian political status negotiations at which the proposed post-trusteeship status which will exist between the United States and the Trust Territory of the Pacific Islands political entities of Palau, the Marshall Islands and the Federated States of Micronesia has been substantially defined in a draft Compact of Free Association. It is the objective of this Administration to terminate the trusteeship in 1981 and we are actively pursuing this goal.

The Compact will be submitted for approval by both Houses of the Congress. If they approve the Compact it will become public law. Therefore, in conformity with the National Environmental Policy Act (NEPA) and the regulations of the Council on Environmental Quality this office will direct the preparation of a legislative Environmental Impact Statement (EIS). I have scheduled a "scoping session" for August 28th in Room 1107 at the Department of State 2201 C Street, N.W., Washington, D.C., to receive the public's views on the Compact EIS. A copy of the Federal Register notice for this session is attached.

We are aware of your interest in this subject and solicit your attendance at the scoping session since it is our intent to assimilate all viewpoints into the final product which will be forwarded to Congress as part of the legislative proposal.

Sincerely yours,

Peter R. Rosenblatt  
Ambassador

Enclosures:

Preparation of an Environmental Impact Statement for the  
Compact of Free Association and its Related Agreements

Statement of Work

I. Background and Scope

The President, with the approval of both Houses of Congress, proposes concluding a Compact of Free Association between the Government of the United States and the Governments of Palau, the Marshall Islands and the Federated States of Micronesia (consisting of Yap, Truk, Ponape and Kosrae). These three areas are now separately administered entities within the Trust Territory of the Pacific Islands (TTPI). If the Compact is approved by Congress and by the respective peoples of the TTPI in plebiscite, the Government of the United States intends to proceed in a manner consistent with the United Nations Charter and the Trusteeship Agreement to terminate the trusteeship of the TTPI.

There are a number of subsidiary agreements associated with the Compact. These subsidiary agreements will be Executive Agreements and will not be submitted to Congress for its approval; however, they will be submitted to Congress as part of the Compact legislative proposal. These agreements will be related to communications, law enforcement and

extradition, Northern Marshall Islands radiation claims, capital infrastructure projects in Palau, United States Federal services and programs (FAA, CAB, Weather, Postal, Emergency Assistance, Health and Education), turnover of U.S. Government property, and will provide an entirely new political status and a modified basis for cooperation between the United States and the freely associated states (FAS). The Compact embodies a new political relationship known as "free association," a concept without precise precedent either in international practice or in United States Constitutional law. In brief, the Compact envisions the termination by the United States of its authority and responsibility as administering authority over the United Nations strategic trust known as the TTPI. The Compact provides that the emerging Micronesian governments shall enjoy authority and responsibility over their internal and foreign affairs. This foreign affairs and domestic authority will be limited, however, by the United States' retention of full authority and responsibility for security and defense matters.

## II. Work Statement

The contractor should prepare a legislative EIS consisting of a draft EIS which will be included in the formal transmittal of the legislative proposal to Congress and will be

considered the "detailed statement" as defined by NEPA and the CEQ regulations. Since this is a legislative EIS, the contractor will not be responsible for preparation of a final EIS.

The EIS should include the following major components:

- a) the purpose of the proposed action;
- b) a description of the proposed Federal action:

execution of a Compact of Free Association and its subsidiary agreements and the alternatives to the proposed Federal action, e.g., no action, non-termination of the trusteeship (Office for Micronesian Status Negotiations (OMSN) representatives will assist the contractor in preparing this section);

- c) a description of the environment involved including land and offshore areas in Palau, the Marshall Islands and the Federated States of Micronesia;
- d) a discussion of present environmental protection in Palau, the Marshall Islands and the Federated States Micronesia, including land-use plans, policies and controls (U.S. and

TTPI laws and regulations as well as those of Palau, the Marshall Islands and the Federated States of Micronesia);

- e) a discussion of how the Compact will affect environmental protection in the FAS, including the relationship of the proposed action to present land-use plans, policies and controls;
- f) the potential environmental effects which cannot be avoided should the Compact be implemented including, but not limited to, any irreversible or irretrievable commitments of resources;
- g) the potential environmental impacts of the subsidiary agreements;
- h) list of preparers; and
- i) appendices (any documentation necessary to support points made in the body of the EIS itself.

Description of the Environment. The key elements of the environment, which will be affected by the Compact of Free Association and its subsidiary agreements and the potential environmental consequences which appear to justify the greatest concern are unknown; however, the following elements have possible environmental consequences and should be further evaluated. The OMSN will coordinate interdepartmental assistance to the contractor in defining other environmental impacts which will require assessment.

-- The economic and social dislocation of persons employed by the TTPI Government which will result from dissolution of this organization.

-- The continued operation of the Kwajalein Missile Range in the Marshall Islands.

-- The securing of military land rights in Palau including:

-- Access and anchorage rights in Malakal Harbor and rights to adjacent lands;

- Joint use of Airai and Anguar Airfields;
- Rights to exclusive use of 2,000 acres of Babelthaup Island and non-exclusive use of an adjoining 30,000 acres.
- Continued United States operation of a small Coast Guard Station at Yap.
- The Government of the United States in the conduct of any of its activities under the Compact and its subsidiary agreements will be required to prepare an Environmental Impact Statement for their activities. The U.S. Government will be obliged to comply with standards substantively similar to those required by the laws of the United States enumerated in Article VI of Title One of the Compact.
- The impact of the United States' turning over to the Governments of the FAS control of management of their own environment and biospheres.

- The impact of the assumption by the governments of the FAS's of the responsibility for land maintenance and sanitary practices.
  
- The impact of the termination of most Federal program support to Micronesia in the post-trusteeship period.
  
- The impact of termination of the present United States funded environmental programs in Micronesia (e.g., historical preservation).
  
- The impact of the immigration provisions, Article IV of Title One of the Compact.
  
- Grant assistance proposed under Title Two of the Compact is front-end loaded, requiring the dedication of a specified percentage of these amounts annually to developmental activities and shall be adjusted yearly for inflation.

-- The impact of assumption by the governments of the FAS of responsibility for their foreign affairs relating to marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the seabed or subsoil.

Physical and Natural Environment. Attached as TABs B and C are a series of fact sheets which describe the current status of the negotiations, the governmental organization of the TTPI and its physical and natural environment.

Preparation of the DEIS will primarily be based upon a survey and analysis of existing material (available in Washington, D.C.) including gaps in data. However, it may be necessary to supplement the data through visits to the prospective FAS and the Trust Territory Headquarters on Saipan. Resource materials and points of contact will be provided by OMSN.

Given the anticipated timing of Congressional consideration of the Compact of Free Association and its subsidiary agreements, it will be necessary that the draft EIS be prepared and circulated by February 15, 1981. Since several weeks will be necessary for review and printing of the draft EIS before circulation it should be available to the OMSN by January 15, 1981. The draft and necessary appendices should be delivered to OMSN in camera-perfect state and ten additional copies for review by OMSN.

### III. Security Requirements

The work to be performed under this contract may involve access to material, equipment and/or information classified Secret.

It will be mandatory that any facilities of the contractor utilized for the performance of services meet those requirements set forth in the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information, and that all personnel who handle data or have access thereto have the required security clearances. Contractor's Security Officer shall be responsible for all security aspects

of the work performed under this contract and shall be subject to verification at any time by OMSN upon request.

Contractors are requested to submit a Visit Authorization Request from their security offices, listing personnel cleared for access up to and including secret.

#### IV. Evaluation

1. The contractor will be awarded to the firm whose proposal, technical capabilities, price and other factors considered are determined by the OMSN and the Departments of State, Defense and Interior to best meet the criteria for award.

2. Proposals will be evaluated in accordance with the following criteria:

(a) The qualifications and technical capability of the offeror's personnel as measured by the experience and relevant expertise of the personnel who will perform the environmental impact statement.

(b) The degree of originality and creativity the offeror will apply to the problem as demonstrated by the proposal.

(c) The soundness of the offeror's approach to conducting the relevant environmental study and analyses.

(d) The organization, clarity and conciseness of the overall proposal.

(e) The offeror's expertise and successful performance in prior related environmental studies and analyses.

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DEPARTMENT OF STATE

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EFFECTIVE

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Environmental Impact Statement

AGENCY: Department of State

ACTION: Notice of Intent to Prepare an  
Environmental Impact Statement

SUMMARY: The Department, in conjunction with the Office for Micronesian Status Negotiations, plans to prepare a draft environmental impact statement (DEIS) for the Compact of Free Association and its subsidiary Agreements. The President, with the approval of both Houses of Congress, proposes concluding a Compact of Free Association between the Government of the United States and the Governments of Palau, the Marshall Islands and the Federated States of Micronesia (consisting of Yap, Truk, Ponape and Kosrae). These three areas are now separately administered entities within the Trust Territory of the Pacific Islands (TTPI). The Compact embodies a new political relationship known as "free association," a concept without precise

precedent either in international practice or in United States Constitutional law. In brief, the Compact envisions the termination by the United States of its authority and responsibility as Administering Authority over the United Nations strategic trust known as the TTPI. The DEIS will review the provisions of the Compact, assess alternatives to the proposed action and address the environmental effects of implementing the Compact and such alternatives.

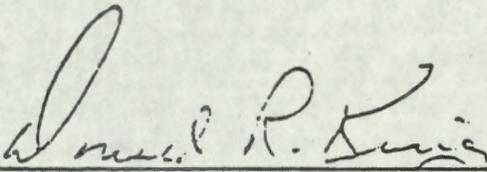
A public meeting will be held at the Department of State, Room 1107, 21st and C Streets, N.W., on August 28, 1980 from 10:00-12:00 A.M. to discuss the scope of the DEIS. This meeting will be chaired by Ambassador Peter Rosenblatt, the President's Personal Representative for Micronesian Status Negotiations.

Copies of the DEIS will be made available for agency and public comment upon publication.

Requests for copies of the DEIS and summaries of the public meeting should be addressed to:

Lt. Col. Albert V. Short  
Office for Micronesian Status Negotiations  
Main Interior Building, Suite 3356  
Washington, D.C. 20240 (202/343-9143) or

Irene F. Dybalski  
Office of Environment and Health  
Room 7820  
Department of State  
Washington, D.C. 20520 (202/632-9267)

  
\_\_\_\_\_  
Donald R. King  
Director  
Office of Environment & Health

APPENDIX B

THE EFFECTS OF TERMINATION ON  
THE TRUST TERRITORY HISTORIC PRESERVATION PROGRAM

The Written Views of the Historic Preservation Officer  
Trust Territory of the Pacific Islands

October 1980



## Introduction

Since 1975, the Trust Territory has participated as a "state" in the U.S. Historic Preservation Fund Program by virtue of an amendment to the National Historic Preservation Act of 1966.

There are three factors which influenced the development of the program in the Trust Territory. They are:

- (1) The Geographical setting: The Trust Territory, consisting of over two thousand individual islands arranged into six separate "districts", is scattered over nearly three million square miles of ocean. (see map) Transportation and communications with all but the district centers are extremely difficult, time consuming, and expensive.
  
- (2) Political Transition: Since 1969, the "districts" of the Trust Territory have been negotiating their future political status with the U.S. Government with the final aim of terminating the Trusteeship and establishing constitutional governments. In 1976, the Northern Mariana Islands were administratively separated from the rest of the Trust Territory, and entered into Commonwealth with the U.S. in 1978. Currently the Republic of Palau, the Federated States of Micronesia (consisting of the former districts of Yap, Kosrae, Truk and Ponape) and the Marshall Islands continue their negotiations. The Trust Territory is tentatively scheduled to be terminated in 1981, after which time all federal programs, with a few specific exceptions, will also be terminated.
  
- (3) Initial lack of professional program staff: For the first two years, the Trust Territory did not have the professional staff necessary to run an effective program. Survey activities were not undertaken, development projects not initiated, and construction projects were allowed to proceed without undergoing review. Additionally, Micronesia

did not have a professional community to undertake research independently of the Historic Preservation Office. Consequently data on historic properties was virtually non-existent.

Because of Factor 3, the Trust Territory program fell many years behind mainland programs in the level of program development. The program did not become effective until after the arrival of Dr. Thomas F. King in late 1977. Dr. King, then an archeologist with Interagency Archeological Services, was loaned to the Trust Territory by the National Park Service to assist in the development of a viable preservation program. Shortly after Dr. King's arrival the Micronesian Archeological Survey (MAS) was established, a system was implemented for the review of federally assisted construction projects, and plans were made to undertake an Acquisition and Development project.

Factors 1 and 2 made it necessary for the central office to begin developing strong local offices, both to cope with the logistical problems as well as prepare the necessary framework to allow the local programs to continue after termination. To strengthen the local programs, local historic preservation coordinators were hired and trained in each district, local historic preservation committees, originally established in 1975, were reorganized and upgraded, local archeological survey teams were hired and trained, and Micronesian professional staff given initial training. The central office also assisted in the drafting of local historic preservation legislation.

Current condition of the Program

A. Structure

1. The Central Office: At present, the Historic Preservation Program is administered by a central office attached directly to the Office of the High Commissioner, reporting directly through the Deputy High Commissioner. The office consists of a staff archeologist, staff historian, grants manager, and an archeologist trainee. The staff historian currently serves as the Historic Preservation Officer. Funds for the program are derived from the regular Trust Territory operating account, from grants provided by the Heritage Conservation and Recreation Service, from other grant sources, and by transfers from other agencies to pay for surveys and salvage archeology in connection with construction projects. Funds have also been appropriated by the legislatures in Palau and Ponape to support historic preservation activities, and extensive in-kind contributions made by local agencies, individuals, Historic Preservation Committees and contractors.
  
2. Local Offices: Local offices were established in the districts beginning in 1977. Their purpose is to coordinate all local historic preservation activities, and to advise the central office on compliance matters. In 1979, three separate political entities emerged from the Trust Territory; the Federated States of Micronesia, the Republic of Palau, and the Marshall Islands. Since that time, the central office has organized the local programs consistent with these political developments. Presented below is a summary of the conditions existing in the three program areas:
  - a. Federated States of Micronesia: There are two levels of government in the Federated States; the National level, represented by the FSM government with its capitol on Ponape; and the state governments of Yap, Truk, Ponape, and Kosrae. In 1979, the FSM Congress passed Public Law

1-48 which establishes a national level historic preservation program in the Federated States. At the heart of Public Law 1-48 is the Institute of Micronesian History and Culture which will provide professional and technical assistance to the state level programs. When fully staffed, the Institute will have the capability of executing all functions now handled by the central office.

Yap passed state level legislation in 1980, and currently similar bills are pending in Truk, Kosrae and Ponape.

At present, the Institute is not functional; it has no physical facilities, no staff and no operating budget. Its general functions are being carried out by the central Trust Territory office. In effect, there is no national level program activity. All activity is occurring at the state level. All states have full-time coordinators, physical facilities, historic preservation committees, and two have trained archeological survey teams. It will still be necessary to provide additional training to some of the coordinators, and local legislation still needs to be passed in Ponape, Kosrae and Truk. It will also be necessary to begin pushing for local appropriations to support office expenses.

- b. The Republic of Palau: Politically, Palau has lagged behind the FSM and the Marshall Islands in transition. Their constitution was only passed in July 1980, and consequently it has not been possible to enact comprehensive preservation legislation. Palau still operates under District Law 6-6-19 which establishes a Palau Historical and Cultural Preservation Commission, and allows the program to receive funds from the Palau Legislature. It is anticipated that after the seating of the new constitutional government in early 1981, new legislation will be introduced. Presently the

Palau office consists of an Executive Director, three staff members, and a two man survey team. Program activities are reviewed by the Palau Historical and Cultural Preservation Commission.

- c. The Marshall Islands: The program in the Marshall Islands is the least developed in Micronesia. It has no coordinator or legislation, and few program activities have been undertaken. Program activities when they do occur are under the general supervision of the Chairman of the Historic Preservation Committee.

Although the Marshall Islands Government has shown little support for the program, there does seem to be a good deal of individual interest in preservation. To date, the central office has been frustrated in its attempts to establish some type of lasting program. Because of the lack of interest repeatedly displayed by the Marshall Islands Government, the central office has no specific actions planned for the program there. If this situation changes in the future, the central office is prepared to extend to the Marshalls the same type of assistance extended to the other programs in Micronesia,

#### B. Activities

Since 1977, survey activities have greatly accelerated, and the Micronesian Archeological Survey continues to stress high quality research oriented projects. Increased survey data are allowing for the refinement of predictive models as well as allowing for the protection and development of important Micronesian properties. However, because of its late start, the Trust Territory feels it is significantly behind other state programs. Survey activities to date have only covered approximately 1-2 percent of the total land area, and many important sites have yet to be discovered. Also many important properties are in need of preservation measures.

Clearly, if important properties are to be located and protected, a great many more survey and development projects are needed. (See table 1 for a list of projects undertaken by the Trust Territory through FY 1980)

#### Effects of Termination on the Program

Termination of the Trusteeship will affect the program by cutting off all current sources of major funding, and by removing present statutory protection afforded to historic properties from the adverse effects of federally assisted land-use projects. As mentioned earlier, the Trust Territory Historic Preservation Program receives the bulk of its funds from three sources; from the T.T. operating account; from annual program grants from HCRS; and from construction project budgets. As it stands now, termination will cut off all of these sources. The loss of the T.T. operating funds will make it necessary to close the central office, thus eliminating the professional staff. Ongoing training programs, and professional review of all program functions will cease. Termination will also cause the loss of annual program grants now made available by HCRS. These grants are used to fund virtually all survey activities and development projects. Additionally, these funds are used to maintain the local historic preservation offices. Loss of the federal historic preservation grants will greatly decrease survey activities, end development projects, and require the closing of the state level offices. Along with the loss of annual program grants, termination will also end Section 106 protection. Consequently, funds now being provided by construction agencies for surveys and mitigation measures will also cease. Since federal land-use activities are not expected to end upon termination, the loss of Section 106 protection (coupled with the loss of professional staff and local state offices) poses a serious threat to important historic and cultural properties.

Termination, in effect, will place almost the entire financial burden on the backs of the FSM and Palau Governments. Although the Microneisan governments have repeatedly expressed strong support for the program, it is unclear whether funding will be made immediately available. Already the new

governments have been strained to the limit by the rising cost of fuel and other necessities. If funding for the programs is made available it will surely be at a greatly reduced level. Insufficient program funding will be nearly as damaging as no funding.

Clearly, termination as it is planned now, will pose a serious threat to important historic properties, and will surely deal a damaging blow to the emerging preservation programs in Micronesia.

#### Recommendations

If adverse effects are to be avoided, and the Micronesian programs allowed to continue after termination, the Historic Preservation Officer recommends the following actions be taken:

- (1) Continue professional surveys: Much survey work remains to be done, and the Micronesian programs will have to continue to rely on outside researchers to do the professional work. Although most archeologists have been willing to work in the Trust Territory without salary, it will still be necessary to provide funds for transportation, per diem, local labor and report preparation costs. Three to five years of survey efforts, roughly equal to the FY 1980 level, will allow for 20-30 percent areal coverage of the major islands. Priority should be given to areas likely to be developed within the next twenty years.
  
- (2) Complete development of important historic properties: A number of significant properties exist in the Trust Territory which are in immediate need of stabilization and/or restoration, or which are of potential economic or educational value. These projects should be developed during the next three to five years. Development projects, unlike survey activities, are highly visible and have the potential to increase support of the program in general, especially when the development allows a property to become a financial asset. Development projects have been the most difficult to initiate in the Trust Territory because of the lack of cash resources and professional personnel.

- (3) Continue to review Federally assisted land-use projects: Although Section 106 will no longer apply after termination, federal agencies will continue to engage in land-use activities. Naturally, without adequate review, these activities will pose serious threats to Micronesian properties. It is strongly recommended that the review of federally assisted construction projects continue after termination. Surveys and necessary mitigation measures should be funded by the responsible agency as before.
- (4) Complete training of Micronesian Professional Staff: For the program to continue, it will be necessary for the upper management and professional positions to be filled with trained Micronesians. Currently expatriates fill the two professional positions in the central office. A citizen of the Federated States is currently being trained by the Staff Archeologist, but he will still require some graduate level college work, as well as additional on-the-job training. A trainee for the Staff Historian's position and a director for the Institute must also be located and trained. It may also be necessary to assist in the training of personnel for the central Palau Office.
- (5) Effect transfer of central office functions to the Institute and the central Palau office: The central office still retains a good deal of control over important program functions. This is partially because the central office is officially recognized by HCRS as the "state" office, and also because at the present time the local programs are not fully functional. It will be necessary to complete the transfer of all central office functions to the Institute and the central Palau office.
- (6) Identify non-federal sources of funding: It is recognized that federal funding cannot and should not continue indefinitely as the major source of preservation funding in Micronesia. Consequently it will be necessary during the next several years to identify and secure additional funding for the program. These funds will be used to supplement appropriations made by the local governments.

In order for these recommendations to be accomplished, it will be necessary for the Micronesian programs to be extended federal support in some form for three to five years. It will be especially critical to continue funding until the programs have been fully established and have been allowed to accomplish pressing projects. This funding is not intended to foster dependency but only to allow the local programs to protect valuable properties and become self-sufficient. There appear to be two basic ways of extending federal funding to the programs after termination; (1) the programs can receive a specified amount of money for a specified number of years; or (2) the National Historic Preservation Act can be amended to allow the new governments to participate as "states". The final funding form should be left to the discretion of the Micronesian governments, and consequently the Historic Preservation Officer will not discuss the matter in any greater detail in this paper. Serious consideration should also be given to extending Section 106 requirements when federal agencies are involved in land-use activities in Micronesia.

The Historic Preservation Office has prepared recommended budget estimates for discussion purposes. They appear as Table 2. These estimates are based on the costs of operating the program over the past three years.

Table 1  
Projects Since 1977

YEAR	PROJECT
<u>Palau</u>	
1977	Test Excavations: Koror, Aluptaciel & Pelilieu
1978	Test Excavations: Kayengel, Rock Islands & Angaur Survey: Road Improvements, Babelthaup Survey: Secondary Road, Ngaraard Survey: Airai Airport Restoration: Bai ra Irrai
1979	Survey: Coral Hauling Roads, Airai Survey: Housing Development, Ngerbechedesau Data Recovery, Palau Airport Terraces
1980	Survey: Babeldaob Survey: Ngeryekai Village
<u>Yap</u>	
1978	Survey: Capital Improvement Projects Survey: Yap Airport Survey: Yap Airport Survey: Yap Airport Survey: Neighborhood Center, Gagil Survey: HUD projects, Rumung Survey: Rang Village Test Excavations: Lamotrek, Faraulap & Woleai Atolls
1979	Survey and Test Excavations: Ulithi Atoll
1980	Data Recovery Plan Yap Airport Data Recovery, Yap Airport Survey: Balabat and Gitam Villages Survey: Toru Village
<u>Truk</u>	
1977	Salvage Excavation: Fefan
1978	Predictions: Site Locations Survey: Capital Improvement Projects Survey: Road, Tol Plan Site Development: Fauba Fort, Tol
1979	Survey & Salvage Excavation: Iras Sewer Survey: Sapuk Dredge Site Test Excavations: Mortlocks

Table 1 (Continued)

Truk (cont.)

1979 Site Development: Fauba Fort, Tol  
Survey: World War II Sites  
Survey and Site Development Plan: Puluwat  
Lighthouse

1980 Survey: Nepokos Village  
Survey: Tunnuk Village  
Geoarcheological Invesitgations: Truk Lagoon  
Survey: Sapuk Village

Ponape

1977 Survey: Pepper Plantation, Sokehs  
Survey and Test Excavations: Awak Valley, Uh

1978 Survey: Pohndollap Homesteads, Sokehs  
Survey Circumferential Road  
Survey and Test Excavations: Awak Valley, Uh,  
and Ant Atoll

1979 Site Development Plan: Nan Madol  
Survey: World War II Sites  
Survey: Palikir, Sokehs  
Survey: Nan Madol  
Survey and Test Excavations: Awak Valley,  
Uh; Wene Valley, Kitti; and Ant Atoll  
Site Development Plan: German Belltower,  
Kolonias  
Survey: Wene and Awak Valleys  
Survey: Historic Kolonia

Kosrae

1977 Survey: Lelu Sewer  
Survey: General

1978 Survey: Capital Improvement Projects  
Survey: Tafeyat Waterline

1979 Survey: Dam Redevelopments  
Survey: Contractor's Camp  
Survey: Lela  
Survey: Innem/Okat Road  
Survey and Test Excavations: Putuk Wiya,  
and Tepot Overburden Sites  
Predictions: Site Locations

1980 Survey: Lelu Stone Ruins  
Survey: Lelu Stone Ruins  
Survey: Yewal and Fwinkol  
Survey: Tofol Valley  
Survey and Test Excavations: Wiya Traditional  
Village  
Survey: Kupla Traditional Village  
Survey: Lelu Stone Ruins

Table 1 (Continued)

Marshall Islands

1978  
1979

Restoration: DeBrum House  
Report Preparation: 1977 Kelton  
Expedition  
Survey and Test Excavations: Majuro  
Survey: Outer Islands Docks  
Survey: Majuro

Please note: This listing does not include a number of projects to be undertaken shortly. Research designs for these projects have been developed, but principle investigators are not yet in the field. This listing also does not include Tools for Survey and Planning Projects, or cultural preservation projects.

Table 2  
Annual Budget Estimates

1. FSM Institute Operating Costs

A. Salaries

Director	\$16,000
Archeologist	11,000
Historian	11,000
Oral Historian	12,500
Grants Officer	6,000
Secretary	4,000

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	\$60,500
Benefits 2.5%	1,500

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Total Salaries \$62,000

B. Travel \$15,000

C. Office Operating Costs \$10,000

D. Educational Training \$10,000

E. Meetings \$ 5,000

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TOTAL \$102,000

2. State Offices Operating Costs

A. Yap \$16,000-20,000

B. Truk \$25,000-30,000

C. Ponape \$25,000-30,000

D. Kosrae \$30,000-35,000

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TOTAL \$96,000-\$102,000

3. FSM Projects

A. Archeological/Historical  
4 projects at \$15,000 \$60,000

B. Cultural Preservation  
4 projects at \$10,000 \$40,000

---

TOTAL \$100,000

Table 2 (Continued)

4. Palau Central Office Operating Costs

A. Salaries

Executive Director	\$12,000
Registrar	7,000
Staff Historian	6,000
Oral Historian	6,000
Survey Team (2 person)	10,000
	<hr/>
	\$41,000
Benefits 2.5%	1,025
	<hr/>
Total Salaries	\$42,025

B. Travel \$5,000

C. Office Operating costs \$5,000

D. Meetings, Seminars \$5,000

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TOTAL \$57,025

5. Palau Projects

A. Archeological/Historical  
2 projects at \$10,000 \$20,000

B. Cultural Preservation  
2 projects at \$10,000 \$20,000

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TOTAL \$40,000

TOTAL FSM AMOUNT \$302,000

TOTAL PALAU AMOUNT \$ 97,025

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ANNUAL GRAND TOTAL \$399,025

## B I B L I O G R A P H Y

Cordy, Ross

- 1979 The Trust Territory Historic Preservation Program: Its Framework and Projects Since 1977.

Cordy, Ross

- 1980 The Trust Territory Historic Preservation Program: Update on Framework and Projects to End of FY 79.

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- 1980 The Trust Territory Historic Preservation Program: An FY 80 Mid-year Progress Report.

Cordy, Ross

- 1980 Archeology in Micronesia. JOURNAL OF THE POLYNESIAN SOCIETY. September, 1980.

King, Thomas F.

- 1979 The Past After 1981: A plan for Historic Preservation in Micronesia's Future.

Russell, Scott

- 1979 Preservation in Paradise. THE NEW PACIFIC MAGIZINE. July-August 1979.

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- 1979 Preservation Micronesia

Russell, Scott

- 1979 The Future of Micronesia's Past. MICRONESIAN REPORTER, Forth Quarter, 1979.

A P P E N D I X C

LETTERS AND RESOLUTIONS  
IN SUPPORT OF  
HISTORIC PRESERVATION IN MICRONESIA

HISTORIC PRESERVATION LEGISLATION

TRUST TERRITORY OF THE PACIFIC ISLANDS

OFFICE OF THE HISTORIC PRESERVATION  
NATIONAL HISTORIC PRESERVATION

August 31, 1979

The Federated States of Micronesia Status Negotiation Team

Dear Sirs:

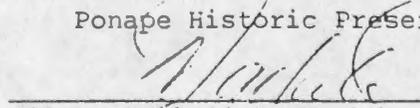
We, the representatives of the Trust Territory Historic Preservation Review Board and Committees, wish to urge the Status Negotiation Team to include Historic Preservation on the list of federal programs to be continued after 1981. We feel this is a valuable program, and a long overdue one. It has value in that we can consider preservation of historic places and culture. Also, it can greatly aid education and tourism programs.

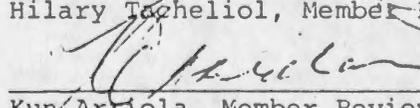
The Congress of Micronesia supported historic and cultural preservation in 1978 (House Resolution 7-25). Palau has recently passed historic preservation laws. The Federated States of Micronesia's Congress has just passed a bill establishing the program in the Federated States of Micronesia, and the President of the Federated States of Micronesia has stated that this is a valuable program.

It would truly be unfortunate if the major funding source of historic preservation were terminated when it could be retained, particularly just when we have gotten this program established and working effectively. Thus, again we urge this program be put on the list of federal programs to be continued after 1981.

Respectfully,

  
Pensile Lawrence, Chairman Trust Territory Review Board & Vice-Chairman  
Ponape Historic Preservation Committee

  
Hilary Tscheliol, Member Review Board

  
Kun Arriola, Member Review Board

*(Signature)*  
Resio Moses, Member Review Board

*(Signature)*  
Celestino Emwalu, Member Review Board

*(Signature)*  
Carmen Bigler, Member Review Board

*(Signature)*  
Lazarus Salii, Member Review Board

*(Signature)*  
Duane Denfeld, Member Review Board, Historic Archaeologist

*(Signature)*  
Jack Jones, Member Review Board, Architect

*(Signature)*  
Josede Figirliyong, Member Review Board

*(Signature)*  
Norjo Skilling, Chairman Kosrae Historic Preservation Committee

*(Signature)*  
Narsi Kostka, Coordinator Ponape Historic Preservation Committee

*(Signature)*  
Francis Buekea, Coordinator Truk Historic Preservation Committee

*(Signature)*  
Moses Sam, Executive Director Palau Historical & Cultural Preservation Commission

67.0.12

September 26, 1979

Chairman  
Future Political Status and Transition  
P. O. Box 429  
Kolonla, Ponape 96941

Dear Mr. Chairman:

I would like to express my full support for the U.S. federally funded Historic Preservation Program project in Truk. This federal program has brought innumerable benefits to the people of Truk, and made possible the planned preservation of several valuable historic sites on our islands.

I am expressing my full support for the program and urge its continuance, in spite of the U.S. Dept. of Interior order to terminate all such federal programs along with the Trusteeship Agreement in 1981. I am strongly against such a policy, especially because of the negative consequences it will have on the development and preservation of the historic sites in Truk State.

I am sure you will concur with me concerning this, and also will assist us to insure the continuance of such a needed program. Please help us to provide for a better future for the people of Truk through preserving our precious past.

Sincerely yours,

Hans Willander  
Acting Governor, Truk State

cc: Historic Preservation Office/Truk  
Historic Preservation Office/Saipan  
Historic Preservation Commission/Truk

2/5



FEDERATED STATES OF MICRONESIA  
Office of the Governor  
Yap, Western Caroline Islands 96943

CABLE ADDRESS  
GOV. YAP

September 18, 1980

Mr. Andon L. Amaraich  
Chairman  
Commission on Political Status  
and Transition  
Federated States of Micronesia  
Kolonia, Ponape E. C. Is. 96941

Dear Mr. Amaraich:

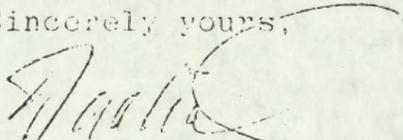
I am sure you have been receiving numerous letters and verbal requests from various concerned citizens supporting the continuation of the Historic Preservation Program after the termination of the Trusteeship Agreement in the near future. I am writing merely to make known to your good office and to all concerned, my full endorsement and support of the attached Resolution from the Yap State Legislature and all the letters pertaining to the issue from the FSM Citizens.

I am confident that the member of your commission will take into serious consideration, among other issues, the Historic Preservation Program for our islands during your negotiation. In addition to the attached Resolution, we have also Yap State Law No. 1-58 which we hope to fully implement in the near future. In order to implement the provisions of this law, we need support from all sources available. One of the source which has proven worthy of its support is the U.S. National Historic Preservation Act which enabled the T.T. Historic Preservation Program to function up to the present.

With all the respect and in consideration of the continuation of the Historic Preservation Program, I will leave the future of this program in the hands of the member of your commission.

Wishing you the most successful negotiation, I remain.

Sincerely yours,

  
Hilary Tacheliol  
Acting Governor, Yap

Attachment/Res. No. 1-17

RC 115  
0.12

Andrew P. Kugfas  
Historical Preservation Coordinator  
Colonia, Yap #96943

August 12, 1980

Andon Amaraich  
Chairman  
Commission on Political Status  
and Transition  
Federated States of Micronesia  
Kolonias, Ponape  
Eastern Caroline Islands #96941

Dear Mr. Amaraich,

I am writing in support of continuing the Historic Preservation Program, under the National Historic Preservation Act, after the termination of the Trusteeship Agreement.

Although our National Government enacted Public Law No. 1-48, establishing an Institute for Micronesian History and Culture, and the State Government of Yap is expected to approve similar legislation shortly, I believe there is a great need to continue United States Federal assistance and support for the Historic Preservation Program within Yap and the Federated States of Micronesia. I do not believe we have or are about to develop an adequate substitute for the assistance and support now offered to us pursuant to the National Historic Preservation Act. I do not see any feasible alternatives that we are developing to the Heritage Conservation and Recreation Service or the Micronesian Archaeological Survey and the grants and technical assistance and support these programs offer.

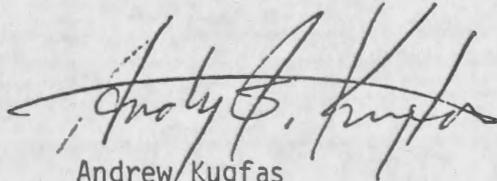
I believe the National Historic Preservation Act is unlike many other United States Federal programs that foster dependency. The only self sufficiency our islands have experienced has been based on our traditional heritage. By preserving our traditional heritage, we are preserving the only basis we have of self sufficiency. It is not the type of federal program that is self perpetuating. Once we fully develop our Historic Preservation Program, the need for this federal program will diminish. While being a program primarily for ourselves in preserving our traditional heritage, the Historic Preservation Program will contribute to economic development in the area of attracting tourism.

It is my hope that you and the Commission on Political Status and Transition will find that the National Historic Preservation Act is one of the United States Federal programs worthy of continuation

Page 2

after termination of the Trusteeship Agreement. I would be most pleased in receiving any comment from you on this subject. Thank you for taking the time to read this letter and any consideration it may receive from you and the Commission.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Andrew Kugfas".

Andrew Kugfas  
Yap Historic Preservation  
Coordinator

xc: Governor Mangefel  
Senator Tman  
Speaker Ayin  
Chairman Roboman  
Chairman Hathey  
Scott Russell

FEDERATED STATES OF MICRONESIA  
Kosrae Historic Preservation Office  
EASTERN CAROLINE ISLANDS 96944

August 15, 1980

Status Negotiation Team  
Federated States of Micronesia  
Office of the External Affairs  
Kolonia, Ponape, E.C. Islands 96941

Dear Sirs:

We, the representatives of the Kosrae Historic Preservation Review Board and Committees, wish to urge the Status Negotiation Team to include Historic Preservation on the list of Federal programs to be continued after 1981. We feel this is a valuable program, and a long overdue one. It has value in that we can consider preservation of historic places and culture. Also, it can greatly aid education and tourism programs.

There are two serious historic preservation problems in the Federated States of Micronesia that need to be resolved in order to adequately protect valuable historic properties in the area and to ensure that the historic environment is adequately protected.

1. The development of a top quality program prior to termination must be finalized.
2. The continuation of a top quality program after termination must be ensured where such a program has been requested--in the FSM and Palau.

Progress has been made on both problems, but much additional work is needed. Funding considerations are vital. And only one year of the Trusteeship remains.

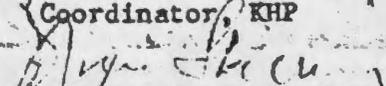
A legislation Bill for an Act is now being transmitted through the Second Kosrae State Legislature, to establish the Kosrae Historic Preservation Program and we feel that the Bill will be passed with out any problems.

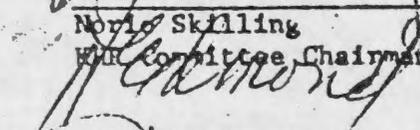
We, the representatives for the Kosrae Historic Preservation Review Board and Committees, urge the Status Negotiation Team to add more funding for this program.

It would truly be unfortunate if the major funding source of historic preservation were terminated when it could be retained particularly just when we have gotten this program established and working effectively. Thus, again we urge additional funding to run this program after the termination of the Trusteeship.

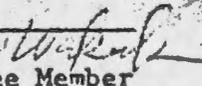
Respectfully,

  
Teddy John  
Coordinator, KHP

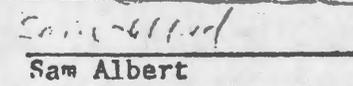
  
Norio Skilling  
KHP Committee Chairman

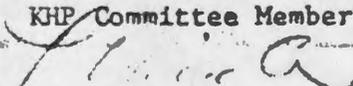
  
Harold Edmund  
KHP Committee Member

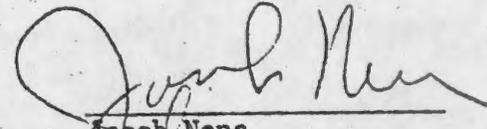
Alokoa Talley  
KHP Committee Member

  
Mores Wakuk  
KHP Committee Member

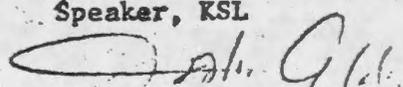
Donald Jonna  
KHP Committee Member

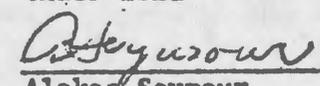
  
Sam Albert  
KHP Committee Member

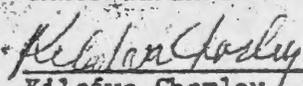
  
Kun Arriola  
Review Board Member, TTHP

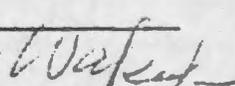
  
Jacob Nena  
Governor, Kosrae State

  
Gaius Nedlic  
Speaker, KSL

  
Joshua Alokoa  
Chief Lelu

  
Alokos Seymour  
Chief Tafunsak

  
Kilafwa Charley  
Chief Malem

  
Mores Wakuk  
Chief Utwa

cc. HONOR. ANTON AMARAICH  
HONOR. HIROSHI ISHMAEL  
HPO, SAIPAN HQ ←

THE WHITE HOUSE

WASHINGTON

May 9, 1980

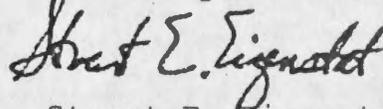
Dear Mr. Russell:

The President has asked me to thank you for your letter of March 13 expressing appreciation for the Administration's commitment to preserve and nurture the unique cultures of our insular areas.

The recent war canoe ceremonies in Palau noted in your letter are illustrative of the special sensitivity required in the application of Federal programs in an area as culturally distinct and rich as the Trust Territory of the Pacific Islands. As the person overseeing the use of Heritage Conservation and Recreation Service funds there, you are to be commended for making possible a project so meaningful to Palau.

I hope that similar sensitivity to the Micronesian culture will continue to be applied as the United States fulfills its trusteeship responsibilities.

Sincerely,



Stuart E. Eizenstat  
Assistant to the President  
For Domestic Affairs and Policy

Mr. Scott Russell  
Acting Historic Preservation Officer  
Trust Territory of the Pacific Islands  
Office of the High Commissioner  
Saipan, CM 96950

cc: Ruth G. Van Cleve  
Adrian Winkel  
Chris Delaporte

RC 3/12

MAR. 10 1980

The Honorable Tosiwo Nakamura  
Speaker, Palau Legislature  
Palau, Caroline Islands 96940

Dear Mr. Speaker:

I wish to take the opportunity of acknowledging receipt of HEM Resolution No. 47, congratulating the people of Ngchesar Municipality for their work on "BISEBUSECH" and to add my personal commendation.

As I had the unforgettable opportunity to witness the launching of the "BISEBUSECH" myself, I was extremely impressed with the respect for the past, the desire to maintain disappearing skills and the cultural heritage of the Palauan people.

It is my sincere hope that this event will mark one more giant step towards the unification of the Palauan people including its elected and traditional leaders behind the formation of your new government under a constitution of your own design which will continue to protect and promote the unique culture of the Palauan people under self-government in the very near future.

Please be kind enough to transmit my best wishes to the traditional leaders of Ngchesar and to the people. Their hospitality and enthusiasm will be long remembered.

Sincerely yours,

  
Adrian P. Winkel  
High Commissioner



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAR 24 1980

Mr. Scott Russell  
Acting Historic Preservation Officer  
Trust Territory of the Pacific Islands  
Saipan, Mariana Islands 96950

Dear Mr. Russell:

Thank you for your kind letter of March 13, 1980, forwarding copies of the Pacific Daily News story on the launching of the Palauan War Canoe. Thank you also for sharing a copy of your letter to the President on this subject. As you noted, the launching ceremonies were most impressive, and I am very pleased to have been able to witness such a remarkable event.

Sincerely yours,

Mrs. Ruth G. Van Cleve  
Deputy Assistant Secretary (Policy)  
Territorial and International Affairs

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A HOUSE RESOLUTION

Expressing the sense of the House of Representatives regarding continuation of the historic and cultural preservation programs in Micronesia.

1       WHEREAS, the people of Micronesia have repeatedly expressed their  
2       desire to preserve their cultures, as sources of personal inspiration  
3       and as legitimate parts of the world cultural heritage; and

4       WHEREAS, the Historic Preservation Program of the Government of  
5       the Trust Territory of the Pacific Islands, carried out under the  
6       authority of the National Historic Preservation Act enacted by the  
7       United States Congress in 1966, as amended, is the only program of the  
8       Trust Territory Government specifically designed to preserve, maintain,  
9       and develop expressions of traditional Micronesian culture; and

10       WHEREAS, Congress has learned of actions taken by government  
11       officials which tend to narrow the scope of this important program, to  
12       inhibit its growth, and to discourage the United States Government  
13       from continuing its funding; now, therefore,

14       BE IT RESOLVED by the House of Representatives of the Seventh  
15       Congress of Micronesia, Second Special Session, 1978, that:

16               (1) The High Commissioner is urged to take the actions  
17       necessary to continue and expand the Historic Preservation Program;

18               (2) The relationship of the Historic Preservation Program  
19       to other Government programs be evaluated, leading to the resolution  
20       of any conflicts that may exist between them and to the development  
21       of positive and cooperative relationships;

22               (3) The program be expanded to deal with the maintenance,

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1 recordation, development, and enhancement of all aspects of Micronesian  
2 culture and history, in addition to the preservation of historic and  
3 prehistoric sites, structures, buildings, and objects;

4           (4) Training programs be accelerated to make possible  
5 maximum decentralization of the Historic Preservation Program and the  
6 replacement of expatriates with Micronesian citizens, as rapidly as  
7 possible without sacrificing professional quality;

8           (5) The Historic Preservation Program be associated closely  
9 with the College of Micronesia to ensure proper consideration of  
10 Micronesian cultures in Micronesia's institution of higher education  
11 and to effect an efficient sharing of trained personnel; and

12           (6) United States Government support for the Historic  
13 Preservation Program be requested as part of the future relationship  
14 between the Governments of the Federated States of Micronesia and the  
15 United States of America; and

16           BE IT FURTHER RESOLVED that certified copies of this House  
17 Resolution be transmitted to the Secretary of the Department of  
18 Interior, the Director of the Office of Territorial Affairs, and the  
19 High Commissioner of the Trust Territory of the Pacific Islands.

20

21 Adopted: September 05, 1978

22

23

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25

PROCLAMATION DECLARING  
APRIL 28 - MAY 4, 1980  
A CULTURAL AWARENESS WEEK  
FOR PALAU ISLANDS

WHEREAS it is the general consensus of the People of Palau to preserve its culture and heritage as evidenced in various pronouncements originating from Palau Legislature, the Executive Branch and other recognized government fora, and

WHEREAS, in order to accomplish this goal related efforts are being exerted by various government agencies, namely Palau Museum, Palau Historical and Cultural Preservation Commission, Parks and Recreation, Conservation, Department of Education, Palau Tourist Commission and Palau Community Action Agency, to revive and preserve Palau tradition, culture and heritage, and

WHEREAS, the agencies above are presently cooperating in attempting to effect unified programs relating to preservation, revival, enhancement and dissemination of information on culture and tradition of Palau, and

WHEREAS appreciable results are beginning to be realized by the people of Palau of the efforts of these agencies toward this honorable cause and

WHEREAS the ultimate success of these cultural revival and preservation programs is predicated largely not only upon the leadership of Palau but also most importantly upon the cooperative spirit of all the Palauan people themselves,

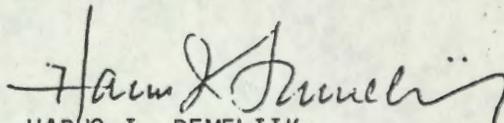
NOW, THEREFORE, I Deputy District Administrator, Haruo I. Remeliik do hereby declare the week of April 28 through May 4, a Cultural Awareness Week for Palau District; and be it further proclaimed that the people of Palau are urged to participate in cultural programs that will be held during the Cultural Awareness Week as prepare by Adhoc Cultural Coordinating Committee representing efforts of the related agencies on cultural matters recognized in the foregoing; and

BE IT FURTHER proclaimed that this declaration be aired over local broadcast media in order that the general public become well informed of this Cultural Awareness Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the District Administrator to be affixed.

DONE at Koror, Palau, on this 27<sup>th</sup> of March 1980.

By Deputy District Administrator:

  
HARUO I. REMELIIK

67.4

PC 4/10

FIRST LEGISLATURE

STATE OF YAP

SECOND SPECIAL SESSION, 1980

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A RESOLUTION

Relative to continuing the Historic Preservation Program after termination of the Trusteeship Agreement.

1           WHEREAS, the Trust Territory Historic Preservation Program began in  
2           1975 when the National Historic Preservation Act was amended to make the Trust  
3           Territory of the Pacific Islands eligible for annual program grants from the  
4           Heritage Conservation and Recreation Service; and

5           WHEREAS, the Program funds the survey and planning for locating and  
6           describing historic properties and the development projects on individual  
7           properties that are of special significance; and

8           WHEREAS, in 1979, the Congress of the Federated States of Micronesia  
9           enacted Public Law No. 1-48 which created the Institute for Micronesia History  
10          and Culture to protect and preserve the diverse cultures of the peoples of  
11          Micronesia, and to assist in the identification and maintenance of those areas,  
12          sites, and objects of historical significance within the Federated States of  
13          Micronesia; and

14          WHEREAS, in 1980, the First Legislature of the State of Yap enacted the  
15          State Historic Preservation Act to preserve the sites, structures, buildings,  
16          objects, areas, traditions, arts, crafts, stories and songs of historic and  
17          cultural significance for the benefit of present and future generations; and

18          WHEREAS, despite acts by the national and state governments of the  
19          Federated States of Micronesia to preserve traditional heritage, the historic  
20          preservation programs within the Federated States of Micronesia require grants  
21          and technical assistance and support made available through the Heritage Conser-  
22          vation and Recreation Service pursuant to the National Historic Preservation  
23          Act; and

24          WHEREAS, the Federated States of Micronesia is negotiating a Compact of  
25          Free Association with the United States; and

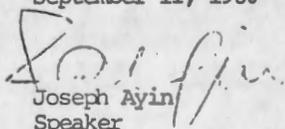
1 WHEREAS, the Compact of Free Association is expected to provide for the  
2 continuation of certain United States federal programs after the termination  
3 of the Trusteeship Agreement; and

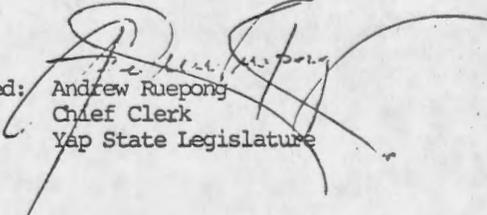
4 WHEREAS, inclusion of the National Historic Preservation Act among  
5 United States federal programs that will continue within the Federated States  
6 of Micronesia under the terms of a Compact of Free Association would provide  
7 protection of the traditional heritage of the Federated States of Micronesia;  
8 now, therefore,

9 BE IT RESOLVED by the First Legislature of the State of Yap, Second  
10 Special Session, 1980, that the Commission on Future political Status and  
11 Transition is hereby requested to consider inclusion of the National Historic  
12 Preservation Act among United States federal programs that will continue after  
13 the termination of the Trusteeship Agreement pursuant to the terms of a Compact  
14 of Free Association between the Federated States of Micronesia and the United  
15 States; and

16 BE IT FURTHER RESOLVED that certified copies of this Resolution be  
17 transmitted to the Commission on Future Political Status and Transition, the  
18 Governor of Yap, the Council of Pilung and the Council of Tamol, and the Yap  
19 Historic Preservation Officer.

Adopted: September 11, 1980

  
Joseph Ayin  
Speaker  
Yap State Legislature

Attested:   
Andrew Ruepong  
Chief Clerk  
Yap State Legislature

KOSRAE STATE LEGISLATURE  
2ND REGULAR SESSION, 1980  
July 15 - September 25, 1980

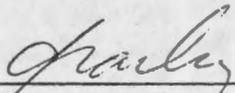
A KOSRAE STATE RESOLUTION

Requesting the Federated States of Micronesia Future Political Status Commission to request the United States Government to continue to fund the Kosrae Historic Preservation Program.

INTRODUCED BY: LEGISLATOR Ilai D. Abraham

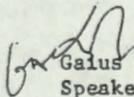
DATE: September 11, 1980

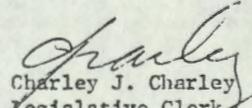
ADOPTED: September 15, 1980

  
\_\_\_\_\_  
CHARLEY J. CHARLEY  
LEGISLATIVE CLERK  
KOSRAE STATE LEGISLATURE

LEGISLATIVE RESOLUTION 2-109

We hereby certify that the foregoing Resolution  
was adopted by the Second Kosrae State Legislature,  
Second Regular Session, on the 15th day of September,  
1980.

  
Galus F. Nedlic  
Speaker  
Kosrae State Legislature

  
Charley J. Charley  
Legislative Clerk  
Kosrae State Legislature

A RESOLUTION

Requesting the Federated States of Micronesia Future Political Status Commission to request the United States Government to continue to fund the Kosrae Historic Preservation Program.

1. WHEREAS, the State of Kosrae has in its possession certain
2. discovered historical sites, monuments, artifacts and structures as well
3. as those yet to be discovered; and

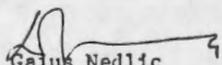
4. WHEREAS, for social, cultural, historical and educational values,
5. those sites, monuments, artifacts, and structures should be preserved
6. for future generations; and

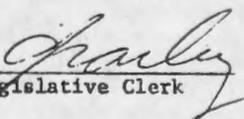
7. WHEREAS, the preservation of such sites, monuments, artifacts, and
8. structures are in the best interest of all the people and not only the
9. State of Kosrae; now, therefore

10. BE IT RESOLVED that the Second Kosrae State Legislature, Second
11. Regular Session, 1980, hereby requests the Federated States of Micronesia
12. Future Political Status Commission to request the United States Government
13. to continue to fund the Kosrae Historic Preservation Program; and

14. BE IT FURTHER RESOLVED that certified copies of this Resolution be
15. transmitted to the Honorable Tosiwo Nakayama, President of the Federated
16. States of Micronesia, Dr. Ross Cordy, Staff Archeologist, Historic
17. Preservation Office of the Trust Territory Government, Saipan, the
18. Honorable Andon Amaraich, Chairman of Future Political Status Commission
19. of the Federated States of Micronesia, Mr. Norio Skilling, Chairman of
20. the Kosrae Historic Preservation Board and the Honorable Jacob Nema,
21. Governor of the State of Kosrae.

ADOPTED BY THE KOSRAE STATE LEGISLATURE ON THE 15TH DAY OF SEPTIMBER, 1980.

  
Galus Nedlic  
Speaker, Kosrae State Legislature

Attested by:   
Legislative Clerk

A HOUSE OF ELECTED MEMBERS RESOLUTION

To congratulate and commend the people of Ngchesar Municipality, the Palau Historical and Cultural Preservation Commission, and the Palau District Administrator for their hard work and support for the creation of "BISEBUSECH" and for their preparation and planning of the February 25, 1980 Ceremony.

1           WHEREAS, it has been over half a century since the people of Palau  
2 have produced a truly traditional war canoe, similar to that as used by our  
3 ancestors; and

4           WHEREAS, the people of Ngchesar Municipality, with the support and  
5 guidance of the Palau Historical and Cultural Preservation Commission and the  
6 District Administration of Palau, have worked skillfully to create a war canoe,  
7 using the advice and help of the older members and of the craftsmen of the  
8 municipality; and

9           WHEREAS, all the people of Palau have looked forward to the day when  
10 the traditional war canoe would once again grace the shores of Palau; and

11           WHEREAS, through the close cooperation of the people of Ngchesar, and  
12 the close cooperation between them and the Palau Historical and Cultural  
13 Preservation Commission and the Palau District Administration, the people  
14 have succeeded in their efforts to create a war canoe which is a worthy  
15 replica of that used by ancient Palauans; and

16           WHEREAS, this great effort has given many people of Palau their  
17 first opportunity to see a war canoe, thereby coming closer to their history  
18 and their roots in Palau's past; and

19           WHEREAS, this effort has come to symbolize the unity and pride of the  
20 Palauan people, encouraging all of us to forget petty differences and look  
21 with new respect on our shared tradition; and

22           WHEREAS, this effort and these memories serve as an inspiration to your  
23 elected representatives to attempt to build a future based firmly in our shared  
24 past, now, therefore,

25           BE IT RESOLVED by the House of Elected Members of the Seventh Palau  
26 Legislature, First Regular Session, 1980, that our heartfelt congratulations  
27 and commendations be and are hereby extended to the people of Ngchesar

1 Municipality for their efforts in creating the war canoe "Bisebusech", and in  
2 planning and preparing the dedication ceremony, and to the Palau Historical  
3 and Cultural Preservation Commission and the Palau District Administration  
4 for their effort and valuable input into and necessary support and encourage-  
5 ment for this project; and

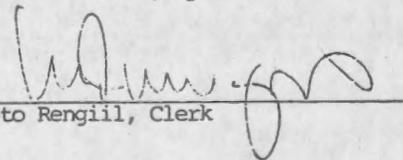
6 BE IT FURTHER RESOLVED that certified copies of this Resolution be  
7 transmitted to the Magistrate and Chief of Ngchesar Municipality, to the  
8 Chairman and members of the Palau Historical and Cultural Preservation  
9 Commission, to the Palau District Administrator, and to the High Commissioner  
10 of the Trust Territory of the Pacific Islands.

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ADOPTED: February 20, 1980

  
Tosiwo Nakamura, Speaker

ATTESTED:

  
Oroto Rengil, Clerk

HISTORIC PRESERVATION CONCERNS IN MICRONESIAN CONSTITUTIONS



CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA

PREAMBLE

WE, THE PEOPLE OF MICRONESIA, exercising our inherent sovereignty, do hereby establish this Constitution of the Federated States of Micronesia.

With this Constitution, we affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.

To make one nation of many islands, we respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us. Our islands sustain us, our island nation enlarges us and makes us stronger.

Our ancestors, who made their homes on these islands, displaced no other people. We, who remain, wish no other home than this. Having known war, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

Micronesia began in the days when man explored seas in rafts and canoes. The Micronesian nation is born in an age when men voyage among stars; our world itself is an island. We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution we, who have been the wards of other nations, become the proud guardian of our own islands, now and forever.

## PREAMBLE

In exercising our inherent sovereignty, We, the people of Palau proclaim and reaffirm our immemorial right to be supreme in these islands of Palau, our homeland. We renew our dedication to preserve and enhance our traditional heritage, our national identity and our respect for peace, freedom and justice for all mankind. In establishing this Constitution of the sovereign Republic of Palau, We venture into the future with full reliance on our own efforts and the divine guidance of Almighty God.

## AN ACT

To repeal Sections 251, 252, 253, 254, 255, and 256 of Chapter 11 of Title 67 of the Trust Territory Code and to enact new sections in lieu thereof to provide for the preservation of the cultures, customs, traditions, and historic places within the Federated States of Micronesia through the establishment of the Institute for Micronesian History and Culture; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 251 of Chapter 11 of Title 67 of the Trust  
2 Territory Code is hereby repealed, and a new Section 251 is enacted to  
3 read as follows:

4 "Section 251. Declaration of Policy. It is the policy of the  
5 Federated States of Micronesia to protect and preserve the  
6 diverse cultural heritage of the peoples of Micronesia and, in  
7 furtherance of that policy, to assist in the identification  
8 and maintenance of those areas, sites, and objects of histori-  
9 cal significance within the Federated States of Micronesia."

10 Section 2. Section 252 of Chapter 11 of Title 67 of the Trust  
11 Territory Code is hereby repealed, and a new Section 252 is enacted to  
12 read as follows:

13 "Section 252. Definitions. Whenever used in this Chapter  
14 unless the subject matter, context, or sense otherwise requires:

15 (1) 'Historic property' means sites, structures, buildings,  
16 objects, and areas of significance in local history, archeology,  
17 or culture.

18 (2) 'Cultural attribute' means all aspects of local  
19 culture, tradition, arts, crafts, all social institutions, forms  
20 of expression, and modes of social interaction.

21 (3) 'Historical artifact' means an object produced by  
22 human beings 30 or more years previously."

1 Section 3. Section 253 of Chapter 11 of Title 67 of the Trust Territory  
2 Code is hereby repealed, and a new Section 253 is enacted to read as follows:

3 "Section 253. The Institute for Micronesian History and Culture  
4 Established. The Institute for Micronesian History and Culture  
5 (hereinafter referred to as the 'Institute') is hereby established.  
6 The Institute shall be staffed with professional and paraprofes-  
7 sional personnel trained in fields relevant to the identification,  
8 conservation, and protection of historic properties and cultural  
9 attributes within the Federated States of Micronesia through  
10 the effective administration of funds from various sources. The  
11 activities of the Institute shall be under the supervision of  
12 a director who shall be appointed by the President with the  
13 advice and consent of the Congress. The director serves at the  
14 pleasure of the President. The Institute shall be guided in its  
15 undertakings by an advisory panel of not more than 9 persons  
16 to be appointed by the President of the Federated States of  
17 Micronesia, with the advice and consent of the Congress. Each  
18 state of the Federated States of Micronesia shall be represented  
19 on the panel and no less than 5 of the panel members shall  
20 possess either professional or practical expertise in  
21 Micronesian history and culture. Members of the advisory  
22 panel shall receive no compensation for their service, but shall  
23 be entitled to per diem at standard rates and other expenses  
24 incidental to travel when discharging the responsibilities and  
25 duties attendant to membership. The Institute shall have the

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1 following powers and duties:

2 (1) To provide professional assistance to historic and  
3 cultural preservation programs in the several states;

4 (2) To provide professional guidance regarding historic  
5 and cultural affairs and recommendations to all levels of govern-  
6 ment and the agencies thereof, as well as to foreign governments  
7 and private businesses operating in Micronesia;

8 (3) To advise the Executive and Legislative Branches of  
9 the national government concerning public and private actions  
10 which may affect historic properties or cultural attributes;

11 (4) To secure and administer grants and contracts for  
12 research and other activities promoting the preservation of  
13 Micronesian historic properties and cultural attributes;

14 (5) To prepare and submit a report at least once a year to  
15 the President and the Congress of the Federated States of Micro-  
16 nesia setting forth the activities of the Institute during the  
17 period since its last report and its plans for the future;

18 (6) To establish facilities and acquire equipment and  
19 supplies as may be necessary for the effective implementation of  
20 its mandate, taking all reasonable steps to guard against  
21 unnecessary duplication of facilities and materials at the state  
22 and national level;

23 (7) To establish and maintain a national archives for the  
24 Federated States of Micronesia at the Community College of  
25 Micronesia, to be a depository for documents and other articles

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1 of historic or cultural significance and to be made available  
2 to scholars and others interested in researching the history  
3 and cultures of the Federated States of Micronesia.

4 (8) To monitor the activities of the national government  
5 and its agencies and private individuals or groups of  
6 individuals which could have an impact on historic properties or  
7 cultural attributes;

8 (9) To prepare and promulgate rules, regulations, and  
9 guidelines necessary to the effective implementation of this  
10 Section; and

11 (10) To engage in such other activities as are not  
12 inconsistent with the purposes of this Chapter."

13 Section 4. Section 254 of Chapter 11 of Title 67 of the Trust Terri-  
14 tory Code is hereby repealed, and a new Section 254 is enacted to read  
15 as follows:

16 "Section 254. Procedures.

17 (1) The national government of the Federated States of  
18 Micronesia and its agencies, as well as agencies or other parties,  
19 public or private, foreign or domestic, operating with the  
20 financial assistance or permission of the national government,  
21 shall submit plans and proposals for any undertaking as early  
22 as is possible to the Institute for its review and shall conduct  
23 such studies or assist the Institute and the appropriate state  
24 preservation program in conducting such studies, as may be  
25 necessary to determine the effects of their undertakings on

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1 historic properties and cultural attributes. Whenever the  
2 Institute is notified or learns of any activity or proposed  
3 activity of the national government of the Federated States of  
4 Micronesia and its agencies, as well as agencies or other parties,  
5 public or private, foreign or domestic, operating with the finan-  
6 cial assistance or permission of the national government which  
7 may have an impact on historic properties or cultural attributes  
8 it shall take all steps reasonable and necessary to determine the  
9 nature and magnitude of the impact such activities are likely to  
10 have on the historic property or cultural attribute. Should the  
11 Institute determine that significant effects are likely, the  
12 Institute shall initiate consultations with the agency or  
13 individual engaging or proposing to engage in the activity, other  
14 concerned agencies, the coordinators of affected state preserva-  
15 tion programs, as well as the public, to clearly identify the  
16 historic properties or cultural attributes subject to impact.  
17 It shall be the goal of the Institute to maximize beneficial  
18 effects and eliminate or mitigate any harmful effects to Micro-  
19 nesian historic properties or cultural attributes. Any agency  
20 or party, public or private, foreign or domestic, operating with  
21 the financial assistance or permission of the national government,  
22 upon receipt of notification that consultation is necessary in  
23 the opinion of the Institute, shall enter into such consultation.  
24 Action on the undertaking which is the subject of consultation  
25 shall be suspended if there is a threat of immediate and

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1           irreparable harm to an historic property or artifact. Any under-  
2           taking so suspended shall not be resumed until approval of the  
            undertaking has been given by the President.

3                       (2) If an irresolvable conflict arises between the  
4           preservation of historic properties or cultural attributes and the  
5           plans of an agency or a party, the Institute and the agency or  
6           party concerned shall prepare and submit reports setting forth  
7           the facts of the situation and all other relevant facts, opinions,  
8           and recommendations to the President of the Federated States of  
9           Micronesia. The President shall review both sides of the conflict  
10          and prepare a ruling within seven days resolving the conflict,  
11          such ruling to be binding on both the Institute and the agency or  
12          party.  
13

14                      (3) The President, in reaching a decision, shall take into  
15          account the value of the undertaking in question to the economic  
16          and general development of the Federated States of Micronesia or  
17          to its defense and the value of the historic property or  
18          cultural attribute involved to the maintenance of Micronesia's  
19          cultural integrity and to the scientific and humanistic under-  
20          standing of Micronesia's cultures and history.

21                      (4) Upon reaching a decision in any dispute referred to  
22          him, the President shall issue a public announcement setting forth  
23          the decision and its bases. Such decisions shall be binding on  
24          the parties concerned."

25          Section 5. Section 255 of Chapter 11 of Title 67 of the Trust

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1 Territory Code is hereby repealed, and a new Section 255 is enacted to  
2 read as follows:

3           "Section 255. Cooperative Agreements. The Institute is  
4 authorized to enter into cooperative agreements with, and to seek  
5 and accept financial, technical, or other assistance from any  
6 agency of the government of the Federated States of Micronesia,  
7 agencies of local or state governments, any educational or  
8 scientific institution, any corporation or foundation, any  
9 private party, or any foreign government and its agencies,  
10 provided such assistance or cooperation is not in conflict with  
11 a specific provision contained in a Compact of Free Association  
12 between the government of the Federated States of Micronesia and  
13 the government of the United States of America. Any agreement  
14 or contract with a foreign government or its agencies shall be  
15 negotiated in conjunction with the Executive Branch of the govern-  
16 ment of the Federated States of Micronesia and consummated only  
17 with the express written permission of the President of the  
18 Federated States of Micronesia."

19           Section 6. Section 256 of Chapter 11 of Title 67 of the Trust Terri-  
20 tory Code is hereby repealed, and a new Section 256 is enacted to read as  
21 follows:

22           "Section 256. Destruction, Transportation or Exportation of  
23 Historical Artifacts Prohibited.

24           (1) No person shall willfully transport any historical  
25 artifacts in interstate or foreign commerce without the express

1 written permission of the Governor of the state in which such  
2 artifacts were found.

3 (2) No person shall willfully deface, disfigure, disturb,  
4 or destroy any historic property within the control and juris-  
5 diction of the national government of the Federated States of  
6 Micronesia without the express written permission of the President.

7 (3) Upon receiving a request for permission to export, deface,  
8 disfigure, disturb, or destroy any historic property or artifact  
9 within the control and jurisdiction of the national government of  
10 the Federated States of Micronesia, the President shall consult  
11 with the Institute to determine the appropriateness of granting  
12 such permission."

13 Section 7. A new Section 257 of Chapter 11 of Title 67 of the Trust  
14 Territory Code is hereby enacted to read as follows:

15 "Section 257. Penalties. Any person violating any provision of  
16 Section 256 of this Chapter or the rules and regulations issued  
17 pursuant to authority vested by this Chapter shall be punished by  
18 a fine of no less than \$300 nor more than \$1,000 for each violation."

19 Section 8. Effective Date. This act shall become law upon approval by  
20 the President of the Federated States of Micronesia, or upon its becoming  
21 law without such approval.

22

23

24

25

September 28, 1979

  
Tosiwo Nakayama  
President  
Federated States of Micronesia

FIRST LEGISLATURE  
STATE OF YAP  
SECOND REGULAR SESSION, 1980

BILL NO. 1-164,D1  
YAP STATE LAW NO. 1-58

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AN ACT

To provide for the preservation of traditions, and historical properties within the State, and for other purposes.

Be it enacted by the Legislature of Yap State.

1           Section 1. Short Title. This Act shall be known and may be cited as  
2           the State Historic Preservation Act.

3           Section 2. Findings. The Legislature finds that:

4                   (1) The people of the State have an ancient and distinguished  
5                   history and have played an important role in the history of  
6                   Micronesia.

7                   (2) Sites, structures, buildings, objects and areas of historic  
8                   and cultural significance within the State have been damaged  
9                   and destroyed, and objects removed from the State.

10                  (3) Traditions, arts, crafts, stories, and songs of historic and  
11                  cultural significance are endanger of being lost as elders  
12                  pass away and their knowledge with them.

13                  (4) The spirit and direction of the State are founded upon and  
14                  reflected in its historic past.

15           Section 3. Declaration of Policy. The State Government is empowered by  
16           the Constitution of the Federated States of Micronesia and the Charter for the  
17           Yap State Government to protect, conserve and develop objects and places of  
18           historic and cultural interest within the State. It is the policy of the State  
19           to exercise that power to preserve the sites, structures, buildings, objects,  
20           areas, traditions, arts, crafts, stories and songs of historic and cultural  
21           significance for the benefit of present and future generations.

1           Section 4. Definitions. As used in this Act, unless the context  
2 otherwise requires, the term:

- 3           (1) "Historic property" means any site, structure, building,  
4           object or area of significance in the history, archeology  
5           or culture of the people of the State of Yap.  
6           (2) "Traditional culture" means any tradition, art, craft, song,  
7           story or technology indigenous to the people of the State  
8           of Yap.  
9           (3) "Office" means Yap Historic Preservation Office.

10          Section 5. Implementation of Policy.

- 11          (1) The State Government, including its agencies and political  
12          subdivisions shall implement a program to identify, protect,  
13          preserve, and develop historic properties and traditional  
14          culture. The program shall be known and referred to as the  
15          Yap Historic Preservation Program.  
16          (2) The State Government, including its agencies and political  
17          subdivisions, prior to permitting, assisting or engaging in  
18          any activity which may have an impact on historic properties  
19          shall notify the Yap Historic Preservation Office.  
20          (3) The Office shall take all steps reasonable and necessary to  
21          determine the nature and magnitude of the impact such activi-  
22          ties are likely to have on historic property or traditional  
23          culture. Should the Office determine that significant effects  
24          are likely, the Office shall initiate consultation with any  
25          concerned agency, political subdivisions, or person to clearly  
26          identify the historic properties or traditional culture  
27          subject to impact.  
28          (4) The goal of the Office shall be to maximize beneficial effects  
29          and eliminate or mitigate any harmful effects to historic  
30          properties or traditional culture.

- 1 (5) Any agency, political subdivision or person, upon receipt  
2 of notification that consultation is necessary in the opinion  
3 of the Office, shall enter into such consultation. Any  
4 activity which is the subject of consultation shall cease if  
5 there is a threat of immediate and irreparable harm to an  
6 historic property. Such an activity may be resumed upon  
7 approval of the Governor.
- 8 (6) If an irresolvable conflict arises between the preservation  
9 of historic properties or traditional culture and the activity  
10 which is the subject consultation, all parties to the consul-  
11 tation shall submit reports of their findings and recommen-  
12 dations to the Governor.
- 13 (7) The Governor shall review the conflict and enter a decision  
14 to resolve the conflict. The decision of the Governor shall  
15 be binding upon all parties to the activity which is the  
16 subject of consultation.
- 17 (8) Prior to entering a decision, the Governor shall consider the  
18 value of the activity to the economic and social development  
19 of the State and the value of the concerned historic property  
20 or traditional culture.

21 Section 6. Office Established. There is established an executive office  
22 to be known as the Yap Historic Preservation Office. The Office shall be adminis-  
23 tered, in accordance with the provisions of this Act, under the supervision and  
24 direction of a Historic Preservation Officer. The Officer shall be appointed  
25 by the Governor, by and with the advice and consent of the Legislature.

26 Section 7. Powers and Duties of Office. The Office shall have powers  
27 and duties as follows:

- 28 (1) Participate in programs and activities of the Institute of  
29 Micronesian History and Culture;
- 30 (2) Conduct and support archaeological surveys for identifications  
31 of historic properties;

- 1 (3) Acquire and preserve documents and oral statements on the
- 2 history and traditional culture of the State;
- 3 (4) Promote, conduct and support the restoration, stabilization
- 4 and maintenance of historic properties;
- 5 (5) Conduct studies, surveys and investigations on public or
- 6 private activities that may have impact on historic properties
- 7 or traditional culture;
- 8 (6) Promote the establishment of a State Museum and operate or
- 9 support the operation of the Museum;
- 10 (7) Promote the establishment of a State Historic Park System and
- 11 administer or support the administration of the System;
- 12 (8) Promote, conduct and support education programs on historic
- 13 preservation;
- 14 (9) Render advice and coordinate public and private activities to
- 15 preserve historic properties and traditional culture;
- 16 (10) Promulgate rules and regulations, subject to the approval of
- 17 the Governor, necessary for the effective implementation of
- 18 this Act;
- 19 (11) Prepare an annual plan and budget request for the Office and
- 20 submit such request to the Governor at least four months
- 21 prior to the convening of the regular session of the Legisla-
- 22 ture;
- 23 (12) Prepare an annual report on the activities of the Office and
- 24 submit such report to the Governor; Legislature and Councils
- 25 of Traditional Leaders at the beginning of the regular session
- 26 of the Legislature;
- 27 (13) Receive and administer grants and funds; and
- 28 (14) Enter into contracts to exercise powers and perform duties
- 29 enumerated in this Section, and engage in such other activi-
- 30 ties consistent with the purposes of this Act.

1           Section 8. Councils of Traditional Leaders.

2           (1) The Council of Pilung and Council of Tamol shall advise the  
3           Office on matters and activities that concern historic proper-  
4           ties and traditional culture.

5           (2) The Historic Preservation Officer shall deliver reports on the  
6           activities of the Office to the Council of Pilung or Council  
7           of Tamol upon the request of the Council.

8           (3) The Historic Preservation Officer shall submit the proposed  
9           annual budget and plan request for his Office to the Council  
10          of Pilung and Council of Tamol for review and approval prior  
11          to submitting such request to the Governor.

12          Section 9. Harming or Removing Historic Property Prohibited. No person  
13          shall willfully remove, or cause to be removed, historic property from the  
14          State or the public domain, or willfully deface, disfigure, disturb, damage or  
15          destroy such property, without the express written permission of the Governor,  
16          member on a Council of Traditional Chiefs representing the municipality in which  
17          the property is located, and Historic Preservation Officer.

18          Section 10. Penalties. A person who violates any provision of this  
19          Act, or rules and regulations promulgated pursuant to this Act, shall upon  
20          conviction be imprisoned for a period of not more than one year, or fined not  
21          more than two thousand dollars, or both.

22          Section 11. Severability. If any provision of this Act, or amendments  
23          thereto, or application thereof to any person, thing or circumstances is held  
24          invalid, the invalidity does not effect the provisions or application of this  
25          Act, or the amendments, that can be given effect without the invalid provision  
26          or application, and to this end the provisions of this Act, and the amendments  
27          thereto, are severable.

28          Section 12. Repeal. Sections 7100 to 7102 of the Yap State Code,  
29          traditional property, are repealed.

1 Section 13. Effective Date. This Act shall take effect upon the  
2 approval by the Governor, or upon its becoming law without such approval.

Signed by

Joseph A. Yin  
Speaker

Date

4/23/80

Attested to:

Andrew Ruepong  
Chief Clerk

Approved by:

John A. Mangefel  
Governor

Date: \_\_\_\_\_

BECAME LAW ON AUGUST 28, 1980, BY VIRTUE OF A VOTE BY THE  
LEGISLATURE TO OVERRIDE THE GOVERNOR'S VETO.

SIXTH PALAU LEGISLATURE

Sixth Regular Session, April, 1978

PUBLIC LAW NO. 6-6-19.

AN ACT

An Act to establish a Historical Preservation Commission for Palau.

BE IT ENACTED BY THE PALAU LEGISLATURE

1           Section 1. Declaration of policy. It is hereby declared that  
2 it is the public policy of the Palau District to preserve for public use  
3 locations, structures, landmarks, buildings, and other objects of outstanding  
4 historical, archaeological or cultural significance for the inspiration and  
5 benefit of the people of Palau.

6           Section 2. Definitions.

7           (a) "Act" means this law as enacted together with such rules  
8 and regulations as adopted pursuant thereto.

9           (b) "Historic Site" means any location, site, structure,  
10 building, or landmark in Palau of outstanding pre-historical, historical,  
11 archaeological or cultural significance.

12           (c) "Register" means the Palau Register of Historic Sites.

13           (d) "Site" means any location, site, structure, building, or  
14 landmark in Palau.

15           Section 3. Palau Historical and Cultural Preservation Commission.

16 A commission is hereby established, to be known as the Palau Historical and  
17 Cultural Preservation Commission, to be composed of eleven members, who shall  
18 be appointed by the District Administrator. All initial or subsequent  
19 appointments shall be made with advice and consent of the Palau Legislature  
20 during session or its duly authorized Committee between sessions. Initial  
21 appointments shall be as follows: four (4) for a term of one year; four (4)  
22 for a term of two years; and three (3) for a term of three years.

23 Subsequent appointments shall be for a term of three (3) years, provided that  
24 prior membership in the Commission shall not constitute disqualification for  
25 reappointment. A member shall hold office until his successor has been

1 qualified. Any vacancy in the Commission shall be filled for the remainder  
2 of the unexpired term in the same manner as the original appointment.

3 Section 4. Powers and Duties. The Commission shall:

4 (a) Establish a Register in which any historic site shall be  
5 entered.

6 (b) Make surveys, investigations and conduct research, secure,  
7 collate, and preserve drawings, plans, photographs and other data relating to  
8 any site for the purpose of gathering information helpful to the determination  
9 whether such site should be designated as an historic site.

10 (c) Designate any historic site which shall, upon majority  
11 vote of the Commission and approval of the District Administrator, be given  
12 a number and entered in the Register.

13 (d) Acquire in the name of the District Government of Palau by  
14 lawful means, for the purpose of this Act, any property, personal or real,  
15 with title to any real property so acquired to be satisfactory to the  
16 Commission: Provided, that no such property which is owned by any religious  
17 or educational institution, or which is owned or administered for the benefit  
18 of the public shall be so acquired without the consent of the owner: Provided  
19 further, that no such property shall be acquired or any contract or agreement  
20 executed for the acquisition thereof which will obligate the funds of the  
21 Palau District for the payment of such property, unless or until the Palau  
22 Legislature or the Congress of the United States has appropriated money  
23 which is available for that purpose.

24 (e) Contract and make cooperative agreements with municipal  
25 governments, corporations, associations, or individuals to protect, preserve,

SIXTH PALAU LEGISLATURE

Sixth Regular Session, April, 1978

PUBLIC LAW NO. \_\_\_\_\_

1 maintain, or operate historic sites, regardless as to whether the title  
2 thereto is vested in the District Government: Provided, that no contract  
3 or cooperative agreement shall be made or entered into which will obligate  
4 the funds of the Palau District unless or until the Palau Legislature or  
5 the Congress of the United States has appropriated money for such purpose.

6 (f) Restore, reconstruct, rehabilitate, protect, preserve  
7 and maintain any historic site, and where deemed desirable establish and  
8 maintain public museums in connection therewith.

9 (g) Operate and manage any historic site acquired under the  
10 provisions of this Act together with lands and subordinate buildings for the  
11 benefit of the public, such authority to include the power to charge reasonable  
12 visitation fees and to grant concessions, leases, or permits for the use of  
13 land, building space, roads, or trails when necessary or desirable either  
14 to accommodate the public or to facilitate administration.

15 (h) Erect and maintain tablets to mark or commemorate any  
16 historic site.

17 (i) Develop an educational program to make available to the  
18 public, and to preserve for posterity, facts and information pertaining to  
19 any historic site. Reasonable charges may be made for the dissemination of  
20 any such facts or information.

21 (j) Advise agencies or organizations responsible for planning,  
22 land, parks and recreation, museums, and for preserving historical and  
23 cultural heritage. The Commission may also recommend policies to the  
24 District Administrator, Mayors or Magistrates pertaining to the restoration,  
25 reconstruction, conservation, and general administration of historic sites.

26 (k) Execute and perform any and all lawful acts required to  
27 obtain funds from the United States, the Palau District Legislature or other  
28 agencies or institutions.

1           Section 5. Approval. No action involving construction, use,  
2 repair, restoration or rehabilitation of any historic site entered in the  
3 Register shall take place without the approval of the Commission.

4           Section 6. Protection. In pursuance of its duties and functions,  
5 the Commission shall determine whether any proposed public construction  
6 project would adversely affect any historic site. The Commission shall submit  
7 its findings to the District Administrator who shall then determine the  
8 manner and the condition of the project implementation. No public construction  
9 projects shall be started until the District Administrator has made his  
10 determination.

11           Section 7. Cooperation and Further Designation. The Commission  
12 is authorized to cooperate with and obtain the assistance of any public  
13 agency or private institution or individual in the Trust Territory, the  
14 United States or any of its agencies thereof.

15           The Commission may, by mutual agreement with the United States  
16 or any of its agencies thereof, allow such government to register, recognize  
17 or designate any historical site entered in the Register.

18           Section 8. Rules and Regulations. The Commission shall make such  
19 rules and regulations that may be necessary and proper to carry out the  
20 provisions of this Act, with the approval of the District Administrator.

21           Section 9. Officers and Employees. The Commission shall elect,  
22 from among its members, a chairman, vice-chairman, and such other officers  
23 as the Commission may desire, by majority vote, to serve for such term as  
24 determined by the Commission. The Commission shall define the duties and  
25 powers of each officer. Nine (9) members shall constitute a quorum to conduct  
26 the business of the Commission. A majority vote of those present shall  
27 prevail on any question presented, provided a quorum is present. The members

SIXTH PALAU LEGISLATURE

Sixth Regular Session, April, 1978

PUBLIC LAW NO. \_\_\_\_\_

1 of the Commission shall serve without compensation but may be paid expenses  
2 incidental to travel when engaged in discharging their duties as members.

3 The Commission shall hire such staff or retain such consultants  
4 as may be necessary to carry out their duties and functions on terms  
5 acceptable to the Commission and within its budget.

6 Section 10. Enforcement. The Commission may enjoin any  
7 violation or threatened violation of this Act. In addition, any person  
8 violating any provision of this Act shall be punished by fine of not more  
9 than three hundred dollars (\$300.00) and be required to pay all costs of  
10 the proceedings.

11 Section 11. Appropriation. There is hereby appropriated ten  
12 thousand dollars (\$10,000.00) from the General Fund of the Palau Legislature  
13 for the purpose of carrying out the purposes of this Act, to be administered  
14 by the Chairman with the approval of the Commission.

15 Section 12. Section 3 of Public Law 5-6-5 is amended to read:

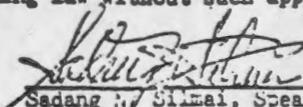
16 "Section 3. Administration, Protection and Development.

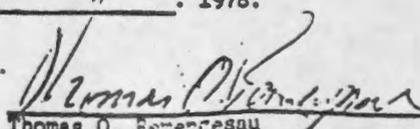
17 The administration, protection and development of the aforesaid district  
18 monuments shall be exercised under the direction of the District Administrator  
19 of the Palau District or his duly authorized Representatives which shall be  
20 the Palau Historical and Cultural Preservation Commission; provided, however,  
21 that no funds of the Palau District Legislature shall be obligated therefore  
22 unless or until the Palau Legislature has appropriated funds which are  
23 available for that purpose."

24 Section 13. This Act shall take effect upon its approval by the  
25 District Administrator, or upon its becoming law without such approval.

26 PASSED: May 3, 1978

27 Approved this 12th day of June, 1978.

  
Sadang M. Simal, Speaker

  
Thomas O. Remengesau  
District Administrator

PENDING HISTORIC PRESERVATION LEGISLATION

A BILL FOR AN ACT

To protect historic properties in Kosrae, and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1. Section 1. Short Title. This Act may be referred to as the Kosrae  
2. Historic Preservation Act.

3. Section 2. Findings. The Legislature finds and declares that:

4. (A) Kosrae has a long and distinguished history in Micronesia,  
5. both on Kosrae and as an influence on other areas in the Caroline Islands.

6. (B) There still exist in Kosrae many ruins, archaeological deposits,  
7. and other historic properties reflecting this history. Some of these ruins  
8. have been damaged or destroyed over the years. In some cases, artifacts have  
9. been removed from Kosrae.

10. (C) There also survive in Kosrae social institutions, traditions,  
11. arts, crafts, stories and songs that reflect the history of Kosrae. However,  
12. older people knowledgeable in these areas are continuing to pass away, and  
13. their knowledge is being lost.

14. (D) Preservation and wise use of historic properties and traditional  
15. culture and vital to the identity and intergrity of the people of Kosrae, and  
16. to the world's understanding of Micronesian history and culture.

17. (E) With careful planning, it is easily possible to protect historic  
18. properties and preserve cultural traditions without impeding political and  
19. economic development.

20. (F) There is at present no law to protect or preserve historic  
21. properties and traditional culture in Kosrae, other than Executive Order  
22. #2-79 protecting the Leonora wreck. There is further no law to provide for

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1. planning to avoid conflicts between their preservation and modern development.

2. Section 3. Declaration of Policy. It is hereby declared that it is a  
3. state policy to preserve valuable landmarks, structures, sites, and objects  
4. of historic significance within the lands and waters of Kosrae and to preserve  
5. the knowledge of Kosrae's traditional culture for the benefit of future  
6. generations.

7. Section 4. Definitions. As used herein:

8. (A) "Historic property" means any site, structure, object, or area  
9. of importance to the people of Kosrae or its municipalities for the under-  
10. standing and appreciation of our history. A historic property also refers to  
11. any site, structure, object or area that can be fruitfully used in the  
12. archaeological study of Kosrae's past.

13. (B) "Traditional culture" means any tradition, lifeway, art, craft,  
14. song, story, or technology indigenous to Kosrae.

15. (C) "Government" means the government of the State of Kosrae unless  
16. otherwise specified.

17. (D) "Office" means the Kosrae Historic Preservation Office,  
18. established by Section 6 of this statute.

19. (E) "Board" means the Kosrae Historic Preservation Review Board,  
20. established by Section 7 of this statute.

21. Section 5. Implementation of Policy.

22. (A) The government shall carry out a program to identify, protect,  
23. and preserve valuable historic properties and cultural traditions. This  
24. program is hereby named the Kosrae Historic Preservation Program.

25. (B) All agencies of the government, before undertaking an action

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1. that might affect the lands and waters of Kosrae, or before assisting,  
2. participating in, or licensing such an action, shall allow the Historic  
3. Preservation Office to consider the effects that the action may have on  
4. historic properties and traditional culture. The Office shall then reports  
5. its findings on the action's potential effects to the agency and the  
6. Legislature as well as the State Government.

7. Section 6. Kosrae Historic Preservation Office. There is hereby  
8. created an office to be known as the Kosrae Historic Preservation Office.  
9. This office shall be directly answerable to the Governor. This office shall  
10. have the rights and duties as provided for an prescribed in this Act.

11. (A) Staff of the office:

12. (1) The office shall have at least one permanent position,  
13. titled the Kosrae Historic Preservation Coordinator. This person shall be  
14. appointed by the Governor with the advice and consent of the Legislature,  
15. and shall be recognized as knowledgeable in the history of Kosrae, or have  
16. academic training or experience in history, archaeology or related fields,  
17. and shall be interested in Kosraean history.

18. (2) The Coordinator may employ such staff and retain consultants  
19. as may be necessary to carry out the office's duties, on terms acceptable  
20. to the Governor and within the office's budget.

21. (B) Duties of the Office. The Office shall have the following  
22. duties:

23. (1) Participate in the Federated States of Micronesia's  
24. historic preservation program that is centered in the Institute for  
25. Micronesian History and Culture.

1. (2) Continue to conduct or assist a thorough archaeological
2. survey to identify Kosrae's historic properties and made the survey
3. information available to the public.
4. (3) Acquire and preserve documents and oral data on the
5. history of Kosrae and make this information available to the public.
6. (4) Promote, conduct, or assist the restoration, stabilization,
7. and maintenance of valuable historic properties.
8. (5) Conduct studies on the effects of other government agencies'
9. actions on historic properties and advise them and the Legislature of
10. possible effects and means of minimizing adverse effects.
11. (6) Advise the public on matters relating to historic
12. preservation in order to promote preservation.
13. (7) Advise and coordinate with other government agencies to
14. promote preservation of Kosrae's history.
15. (8) Promote establishment of a State museum and operate, or
16. assist the operation of the museum.
17. (9) Promote the establishment of a Kosraean Historic Park
18. system.
19. (10) Prepare an annual plan and budget request for the Governor
20. two months prior to the Legislature's budget session.
21. (11) Publish a report of office activities semi-annually.
22. (12) Perform actions and made rules and regulations consistent
23. with this Act, necessary and proper to carry out the Act's provisions.
24. Section 7. The Kosrae Historic Preservation Board. There is hereby
25. created a Board to be known as the Kosrae Historic Preservation Review Board.

1. The Board shall have the duties as noted in this Act.

2. (A) Membership. The Board shall consist of at least four members  
3. to be appointed by the Governor. One member shall come from each of  
4. Kosrae's four municipalities. These appointment are subject to the advise  
5. and consent of the Legislature. Members shall be persons recognized as  
6. knowledgeable or interested in the history of Kosrae.

7. (B) Officers. The Board shall elect from among its members a  
8. Chairperson.

9. (C) Meetings. The Board shall meet ~~monthly~~ quarterly. ~~The~~  
10. ~~members shall meet monthly!~~ The members shall serve without compensation,  
11. but may be paid expenses incidental to travel when attending meetings of the  
12. Board.

13. (D) Duties. The Board shall:

14. (1) Review and approve the Annual Plan and Budget prepared  
15. by the Kosrae Historic Preservation Office.

16. (2) Advise the office on matters relating to Kosraean history.

17. (3) Hear a monthly report of the office's activities.

18. (4) Quarterly advise the Governor as to the progress of the  
19. office.

20. Section 8. Disurbance and Removal of Historic Material in Public Domain.

21. (A) It is unlawful for any person to disturb, remove, or damage  
22. any historic property on Kosraean public land or in public waters without a  
23. permit from the office. Those having interests in private land that contain  
24. historic properties are encouraged to consult with the office before  
25. disturbing such land or allowing it to be disturbed.

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1. (B) It is unlawful for any person to remove, cause to be removed,  
2. or sell objects of historic value from Kosrae, whether taken from public  
3. or private land, without written permission of the office.

4. (C) In issuing permits the office shall take into account the  
5. purpose of the proposed disturbance or removal, and shall encourage the use  
6. of historical material for legitimate educational and scientific purposes,  
7. but shall discourage their use as curios. The office shall consult with any  
8. local authorities having concerns or interests in the matter before issuing  
9. a permit and shall take into account local custom, interests, and desires  
10. with respect to the proposed permit.

11. Section 9. Penalties. Any person who violates any provisions of this  
12. Act, or who violates any rules or regulations issued pursuant to this Act,  
13. shall, upon conviction, be fined a sum of not more than \$1,000 or be  
14. imprisoned for a period of not more than six (6) months, or both.

15. Section 10. Appropriation. There is authorized to be appropriated  
16. such funds from the General Fund of the Kosrae State Legislature as may be  
17. necessary to carry out the purpose of this statute, upon receipt by the  
18. Legislature of a detailed and justified budget request from the Coordinator.  
19. The office shall make every effort to acquire outside sources of funding.  
20. and shall report on these efforts at the time the budget request is submitted.

21. Section 11. Effective Date. This act shall take effect upon its  
22. approval by the Governor, or upon its becoming law without such approval .

23.

24. Date: 8/04/80 Introduced by: /s/ Ilai Abraham  
Ilai Abraham

25.

HPO Headqst. Saipan

TRUK LEGISLATURE

A BILL FOR AN ACT

TO PROTECT & PRESERVE VALUABLE HISTORIC PROPERTIES & CULTURAL TRADITIONS IN TRUK.

Sect. 1. Short Title: This Act may be referred to as the Historic Preservation Act.

Sect. 2. Findings: The Legislature finds and declares that:

- (A) Truk State has unique place in Micronesian history.
- (B) There still exist in Truk State many ruins, archeological deposits, and other historic properties reflecting this history. Some of these ruins have been damaged or destroyed over the years. In some cases, artifacts have been removed from Truk.
- (C) There also survive in Truk State, social institutions, traditions, arts, crafts, stories, and songs that reflect the history of the state. However, older people knowledgeable in these areas are continuing to pass away, and their knowledge is being lost.
- (D) Preservation and wise use of historic properties and traditional culture are vital to the identity and integrity of the people of Truk, and to the world's understanding of Micronesian history and culture.
- (E) With careful planning, it is easily possible to protect historic properties and preserve cultural traditions without impeding political and economic development.
- (F) Truk District Law 21-5, enacted in 1971, stated that historic properties should be protected; however, it actually extended protection only to Japanese ships, airplanes, and other war relics under the waters of Truk Lagoon.

67.12.6 (text less)

- (G) There is at present no law to protect or preserve historic properties and traditional culture in Truk, other than Truk District Law 21-6 protecting the Truk Lagoon World War II relics. There is further no law to provide for their wise use, or to provide for planning to avoid conflicts between their preservation and modern development.
- (H) There is accordingly a need to broaden the protection afforded to historic properties by Truk District Law 21-5, and to establish a specific organization to work for the protection of historic properties and traditional culture.

**Sect. 3. Declaration of Policy.** It is hereby declared that it is a state policy to preserve valuable landmarks, structures, sites, and objects of historic significance within the lands and waters of Kosrae and to preserve the knowledge of Truk's traditional culture for the benefit of future generations.

**Sect. 4. Definitions.** As used herein:

- (A) "Historic property" means any site, structure, object, or area of importance to the people of Truk or its municipalities for the understanding and appreciation of our history. A historic property also refers to any site, structure, object, or area that can be fruitfully used in the archeological study of Truk's past.
- (B) "Traditional culture" means any tradition, lifeway, art, craft, song, story, or technology indigenous to Truk.
- (C) "Government" means the government of the State of Truk unless otherwise specified.
- (D) "Office" means the Truk Historic Preservation Office, established by Section 6 of this statute.
- (E) "Board" means the Truk Historic Preservation Review Board, established by Section 7 of this statute.

**Sect. 5. Implementation of policy.**

- (A) The government shall carry out a program to identify, protect, and preserve valuable historic properties and cultural traditions. This program is hereby named the Truk Historic Preservation Program.

- (E) All agencies of the government, before undertaking an action that might affect the lands and waters of Truk, or before assisting, participating in, or licensing such an action, shall allow the Historic Preservation Office to consider the effects that the action may have on historic properties and traditional culture. The Office shall then reports its findings on the action's potential effects to the agency and the Legislature.

**Secti 6: Truk Historic Preservation Office.**

There is hereby created an office to be known as the Truk Historic Preservation Office. This office shall be directly answerable to the Governor. This office shall have the rights and duties as provided for and prescribed in this Act.

**(A) Staff of the Office.**

- (1) The office shall have at least one permanent full-time position, titled the Truk Historic Preservation Coordinator. This person shall be appointed by the Governor with the advice and consent of the Legislature, and shall be recognized as knowledgeable in the history of Truk, or have academic training or experience in history, archeology or related fields, and shall be interested in Trukese history.
- (2) The Coordinator may employ such staff and retain consultants as may be necessary to carry out the office's duties, on terms acceptable to the Governor and within the Office's budget.

**(B) Duties of the Office.** The Office shall have the following duties:

- (1) Participate in the Federated States of Micronesia's historic preservation program that is centered in the Institute for Micronesian History & Culture.
- (2) Continue to conduct or assist a thorough archeological survey to identify Truk's historic properties and make the survey information available to the public.
- (3) Acquire and preserve documents and oral data on the history of Truk and make this information available to the public.

- 14
- (4) Promote, conduct, or assist the restoration, stabilization, and maintenance of valuable historic properties.
  - (5) Conduct studies on the effects of other government agencies' actions on historic properties and advise them and the Legislature of possible effects and means of minimizing adverse effects.
  - (6) (6) Advise the public on matters relating to historic preservation in order to promote preservation.
  - (7) Advise and coordinate with other government agencies to promote preservation of Truk's history.
  - (8) Promote establishment of a State museum and operate, or assist the operation of, the museum.
  - (9) Promote the establishment of a Truk State Historic Park system.
  - (10) Prepare an annual plan and budget request for the Governor 6 months prior to the Legislature's budget sessions.
  - (11) (11) Publish a report of office activities semi-annually.
  - (12) Perform actions and make rules and regulations consistent with this Act, necessary and proper to carry out the Act's provisions.
- (6) Contracts with Others. The office in performing the duties set forth in this Act, may enter into contracts and may receive and administer grants.

**Sect. 7: The Truk Historic Preservation Review Board.**

There is hereby created a Board to be known as the Truk Historic Preservation Review Board. The Board shall have the duties as noted in this Act.

- (A) Membership. The Board shall consist of at least four (4) members to be appointed by the Governor. Each member shall come from Raichuk, Meen, Manoncas and the Mortlocks. Members shall be persons recognized as knowledgeable or interested in the history of Truk State.
- (B) Officers. The Board shall elect from among its members a Chairperson.
- (6) Meetings. The Board shall meet monthly, but may be paid expenses incidental to travel when attending meetings of the Board.

(D) Duties. The Board shall:

- (1) Review and approve the Annual Plan and Budget prepared by the Truck Historic Preservation Office.
- (2) Advise the Office on matters relating to Truck history.
- (3) Hear a monthly report of the Office's activities.
- (4) Quarterly advise the Governor as to the progress of the Office.

Sect. 8: Disturbance and Removal of Historic Material in Public Lands.

- (A) It is unlawful for any person to disturb, remove, or damage any historic property on Truck State public land or in public waters without a permit from the office. Those having interests in private land that contains or may contain historic properties are encouraged to consult with the Office before disturbing such land or objects to be disturbed.
- (B) It is unlawful for any person to remove, cause to be removed, or sell objects of historic value from Truck, whether taken from public or private land, without the permission of the Office.
- (C) In issuing permits the Office shall take into account the purpose of the proposed disturbance or removal, and shall encourage the use of historical material for legitimate educational and scientific purpose, but shall discourage their use as curios. The Office shall consult with any local authorities having concerns or interests in the matter before issuing a permit and shall take into account local custom, interests, and desires with respect to the proposed permit.

Sect. 9. Penalties. Any person who violates any provisions of this Act, or who violates any rules or regulations issued pursuant to this Act, shall, upon conviction, be fined a sum of not more than \$1,000 or be imprisoned for a period of not more than six (6) months, or both.

Sect. 10. Appropriation. There is authorized to be appropriated such funds from the General Fund of the Truck Legislature as may be necessary to carry out the purposes of this statute, upon receipt by the Legislature of a detailed and justified budget request from the Coordinator. The Office shall make every effort to acquire outside sources of funding, and shall report on these efforts at the time the budget request is submitted.

Sect. 11. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_

A BILL FOR AN ACT

To protect Historic Properties in Ponape State, and for related purposes.

Section 1. Short Title: This Act may be referred to as the Ponape Historic Preservation Act.

Section 2. Findings: The Legislature finds and declare that:

- (A) Ponape State has a long and distinguished history in Micronesia, both on Ponape State and as an influence on other areas in the Caroline Islands.
- (B) There still exist in Ponape State many ruins, archaeological deposits, and other historic properties reflecting this history some of these ruins have been damaged or destroyed over the years. In some cases, artifacts have been removed from Ponape State.
- (C) There also survive in Ponape State social institutions, traditions, arts, crafts, stories and songs that reflect the history of Ponape State. However, older people knowledgeable in these areas are continuing to pass away, and their knowledge is being lost.
- (D) Preservation and wise use of historic properties and traditional culture are vital to the identity and integrity of the people of Ponape State, and to the world's understanding of Micronesian history and culture.
- (E) There is at present no law to protect ~~or~~ preserve <sup>or develop</sup> historic properties and traditional culture in Ponape State, other than the ~~Nan Madol Law? (Any others?)~~ <sup>Sir.</sup> ~~THE RUINS OF NAN MADOL~~ <sup>which does apply only to</sup>. There is further no law to provide for their wise use, or to provide for planning to avoid conflicts between their preservation and modern development.

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THEREFORE, BE IT ENACTED BY THE PONAPE STATE LEGISLATURE THAT:

Section 3. Declaration of Policy. It is hereby declared that it is a state policy to preserve valuable landmarks, structures, sites, and objects of historic significance within the lands and waters of Ponape State and to preserve the knowledge of Ponape State traditional culture for the benefit of future generations.

Section 4. Definitions. As used herein:

- (A) "Historic property" means any site, structure, object, or area of importance to the people of Ponape State or its municipalities for the understanding and appreciation of our history. A historic property also refers to any site, structure, object, or area that can be fruitfully used in the archaeological study of Ponape's past.
- (B) "Traditional culture" means any tradition, lifeway, art, craft, song-story, or technology indigenous to Ponape State.
- (C) "Government" means the government of the State of Ponape unless otherwise specified.
- (D) "Office" means the Ponape State Historic Preservation Office, established by Section 6 of this statute.
- (E) "Board" means the Ponape State Historic Preservation Review Board, established by Section 7 of this statute.

Section 5. Implementation of policy.

- (A) The government shall carry out a program to identify, protect, and preserve valuable historic properties and cultural traditions. This program is hereby named the Ponape State Historic Preservation Program.
- (B) All agencies of the government, before undertaking an action that might affect the lands and waters of Ponape State, or before assisting, participating in or licensing such an action, shall allow the Historic Preservation Office to consider the effects that the action may have on historic properties and traditional culture.

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The Office shall then report its findings on the action's potential effects to the agency and the Legislature.

Section 6. Ponape State Historic Preservation Office.

There is hereby created an office to be known as the Ponape State Historic Preservation Office. This office shall be directly answerable to the Governor of Ponape State. This office shall have the rights and duties as provided for and prescribed in this Act.

(A) Staff of the Office.

- (1) The office shall have at least one permanent full-time position, titled the Ponape State Historic Preservation <sup>OFFICER</sup> Coordinator. This person shall be appointed by the Governor with the advice and consent of the Ponape State Legislature, and shall be recognized as knowledgeable in the history of Ponape State, or have academic training or experience in history, archaeology or related fields, and shall be interested in Ponape State history.
- (2) The <sup>HPC</sup> ~~Coordinator~~ may employ such staff and retain consultants as may be necessary to carry out the office's duties, on terms acceptable to the Governor and within the office's budget.

(B) Duties of the Office. The Office shall have the following duties:

- (1) Participate in the Federated States of Micronesia's historic preservation program that is centered in the Institute for Micronesian History & Culture.
- (2) Continue to conduct or assist a thorough archaeological survey to identify Ponape's historic properties and make the survey information available to the public.
- (3) Acquire and preserve documents and oral data on the history of Ponape State and make this information available to the public.

- (4) Promote, conduct, or assist the restoration, stabilization, and maintenance of valuable historic properties.
- (5) Conduct studies on the effects of other government agencies' actions on historic properties and advise them and the Legislature of possible effects, and the means of minimizing adverse effects.
- (6) Advise the public on matters relating to historic preservation in order to promote preservation.
- (7) Advise and coordinate with other government agencies to promote preservation of Ponape's history.
- (8) Promote establishment of a State museum and operate, or assist the operation of the museum.
- (9) Promote the establishment of a Ponapean Historic Park system.
- (10) Prepare an annual plan and budget request for the Governor 6 months prior to the Legislature's budget sessions.
- (11) Publish a report of office activities semi-annually.
- (12) Perform actions and make rules and regulations consistent with this Act, necessary and proper to carry out the Act's provisions.
- (C) Contract with Others. The Office in performing the duties set forth in this Act, may enter into contracts and may receive and administer grants. *specific where grants may come from*
- (D) Funding Commission; <sup>2</sup>

Section 7, The Ponape State Historic Preservation Review Board. There is hereby created a Board to be known as the Ponape State Historic Preservation Review Board. The Board shall have the duties as noted in this Act.

- (A) Membership. The Board shall consist of at least eight (8) members to be appointed by the Governor with advise and consent of the State Legislature. One member shall come from each of the six municipalities of Ponape Island; Madolenihmw, Uh, Kiti, Net, Sokehs, and Kqlonia. One shall represent the eastern atolls Mokil & Pingilap, and one shall represent the southern Ngatik, Nukuoro, Kapinga atolls of Ponape State. Members shall be persons recognized

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r* as knowledgeable or members shall represent the outer islands of Ponape State: One shall represent the Eastern Atolls of Mokil and Pingilap; and one shall represent the Southern Atolls of Ngatik, Nukuoro, and Kapingamarangi, and shall be interested in the history of Ponape State.

- (B) Officers. The Board shall elect from among its members a Chairperson.
- (C) Meetings. The Commission shall meet once every month. Special commission meeting may be called at the discretion of chairman. The members shall serve without compensation, but may be paid expenses incidental to travel when attending meetings of the Board. No meeting shall be conducted without the minimum presence of four members.
- (D) Duties. The Board shall:
  - (1) Review and approve the Annual Plan and Budget prepared by the Ponape State Historic Preservation Office.
  - (2) Advise the Office on matters relating to Ponapean history.
  - (3) Hear a quarterly report of the Office's activities.
  - (4) Submit quarterly reports to the Governor as to the progress of the Office.

Section 8. Appropriation. There is authorized to be appropriated such funds from the General Fund of the Ponape State Legislature as may be necessary to carry out the purposes of this statute, upon receipt by the Ponape State Legislature of a detailed and justified budget request from the Coordinator of the Ponape State Historic Preservation Office. The Office shall make every effort to acquire outside sources of funding, and shall report on these efforts at the time the budget request is submitted.

Section 9. Disturbance and Revival of Historic <sup>Properties</sup> Material in Public Domain.

- (A) It is unlawful for any person to disturb, remove, or damage any historic property on Ponape State public land or in public waters without a permit from the office. Those having interests in private land that contains or may contain historic properties are encouraged to consult with the Office before

disturbing such land or allowing it to be disturbed.

- (B) It is unlawful for any person to remove, cause to be removed, or sell objects of historic value from Ponape State, whether taken from public or private land, without the permission of the Office.
- (6) In issuing permits the Office shall take into account the purpose of the proposed disturbance or removal, and shall encourage the use of historical material for legitimate educational and scientific purposes, but shall discourage their use as curios. The Office shall consult with any local authorities having concerns or interests in the matter before issuing a permit and shall take into account local custom, interests, and desires with respect to the proposed permit.

Section 10. Penalties. Any person who violates any provisions of Section 8 of this Act, shall upon conviction, be fined a sum of not more than \$1,000 or be imprisoned for a period of not more than six (6) months, or both.

Section 11. Effective Date. This Act shall take effect upon its approval by Governor, or upon its becoming law without such approval.

Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_