

USE AND OCCUPANCY AGREEMENT FOR LAND IN THE
TRUST TERRITORY OF THE PACIFIC ISLANDS
UNDER THE ADMINISTRATIVE RESPONSIBILITY
OF THE DEPARTMENT OF THE INTERIOR

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FARALLON DE MEDINILLA ISLAND
MARIANA ISLANDS DISTRICT

1 THIS AGREEMENT, made as of the 19th day of October 1971, by and
2 between the Government of the Trust Territory of the Pacific Islands,
3 hereinafter called "Trust Territory", and the United States of America,
4 hereinafter called "United States";

5 WITNESSETH THAT:

6 WHEREAS, the United States presently enjoys the use of an island
7 known as Naftan Rock in the Mariana Islands as an impact target area
8 under a Use and Occupancy Agreement with the Trust Territory dated the
9 1st day of August 1944; and

10 WHEREAS, the Trust Territory is desirous of terminating such use
11 and occupancy; and

12 WHEREAS, Trust Territory is the owner of that certain island known
13 as Farallon de Medinilla, hereinafter described; and

14 WHEREAS, the Trust Territory has received the favorable advice and
15 opinion of the Mariana Islands District Land Advisory Board regarding the
16 use of Farallon de Medinilla by the United States pursuant to the
17 provisions of Section 53(4) of Title 67 of the Trust Territory Code; and

18 WHEREAS, Trust Territory is desirous to convey, and the United
19 States is agreeable to accept rights to the Use and Occupancy of the
20 hereinabove described property in lieu of the rights enjoyed at
21 Naftan Rock;

22 NOW, THEREFORE, in consideration of the mutual benefits and
23 advantages to be derived therefrom, it is agreed as follows:

24 ARTICLE 1. TERMINATION OF AGREEMENT

25 The United States and Trust Territory hereby agree that with the
26 hereinafter mentioned grant set forth in Article 2 hereof the need for
27 continued use and occupancy of Naftan Rock no longer exists, and that
28 pursuant to Section 2 (D) of the above mentioned Use and Occupancy
29 Agreement for Naftan Rock made and entered into by the parties hereto
30 as of the 1st day of August 1944, such agreement shall terminate thirty

1 (30) days from the date of this Agreement.

2 ARTICLE 2. GRANT BY TRUST TERRITORY

3 Trust Territory then hereby gives, grants and conveys to United
4 States for an indefinite period of time the exclusive right to use and
5 occupy Farallon de Medinilla Island, hereinafter known as the "Premises"
6 and more particularly described as follows:

7 The land mass located at approximately 16°
8 01' North latitude, 146° 04' East longitude,
9 approximately 45 miles north, northeast of Saipan,
10 containing a land area of 0.35 square mile, as shown
11 on the attached map, such being a copy of a portion
12 of U.S. Army Map Service Sheet 3372 II SW, Series W843,
13 which is incorporated herein and made a part hereof
14 as Exhibit A.

15 ARTICLE 3. PURPOSE: USE BY UNITED STATES

16 The Premises shall be used by the United States for an aircraft
17 and ship ordnance impact target area. The United States may use the
18 Premises for other military purposes, consistent with the provisions of
19 the Trusteeship Agreement relating to the administration of the Trust
20 Territory of the Pacific Islands, with the prior written permission of
21 the Trust Territory.

22 ARTICLE 4. DAMAGES

23 The United States shall be responsible to the extent permitted by
24 United States law for any damage or injury to the Trust Territory or to
25 others arising from its use of the Premises; provided that nothing herein
26 shall be construed as requiring the United States to restore the Island
27 to its prior condition. The United States shall further hold the
28 Trust Territory harmless from any and all claims and damages or liability,
29 to the extent permitted by United States law, resulting from the use and
30 occupancy of the Premises by the United States.

1 ARTICLE 5. REVIEW OF NEED FOR LAND EVERY FIVE YEARS

2 On or about October 19, 1976, and on a similar date each five-year
3 period thereafter, the Trust Territory and United States shall jointly
4 review and determine the need for continuing the use and occupancy
5 granted and conveyed hereby.

6 ARTICLE 6. REVIEW BY THE PRESIDENT

7 In the event the review provided for in Article 5 does not result
8 in agreement as to the need for continued use and occupancy by United
9 States, the matter shall be presented to the President of the United
10 States for final decision.

11 ARTICLE 7. TERMINATION

12 In the event of a decision that a need for the continued use and
13 occupancy of said lands does not exist, the use granted, conveyed, and
14 assigned hereby shall terminate thirty (30) days from the date of such
15 decision and all interest in said lands shall revert to Trust Territory.

16 During said thirty-day period, United States may, if it elects,
17 remove any structures or improvements it has erected or may hereafter
18 erect on said lands; and if the structures or improvements cannot be
19 removed during said thirty-day period, United States shall be permitted
20 such additional reasonable periods of time as may be required.

21 ARTICLE 8. ASSIGNMENT BY UNITED STATES

22 It is understood that the agency of the United States having use
23 and occupancy of Farallon de Medinilla is the Department of the Navy
24 with immediate administrative responsibility assigned to the Commander,
25 Naval Forces Marianas. The United States may assign use of Farallon de
26 Medinilla to other United States Federal Department of Agencies with
27 the prior written consent of Trust Territory.

28 IN WITNESS WHEREOF, the parties hereto have executed this Agreement
29 as of the day and year first above written.

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1 UNITED STATES OF AMERICA

GOVERNMENT OF THE TRUST TERRITORY
OF THE PACIFIC ISLANDS

2
3 By: R. M. Sutley
4 R. M. SUTLEY, CAPT, CEO, USN
5 OFFICER IN CHARGE OF CONSTRUCTION
6 NAVAL FACILITIES ENGINEERING COMMAND
7 CONTRACTS, MARIANAS

By: Edward E. Johnston ^{Deputy}
High Commissioner of the Trust
Territory of the Pacific Islands

8 APPROVED AS TO FORM

APPROVED FOR THE DIVISION OF
LANDS AND SURVEYS

9 By: Richard I. Miyamoto
10 Richard I. Miyamoto
11 Attorney General

By: Kozo Yamada
Kozo Yamada
Chief, Lands and Surveys

12 Date: January 13, 1972

Date: Jan. 13, 1972

13 APPROVED FOR THE MARIANA
ISLANDS DISTRICT

APPROVED FOR THE MARIANA ISLANDS
DISTRICT OFFICE OF LAND MANAGEMENT

14
15 By: Francisco C. Ada
16 Francisco C. Ada
District Administrator

By: Elmer L. Gay
Elmer L. Gay
District Land Management Officer

17 Date: Jan 13, 1972

Date: Jan 13, 1972

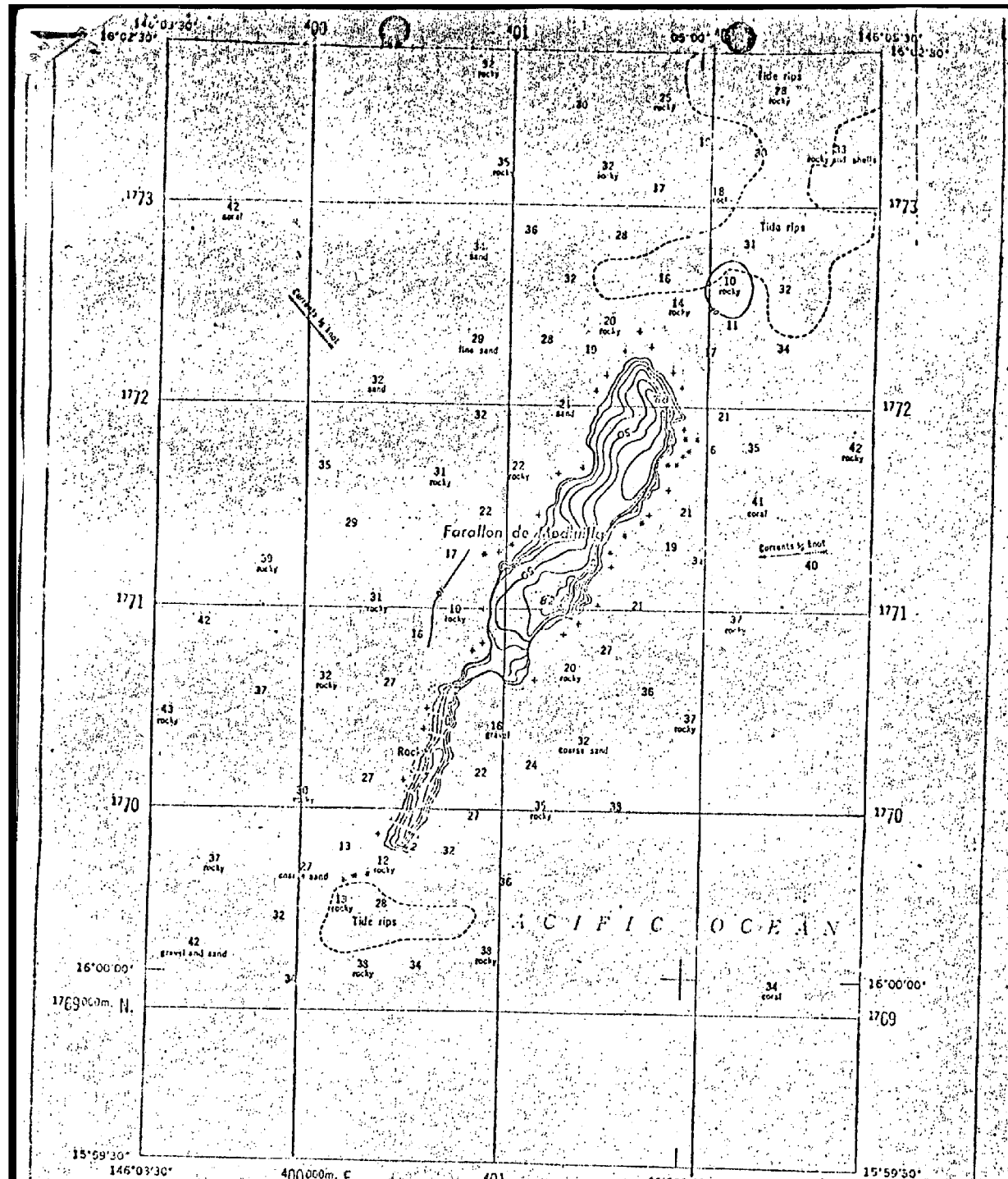
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19 *****

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21 RECORDING DATA

22 Filed and recorded in Book 1, Page 3 at 1:37 A.M./P.M.

23 this 14th day of January, 1971, 1972

24
25 Regius E. Acutino
26 Clerk of Courts
27 Mariana Islands District
28
29
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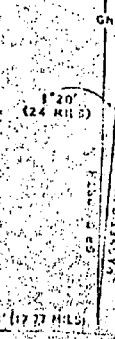
HORIZONTAL DATUM IS BASED ON
 EQUINOXIAL ASTRONOMICAL STATION
 (1911) 146°04'21" EAST OF
 GREENWICH, 16°00'47" NORTH

GRID DECLINATION FROM TRUE
 NORTH AT CENTER OF SHEET
 FOR UTM GRID ZONE 55, IS
 0°15' (OR 4 MILS) TO THE WEST

GRID ZONE DESIGNATION
 100,000 M SQUARE IDENTIFICATION
 SHOWN IN BLACK

CI DT
 100

FIGURES TO SMALLER FIGURES OF A
 GRID SQUARE, THESE ARE THE LETTERS
 OF THE ALPHABET. USE ONLY THE
 LETTERS I, O, AND Q IN THE GRID SQUARES.
 example: 17C9000



TO CONVERT A
 MAGNETIC AZIMUTH
 TO A GRID AZIMUTH
 ADD G.M. ANGLE

TO CONVERT
 A GRID AZIMUTH TO A
 MAGNETIC AZIMUTH
 SUBTRACT G.M. ANGLE

ANNUAL MAGNETIC
 CHANGE IS NEGLECTED

COPY OF A PORTION OF U.S. NAVAL MAP
 NUMBER 1773, 1:50,000, SERIES W-10

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