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LAND

The third major item on our agreed agenda is land. You have indicated that under this broad title you are interested in three principal items: public land; land alienation; and Federal requirements for future land use in the Marianas. It is our further understanding that you would prefer to give the last named subject priority attention. I believe, however, that before proceeding to a discussion of U. S. civil and military land requirements it would be useful to restate the American position on public land and land alienation.

Public Land

U. S. policy toward public lands in the Marianas is clear. It intends that these lands which have been held in trust be returned to the people of the Marianas. The U. S. is committed to this course of action. The questions to be resolved before the public lands are returned are ones of a technical, administrative, legal and timing nature. The U. S. intends to examine these questions on a priority basis in connection with a larger study. of the possible early return of public land to the Districts of Micronesia. But if that is delayed for any reason, the U. S. will give special attention to the particular need to resolve the problem in the Marianas.

Included in this review will be the important question of land surveys and registration referred to in your position paper on economics and finance under Phase I and your paper on a proposed land

cadastral survey program. The U. S. Delegation understands and sympathizes with your legitimate concern over the elapse of time and the delays in completing this essential task. I can assure you that the U. S. will be looking for immediate ways and means to expedite and give new impetus to this program.

With regard to the question "to whom" should the public land be returned, your paper of May 25, 1973 was most helpful. The U. S. will consider your proposals carefully. The U. S. will wish to discuss further with you in the very near future the kind of local legal entity that should be established to receive and administer public lands, and how the interests of the people of the Marianas in their lands can best be safeguarded in the future. We hope to address these questions in the immediate weeks ahead and look forward to working closely with you and those in the Marianas District and the TTPI concerned with land. We want to consider, with your help, how and when the American desire to return to local control lands now held in trust for the people of the Marianas can be implemented.

#### Land Alienation

I said last December and wish to emphasize again the firm determination of the United States to work with you to establish an effective means for preventing your land from falling into the hands of people from outside the Northern Marianas. This is not something we take lightly, having seen ourselves what has happened in other places and sympathizing fully with your desire to protect your heritage.

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Our studies to date on this indicate that there is a relatively simple means of accomplishing this. It lies within your powers, although we will be glad to work closely with you to see that it is effectively accomplished, if that is your desire. The United States Department of Justice has reviewed it carefully and has informed us formally that it feels the method suggested will survive any legal test of constitutionality based on ample precedent and legal opinion in similar situations in the past.

This method, as Mr. Wilson indicated to you in the preliminary session and as we have previously communicated to your counsel, is that the agreement will enable the Marianas to enact legislation prohibiting the sale of land in the Marianas to anyone other than persons descended from traditional residents of the Northern Marianas or Northern Marianas ancestry. Such provisions could be incorporated into your new constitution, following the Hawaii example. You may, however, prefer to avoid the rigidity resulting from that step. Many details of this, of course, will have to be debated and decided. We will be happy to advise you if you wish, but believe the basic idea is eminently sound and more than likely to survive any serious legal threat.

Eminent Domain

We have touched on eminent domain lightly in earlier discussions. I do not propose at this time to do any more than that now, unless you have particular points to be raised. Let me say only that this is a normal prerogative exercised only with the greatest of restraint and

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with scrupulous regard for the rigid requirements of due process of law laid down in the constitution and a large body of case law.

Federal Land Requirements in the Marianas

Civil or Non-Military Requirements

At the present time the U. S. Postal Service and the U. S. Coast Guard have leases for small amounts of land on Saipan. There will be a continuing requirement for the 22.62 acres now being used by the Coast Guard and the approximately  $\frac{1}{2}$  acre on which the post office is located. It is likely that in the future additional but small amounts of land may be required for federal purposes such as additional post offices or branch offices for federal agencies. These needs will be met through negotiations with the future government of the Marianas or the property owner concerned. The income from the use of Marianas land by civilian agencies of the federal government will go to the future government or directly to the private land owner.

U. S. Minimum Military Requirements

The U. S. has stated publicly that it has a need for land in the Marianas to enable it to meet its defense requirements in the Pacific. I outlined these needs first at Hana, Maui, nearly two years ago. These general requirements were reaffirmed by the U. S. at our meeting last December. More specific information on the nature and extent of these needs was given to you by Mr. Wilson on May 10th and 11th. What he had to say and what I will say this afternoon represents the firm intention of the Executive Branch of the U. S. Government to move forward

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expeditiously with its plans to develop military facilities in the Marianas assuming a successful outcome of these negotiations.

The U. S. looks on this as a cooperative effort, one which will require careful consideration of your views and the wishes of those people in the Marianas who will be directly affected. We intend to ask them and the Marianas Political Status Commission for advice and assistance as we move ahead with the more detailed negotiations leading to the kinds of land agreements and arrangements which will be acceptable and beneficial to the parties concerned.

In this regard the American Delegation would like to note with appreciation statements that have been made here in the Marianas acknowledging the possible American need for land for defense purposes and a spirit of willingness to make such land available as a Marianas contribution to peace and security in the Pacific Ocean Area.

In developing preliminary plans for military facilities in the Marianas and the minimum amount of land needed to meet its requirements the Department of Defense has taken into account a number of factors other than mere strategic considerations.

First, it was felt that the development of a combined military complex in one area separated from the civilian sector would minimize interference with civilian activities and community life. In selecting land and sites, careful consideration was given to the social impact of the proposed facilities on the Marianas and on the immediate communities concerned. Consideration has also been given to how the location of a base complex could be of the greatest benefit to the local people and at the same

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time protect and preserve their rights, their customs and their way of life.

Secondly, the integration of military requirements into one area is desirable to minimize construction and support costs associated with military operations. Building facilities in one area improves operational efficiency, reduces transportation and communications costs and avoids duplication of facilities which are wasteful of land -- especially in areas where land is scarce.

Keeping these two basic considerations in mind the U.S. would, as we have said before, like to concentrate its military activities on one of your islands -- Tinian -- but before going into this requirement I would like to review other U.S. land needs in the Marianas.

#### Farallon de Medinilla

First, the U.S. has a continuing need to use Farallon de Medinilla as a target area. The island is currently within restricted airspace so that it can be used as a bombing target. Its isolated location and difficult terrain make it uninhabitable and inaccessible. At the current time the U.S. Government has a "use and occupancy" agreement from the TT Government. Upon termination of the Trusteeship Agreement, the U.S. would like to purchase this island for the purposes mentioned above.

#### Saipan

At the present time the U.S. holds rights to 4,960 acres of military retention land on the island of Saipan, having previously returned some 7,600 acres of retention land to the public domain.

Current military retention land on Saipan includes 640 acres in Tanapag Harbor and 4,320 acres in the southern portion of the island including Tsley and Kobler Fields and the surrounding area.

The U.S. proposes that it return 320 acres in the Tanapag Harbor area to the Marianas for civilian use and development. At the same time, the U.S. would like to retain an equal number of acres in the Harbor for contingency purposes. Let me emphasize that no present development of the 320 acres for military purposes is envisioned. However, the U.S. would like to preserve the right to this area for future development if the need were to arise. Possible future uses would include: fuel storage, ship and small craft repair and small shore logistics support facilities. The U.S. is also willing to enter into lease arrangements for tracts of this acreage for purposes that would not interfere with the military use of the area in the event of a future requirement.

While Isley Field is located on military retention land it is to be developed as a civilian airfield. The U.S. will wish to continue joint use rights to this airfield. Additionally, 500 acres south of and adjacent to Isley Field are required for the possible future development of a maintenance and logistics area to support military aircraft, should this become necessary. While there are no, repeat no, present plans for the use of this area, it is possible that in the future, the U.S. might wish to construct a small aviation oriented repair and overhaul facility at Isley. Similarly, facilities for storage of non-hazardous material, housing communications equipment and personnel billeting may be required in the future. As in the case of the acreage to be held in Tanapag Harbor, the U.S. is also willing that these land be leased until they are required.

In summary, on the island of Saipan the U.S. proposes to return 4,140 acres of military retention land while retaining for contingency use some 820 acres.

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Tinian

The U.S. military requirements on Tinian are extensive. These needs have already been outlined in general terms. The U.S. would like to lease with an option to purchase upon the termination of the Trusteeship Agreement, the northern two thirds of the island. It also would like to lease with option to purchase the remaining third, but would then lease back areas to the current residents for normal civilian activities and community life. The part of Tinian set aside for military operations would be used to construct a joint service military base to include an airfield, a harbor facility, a supply and maintenance area and space for occasional training maneuvers. The remainder would be used by the current residents much as it is now.

While the intentions of the executive branch of the U.S. Government to establish such a base complex on part of Tinian are firm, I cannot express too strongly that the planning to date is in its preliminary stages. As Mr. Wilson and I have said it has always been the intention of the U.S. Government to consult fully with the people of Tinian prior to the development of any final plans. Furthermore, detailed studies must be made on Tinian itself before it will be possible to proceed much further. It is our intention that these on-the-spot studies be conducted in the very near future in cooperation with local Tinianese, and Marianas District officials.

In my statement on the U.S. Tinian requirement I would like to first describe in fairly general terms what it is that the U.S. has in mind, why it needs the island of Tinian, and how the life of the residents of the island would be affected. Following my remarks, I would like to call on Colonel James McCarthy to give you a much more detailed briefing with slides for your further background information. Following our two presentations we will then be open to your questions and a discussion of the U.S.

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Tinian requirement as well as other U.S. land requirements in the Marianas.

I would like to begin by repeating that the U.S. military has extensive but not exclusive land use requirements on Tinian. It is expected that some 7,700 acres would lie outside of the base area in the south and southwestern part of the island. This land including the Marpo Valley would be available to the current residents for farming and for further land development. It is also possible that certain lands within the base perimeter could also be used under lease arrangements for private commercial purposes. The residents of Tinian would not, repeat would not, live under a military administration. Local municipal government would continue in full effect in that part of Tinian lying outside of the base area.

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We are planning for a major base on Tinian and from experience we are aware that when development outside the base area are uncontrolled, undesirable conditions and consequences could result which would not be in the interest of either the local residents of the U.S. military. This is particularly true in the close quarters of a small island environment.

The U.S. feels that its proposal is in both its own interest as well as the people of Tinian. If the U.S. were to have title to the southern third of the island it could work more effectively with the local civilian community to plan and promote the rational economic development of that part of the island while protecting at the same time the essential character of the current Tinian community from unduly strong outside pressures and influence including a major influx of new residents and possible undesirable commercial and recreational activity.

The U. S. Government would also be in a better position to insure the security of the base and to provide better safety for the people of Tinian. Additionally the U.S. would be better able to handle environmental and ecological problems that might arise, e.g. the overall growth must be controlled to avoid exceeding the island's support capabilities in such areas as water, utilities and port capacity. Furthermore the U.S. and the residents of Tinian would have a rare opportunity of working together to build an ideal civilian/military relationship which could further the social, educational and economic development of Tinian with a minimum disruption in the traditional way of life of the people and local self-government.

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The Impact on the People of TinianPhysical Relocation

The U. S. proposal to use most of Tinian for military purposes will inevitably cause some residents of Tinian a degree of inconvenience and hardship, including the prospects of being physically resettled. This the U. S. regrets but finds that it has no alternative but to propose that the village of San Jose be moved to some other suitable location in the southern 1/3 of the island. This move is required for personal safety reasons. The present village is too close to the harbor area and lies inside the boundary limits established by safety criteria for the loading and unloading of munitions ships.

The U. S. intends to discuss this question fully with the people concerned. We will seek their views on all aspects of this problem including their wishes as to the site for a possible building of a new San Jose. Colonel McCarthy's briefing will give you more details of U. S. policies regarding the obligations the U. S. would assume for the resettlement of the residents concerned. I wish to assure you that the U. S. will defer the costs of the resettlement and the expense of building new homes, and new municipal buildings and the replacement costs of other community activities located in San Jose village. Farmers will be able to continue to farm in the Marpo Valley, the harbor can be used for civilian purposes except when closed for limited periods of time for loading and unloading of munitions cargo, and beach areas around San Jose village can also be used for normal recreational purposes except for the restrictions mentioned above, namely when ammunition ships are in the harbor.

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The Economic Impact

The acquisition of the island of Tinian and the subsequent development of an operational joint-service base could have a significant economic impact on all of the Northern Marianas in terms of the potentially dramatic increase in revenues available to the new commonwealth government, new employment opportunities on the base for citizens of the Marianas, and prospects for new business and services including local construction, supply and transportation enterprises.

On Tinian itself private land owners would be compensated for their land at a fair market price. Long-term leaseback arrangements for farmers would be liberal as would other special programs to encourage the growth of a sound and prosperous agricultural community. This effort would include technical assistance for production as well as the marketing of crops, land reclamation, irrigation system, and an improved infrastructure of roads.

Tinian residents would be given first preference for employment on the base provided they have the necessary skills. In this regard special training and educational programs would be available to the local residents. Local residents may also be awarded concessions for small business activities on the base. Likewise, there should be a number of new business opportunities of various kinds outside of the base complex for serving the military community.

The economic benefits of this proposal to the local government should be mentioned. In any resettlement the U. S. Government will, of course, insure that the new community has the necessary infrastructure and services to make it viable. Over and above this it may be possible and cheaper to work out on a cooperative basis the sharing of services between the base and local community, e.g. utilities, water, electricity, sewage systems and roads, etc. However, the base cannot be expected to guarantee the expansion of such

services without some voice in the growth and development of the community. In essence, there may be a number of ways for the base and civilian government to share community services, but this can only be done on a cooperative basis.

The foregoing should not be interpreted in any way as an attempt to close off the southern third of the island from its normal contacts and commerce with the remainder of the Marianas and the world. Normal travel for business and pleasure will still be free and open.

It should also be possible to assure a reasonable future economic development and investment in the southern third of Tinian. New business would be regulated not prohibited and could be established if approved by some sort of joint development board.

#### The Social Impact

The presence of a U. S. military base on Tinian will undoubtedly have some social impact on the Marianas and in particular on the residents of Tinian. While every effort would be made to protect and preserve the customs and traditional lifestyle of the people of Tinian, they would at the same time have increased opportunities for broader social contact and cultural exchange if they so desired. Likewise community schools could be opened to students from both the local community as well as the military base but again only if this were desired by the residents of Tinian. Other educational and training opportunities including adult programs may be made available for the whole community. The military presence could also provide close-by emergency medical service which could not be handled by local clinics.

We acknowledge that some problems of a social nature between the local people and the base may arise. However, the effects of these problems can be minimized by close consultation and cooperation between the civilian and military communities. The U. S. military would be determined to do its share in promoting good relations and solving problems as they arose through an active civilian-military community relations council.

I appreciate that the foregoing has been only an overview of our Tinian proposal. I believe that Colonel McCarthy's briefing will fill in many of the technical details and genuinely add to your understanding of the problems and benefits associated with a venture of this magnitude. When he has finished you will no doubt have questions which we will welcome.

I wish to reemphasize that the U. S. is proposing a joint effort in the planning, building and implementation of the military presence in Tinian. It is an exceptional opportunity to work together from the outset for structuring the overall effort so as to have the best possible impact on the island's life and at the same time insuring the base's operational effectiveness and its contribution to the maintenance of peace and security in the Pacific.

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