

Aug 13, 1964

POSITION PAPER ON LEASE BACK

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SUBJECT: DOD Position on Lease-Back of Military Lands on Tinian.

BASIC POLICY: Real property not required at the moment for military uses but not excess to the needs of the U.S. Government, and not otherwise encumbered, will be made available for temporary compatible use by private parties to the maximum extent consistent with need, security, and public safety as may be determined by the United States.

IMPLEMENTATION: Appropriate and finalized, specific, binding agreements will be entered into between prospective lessees and the Government of the United States when clear title to military land requirements has been conveyed to the USG, and an appropriate USG representative has been officially designated. Agreements will conform to the Federal laws, rules, regulations and code applicable at the time of consummation.

MEMORANDUM OF UNDERSTANDING: Under authority of 10 US Code 2667, real property that is not excess but not at the time needed by the U.S. Government (USG) may be leased to others. Such leases will conform to the following general provisions:

a. Preferred order of leasing real property available for use by others will be to:

- (1) Other military departments and other federal agencies
- (2) Government of Marianas or local governmental agencies
- (3) Private organizations or individuals.

b. The use of USG property for private purposes will be granted only after reasonable efforts have been made to obtain competitive bidding except for the following actions:

- (1) Leasing land to the former owners or their lessees
- (2) Granting leases, easements, and licenses to GOM or

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local governments and public utilities.

c. Each lease shall be for not more than 5 years unless the host service secretary determines that a longer period will promote national defense or will be in the public interest, or is provided for in existing service regulations.

d. Each lease will provide for revocation at any time by the host service secretary or in case of national emergency declared by the Congress or President of the United States.

e. Each lease will provide for payment of fair market value or similar consideration unless deviation from this requirement is specifically authorized.

f. Grantees will be required to comply with applicable laws, regulations and standards concerning protection and enhancement of environmental quality and pollution control and abatement.

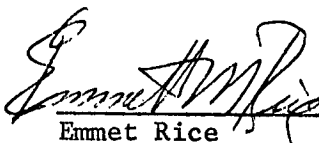
g. Land use will not endanger the lives, health, and safety of the users nor impair or endanger the operation of aircraft using the installation and will be compatible with other military missions assigned.

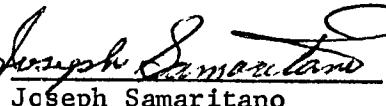
h. Land use within composite noise rating zone 2 (or equivalent) and designated training areas will be limited to agricultural, outdoor recreational, and air transportation facility uses. Construction of habitable structures will be specifically denied.

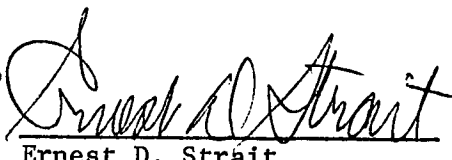
i. All leased land use and improvements will comply with applicable federal regulations and codes and the installation master plan and will be subject to review and approval by the installation

commander or designated representative. All improvements are subject to removal and lands restored to original condition upon termination of lease, or at the election of the U.S., improvements may be abandoned in place in lieu of restoration.

j. All leases will include necessary broad hold-harmless and insurance provisions.

  
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