

13  
2  
Sept 19

POSITION PAPER  
REGARDING  
AGRICULTURE AND OTHER APPROPRIATE USES  
OF  
LAND UNDER THE CONTROL OF THE MILITARY

In response to the U. S. position paper on lease-back of military lands on Tinian, the MPSC members of the Joint Land Committee submit these comments.

As a general proposition, the Commission members do not accept the underlying premise to the U. S. position that the answers to all questions regarding lease-back of military lands is to be found in existing Federal laws and regulations. In the first place, many of these laws are not currently applicable in the Trust Territory (e.g. the law regarding disposition of property which is in excess to U. S. needs) and the Commission is aware that the Executive Branch of the U. S. Government cannot ensure that such laws and regulations will, in fact, be made applicable to the Marianas in the future. Secondly, the existing laws and regulations, as summarized in the U. S. position paper, failed to reflect the needs of the Marianas and the representations already made during the course of these negotiations.

The Commission's representatives respectfully suggest that the U. S. position paper be re-evaluated in at least

the following respects:

1. The Commission believes that the approximate acreage available for lease-back will have to be determined promptly and reflected either in the formal status agreement or in the land use document making the land available. In other words, the people of the Marianas will need specific assurances regarding the amount of land to be leased back.

2. If land is available for lease-back, it is our view that the Marianas Government should have first priority on the land, rather than the secondary priority reflected in the U. S. paper.

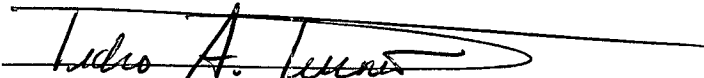
3. The length of the lease-back should vary, depending on the land and its proposed use, rather than the limit of five (5) years as reflected in the U. S. paper. We believe that this has already been conceded to be appropriate in connection with the proposed civilian air terminal.

4. We believe that such lease-backs should be at a nominal rental only, as was represented during the fourth session of negotiations, rather than at fair market value. This is only appropriate in view of the sacrifices being made by the people of the Marianas in making this land available.

5. Necessary wording should be developed to ensure the continued use of the civilian air facilities on Tinian regardless of what state of war or emergency that the U. S.

Government may be in. An alternative is to explore ways in which we could develop safeguard language to ensure an adequate replacement of the facilities in another location in the lower one third of Tinian should the takeover of the civilian terminal located on the military base be necessary. It may be that some language already within some statutory provisions of the United States Code would be appropriate to include as potential safeguard terminology.

DATED THIS 10TH DAY OF SEPT., 1974.

  
Pedro A. Tenorio, Chairman  
Joint Land Committee  
MARIANAS POLITICAL STATUS COMMISSION