

DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, D. C. 20301

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October 6, 1977

MEMORANDUM FOR MR. DENNIS H. TROSCH  
OAGC (LOGISTICS), OSD

MR. MANUEL BRISKIN  
OAGC (FISCAL MATTERS), OSD

SUBJECT: United States Interests in Land Acquisition -  
Northern Mariana Islands - Information  
Memorandum

The attached letter to the Secretary of Defense from the Secretary of the Interior dated September 27, 1977 calls attention to several provisions of the Northern Mariana Islands Commonwealth Covenant (P.L. 94-241), which is expected to come into effect January 9, 1978. Ms. Siemer has requested that the matters set forth in this letter be closely monitored and requested that I follow these developments to ensure that all DoD/OGC interests have been satisfied.

Internal DoD interests with respect to military land holdings in the Islands are overlapping because there are issues raised as to which property the United States will seek to lease for defense or military purposes, the leasing arrangements to be made, the budgetary features to be considered and the appropriate justifications and budgetary requests to be sent through OMB channels to the Congress and the like.

It is my understanding that Mr. Robertson of Mr. Trosch's office had handled the matters with respect to the resources and leases and that the Air Force is the executive agent within DoD for moving ahead on these matters.

Secretary Andrus requests an early review and a response to the questions which he has posed in his letter in order to proceed to final plans and actions. I understand that the primary action on these are presently being pursued within OSD by Mr. Roche (ASD, MRA and L; Director, Real Property and Natural Resources,

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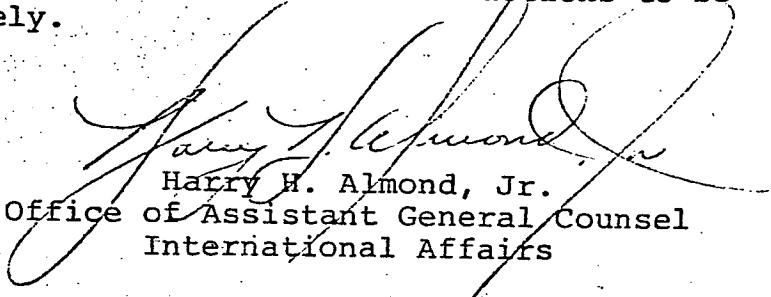
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OX 77227), and during his present two-week absence by Mr. E. A. Rogner. This memorandum is primarily intended to bring these matters to your attention and upon your review of the attached letter to request such comments as you might make at this point.

I am attaching a separate sheet indicating in a preliminary way some of the steps which it appears must be taken. This set of procedures can be revised after we have all had a chance to examine the actions to be taken more closely.

Attachments as



Harry H. Almond, Jr.  
Office of Assistant General Counsel  
International Affairs

→ Copy sent  
to Mr. Roche.

Preliminary Measures

Land Acquisition

Northern Marianas

Section 804 (Covenant) Requirements

-Termination instruments and actions pursuant to Section 804, wherein United States will cause all agreements relating to the use of land between it and the Government of the Trust Territories be terminated on the effective date of Section 804.

-Transfer Agreements: -Trust Territory to transfer its interest in the lands to the Northern Marianas.

-Declarations of Assurance: Assurances agreed to by the Government of the Northern Marianas assuring the United States that it may continue to use real property, which at time of transfer, is actively used for civilian governmental purposes (Department of Interior responsibility?)

Sections 802 and 803 Requirements (In effect January 9, 1978)

-Intentions and Leases for DoD lands: early identification and leasing advisable (a) because lease amounts escalate if lease arrangements delayed and (b) Part I(2) - Technical Agreement Lands open to lease claims by USG extend 5 years from January 9, 1978 (Jan. 8, 1983).

OGE

SECRETARY OF DEFENSE ROUTING SLIP		ACT COPY TO	INFO COPY TO	TO	ACT COPY TO	INFO COPY TO
	SECRETARY OF DEFENSE		✓	GENERAL COUNSEL		✓
	DEPUTY SECRETARY OF DEFENSE		✓	DIR, PLANNING & EVALUATION		
	THE SPECIAL ASSISTANT		✓	DIR, TACCS		
	SECRETARY OF THE ARMY			ATSD (Atomic Energy)		
	SECRETARY OF THE NAVY			DEF ADV RES PROJ AGENCY		
	SECRETARY OF THE AIR FORCE			DEFENSE CIVIL PREPAREDNESS AGENCY		
	CHAIRMAN, JOINT CHIEFS OF STAFF			DEFENSE COMMUNICATIONS AGENCY		
	DIR OF DEF RESEARCH AND ENGRNG			DEFENSE CONTRACT AUDIT AGENCY		
	ASD (Comptroller)			DEFENSE INTELLIGENCE AGENCY		
	DASD (Administration)			DEFENSE MAPPING AGENCY		
	ASD (Health Affairs)			DEFENSE NUCLEAR AGENCY		
	ASD (Installations and Logistics)			DEFENSE SECURITY ASSISTANCE AGENCY		
	ASD (Intelligence)			DEFENSE LOGISTICS AGENCY		
	ASD (International Security Affairs)		✓	NATIONAL SECURITY AGENCY		
	ASD (Legislative Affairs)					
1	ASD (MRA&I)	✓				
	ASD (Public Affairs)		✓			

ACTION REQUIRED

1	PREP OF REPLY FOR SEC OF DEF SIGNATURE	COMMENTS AND/OR RECOMMENDATION
	PREP OF REPLY FOR DEP SEC OF DEF SIGNATURE	COORDINATE REPLY WITH OGE, ISA
	REPLY DIRECT (Fwd cy of reply for Sec of Def records)	
	APPROPRIATE ACTION	
	INFORMATION AND RETENTION	

REMARKS

~~1) Mr. Siemes~~ OGE

~~2) Mr. Forman~~

WGA

Ben - Please assign me to Harry Almond and have him see me. OGE

THIS IS AN -  ACTION COPY  ADVANCE ACTION COPY  INFORMATION COPY

ACTION DUE NOT LATER THAN ROUTING DATE: OCT 2 1977 29 SEP 1977 OSD CONTROL NUMBER: 12403 2117



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

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SEP 27 1977

Honorable Harold Brown  
Secretary  
Department of Defense  
Washington, D. C. 20301

Dear Mr. Secretary:

By this letter, I would like to bring to your attention two matters of primary concern to the Department of Defense in the Northern Mariana Islands of the Trust Territory of the Pacific Islands. As you know, the interested agencies of the Administration, including your Department, have now completed their review of the constitution of the Northern Mariana Islands. It is my understanding that the President intends to issue a proclamation in late September approving the constitution and setting its effective date as January 9, 1978. At that time, several provisions of the Northern Mariana Islands Commonwealth Covenant (P. L. 94-241) will also come into effect.

One of the sections of the Covenant which will come into effect at that time is section 804. It provides that "the Government of the United States will cause all agreements between it and the Government of the Trust Territory of the Pacific Islands which grant to the Government of the United States use or other rights in real property in the Northern Mariana Islands to be terminated upon or before the effective date of this section". This includes not only land used by the United States for civilian governmental purposes (which is a very small amount) but also a very large amount of so-called military retention land to which the United States Department of Defense has an unrestricted use right pursuant to agreements between your Department and the Trust Territory Government. According to Section 804, all of these agreements must be terminated after which the Trust Territory Government will transfer all of its interest in those lands to the Government of the Northern Mariana Islands. Finally, the Government of the Northern Mariana Islands will be required to assure that the Government of the United States may continue to use that real property which, at the time of the transfer, is actively used by the United States Government for civilian governmental purposes.

The Government of the Northern Mariana Islands is anxious for the military retention agreements to be terminated so that Government may move forward with recently developed plans for the use of significant portions of the

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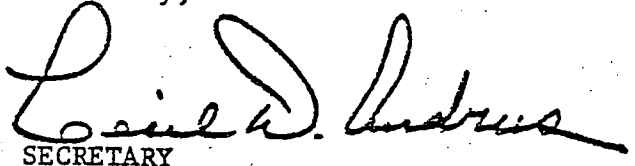
land, especially on Saipan Island. I therefore would appreciate knowing your Department's plans regarding the termination of these agreements and wish to offer the assistance of this Department as you proceed to comply with the provisions of Section 804.

Sections 802 and 803 of the Covenant will also come into effect next January 9. These sections, as you know, provide for the lease of substantial acreage in the Northern Mariana Islands by the Department of Defense. I call this matter to your attention because the amounts to be paid by the United States in consideration of the lease for these lands will escalate each year that the leases are delayed. Further, as set forth in Part I. (2) of the Technical Agreement appended to the Covenant, if the lands on Tinian Island, Saipan Island at Tanapag and the island of Farallon de Medinilla are not leased by the United States within five years from the effective date of Sections 802 and 803, the obligation of the Northern Mariana Islands to lease those lands to the United States on the terms described in Section 803 of the Covenant and the Technical Agreement itself will expire.

The Government of the Northern Mariana Islands and this Department are understandably anxious to know of the plans of your Department for effecting these leases. As the first major phase of the Northern Mariana Island's transition to its new political status draws to a close, plans are being completed for the use of resources to be made available to that Government. The payments from the United States for the leases mentioned above represent a significant financial resource for the Northern Mariana Islands and arrangements should be approved now for the investment of that resource.

I will appreciate your early review of these matters and your response to the questions I have posed so that we may all proceed to finalize plans and actions which will bear so importantly on the future of the Northern Mariana Islands.

Sincerely,

  
SECRETARY