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November 4, 1977

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Dennis Trosch, Esq.  
Assistant General Counsel  
for Logistics  
Department of Defense  
The Pentagon Room 3D 937  
Washington, D.C. 20301

Dear Mr. Trosch:

Thank you for calling today regarding the action required of the Department of Defense to implement the provisions of Section 804 of the Covenant. The termination of the military use agreements required by Section 804 is a matter of considerable importance to the Northern Mariana Islands and I appreciate this opportunity to be of assistance.

With respect to the general background of this matter, I am enclosing the following documents for your review:

1. Memorandum entitled "'Military Retention Land' in the Northern Mariana Islands" dated October 1974 prepared by this firm in its capacity as counsel to the Marianas Political Status Commission. The background set forth at pages 5-7 and the attached Use and Occupancy Agreement may be of particular interest. There appears to be general agreement that approximately 14,000 acres of land in the Northern Mariana Islands are subject to such use and occupancy agreements.

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Dennis Trosch, Esq.  
November 4, 1977  
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2. A table entitled "Military Retention Area - Trust Territory of the Pacific Islands" apparently prepared by TTPI officials on October 1, 1971. You will note that on page 3 of this table is what purports to be a complete list of the Use and Occupancy Agreements in the Northern Mariana Islands at the time the table was prepared. I assume this will be helpful in your efforts to obtain copies of these agreements, although I do not believe that implementation of Section 804 requires that you have each such agreement before you at the time you execute an appropriate document terminating the use and other rights of the Department of Defense in these properties.

3. Several agreements relating to military retention lands are also enclosed. The agreement of July 6, 1956, appears not to pertain to the Northern Mariana Islands, which were under the jurisdiction of the Department of the Navy at the time, but may be nonetheless instructive regarding the machinery whereby these agreements came into being. In addition, there are enclosed copies of the use and occupancy agreements covering specific acreage in the Northern Mariana Islands -- specifically, Kobler Field, Isley Field, and other areas.

4. Also enclosed is a table from hearings before Congress that lists the areas in the Northern Marianas governed by such use and occupancy agreements and the amount of compensation paid for such properties. Although I have not reviewed the list carefully, it appears to coincide with the table mentioned above under item 2.

With respect to the implementation of Section 804, I believe that a relatively simple document negotiated between the proper officials in your Department and the Trust Territory of the Pacific Islands is all that is required. I am certain that the officials of the Department of Interior with whom you are meeting next week will have some useful suggestions to make on this score. Once these various use and occupancy agreements have been terminated under Section 804, it is the responsibility of the Trust Territory of the Pacific Islands to transfer the land involved to the Government of the Northern Mariana Islands. I believe that it is not necessary now to address the specific mechanics of that particular transfer of land.

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Dennis Trosch, Esq.  
November 4, 1977  
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I am sending a copy of this letter with its enclosures to Mr. Milner at the Department of Interior. I am available to be of further assistance on this matter if that would be useful.

Sincerely,

*Howard P. Willens*  
Howard P. Willens

**Enclosures**

cc: Mr. Milner (w/encl)  
Mr. Pangelinan  
Ms. Siemer

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