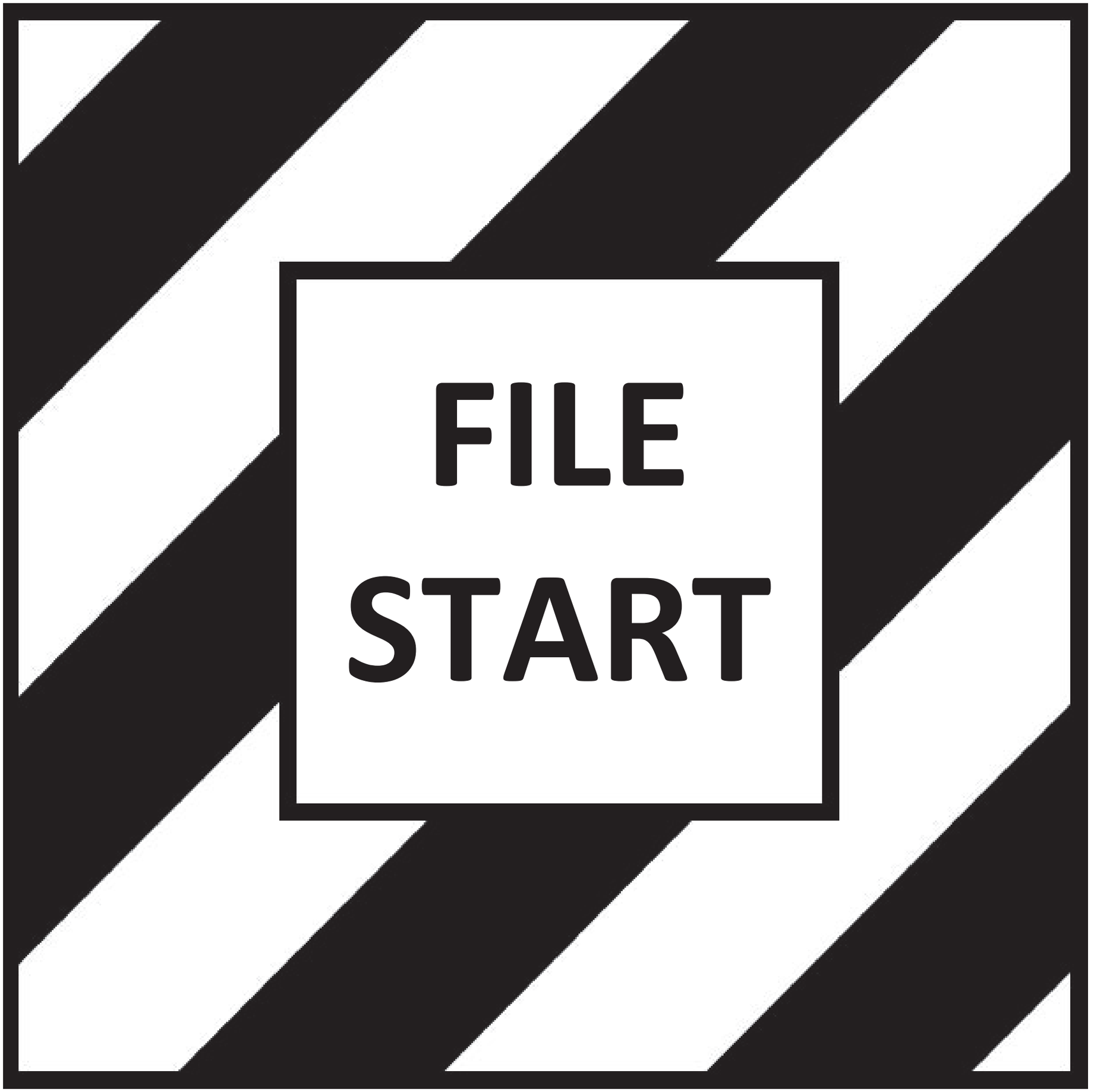
FILE
START

Some pages unreadable and/or missing

More info on why

Computer #_____

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials:

R & D

Subgroup of the above:

LAN

Author/Title/Date of publication (if any) of specific materials:

Subject of materials: (See schedule in TTPI Files System Manual)
LAN 5-4, LAB LAN 3-4
Brief description: Transfer of Public Lands to Marshalls and penal correspondence re the Trust U.S. Agreement on use of Kwajalein land and termination of lease on Dakap Airstrip.
Geographic area dealt with in materials:
TTPI at large:
Individual districts: ✓
Individual governments:
Individual islands: ✓
Other:

Span of years covered by materials:

Format of information:
Correspondence: ✓
Reports:
Clippings:
Other:

Physical arrangement of materials: (How are they organized within the file?)
Geographically: ✓
Chronologically:
By subjects: ✓
By organization:
Other:

Physical location of materials: (Area where presently located)
Office: R & D Subgroup: LAN
File cabinet number:
Drawer number: 4
File folder number: 178.88.8
Estimated quantity of materials: 1 folder

Recorded by: JS

Date: 10/8/81

Disposition of originals: retain

Microfilm roll No.: Frame #:

Computer #_____

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

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D

up of the above:

LAN

/Title/Date of publication (if any) of specific materials:

t of materials: (See schedule in TTPI Files System Manual)

5-4, LA6 LAN 3

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Estimated quantity of materials: 1 folder

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sition of originals: Retain

film roll No.: Frame #:

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this _____ day of _____, 19 __, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the Marshall Islands, represented by the President.

WHEREAS, Section 3 (5) (b) of the Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, amending the Secretarial Order No. 2969, regarding the transfer of public domain property, remains in effect, except that the transfers contemplated by the Order shall be completed in the Federated States of Micronesia, the Marshall Islands, and Palau, respectively, on or before June 1, 1979. In those instances where the legislature having jurisdiction has not designated an entity to receive public domain property under the provisions of Secretarial Order 2969, such land shall be transferred to the state or district government where such land is located.

revised

WHEREAS, the conditons precedent to such a conveyance, prescribed by such Order have been fulfilled;

name

NOW, THERLFORE, pursuant to the authority and suchect to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, and Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise, release, and quitclaim to the Government of Marshall Islands, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of Marshall Islands:

name

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this _____ day of _____, 19 ___, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the Marshall Islands, represented by the President.

WHEREAS, Section 3 (5) (b) of the Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, amending the Secretarial Order No. 2969, regarding the transfer of public domain property, remains in effect, except that the transfers contemplated by the Order shall be completed in the Federated States of Micronesia, the Marshall Islands, and Palau, respectively, on or before June 1, 1979. In those instances where the legislature having jurisdiction has not designated an entity to receive public domain property under the provisions of Secretarial Order 2969, such land shall be transferred to the state or district government where such land is located.

WHEREAS, the conditons precedent to such a conveyance, prescribed by such Order have been fulfilled;

NOW, THEREFORE, pursuant to the authority and suchect to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, and Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise, release, and quitclaim to the Government of Marshall Islands, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of Marshall Islands:

All public lands located oabove and below the ordinary high water mark, defined as public lands by Section 1 and 2, Title 67, of the Trust Territory Code, except those lands designated as military retention lands held, used, or occupied by the United States under use and occupancy agreements and not returned to the public domain, within the geographic boundaries of the Marshall Islands, Trust Territory of the Pacific Islands, as defined in Section 1(6) of Title 3 of the Trust Territory Code;

AND

All public lands placed under control of the "Alein Property Custodian" as defined by Section 1, Title 67, of the Trust Territory Code, except those lands designated as military retention lands held, used, or occupied by the United States under the use and occupancy agreements and not returned to the public domain, within the geographic boundaries of the Marshall Islands, Trust Territory of the Pacific Islands;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in deeds of conveyanc issued to whomsoever and for whatever reasons and covering parcels of land located in the Marshall Islands, Trust Territory of the Pacific Islands;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in parcels of land located in the Marshall Islands, Trust Territory of the Pacific Islands, as to which there are valid homestead entry permits, or certificates evidencing compliance with such permits, and as to which deeds of conveyance have not been issued, as of the effective date of this Quitclaim Deed.

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...ive date of this Quitclaim Deed.

SUBJECT, NEVERTHELESS, to the following terms, conditions and reservations:

1. Tenants at will and tenants by sufferance who actually occupy lands conveyed hereby with the concerrence of the Government shall be allowed continued possessi... of the lands they occupy for a period of three (3) years from the date of this Quitclaim Deed.

2. Pursuan to Secretarial Order Number 3039, Subsection (7) of Section 3a, the Government of the Trust Territory of the Pacific Islands reserves the right to continue use of the communications sites and facilities located on public land, on Majuro Atoll, Marshall Islands, Trust Territory of the Pacific Islands, for so long as the High Commissioner shall have authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory of the Pacific Islands.

3. All contracts, lease agreements, easements, permits, licenses and other forms of rights and obligations entered into by the Government of the Trust Territory of the Pacific Islands prior to May 1, 1979, and applicable to the conveyed lands, shall remain in force and effect until their natural or legal termination, unless otherwise agreed to in writing by the involved parties.

4. This deed does not include the release or transfer of any indefinite lands use rights acquired pursuan to land settlement agreements or otherwise. There is currently pending a settlement request for such indefinite land use agreements which will be released or assigned subsequent hereto.

IN WITNESS WHEREOF, I, in the name of the Government of the Trust Territory of the Pacific Islands, have caused this quitclaim deed to be made.

Given under my hand and official seal, this ____, day of _____,

19_____.

T, NEVERTHELESS, to the following terms, conditions and reservations:

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under my hand and official seal, this ____, day of _____,
___.

DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860

241:DP:nyt
Ser [illegible]

8 AUG 1980

Mr. Adrian P. Winkel
High Commissioner
Trust Territory of the Pacific Islands
Saipan, Mariana Islands 96950

Dear Mr. Winkel:

This is in reference to your letter of May 8, 1980, wherein you advised that the Marshall Islands Interim Use Agreement of September 7, 1979, is considered by the Trust Territory Government to supersede and replace all prior agreements concerning United States use of lands in the Kwajalein Missile Range, and therefore, the Trust Territory Government no longer has the authority to deal with the Marshall Islands Government as agents for the United States. This position was stated in connection with this Command's letter request of April 16, 1980, to amend the off-shore quarry permit at Kwajalein Island.

While it is not agreed that the Marshall Islands Interim Use Agreement supersedes and replaces all prior agreements authorizing United States use of lands at Kwajalein, this Command will initiate negotiations directly with the Marshall Islands Government for the expanded quarry site. Authority for direct negotiations is believed to be contained in the December 23, 1955 Land Agreement between the Departments of Interior and Defense, as amended in late 1978 by an exchange of correspondence between the Secretary of the Navy and the Under Secretary, Department of the Interior. Copies of that correspondence is enclosed for your reference.

With this change in basic policy, direct negotiations would now be dependent on whether in fact the off-shore lands at Kwajalein have been transferred to the Marshall Islands Government in accordance with either Interior Secretarial Order No. 2969 or No. 3039. Such a transfer is believed to have occurred. Therefore, it is requested that a copy of the transfer document be transmitted to this Command for our records.

Finally, Section 13 of Title 1 of the Trust Territory Code has in the past been construed to mean that any acquisition of interests in land in the Trust Territory by noncitizens, including the United States Government, must have the specific written approval of the High Commissioner in order to be effective. Therefore, it is requested that this Command be advised as to whether land agreements negotiated directly with the

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AUG 15 1980
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DEPARTMENT OF THE NAVY

PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860

241:DP:nyt
Ser [illegible]

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AUG 15 1980
[illegible]

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Ser [illegible]

Marshall Islands Government or individual landowners should be submitted to your office for approval.

Your continued assistance in this matter will be appreciated.

Sincerely yours,

J. B. WEBB
Director, Real Estate Division

Encl:
(1) Copy, Interior ltr of 8 Sep 1978
(2) Copy, SECNAV ltr of 31 Oct 1978
to Interior
(3) Copy, Interior ltr of 23 Nov 1978
to SECNAV

241:DP:nyt
Ser

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(1) Copy, Interior ltr of 8 Sep 1978
(2) Copy, SECNAV ltr of 31 Oct 1978 to Interior
(3) Copy, Interior ltr of 23 Nov 1978 to SECNAV

Kozo Yamada

FEB. 14 1980

February 12, 1980

Mr. Robert Keogh
Micronesian Legal Services Corporation
P.O. Box 269
Saipan, CM 96950

Re: Termination of Dalap Airstrip Lease - Majuro

Dear Rob:

Enclosed herewith is an original and 18 copies of a Partial Release and Return of Leased on Dalap Islands, Majuro Atoll. The release is sent to you as attorney of record for the following parties who alleged to have some interest in the land released: Silvenios Konou, Rosalie Konou, Evelyn Konou, Michael Kornelios, Iroij Joba Kabua, Ajidrik Bien, Manene Clenry, Telmur Tarmur, Bojan Noa, Neikwoj Manutil, Lankim Bettina, Lanibit K., Moody Elaisa, Lisos Kam, Kokwe Telinej, Anjo Kejon, Henry Samuel, Liniimeto, Melon David.

An original is also being sent to the Clerk of Courts, Majuro, for recording with copies to President Amata Kabua and a copy also to Henry Samuel in his capacity as chairman of the Dalap Land Use Committee.

Yours very truly,

Kent Harvey
Assistant Attorney General

cc: Mike Pritchard, MLSC, Majuro
Kozo Yamada

FEB. 13 1980

178.88.8.
178.88.8.1

171.88.8

ORIGINATOR
YAMADA/sh 1847

ROUTING
3/19/1980

Kent Harvey, Assistant Attorney General

Director, Bureau of Resources

Transfer of public land to the Government of the Marshall Islands

In reference to your December 27, 1979 memo on the above subject, we have prepared the attached for your review and comments.

Our comments are in the same order as presented in your above mentioned memo:

1. First recital on page 1 of the deed has been changed to accommodate the request. We have no problem with the request.

2. By reference of Section 6 (c), we have no problem with that request. The language has been revised.

3. To delete paragraphs 1 and 3 on page 3.

a.) Paragraph 1
We have reviewed the paragraph and could not honor the request. This paragraph is a safeguard for the interest of the tenants at will or by sufferance who may be occupying public lands that we at Headquarters are not aware of. Section 6 (b) of the Order 2969 states in part that "continued possession of public land by tenants at will and tenants by sufferance, for a reasonable period of additional years to be mutually agreed to by the legal entity and the High Commissioner". A three (3) year period has been used in all the deeds which had been accepted by the High Commissioner.

b.) Paragraph 3
Again, we do not believe that we can delete this paragraph. This is one of the requirements of the provisions of two Orders. Order No. 2969 Section 6 (b) states "compliance with all provisions of existing leases and land use and occupancy agreements previously entered into by the central or district Governments of the Trust Territory of the Pacific Islands, their agencies, instrumentalities, or political subdivisions". Order No. 3039 Section 3 (5) (a) states in part "All contracts, lease agreements, easements, permits, licenses, and other forms of rights, privileges and obligations granted, entered into or obtained by the Government of the

ORIGINATOR

SIGNATURE

Page 2.
3/19/1980

Trust Territory, prior to the effective date of this Order and applicable to property conveyed hereby, shall remain in full force and effect until their natural or legal termination, unless otherwise agreed to in writing by all parties..."

4. Deletion of paragraph 2 on page 3 of the deed.

We do not agree with the request on the ground of the provisions cited above, Order No. 3039 Section 3 (5) (a) and Section 3 of the same.

5. Paragraph 4 on page 3.

As noted, it is an option.

After reviewing the proposed deed, if requires, we will meet you to discuss the deed.

Kozo Yamada

ORIGINATOR

SIGNATURE

Page 2.
3/19/1980

Trust Territory, prior to the effective date of this [illegible] applicable to property conveyed hereby, shall remain in full force and effect until their natural or legal termination, unless otherwise agreed to in writing by all parties..."

4. Deletion of paragraph 2 on page 3 of the deed.

We do not agree with the request on the ground of the provisions cited above, Order No. 3039 Section 3 (5) (c) and Section [illegible] of the same.

5. Paragraph 4 on page 3.

As noted, it is an option.

After reviewing the proposed deed, if requires, we will meet you [illegible] discuss the deed.

Ezeo Yamada

ORIGINATOR

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SA/DA		

[illegible]

DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860

241:DP:nyt
Ser [illegible]

11 AUG 1980

The Honorable Amata Kabua
President
Government of the Marshall Islands
Majuro, Marshall Islands 96960

Dear President Kabua:

This Command, as real estate agent for the Department of Defense in the Pacific Ocean area, has been advised by the Department of the Army of the need to extend quarry operations at the northerly quarry site at Kwajalein Island, Kwajalein Atoll. The attached drawing depicts the area of interest as well as the boundaries of the existing quarry.

In the past, concrete aggregate produced from the existing quarry under authority of a Permit to Quarry executed by the Trust Territory Government on November 13, 1969, has been used in the construction of all completed Ebeye Island Capital Improvement Projects. For safety reasons, renewed quarry operations which are planned to begin shortly in this area should be performed nearer to the northern end of the island. Aggregate from the renewed quarry operation would continue to be used for Ebeye Capital Improvement Projects.

It is understood that the Government of the Marshall Islands recently received title to all marine lands in the Kwajalein Atoll from the Trust Territory Government pursuant to either Department of the Interior Secretarial Order No. 2969 or No. 3039. Accordingly, it is requested that the Government of the Marshall Islands favorably consider the attached Permit to Quarry which if finalized would permit the proposed expanded quarry operation.

Direct negotiations between the United States and the Government of the Marshall Islands on this matter is authorized by a 1978 basic policy change initiated by the Trust Territory High Commissioner and approved by the Department of the Interior and the Secretary of the Navy. However, as this Permit is the first instance of negotiations under the new policy, we are uncertain as to whether the executed agreement must be approved by the High Commissioner in order to be considered effective. This issue has been raised with the High Commissioner, and a response should be available in the near future.

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AUG 18 1980
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DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860

241:DP:nyt
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11 AUG 1980

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ear future.

RECEIVED
AUG 18 1980
HICOM

241:DP:nyt
Ser [illegible]

Upon a determination that the attached Permit to Quarry is acceptable, it is requested that all copies be executed, and thereafter the original and one duplicate original be returned to this Command for our records.

Your cooperation in this matter will be greatly appreciated.

Sincerely,

J. B. WEBB
Director, Real Estate Division

Encl:
(1) Map
(2) Permit N6274280RP00058
(Orig & 2 Dupe Origs)

Copy to:
High Commissioner
Trust Territory of the
Pacific Islands

241:DP:nyt
Ser [illegible]

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l:
Map
Permit N6274230RP00058
(Orig & 2 Dupe Origs)

y to:
gh Commissioner
st Territory of the
Pacific Islands

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

November 23, 1978

Honorable W. Graham Claytor, Jr.
Secretary of the Navy
Washington, D. C. 20350

Dear Mr. Secretary:

Thank you for your letter of October 31, 1978, concerning the 1955 agreement covering the acquisition of land in the Trust Territory and the need to modernize it.

I see no need formally to revise the 1955 agreement, so we will consider my letter of September 8, 1978, and your letter of October 31, 1978, as amending the agreement through the addition of the underscored words proposed in your letter. I am advising High Commissioner Winkel today of this agreement and the Trust Territory government will be glad to follow the new procedures.

Your cooperation and assistance are greatly appreciated.

Sincerely,

James A. Joseph

James A. Joseph
Under Secretary

235022

ENCLOSURE (2)

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

November 23, 1978

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James A. Joseph
Under Secretary

235022

ENCLOSURE (2)

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

October 1978

The Honorable James A. Joseph
Under Secretary of the Interior
Washington, D. C. 20240

Dear Mr. Joseph:

In response to your letter of 8 September 1978, the Department of the Navy does not object to relieving the Trust Territory Government of its obligations to negotiate with landowners under the 23 December 1955 agreement. At this time, the Navy anticipates few, if any, acquisitions in the Trust Territory of the Pacific Islands (TTPI), and we recognize that several commonwealths or other political bodies will soon supercede that government. Over the last several years the Navy has been obligated to deal itself with landowners when problems arise.

It is our understanding that the other provisions of the agreement would remain in effect, and that TTPI would entertain and act on requests to condemn, should negotiations with owners be unsuccessful. We doubt that formal amendment of the 23 December 1955 agreement is necessary to continue the practice of the last several years; however, if you consider this to be the case, we suggest that the second sentence in paragraph 3 be deleted, and the following underscored words be added to the third sentence " . . where an agreement for use of privately owned land cannot be negotiated by the Department of the Navy, . . . "

In all other respects the agreement should remain in effect until superceded by arrangements with the new governments.

I trust this will satisfy your concerns.

Sincerely,

W. Graham Claytor, Jr.
Secretary of the Navy

2-31243

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

[illegible] 1978

The Honorable James A. Joseph
Under Secretary of the Interior
Washington, D. C. 20240

Dear Mr. Joseph:

In response to your letter of 8 September 1978, the Department of the Navy does not object to relieving the Trust Territory Government of its obligations to negotiate with landowners under the 23 December 1955 agreement. At this time, the Navy anticipates few, if any, acquisitions in the Trust Territory of the Pacific Islands (TTPI), and we recognize that several commonwealths or other political bodies will soon supercede that government. Over the last several years the Navy has been obligated to deal itself with landowners when problems arise.

It is our understanding that the other provisions of the agreement would remain in effect, and that TTPI would entertain and act on requests to condemn, should negotiations with owners be unsuccessful. We doubt that formal amendment of the 23 December 1955 agreement is necessary to continue the practice of the last several years; however, if you consider this to be the case, we suggest that the second sentence in paragraph 3 be deleted, and the following underscored words be added to the third sentence " . . where an agreement for use of privately owned land cannot be negotiated by the Department of the Navy, . . . "

In all other respects the agreement should remain in effect until superceded by arrangements with the new governments.

I trust this will satisfy your concerns.

Sincerely,

W. Graham Claytor

W. Graham Claytor, Jr.
Secretary of the Navy

2-31243

9

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 8 - 1978

Honorable W. Graham Claytor
Secretary of the Navy
Washington, D.C. 20350

Dear Mr. Secretary:

Thank you for your letter of August 18, 1978, responding to my letter of June 22, 1978, regarding our desire to have the Trust Territory Government relieved of its obligations under the December 23, 1955 Land Agreement between our departments.

It was the intent of my letter to have the Trust Territory Government relieved prospectively only from its obligations to negotiate on behalf of the landowners on the one hand while having to sue them in condemnation on the other should the negotiations prove unsuccessful. This places the Trust Territory Government in a patently difficult position. There was no intention, however, of disturbing in any way acquisitions or use arrangements previously made under the 1955 Agreement.

Perhaps, therefore, our intended result could best be accomplished by amending the 1955 Agreement to provide that the Navy rather than the Trust Territory Government negotiate directly with landowners and leave the rest of the Agreement intact. Such a solution would resolve our problems, at least for the time being, and would eliminate the other concerns expressed by you in your letter.

If you agree with this approach we would be happy to pursue this matter further with representatives of the Naval Facilities Engineering Command and of your Office of General Counsel.

Sincerely yours,

James A. Joseph
UNDER SECRETARY

[illegible] 6854

-31243

ENCLOSURE (1)

9

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 8 - 1978

Honorable W. Graham Claytor
Secretary of the Navy
Washington, D.C. 20350

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If you agree with this approach we would be happy to pursue this matter further with representatives of the Naval Facilities Engineering Command and of your Office of General Counsel.

Sincerely yours,

James A. Joseph

UNDER SECRETARY

[illegible] 6654

31243

ENCLOSURE (1)

Koze Yamada

PARTIAL RELEASE AND RETURN OF LEASED LAND
ON DALAP ISLAND, MAJURO ATOLL

WHEREAS, on February 9, 1964, the Government of the Trust Territory of the Pacific Islands, hereinafter called the Government, entered into a Land Settlement Agreement (hereinafter, Agreement) with designated property owners. A copy of the Agreement is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Agreement provides that when the Government determines that it has no further need for the land it will be returned to the control of the owners, their heirs and assigns; and

WHEREAS, the Government has determined that it has no further need for most of the land described in subparagraph d of the Agreement as "Approximately 68 acres of land on Dalap Island, Majuro Atoll, now used and known as the Airstrip Area,..."; and

WHEREAS, on or about August 2, 1979, the Government offered to assign that portion of the Agreement to the Government of the Marshall Islands and such assignment was not accepted; and

WHEREAS, there are three existing public uses on the subject property which need to be retained in such public use.

NOW, THEREFORE, the Government of the Trust Territory of the Pacific Islands hereby releases and returns to the control of the owners, their heirs and assigns, all of that real property described in the Agreement as "Approximately 68 acres of land on Dalap Island, Majuro Atoll, now used and known as the Airstrip Area," but excepting from such release

and return approximately 4.75 acres of land currently used for the Dalap Elementary School, and approximately 4.15 acres currently used for the Weather Station, as shown on map SK 10.65 filed in the office of the Clerk of Courts, Marshalls on February 5, 1965, and right of way for Lagoon Road 40 feet in width located 20 feet on either side of the centerline of the existing road improvements. The location of the foregoing reserved areas within the subject property is to be determined by the actual use which existed on May 1, 1979.

The Agreement shall remain in full force and effect as to all property not expressly released and returned herein.

Dated January 8, 1980.

TRUST TERRITORY OF THE
PACIFIC ISLANDS

By Adrian P. Winkel
Adrian P. Winkel
High Commissioner

RECORDING DATA

Filed and recorded in Book _____, page _____ this _____ day of _____, 1980.

By: _____
Clerk of Courts
Marshall Islands

By: Adrian P. Winkel
High Commissioner

RECORDING DATA

Filed and recorded in Book _____, page _____ this _____ day of _____, 1980.

By: _____
Clerk of Courts
Marshall Islands

MEMORANDUM FORM TT-570G

Lands

TRUST TERRITORY OF THE PACIFIC ISLANDS *Office of the High Commissioner, Saipan*

TO : Kozo Yamada
Director, Bureau of Resources

DATE: 2/25/80

FROM : Assistant Attorney General

SUBJECT: Partial Release of Dalap Airstrip Property

Enclosed for your records is a copy of the Partial Release and Return of Leased Land on Dalap Island, Majuro Atoll which was recorded on the 15th of February, 1980. Copies were sent to all of the land owners through their attorneys, MLSC and to Amata Kabua and Henry Samuel in his capacity as chairman of the Dalap Island Land Use Committee. If you have any questions about the document please contact me.

178.88.8

PARTIAL RELEASE AND RETURN OF LEASED LAND
ON DALAP ISLAND, MAJURO ATOLL

WHEREAS, on February 9, 1964, the Government of the Trust Territory of the Pacific Islands, hereinafter called the Government, entered into a Land Settlement Agreement (hereinafter, Agreement) with designated property owners. A copy of the Agreement is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Agreement provides that when the Government determines that it has no further need for the land it will be returned to the control of the owners, their heirs and assigns; and

WHEREAS, the Government has determined that it has no further need for most of the land described in subparagraph d of the Agreement as "Approximately 68 acres of land on Dalap Island, Majuro Atoll, now used and known as the Airstrip Area,..."; and

WHEREAS, on or about August 2, 1979, the Government offered to assign that portion of the Agreement to the Government of the Marshall Islands and such assignment was not accepted; and

WHEREAS, there are three existing public uses on the subject property which need to be retained in such public use.

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The Agreement shall remain in full force and effect as to all property not expressly released and returned herein.

Dated January 8, 1980.

TRUST TERRITORY OF THE
PACIFIC ISLANDS

By _____
Adrian P. Winkel
High Commissioner

RECORDING DATA

Filed and recorded in Book 1-B, page 20 this 15TH day of FEB, 1980.

By: _____
Clerk of Courts
Marshall Islands

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner
Saipan, Mariana Islands

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this _____ day of _____, 19____, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the Marshall Islands, represented by the President.

WITNESSETH: that

WHEREAS, the Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, requires that all real property currently used or held by the Government of the Trust Territory for governmental administrative purposes shall, to the extent not needed to carry out the purposes of the order, be transferred on an equitable basis to the respective political entities and further, provides that with regard to the transfer of public ~~domain property~~, Secretarial Order Number 2969 remains in effect and in those instance where a receiving entity has not been designated the land shall be transferred to the state or district government where the land is located; and

WHEREAS, the conditions precedent to such a conveyance, prescribed by such Order have been fulfilled;

NOW, THEREFORE, pursuant to the authority and subject to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, and Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise, release, and quitclaim to the Government of Marshall Islands, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of Marshall Islands:

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located above the ordinary high water mark within the geographic boundaries of the Marshall Islands, Trust Territory of the Pacific Islands, as defined in Section 1(6) of Title 3 of the Trust Territory Code;

AND

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located below the ordinary high water mark within the geographic boundaries of the Marshall Islands, Trust Territory of the Pacific Islands, as defined in Section 1(6) of Title 3 of the Trust Territory Code;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in deeds of conveyance issued to whomsoever and for whatever reasons and covering parcels of land located in the Marshall Islands, Trust Territory of the Pacific Islands;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in parcels of land located in the Marshall Islands, Trust Territory of the Pacific Islands, as to which there are valid homestead entry permits, or certificates evidencing compliance with such permits, and as to which deeds of conveyance have not been issued, as of the effective date of this Quitclaim Deed.

SUBJECT, NEVERTHELESS, to the following terms, conditions and reservations:

1. Tenants at will and tenants by sufferance who actually occupy lands conveyed hereby with the concurrence of the Government shall be allowed continued possession of the lands they occupy for a period of three (3) years from the date of this Quitclaim Deed.

2. Pursuant to Secretarial Order Number 3039, Subsection (7) of Section 3a, the Government of the Trust Terrioty of the Pacific Islands reserves the right to continue use of the communications sites and facilities located on Majuro Atoll, Marshall Islands, Trust Territory of the Pacific Islands, for so long as the High Commissioner shall have authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory of the Pacific Islands.

3. All contracts, lease agreements, easements, permits, licenses and other forms of rights and obligations entered into by the Government of the Trust Territory of the Pacific Islands prior to May 1, 1979, and applicable to the conveyed lands, shall remain in force and effect until their natural or legal termination, unless otherwise agreed to in writing by the involved parties.

4. This deed does not include the release or transfer of any indefinite lands use rights acquired pursuant to land settlement agreements or otherwise. There is currently pending a settlement request for such indefinite land use agreements which will be released or assigned subsequent hereto.

IN WITNESS WHEREOF, I, in the name of the Government of the Trust Territory of the Pacific Islands, have caused this quitclaim deed to be made.

Given under my hand and official seal, this _____ day of _____, 19____.

_____
High Commissioner

High Commissioner

IN WITNESS WHEREOF, I, President of the Marshall Islands, do hereby accept the above conveyance, subject to the terms, conditions and reservations set forth.

ACCEPTED this _____ day of _____, 19____.

By: _____
Amata Kabua
President
Marshall Islands

****

GOVERNMENTAL APPROVALS

APPROVED AS TO FORM

By: _____
Attorney General

Date: _____

APPROVED FOR THE MARSHALL ISLANDS
OFFICE OF LAND MANAGEMENT

By: _____
Land Management Officer

Date: _____

APPROVED FOR THE DIVISION OF LANDS

By: _____
Chief of Lands

Date: July 19, 1979

****

RECORDING DATA

Filed and recorded in Book _____, Page _____, this _____ day of _____, 19 _____.

By: _____
Clerk of Courts
Marshall Islands

By: _____
Attorney General

Date: _____

By: _____
Land Management Officer

Date: _____

APPROVED FOR THE DIVISION OF LANDS

By: _____
Chief of Lands

Date: July 19, 1979

****

RECORDING DATA

Filed and recorded in Book _____, Page _____, this _____

day of _____, 19 _____.

By: _____
Clerk of Courts
Marshall Islands

January 7, 1980

Traylor Mercer
Acting Attorney General
Government of the Marshall Islands
Majuro, Marshall Islands 96960

Re: Release and return of lands
comprising old Dalap Airport area

Dear Traylor:

Enclosed for your review is a draft document to effect the release and return of certain lands within the old Dalap Airport area as described in the Land Settlement Agreement dated February 9, 1964. We would appreciate any comments which you may have on the form and legality of the document. We don't regard the document as an integral part of the pending litigation and hence would trust that you are free to review the document and discuss it with us.

Thank you very much for your continued cooperation and assistance. If we can provide additional information, please don't hesitate to contact the undersigned.

Very truly yours,

Kent Harvey
Assistant Attorney General

Enclosure

cc: Chief, Lands Division
Director, Bureau of Resources

JAN 10 1980

PARTIAL RELEASE AND RETURN OF LEASED LAND

ON DALAP ISLAND, MAJURO ATOLL

WHEREAS, on February 9, 1964, the Government of the Trust Territory of the Pacific Islands, hereinafter called the Government, entered into a Land Settlement Agreement (hereinafter, Agreement) with designated property owners. A copy of the Agreement is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Agreement provides that when the Government determines that it has no further need for the land it will be returned to the control of the owners, their heirs and assigns; and

WHEREAS, the Government has determined that it has no further need for most of the land described in subparagraph d of the Agreement as "Approximately 68 acres of land on Dalap Island, Majuro Atoll, now used and known as the Airstrip Area,..."; and

WHEREAS, on or about August 2, 1979, the Government offered to assign that portion of the Agreement to the Government of the Marshall Islands and such assignment was not accepted; and

WHEREAS, there are three existing public uses on the subject property which need to be retained in such public use.

NOW, THEREFORE, the Government of the Trust Territory of the Pacific Islands hereby releases and returns to the control of the owners, their heirs and assigns, all of that real property described in the Agreement as "Approximately 68 acres of land on Dalap Island, Majuro Atoll, now used and known as the Airstrip Area," but excepting from such release

and return approximately 4.75 acres of land currently used for the Dalap Elementary School, and approximately 4.15 acres currently used for the Weather Station, as shown on map SK 10.65 filed in the office of the Clerk of Courts, Marshalls on February 5, 1965, and right of way for Lagoon Road 40 feet in width located 20 feet on either side of the centerline of the existing road improvements. The location of the foregoing reserved areas within the subject property is to be determined by the actual use which existed on May 1, 1979.

The Agreement shall remain in full force and effect as to all property not expressly released and returned herein.

Dated _____, 1980.

TRUST TERRITORY OF THE
PACIFIC ISLANDS

By_____
Adrian P. Winkel
High Commissioner

By _____
Adrian P. Winkel
High Commissioner

MEMORANDUM FORM TT-570C

TRUST TERRITORY OF THE PACIFIC ISLANDS *Office of the High Commissioner, Saipan*

TO : Director, Bureau of Resources DEC 31 1979 DATE: 12/27/79

FROM : Assistant Attorney General

SUBJECT: Transfer of public land to the Government of the Marshall Islands

I have spoken with the Acting Attorney General of the Marshall Islands with regard to the reasons for delay in accepting and returning the quitclaim deed transferring public land to the Marshall Islands Government. He made the following suggestions regarding the proposed quitclaim deed:

1. Change the first recital on page 1 to express the language of Secretarial Order No. 3039 with regard to the requirement to transfer land to those governmental entities which have not adopted legislation establishing a public land authority.

2. Rather than incorporating by reference section 2(c) of Order 2969 in the description of lands conveyed, it is requested that the appropriate language from said section be restated.

3. Delete paragraphs Nos. 1 and 3 on page 3 of the deed since they are fearful that those provisions may be construed to apply to the U.S. Government use of the Kwajalein Atoll. It is further their contention that it is not necessary to include those paragraphs since the language therein relates to legislation required by Secretarial Order 2969 and the required conveyance pursuant to Secretarial Order 3039 requires no such legislation or limitations.

4. Delete paragraph No. 2 on page 3 on the ground that all communications sites and facilities are on land subject to indefinite land use agreements and therefore are not affected by any quitclaim of public lands.

M TT-570C

T TERRITORY OF THE PACIFIC ISLANDS *Office of the High Commissioner, Saipan*

: Director, Bureau of Resources DEC 31 1979 DATE: 12/27/79

M : Assistant Attorney General

JECT: Transfer of public land to the Government of the Marshall Islands

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Delete paragraph No. 2 on page 3 on the ground that all communications sites and facilities are on land subject to indefinite land use agreements and therefore are not affected by any quitclaim of public lands.

5. There is some concern that paragraph No. 4 on page 3 may suggest that the deed does include leasehold interests since the only specific exception is for indefinite land use rights. There is no need for such exceptions so long as the definition of public lands being quitclaimed is sufficiently precise.

I would appreciate it if you could review the above suggestions and advise me of your views. I am somewhat concerned about the impact on the other entities of deleting some of the language in the deed to the Marshalls which we required in the other deeds. Thank you for your assistance.

Kent Harvey

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Harvey

9-7-56

MEMORANDUM FORM TT 5700

TRUST TERRITORY OF THE PACIFIC ISLANDS *Office of the High Commissioner, Saipan*

From ~~FROM~~ : High Commissioner **DATE:** 7/9/79

To ~~TO~~ : Assistant Attorney General

SUBJECT: Reservation of use rights for communication sites in deeds pursuant to Secretarial Order No. 3039

Secretarial Order 3039, Section 3A(5)(a) requires that all real property used for governmental purposes "to the extent not needed to carry out the purposes of this order, be transferred on an equitable basis to the Federated States of Micronesia..." Subsection (7) of Section 3A provides that the High Commissioner shall continue to have the authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory. The Governors of the States of the Federated States have asked that the Trust Territory convey title to the communication sites to their respective states but retain the necessary use rights to comply with the High Commissioner's responsibilities under subsection (7) paraphrased above. It is our opinion that retention of use rights for the telecommunication facilities would comply with the secretarial order and it is not necessary for the Trust Territory to retain the fee title to the property. We have discussed the matter with Kozo Yamada who concurs with the Governors' request and our opinion.

If you have no objection to granting the fee simple interest in the communication sites subject to a retained right to use the property for tele-communication purposes so long as the High Commissioner shall have authority and responsibility for telecommunications within the Trust Territory, we will advise the Director of the Bureau of Resources to prepare the deeds to accomplish that purpose.

Kent Harvey

cc: Kozo Yamada

No objection. Concur in your request.
G.P.W. - H.C. - 7/9/79

9-7-56

FORM TT 570c

TRUST TERRITORY OF THE PACIFIC ISLANDS *Office of the High Commissioner, Saipan*

TO : High Commissioner DATE: 7/9/79

FROM : Assistant Attorney General

SUBJECT: Reservation of use rights for communication sites in deeds pursuant to Secretarial Order No. 3039

Secretarial Order 3039, Section 3A(5)(a) requires that all real property used for governmental purposes "to the extent not needed to carry out the purposes of this order, be transferred on an equitable basis to the Federated States of Micronesia..." Subsection (7) of Section 3A provides that the High Commissioner shall continue to have the authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory. The Governors of the States of the Federated States have asked that the Trust Territory convey title to the communication sites to their respective states but retain the necessary use rights to comply with the High Commissioner's responsibilities under subsection (7) paraphrased above. It is our opinion that retention of use rights for the telecommunication facilities would comply with the secretarial order and it is not necessary for the Trust Territory to retain the fee title to the property. We have discussed the matter with Kozo Yamada who concurs with the Governors' request and our opinion.

If you have no objection to granting the fee simple interest in the communication sites subject to a retained right to use the property for telecommunication purposes so long as the High Commissioner shall have authority and responsibility for telecommunications within the Trust Territory, we will advise the Director of the Bureau of Resources to prepare the deeds to accomplish that purpose.

Kent Harvey

cc: Kozo Yamada

No objection. Continue in your request.
GPW - H.C. - 7/9/79

HICOMTERPACIS SAIPAN
MARIANA ISLANDS

KYAMADA:ms

7/2/79

PRESIDENT OF MARSHALL ISLANDS
GOVERNMENT

R

PASS TO LMO. IN ORDER TO FACILITATE TRANSFER OF PUBLIC LAND DEED TO STATE OF MARSHALL, WE REQUEST COMPLETE DESCRIPTION OF COMMUNICATION SITE: (1) RECEIVER SITE (2) TRANSMITTER SITE

AND AIR PORT. ALSO VERIFY IF ANY OF THESE SITES ARE ON PUBLIC LANDS. DIRECTOR, BUREAU OF RESOURCES SENDS.

HQL-D2972
File:178.88.8

D/BR x

HICOMTERPACIS SAIPAN
MARIANA ISLANDS

KYAMADA:ms

7/2/79

PRESIDENT OF MARSHALL ISLANDS
GOVERNMENT

R

PASS TO LMO. IN ORDER TO FACILITATE TRANSFER OF PUBLIC LAND DEED TO STATE OF MARSHALL, WE REQUEST COMPLETE DESCRIPTION OF COMMUNICATION SITE: (1) RECEIVER SITE (2) TRANSMITTER SITE

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HQL-D2972
File:178.88.8

D/BR x

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ZNR UUUUU
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FM MICOMTERPACIS SAIPAN
TO SECSTATE WASH DC
BT
UNCLAS
PASS TO INT DEPT/DOTA FROM HTICM

TTPI NO. 353

SUBJECT: PUBLIC LAND TRANSFER (SUPPLEMENTAL INFORMATION)

RE: YOUR DOTA NO. 214-TT AND OUR TTPI NO. 347

1. PONAPE COMMUNICATION SITE RETAINED PURSUANT TO SECRETARIAL ORDER NO. 3039 SECTION 3(A)(7). AIRPORT PROPERTY RETAINED PENDING FAA APPROVAL OF TRANSFER.

2. PALAU PUBLIC LAND AUTHORITY EXPRESSED UNWILLINGNESS TO ACCEPT TRANSFERS OF LAND SUBJECT TO EXISTING LONG-TERM COMMERCIAL LEASES. SECRETARIAL ORDER NO. 2969 SECTION 6(D) REQUIRES RECOGNITION OF EXISTING LEASE HOLD INTEREST. ANTICIPATE CHANGE OF POSITION BY PALAU PUBLIC LAND AUTHORITY SOON.

3. YAP LEGISLATION DESIGNATING PUBLIC LAND AUTHORITY AS ENTITY TO RECEIVE LAND WAS REPEALED AND STATE GOVERNMENT DESIGNATED. EXPECT TO DEED APPLICABLE LAND BY 15 JULY 1979.

4. KOSRAE CREATED PUBLIC LAND AUTHORITY BUT REQUESTS FOR TRANSFER DID NOT COMPLY WITH KOSRAE LEGISLATION. EXPECT TO RESOLVE PROBLEM FORTHWITH AND EFFECT TRANSFER.

5. SINCE TRUK AND MARSHALLS HAVE NOT DESIGNATED A PUBLIC ENTITY PURSUANT TO SECRETARIAL ORDER 2969 TRANSFERS WILL BE MADE TO TRUK STATE GOVERNMENT AND MARSHALL ISLANDS GOVERNMENT PURSUANT TO SECRETARIAL ORDER NO. 3039 SECTION 3(A)(5) (D) AS SOON AS POSSIBLE BUT NO LATER THAN JULY 31, 1979. HIGH COMMISSIONER ADRIAN P. WINKEL SENDS.
BT
#0025

R
TD-14
.....
ORIG.....ATTY GEN

MARSHALLS

D

Copies distributed to files Ponape
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TO INT DEPT/DOTA FROM HTICM

NO. 353

CT: PUBLIC LAND TRANSFER (SUPPLEMENTAL INFORMATION)

OUR DOTA NO. 214-TT AND OUR TTPI NO. 347

NAPE COMMUNICATION SITE RETAINED PURSUANT TO SECRETARIAL ORDER
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MENT AND MARSHALL ISLANDS GOVERNMENT PURSUANT TO SECRETARIAL
NO. 3239 SECTION 3(A)(5) (B) AS SOON AS POSSIBLE BUT NO LATER
ULY 31, 1979. HIGH COMMISSIONER ADRIAN P. WINKEL SENDS.

TD--d
ORIG.....ATTY GEN
A/MARSHALLS

Copies distributed to files: Ponape
Yap
Truk
Ponape
Kosrae
Marshalls

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the District Land Management
Majuro, Marshall Islands

MEMORANDUM

DATE: 5/26/77
Serial LMM-2074

TO : Chief, Lands & Surveys, Saipan
Attn : Don Mayo, Special Project Coordinator, Saipan
FROM : A/District Land Management Officer, Marshalls

SUBJECT: Request Prevalidation of Funds for Public Land Survey

Planning to have two men travel by Field Trip Ship to cover the Southern and Central itineraries. Because of the difficulty in locating and conferring with the Magistrates from Majuro, it would be advantageous to have two men travel by field trip ship to certain atolls to arrange and predetermine Public Land boundaries, CIP Site locations and if possible stake the corners prior to sending out Survey Team.

The following tabulation is an anticipated expense for these Trips:

SOUTHERN ATOLLS:

Two (2) men	@	$ 36.25	=	$ 72.50
Subsistence - two (2) men		72.00		144.00
Gasoline - 2 drums		25.76		51.52
Outboard Oil - 1 case		23.28		23.28
Freight for boat		25.00		25.00
SUB-TOTAL		$182.29		$316.30

CENTRAL ATOLLS:

Two (2) men	@	$ 38.71	=	$ 77.42
Subsistence for 2 men		78.00		156.00
Gasoline - 2 drums		25.76		51.52
Outboard Oil - 1 case		23.28		23.28
Freight for boat		25.00		25.00
SUB-TOTAL		$190.75		$330.22
GRAND-TOTAL:		$373.04		$646.52

Since the exact itineraries and departure dates of the vessels are announced only a few days before departure time, we request that the prevalidation of funds be made available in advance.

Gister de Brum

Action Taken DM.

Action - Mayo 178.88.8

RECEIVED
MAY 31 1977

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the District Land Management
Majuro, Marshall Islands

MEMORANDUM

DATE: 5/26/77
Serial LMM-2074

TO : Chief, Lands & Surveys, Saipan
Attn : Don Mayo, Special Project Coordinator, Saipan
FROM : A/District Land Management Officer, Marshalls

SUBJECT: Request Prevalidation of Funds for Public Land Survey

Planning to have two men travel by Field Trip Ship to cover the Southern and Central itneraries. Because of the difficulty in locating and conferring with the Magistrates from Majuro, it would be advantageous to have two men travel by field trip ship to certain atolls to arrange and predetermine Public Land boundaries, CIP Site locations and if possible stake the corners prior to sending out Survey Team.

The following tabulation is an anticipated expense for these **Trips:**

SOUTHERN ATOLLS:

Two (2) men	@	$ 36.25	= $ 72.50
Subsistence - two (2) men		72.00	144.00
Gasoline - 2 drums		25.76	51.52
Outboard Oil - 1 case		23.28	23.28
Freight for boat		25.00	25.00
	SUB-TOTAL	$182.29	$316.30

CENTRAL ATOLLS:

Two (2) men	@	$ 38.71	= $ 77.42
Subsistence for 2 men		78.00	156.00
Gasoline - 2 drums		25.76	51.52
Outboard Oil - 1 case		23.28	23.28
Freight for boat		25.00	25.00
	SUB-TOTAL	$190.75	$330.22
	GRAND-TOTAL:	$373.04	$646.52

Since the exact itineraries and departure dates of the vessels are announced only a few days before departure time, we request that the prevalidation of funds be made available in advance.

Gister de Brum

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Action Taken DM.

Action - Mayo 178.88.8

ACTION

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P 070125Z MAR 77
FM DISTAD MAJURO MARSHALL ISLANDS
TO HICOMTERPACIS SAIPAN MARIANAS ISLANDS
BT
PLS PASS TO CHIEF, LANDS & SURVEYS. PUBLIC LANDS SURVEY ON EBON AND NAMORIK HAVE BEEN COMPLETED. FOUR SITES ON NAMORIK WERE SURVEYED. UNABLE TO SURVEY OTHER TWO SITES ON NAMORIK DUE TO THE FACT THAT INTERESTED PERSON ARE NOT AVAILABLE ON THE ISLAND. A/DLMO SENDS
BT

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ACTION
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DIVISION OF LANDS AND SURVEYS
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