

3.7 LAND AND SUBMERGED LAND USE

Section 3.7 provides a summary of existing and planned land use, including submerged lands, on and adjacent to Tinian and Pagan. The region of influence includes the land of Tinian and Pagan, and their associated submerged lands, which are defined as areas within 3 nautical miles (5 kilometers) of the mean high tide line. The southern portion of Saipan is also included because of its proximity to Tinian, and potential for impacts (i.e., noise) from the proposed action. The region of influence is shown on [Figure 3.7-1](#). The following discussion includes civilian and military land uses, as well as planning guidance that directs future development.

3.7.1 Definition

Land use includes natural and man-made activities occurring or planned on land and submerged land (within 3 nautical miles [5 kilometers] from shore). There are four key components to this land use discussion:

1. **Jurisdictional Control of Land.** There are a broad variety of contract types for control of land ownership. Real estate contracts include unencumbered deeds, long-term lease agreements, temporary easements, rights-of-way, assignments of custody and control, and a host of other types of contracts. In an effort to simplify the nomenclature for this section, all the various types of land controls are referred to as ownership and/or management, and include “jurisdictional control.” For example, the Military Lease Area is owned by the CNMI government, but leased to the Department of Defense, giving them jurisdictional control over the Military Lease Area (within the confines and stipulations of the lease agreement).
2. **Jurisdictional Control of Submerged Land.** Submerged land(s) refers to a special condition of jurisdictional control that is related to the “land beneath navigable waters.” Generally, this is considered those lands between the low and high-tide line and out to 3 nautical miles (5 kilometers) from the jurisdictional (mean high tide) line of the state, as outlined in the Conveyance of Submerged Lands to Territories (48 U.S. Code Chapter 15). This Act establishes the federal law that recognizes the rights of coastal states to jurisdictional authority over their coastlines and territorial waters. This authority is often referred to as the “jurisdictional waters.” While this Act provides jurisdictional authority for submerged lands to the states, the U.S. Federal Branch (i.e. Department of Defense) still reserves executive privilege to supersede the state’s authority, particularly when it concerns issues of national security or public safety. Jurisdictional authority of submerged lands for CNMI falls under the purview of the CNMI Bureau of Environmental and Coastal Quality. However, this is not applicable to those submerged lands adjacent to the Military Lease Area on Tinian as they are under the jurisdictional control of the U.S. government. The submerged lands around Pagan are within the jurisdictional control of the CNMI government (i.e., the CNMI Bureau of Environmental and Coastal Quality).

Commonwealth of the Northern Mariana Islands

- Uracus
- Maug Islands
- Asuncion

Agrihan

Pagan

Almagan

Guguan

Sarigan

Anatahan

Farallon de
Medinilla

Saipan

Tinian

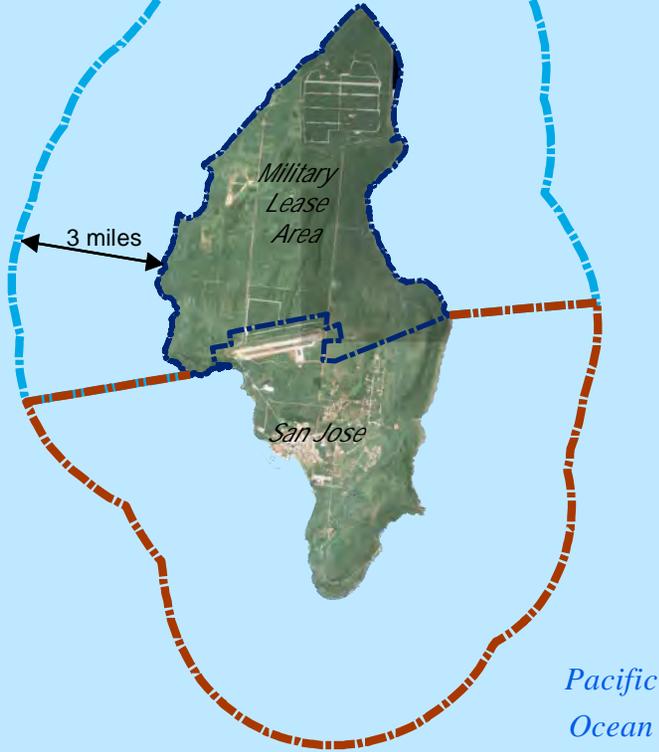
Aguijan

Rota

1" = 80 Miles

Tinian

Philippine Sea



Legend

- Submerged Lands (CNMI)
- Submerged Lands (US Leased)
- Military Lease Area

Pagan

Philippine Sea



Saipan

Philippine Sea

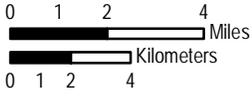


Figure 3.7-1
Region of Influence for Land and Submerged Land Use



Data Sources: DoN 2010, U.S. 2014

3. **Current and Planned Uses of Land.** Existing and planned land uses are typically documented in community or government land use plans, which are intended to represent the community's vision for land use development. The plans acknowledge that there are competing land uses and that these land uses are not necessarily compatible. Areas or zones are designated for a specific land use to provide adequate physical distance between incompatible land uses. There are also lands that are regulated or reserved for a specific use, such as cultural resource preservation or natural resource protection. These land use areas are often identified on government land use plans and maps. The CNMI Department of Public Lands is the primary land use planning agency for Tinian and Pagan as there are no local government island-specific zoning boards. Saipan has a Zoning Board at the local government level.
4. **Current and Planned Uses of Submerged Land.** Submerged lands in the CNMI are regulated by the CNMI Bureau of Environmental and Coastal Quality. This agency is responsible for meeting the requirements the Coastal Zone Management Act. The coastal zone includes all non-federal lands and submerged lands out to a distance of 3 nautical miles (5 kilometers) of the mean high tide line. The CNMI Coastal Resources Management Program defines the area subject to its provisions as the entire land area comprising the 14-island archipelago and the adjoining waters contiguous to each island seaward the extent of 3 geographic miles (5 kilometers), with the exception of the island of Farallon de Medinilla, which is used by the U.S. Department of Defense as a target area (National Oceanic and Atmospheric Administration 1980). For the purposes of the Coastal Zone Management Act, long-term leases are considered to be federal lands. The U.S. has jurisdiction of the submerged lands off of U.S.-leased land areas, including Tinian Military Lease Area. The Coastal Resources Management Program also identifies Areas of Particular Concern, which require that any work done within these areas would require a valid coastal permit (CNMI Coastal Resources Management Office 2014).

3.7.2 Regulatory Framework

The regulations governing land use and submerged land use are briefly summarized below. A complete listing of applicable regulations is provided in Appendix E, *Applicable Federal and Local Regulations*.

3.7.2.1 Federal Regulations

- Coastal Zone Management Act
- Territorial Submerged Lands Act as amended (Senate Bill 256 and Presidential Proclamation)

3.7.2.2 CNMI Regulations

- **CNMI Constitution – Article XI: Public Lands.** Article XI of the CNMI Constitution states that public lands collectively belong to the people of the CNMI who are of Northern Marianas descent. A person of Northern Marianas descent is someone who is a citizen or national of the U.S. and who is at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian, or a combination thereof. The CNMI Department of Public Lands is the official government agency responsible for the administration and disposition of public lands. These public lands are available for commercial lease.
- **Public Law 16-50 Homestead Law.** See [Section 3.7.3.3](#), *The CNMI Homestead Program*.

3.7.2.3 U.S.-CNMI Covenant and Lease Agreements

As summarized in Section 1.4, *The Mariana Islands*, the CNMI was integrated into the U.S. as a result of *The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America*, (The 1976 Covenant) which was signed by U.S. and CNMI representatives on February 15, 1975. Certain land areas on Tinian were “made available to the U.S. by lease to enable it to carry out its defense responsibilities” (Northern Mariana Islands 1975a; see Section 1.4.2, *Commonwealth of the Northern Mariana Islands Military Lease Area*).

The 1976 Covenant directed that a separate *Technical Agreement Regarding Use of Land to Be Leased by the United States in the Northern Mariana Islands* (Technical Agreement) (Northern Mariana Islands 1975b; see Section 1.4.2, *Commonwealth of the Northern Mariana Islands Military Lease Area*) be drafted to describe terms of lease back property and joint use of certain areas. The Technical Agreement was simultaneously executed with the 1976 Covenant. The Technical Agreement provided for the lease back of U.S. Military leased property to the CNMI government to provide agricultural permits to residents of Tinian and other joint use arrangements, between the U.S. Military and the CNMI government which are summarized in Appendix K, *Summary of Historical Land Use Agreements between the U.S. and the CNMI*. The original 17,799 acres (7,203 hectares) leased by the U.S. to the current lease area of approximately 15,148 acres (6,130 hectares).

Below are selected provisions within the Technical Agreement as they pertain to leases on Tinian:

- The lease back, though expired, is being administered on a month-to-month tenancy and is subject to cancellation with 1 year’s notice or sooner in the event of urgent military requirement or national emergency.
- All uses of land in the Military Lease Area must be compatible with planned military activities.
- No construction of permanent facilities on lease back areas.
- Federal Aviation Administration airfield requirements and related safety zones apply to any facilities or activities in the Military Lease Area.
- All shoreline areas in and around the northern two-thirds of Tinian will remain open to fishermen at all possible times, except for those areas that must be closed to comply with safety, security, or hazardous risk requirements under the proposed action.
- Marianas citizens will have the same access to beach and recreation areas in the Military Lease Area of Tinian as military personnel (and their dependents) have for recreation.
- Closure for military maneuvers will be kept to a minimum, consistent with military requirements for safety and security.

Since the establishment of the Technical Agreement, numerous lease agreements have been executed that have reduced the acreage of the original agreement. Some of the amendments are described below as they pertain to Tinian (see Appendix K, *Summary of Historical Land Use Agreements between the U.S. and the CNMI*).

- **1983 Lease Agreement made pursuant to the Covenant to Establish a CNMI in Political Union with the U.S.** The lease for the lands specified in the 1976 Covenant and Technical Agreement was issued on January 6, 1983 for an initial term of 50 years with an option for the U.S. to renew

for a succeeding additional 50-year term. Terms of the lease mandated that any non-military uses within the leased areas must be approved by the DoN (DoN 2008).

- **1988 Leaseback Agreement between the CNMI and U.S.** The U.S. leases back to the CNMI 709 acres (287 hectares) on Tinian, including West Field.
- **1994 Leaseback and Disposal Agreement between the CNMI and U.S.** In 1994, the U.S. inventoried lands leased from the CNMI to determine land no longer needed for defense purposes and thus deemed surplus. The U.S. leased land deemed surplus included 1,245 acres (504 acres) on Tinian, south of West Field, and also designated the “Exclusive Military Use Area.”
- **1996 Partial Termination Agreement between the CNMI and U.S.** The U.S. released claims to 39 acres (16 hectares) at Tanapag Harbor on Saipan.
- **1999 Partial Release of Leasehold Interest between the CNMI and U.S.** The U.S. released leasehold interest in areas in the southern portions of Tinian and West Field. The U.S. identified West Field as a civilian aviation airfield and authorized the use of the 996 acres (403 hectares) of the Military Lease Area as the Tinian Military Retention Land for Wildlife Conservation for the Tinian Monarch (*Monarcha takatsukasae*). This area was designated per mitigation agreement number 1-2-98-F-07 between the Federal Aviation Administration and the U.S. Fish and Wildlife Service, dated January 4, 1999. The U.S. released leasehold interests of 10 acres (4 hectares) at Masalok Beach for CNMI to establish as a “Youth Site.” The U.S. also released interest in public rights of way within the Lease Back Area.

3.7.3 Methodology

A site visit to Tinian, document searches and reviews of publicly available information, and interviews at various agencies were conducted to obtain current and accurate land and submerged land use information. Meetings with CNMI agencies included the Department of Public Lands, Bureau of Environmental and Coastal Quality, Division of Fish and Wildlife (within the Department of Lands and Natural Resources), Mariana Visitors Authority, among others. The land use plans discussed in this section are those that are officially adopted by the CNMI government and those that are in-progress. The planned or proposed projects that have permits or are funded and moving towards being developed are discussed in this section. For a discussion of reasonably foreseeable land uses and projects, see Chapter 5, *Cumulative Impacts*.

3.7.3.1 The CNMI Coastal Resources Management Plan

The Bureau of Environmental and Coastal Quality is responsible for the implementation of the Coastal Resources Management permit process. While the permit process is not applicable to federally leased or owned submerged lands, the Coastal Zone Management Act consistency determination is, and must address potential impacts to these CNMI Areas of Particular Concern. The Bureau of Environmental and Coastal Quality has identified geographic areas with special management requirements: CNMI Areas of Particular Concern. There are five CNMI Areas of Particular Concern delineated:

1. **Shoreline:** The area between the mean high water mark and 150 feet (46 meters) inland.
2. **Lagoon and Reef:** The area extending seaward from the mean high water mark to the outer slope of the reef.

3. **Wetlands and Mangrove:** Areas that are covered either permanently or periodically with water and where species of wetland or mangrove vegetation can be found.
4. **Port and Industrial:** Includes land and water areas surrounding the ports of Saipan and Tinian.
5. **Coastal Hazards:** Those areas identified as coastal flood hazard zones (V and VE) on the Federal Emergency Management Agency Flood Insurance Rate Maps.

Any project wholly or partially within a CNMI Area of Particular Concern requires a Coastal Resources Management permit.

3.7.3.2 The CNMI Land Use Plans

The most recent official land use plan for all of the CNMI is the CNMI Public Land Use Plan (Marianas Public Land Corporation 1989). This plan superseded the Physical Development Master Plan for the Commonwealth of the Northern Mariana Islands (CNMI Office of Transition Studies and Planning 1978), hereafter referred to as the CNMI Physical Development Master Plan. The CNMI Public Land Use Plan outlines goals, objectives, and policies for the CNMI through a planning period of 1989 to 2015. The plan encompasses public land of the CNMI, with the focus on Saipan's projected growth.

More recent planning efforts for Tinian and Pagan are in progress (CNMI Department of Public Lands 2013a). The preliminary land use plans are included because they provide the best available current information on land use planning objectives.

The Commonwealth Zoning Board is charged with zoning for Saipan. Zoning and land use information for Saipan is provided in the 2013 Saipan Zoning Law and associated 2013 Saipan Zoning Map (Commonwealth Zoning Board 2013). There are no zoning laws or maps for Tinian and Pagan.

3.7.3.3 The CNMI Homestead Program

The CNMI Department of Public Lands is mandated to designate public land, including land on Tinian and Pagan, for potential homesteads. In an effort to fulfill this mandate, the CNMI Department of Public Lands designates available and suitable land on their land use planning maps for potential village and agricultural homesteading. A person is not eligible for more than one agricultural and one village homestead. A freehold interest in the homestead is granted once the person meets specified criteria and cannot be transferred for 10 years after receipt (Fifteenth (15th) Northern Marianas Commonwealth Legislature 2007).

In 2010, the CNMI enacted Public Law 16-50, a homesteading law to establish the Northern Islands Village and Agricultural Homesteading program for current or former residents of the Northern Islands or any qualified person interested in residing on the Northern Islands. The law, however, requires extensive municipal planning and infrastructure development prior to homesteading deeds being issued and, to date; the CNMI has not deeded any land on Pagan (DoN 2014a). Additional discussion on CNMI homesteading programs are discussed in Section 3.15, *Socioeconomics and Environmental Justice*, and Appendix Q, *Socioeconomic Impact Assessment Study*.

3.7.4 Tinian

3.7.4.1 Jurisdictional Control and Management

3.7.4.1.1 Land Area and CNMI Real Estate Designations

Tinian land area is approximately 25,148 acres (10,177 hectares) in size with approximately 68 miles (109 kilometers) of roads administered by the CNMI's Department of Public Works. A total of 10% (approximately 2,422 acres [980 hectares]) of Tinian's land is privately owned, and the remaining 90% (or 22,726 acres [9,197 hectares]) are public lands (DoN 2010). [Figure 3.7-2](#) illustrates the percentages of both private and public Tinian land ownership, including the five public land sub-classifications, which are shown on [Figure 3.7-3](#).

Public land is further classified as one of five sub-classifications described below:

1. **Grant of Public Domain:** Public lands given in fee simple (i.e., absolute title to land), with no use specified.
2. **Designated Public Lands:** Public lands actively managed for a particular use, such as a forest or park.
3. **Leased:** Public lands that require government approval (i.e., permits). If the proposed lease encompasses greater than 12.4 acres (5 hectares) it must be approved by the CNMI legislature. Areas less than 12.4 acres (5 hectares) require the CNMI Department of Public Lands approval. Permits tend to be for commercial operations, such as hotels, golf courses, and cattle grazing.
4. **Technical Agreement Leased:** Public lands that are leased to the military and collectively referred to as the Military Lease Area (15,148 acres [6,130 hectares]). This area encompasses the northern portion of Tinian. International Broadcasting Bureau occupies 840 acres (340 hectares) of land in the Military Lease Area ([Figure 3.7-3](#)). The Military Lease Area is largely undeveloped.
5. **Undesignated:** Undeveloped Tinian public lands without a specified use are classified as undesignated public lands.

The U.S. presently leases 15,148 acres (6,130 hectares) on Tinian (approximately the northern two-thirds of Tinian) from the CNMI. The U.S. Leaseback Agreement with the CNMI for the 7,779 acres (3,148 hectares) located in the middle third of Tinian is referred to as the Lease Back Area. The U.S. Leaseback Agreement expired in 2014, and ranchers have maintained cattle grazing in the Lease Back Area on a month-to-month basis. However, the CNMI and the Department of Defense are executing a renewal of the lease until the summer of 2016 (Zotomayor 2015).

The majority of these leased lands are used for training purposes. While training may occur all year long, it typically occurs only a few times per year for limited durations. When areas are not closed for training, the land is accessible to the public. Tinian jurisdictional control of land is shown in [Figure 3.7-2](#) and [Figure 3.7-3](#). As shown, all private land and non-Technical Agreement leased lands are located south of the Military Lease Area. Fee interest ownership is the primary means of private land ownership (DoN 2010). Leases or easements are used for land transfer and/or management purposes.



Figure 3.7-2 Tinian Land Jurisdictional Control

3.7.4.1.2 Homestead Developments on Tinian

There are at least two areas with fully implemented homestead programs on Tinian, Marpo Heights and the Carolinas Plateau. In 2014, the CNMI governor announced that a contract was awarded to a construction company to start site development work for the West San Jose Homestead. The West San Jose Homestead does not currently contain any homes but will be subdivided into 189 residential lots. Basic infrastructure such as roads and utility rights-of-way, have been developed. Other homestead village areas have been noted on the Department of Public Lands' Tinian land classification map (CNMI Department of Public Lands 2013b), some funding has been provided and the design and clearing of roads and rights-of-way has begun. For further discussion on these and other homestead village sites please see Chapter 5, *Cumulative Impacts*. For information and discussion on the CNMI homestead program and current status, please see Appendix Q, *Socioeconomic Impact Assessment Study*.

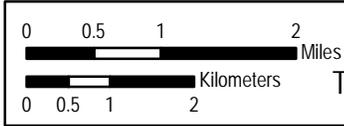
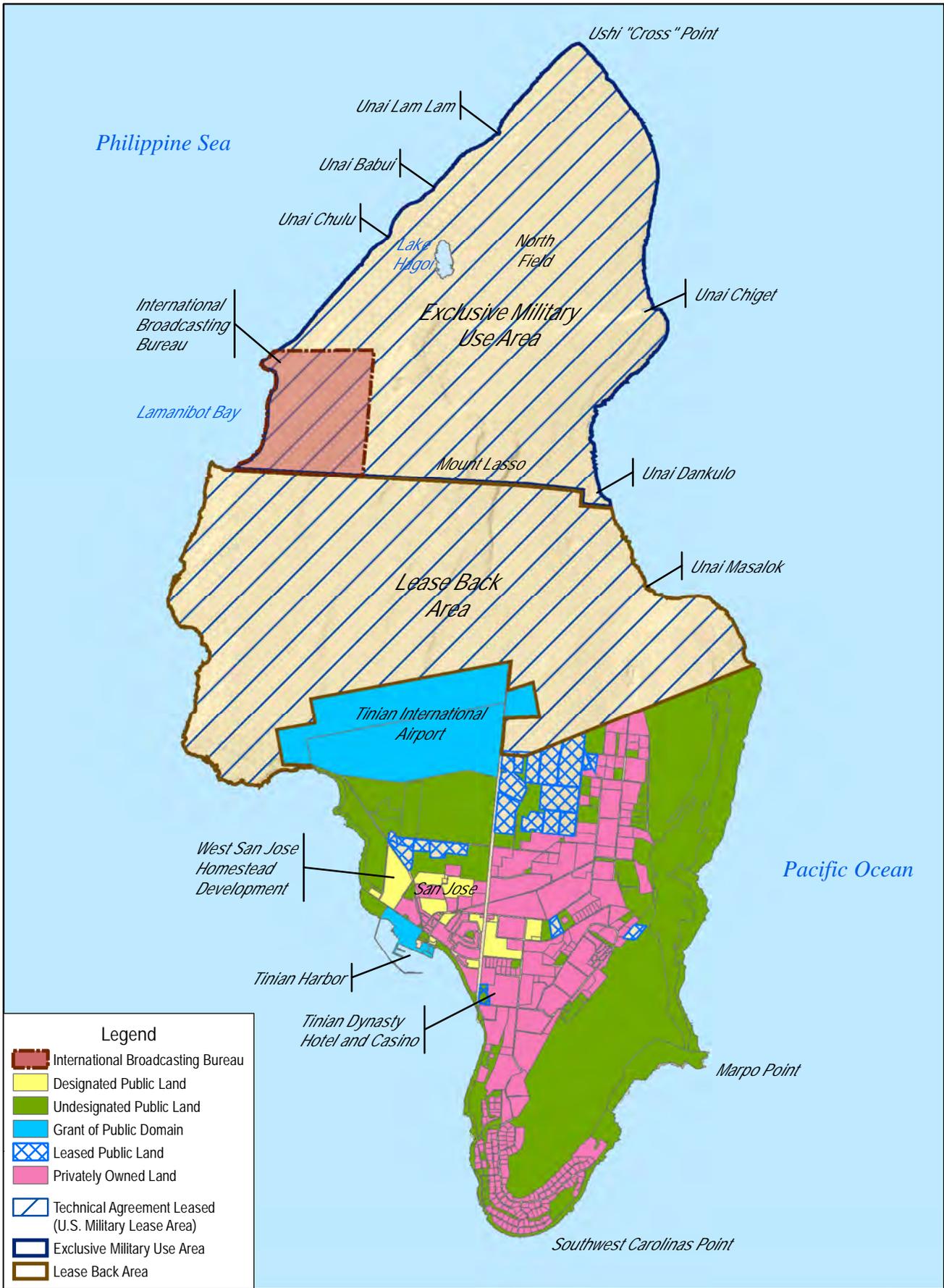


Figure 3.7-3
Tinian Land Jurisdictional Control and Management

Sources: DoN 2010; CNMI Department of Public Lands 2013a



3.7.4.1.3 CNMI Areas of Particular Concern Designations on and around Tinian

As shown on [Figure 3.7-4](#), all five CNMI Areas of Particular Concern are found on Tinian: Shoreline, Lagoon and Reef, Wetlands and Mangroves, Port and Industrial, and Coastal Hazards (National Oceanic and Atmospheric Administration 1980; CNMI Coastal Resources Management Office 2014). Designated “Shoreline”, “Lagoon and Reef” and “Coastal Hazard” CNMI Areas of Particular Concern surround the entire island. For more discussion on “Lagoon and Reef” areas see Section 3.10, *Marine Biology*. There are four “Wetland and Mangrove” CNMI Areas of Particular Concern on Tinian: Lake Hagoi, Bateha, Mahalang, and Makpo. For more discussion on “Wetland and Mangrove” areas see Section 3.3, *Water Resources* and Section 3.9, *Terrestrial Biology*. Tinian’s port and harbor is designated as a “Port and Industrial” CNMI Area of Particular Concern.

3.7.4.1.4 Submerged Land Control around Tinian

The Territorial Submerged Lands Act (Public Law 113-34, 27 Stat. 518) was amended to provide for the transfer of certain submerged lands around the CNMI to the CNMI government to assure parity with other insular areas. Prior to the transfer, the U.S. government had control (fee simple ownership) over submerged lands on the CNMI. The U.S. retained control over submerged lands extending to 3 nautical miles (5 kilometers) from the coast of Tinian where the U.S. government has land leases. The U.S. government has rights in, and powers over, the waters and submerged lands extending seaward of the mean high tide line (see [Figure 3.7-1](#)). Per the 1980 CNMI Coastal Management EIS, “The commonwealth has excluded from its coastal management area all lands which are under the sole jurisdiction of or are held in trust by the federal government, its officers, or agents;” however, these submerged lands must comply with the federal Coastal Zone Management Act (National Oceanic and Atmospheric Administration 1980). To ensure the protection of military training in the area, a January 2014 Presidential Proclamation did not include the transfer of submerged lands adjacent to the leased lands of Tinian to the government of the CNMI (Obama 2014). Therefore, the U.S. retains control over submerged lands extending to 3 nautical miles (5 kilometers) from the coast of Tinian where the U.S. government has land leases.

[Figure 3.7-5](#) shows the CNMI Department of Public Lands classifications of land use. This section covers the specific land uses, including lands outside of the Military Lease Area in the region of influence. Historical developments and land use are described in Section 4.11, *Cultural Resources*.

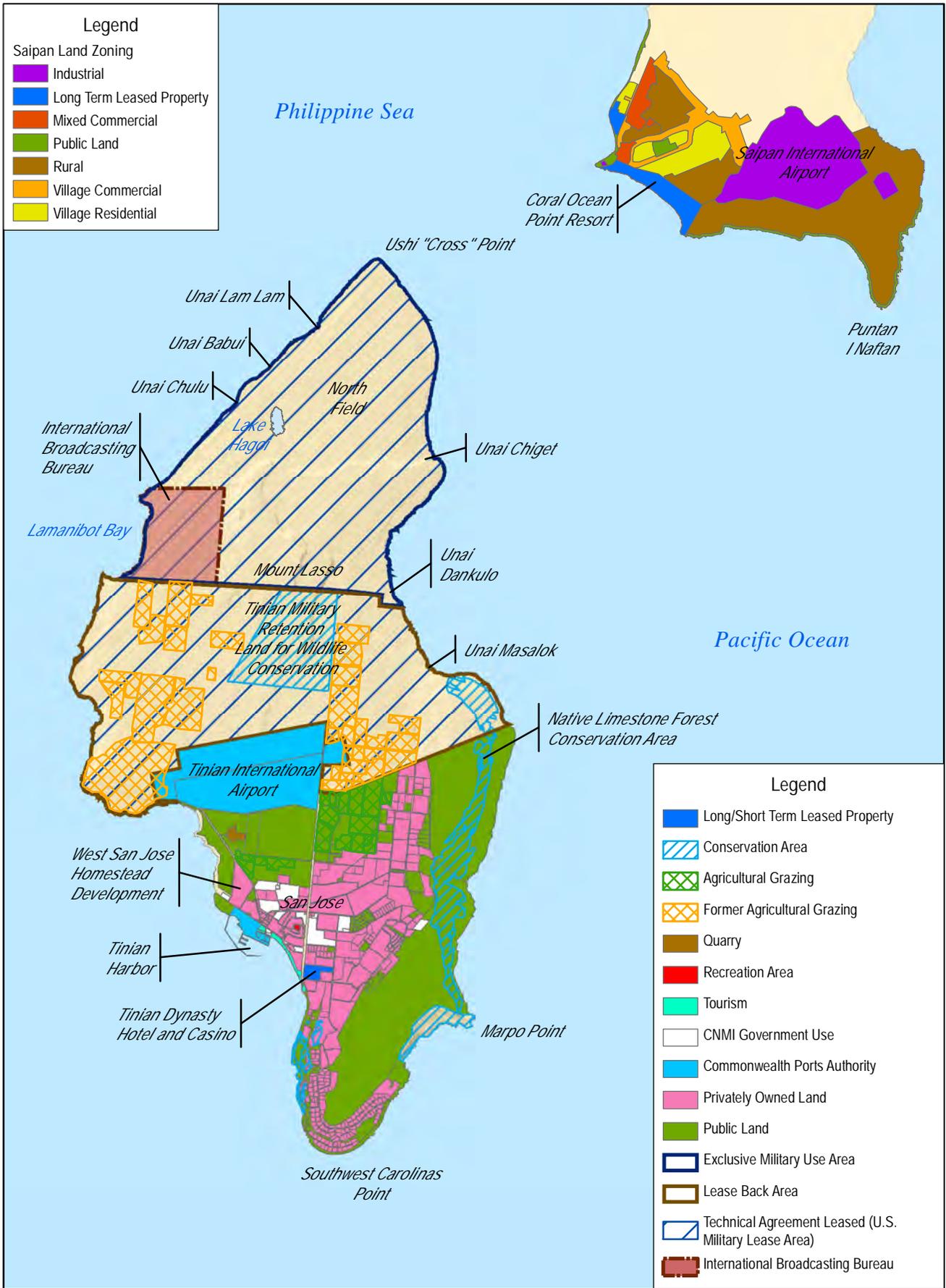
3.7.4.1.5 Exclusive Military Use Area

The Exclusive Military Use Area is used for military training. The area covers approximately the northern third of Tinian and comprises 7,574 acres (3,065 hectares) of land (DoN 2008). It is mostly forested, providing a realistic combat environment for maneuvers and amphibious training (DoN 2010). In the Exclusive Military Use Area some simulated munitions and live-fire small arms are employed.

Sources: CNMI Coastal Resources Management Office 2014, Federal Emergency Management Agency 2006, National Oceanic and Atmospheric Administration, National Centers for Coastal Ocean Science 2005



Figure 3.7-4
Tinian CNMI Areas of Particular Concern



3.7.4.2 Existing Land Use

[Figure 3.7-6](#) depicts the military uses on Tinian. The U.S. military uses the Exclusive Military Use Area for military training events that include Military Operations in Urban Terrain training, command and control, logistics, bivouac, vehicle land navigation, convoy training, and other ground element field activities. A key feature of the Exclusive Military Use Area is North Field, an unimproved expeditionary World War II-era airfield. North Field supports vertical and short-field landings, force-on-force airfield defense and offensive training, expeditionary airfield command and control, air traffic control, logistics, armament, fuels, rapid runway repair, and other airfield-related requirements.

Pyrotechnics and fires are allowed during training exercises on North Field (Commander, U.S. Naval Forces Marianas 2004). There have also been clandestine reconnaissance and hostage rescue exercises at the former Japanese Air Command Post at North Field where controlled live-fire was used.

Non-combatant evacuation operations occur at Unai Dankulo, Unai Chulu, Tinian Harbor, and North Field (DoN 2010). Hydrographic surveys are conducted from small boats around Tinian.

The Tinian Mortar Range (also called Chiget Mortar Range) on the east side of the island, between North Field and the eastern coast contains unexploded ordnance (60 millimeter and 40 millimeter) and is restricted to all but trained unexploded ordnance personnel. The area is fenced and warning signs prohibiting entrance are posted. See Section 3.16, *Hazardous Materials and Waste*, for more discussion on unexploded ordnance.

At Lake Hagoi, Unai Lam Lam, Unai Chulu, and Unai Dankulo (Long Beach), current training is restricted to designated areas because of cultural or natural resources.

No parks or recreation areas are designated in the Exclusive Military Use Area. However, there is public access to beaches, and there are 13 points of interest that are on the self-guided Tinian Historic Interpretive Trail (see Section 3.8, *Recreational Resources*). No agricultural uses are allowed within the Exclusive Military Use Area; however, historically there have been reports of animals grazing (Commander, U.S. Naval Forces Marianas 2004).

3.7.4.2.1 International Broadcasting Bureau

The International Broadcasting Bureau facility is located within the Exclusive Military Use Area on the northwestern side of Tinian (see [Figure 3.7-2](#)). It is distinct and fenced off from the remainder of the Exclusive Military Use Area and no training takes place within its boundaries. The International Broadcasting Bureau facility, which occupies approximately 800 acres (324 hectares), was developed in 1998 and includes access roads, an antenna field, and an operations facility. It is considered semi-improved, as it requires minimal landscaping and maintenance. About 25 employees work there, none of whom reside onsite (DoN 2013). Perimeter fencing and a security gate restrict public access to the International Broadcasting Bureau property, but the public has access to the coastal areas for recreation.

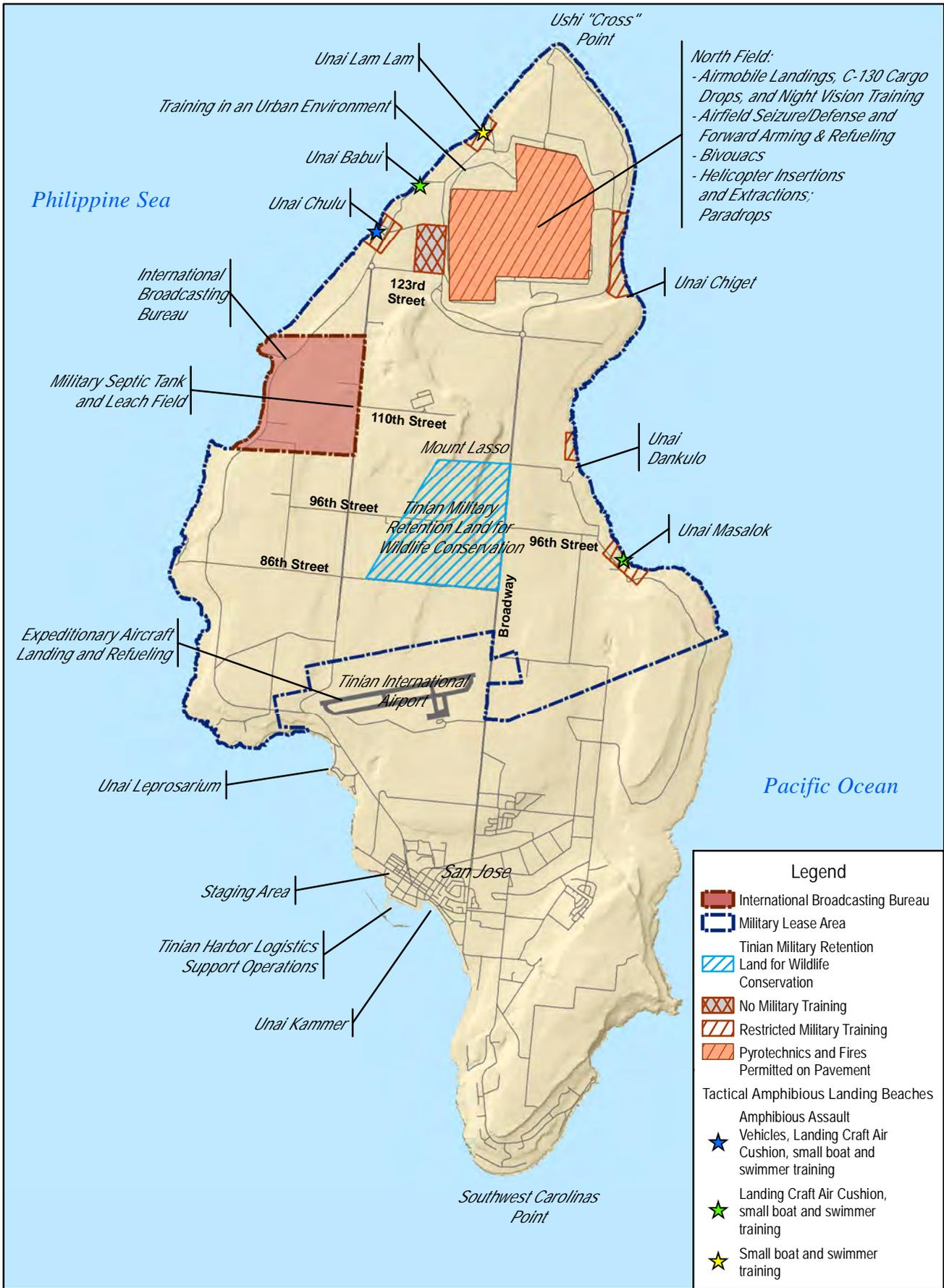


Figure 3.7-6
 Military Land Use on Tinian

Sources: DoN 2010; CNMI Department of Public Lands 2013a



3.7.4.2.2 Lease Back Area

The Lease Back Area is composed of approximately 7,779 acres (3,148 hectares) and is located on the middle third of the island. As discussed in [Section 3.7.2.3, U.S.-CNMI Covenant and Lease Agreements](#), the Tinian Leaseback Agreement has expired; however, the land is still used for cattle grazing. The Lease Back Area contains the following land uses:

- **Agricultural/Grazing in the Military Lease Area.** The total agriculture/grazing area is estimated at 2,552 acres (1,032 hectares) (see [Figure 3.7-5](#)). Most grazing and agricultural permits issued by the Department of Public Lands have expired.
- **Tinian Military Retention Land for Wildlife Conservation.** A 936-acre (379-hectare) conservation area is located within the Lease Back Area and is commonly referred to as the Tinian Military Retention Land for Wildlife Conservation and was designated for the Tinian monarch when it was on the federal endangered species list. See Section 3.9, *Terrestrial Biology*, for further discussion on this conservation area. The terms of the mitigation agreement allow the U.S. military to use the area for low-impact, non-habitat destructive training.
- **Points of Interest.** There are seven points of interest within the Lease Back Area that are on the Tinian self-guided tour; however, public access may be restricted during training. Refer to Section 3.8, *Recreation*, for other land and submerged land uses in the Lease Back Area.

3.7.4.2.3 Land Use Outside of the Military Lease Area

As shown on [Figure 3.7-5](#), land use to the south of the Military Lease Area includes transportation (Tinian International Airport), agricultural, residential, resort, public services (e.g., power plant), open space, and conservation land. Most of Tinian's population and commercial activity are in San Jose near the Port of Tinian.

The Technical Agreement (Northern Mariana Islands 1975b) between the U.S. and the CNMI governments provided for the lease back of property and joint use arrangements for the harbor and port area on Tinian; however the lease on the harbor was terminated in the 1994 amendment. Though the harbor lease was terminated in 1994, the U.S. retains the following rights:

- Handle cargo, stage equipment, and other port related activities.
- Use the harbor as ports of entry for troops, vehicles, and equipment. There is a staging area near San Jose used for logistical support associated with major training events.
- Install, operate and maintain fuel and utility lines to support above activities.

Military land uses on Tinian are shown on [Figure 3.7-6](#). The Tinian government previously allowed (in the 1990s) special operations teams using combat rubber craft at Unai Leprosarium and Unai Kammer to conduct nighttime training landings (U.S. Commander Pacific Fleet 1999). This type of training could occur again with permission of the local government and the National Marine Fisheries Service. Unai Kammer is near the Tinian Dynasty Hotel and residential areas. Only the beach and nearby abandoned structures at Unai Kammer were used (DoN 2013). Unai Leprosarium is near the point south of Turtle Cove, near the airport.

3.7.4.3 Existing Submerged Land Use

3.7.4.3.1 Submerged Land Use Outside of the Military Lease Area

As discussed in [Section 3.7.4.2, Existing Land Use](#), the Technical Agreement (Northern Mariana Islands 1975b) between the U.S. and the CNMI governments provided for the lease back of property and joint use arrangements for Tinian Harbor and port area, including submerged land associated with the harbor and port. Though the harbor lease was terminated in 1994, the U.S. retains the following rights, within submerged land:

- Moor vessels, handle cargo, stage equipment, and other port related activities
- Use the harbor as ports of entry for troops, vehicles, and equipment

Under the current military training program for Tinian, Amphibious Assault Vehicles have used an unutilized (by the public) boat ramp at the Tinian Marina, to land and launch Amphibious Assault Vehicles.

3.7.4.3.2 Public Use of Submerged Lands around Tinian

The public use of submerged lands and the waters above include recreation, fishing, and marine transportation. See [Section 3.8, Recreation](#), [Section 3.13, Transportation](#), and [Section 3.15, Socioeconomics and Environmental Justice](#), for more discussion of use of the waters around Tinian.

3.7.4.4 Tinian Land Use Plans

Per the CNMI Public Land Use Plan (Marianas Public Land Corporation 1989), planned land use on Tinian involves accommodating growth in the available land outside of the Military Lease Area, with the majority of development expected to be concentrated in the San Jose area. This may include new urban land uses and hotel-style development (i.e., a compact footprint for transient accommodations, such as guest rooms with a bed and a bath) instead of a resort-style (i.e., a sprawling land-intensive complex that often includes a hotel plus outdoor amenities, such as gardens, golf courses, etc.) to accommodate the expected increase in visitors as a result of tourism.

[Figure 3.7-5](#) shows the current land use information from the Department of Public Lands Land Classification Map for fiscal year 2013 (CNMI Department of Public Lands 2013b).

3.7.4.5 Saipan Existing Land and Submerged Land Use

Land use along the southern coast of Saipan may be affected by the proposed large-caliber weapons training noise that would occur on Tinian as part of the proposed action. As such, it is discussed briefly in the land use section, but is primarily addressed in [Section 3.5, Noise](#). For a description of the affected environment for Saipan in regards to noise, see [Section 3.5, Noise](#), and the *Commonwealth of the Northern Mariana Islands Joint Military Training Noise Study* in [Appendix H, Noise Study](#) (DoN 2014b).

The land use on the southern coastal area of Saipan includes a resort, golf course, beaches, residential neighborhoods, schools, commercial, and agriculture. The Commonwealth Zoning Board's zoning for the southern portion of Saipan is shown on [Figure 3.7-5](#). The beaches and marine waters are used by tourists and residents for recreation.

3.7.5 Pagan

3.7.5.1 Land Jurisdictional Control and Management

3.7.5.1.1 Land Area

Although some families claim ancestral rights to the lands on Pagan, the CNMI government has title to all the land on Pagan. The establishment of homesteads in accordance with the CNMI Constitution and implementing statutes has been approved, but due to lack of funding, no deeds have been conveyed for the property. No land on Pagan is controlled by the U.S. government. The CNMI Department of Public Lands is mandated to manage the land for economic development and the benefit of the indigenous population (Coastal Resources Management Office 2008). In 1981, the residents of Pagan were evacuated due to volcanic eruptions and were relocated to Saipan; therefore, Pagan is considered uninhabited per the U.S. Census. There are people who visit Pagan and some may stay in temporary encampments. Access to Pagan is controlled by the CNMI government and permits are needed in order to visit. Resettlement of Pagan has not been approved by the CNMI government since the 1981 evacuation.

3.7.5.1.2 CNMI Areas of Particular Concern Designations on and around Pagan

Pagan includes two of CNMI's five Areas of Particular Concern ([Figure 3.7-7](#)): (1) Shoreline and (2) Lagoon and Reef. The "Shoreline" and "Lagoon and Reef" CNMI Areas of Particular Concern surround Pagan and are discussed in Section 3.10, *Marine Biology*.

3.7.5.1.3 Submerged Land Control around Pagan

The U.S. Senate Bill 256 amends the Territorial Submerged Lands Act to provide for the transfer of submerged lands around the CNMI to the CNMI government to assure parity with other insular areas. Prior to this, the U.S. government had control (fee simple ownership) over submerged lands in all of the CNMI. Submerged lands extend 3 nautical miles (5 kilometers) from the coast of Pagan. Under Public Law 113-34, 27 Stat. 518, the CNMI now has rights in, and powers over, Pagan's submerged lands extending seaward of the mean high tide line.

3.7.5.2 Existing Land Use

Pagan is a remote, difficult-to-reach island. There is no infrastructure or usable docking facilities. Helicopters or small planes can land on a World War II-era remnant airfield built by the Japanese; however, lava flows have damaged and shortened the airfield. Historical developments and use are described in Section 3.11, *Cultural Resources*. Pagan is mostly unmanaged, and feral ungulates (i.e., cattle, goats, and pigs) roam the island. There is no CNMI land use designation for Pagan, so it is therefore assumed to be conservation (see [Section 3.7.5.4](#), *Pagan Land Use Plans*). However, Pagan visitors also conduct subsistence activities such as hunting, fishing, gathering of fruits, and such while staying on the island.

In recent years, limited military training has occurred as part of the Forager Fury and Forager Fury II exercises. The training consisted of a 1-day, non-live-fire combat search and rescue training mission. A rotary-wing aircraft (MV-22 Osprey) was utilized to extract personnel from a simulated downed aircraft on Pagan.

Sources: CNMI Coastal Resources Management Office 2014;
 National Oceanic and Atmospheric Administration, National
 Centers for Coastal Ocean Science 2005

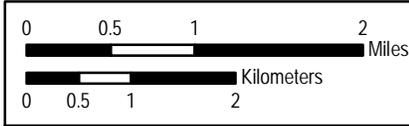


Figure 3.7-7
 Pagan CNMI Areas of
 Particular Concern



3.7.5.3 Existing Submerged Land Use

Uses of Pagan submerged land and associated waters are primarily recreational, fishing, and marine transportation. See Section 3.8, *Recreation*, Section 3.13, *Transportation*, and Section 3.15, *Socioeconomics and Environmental Justice*, for a discussion of uses of the waters around Pagan.

3.7.5.4 Pagan Land Use Plans

3.7.5.4.1 CNMI Physical Development Master Plan

The CNMI Physical Development Master Plan (CNMI Office of Transition Studies and Planning 1978) included a plan for Pagan as the island had a small permanent population at that time. Pagan was inhabited by about 40 residents in 1978. The CNMI Physical Development Master Plan expected that Pagan's population would not exceed 200 during the plan period (1978-1985). The CNMI Physical Development Master Plan projected that development would remain in the Bandera-Shomushon area (near the airfield and former dock). Some proposed infrastructure improvements to support homestead developments were included in the 1978 Physical Development Master Plan.

3.7.5.4.2 CNMI Public Land Use Plan

The CNMI Public Land Use Plan (Marianas Public Land Corporation 1989) was prepared after the evacuation of Pagan when there was no permanent population present. The 1989 plan did not mention Pagan specifically and referred to all islands north of Saipan collectively as the "Northern Islands." The 1989 plan stated that "public lands in the Northern Islands will remain in their current designation as conservation areas."

3.7.5.4.3 Five-year Land Use Plan Update for Pagan

Pagan is still considered as conservation land per the 1989 CNMI Public Land Use Plan. There is no land use plan specifically for Pagan. The 2013 CNMI Department of Public Lands' Five-year Land Use Plan for Pagan, CNMI is a land use planning effort that generated three potential land use plan options for consideration. The CNMI Department of Public Lands has not selected any of these options or officially adopted any land use plans for Pagan (CNMI Department of Public Lands 2013a). The developable use options all utilize roughly the same footprint and designate areas for community development, community farming, and general use. Only one of the options includes military land use. In 2010, the CNMI enacted Public Law 16-50, a homesteading law to establish the Northern Islands Village and Agricultural Homesteading program for current or former residents of the Northern Islands or any qualified person interested in residing on the Northern Islands. The law, however, requires extensive municipal planning and infrastructure development prior to homesteading deeds being issued and, to date; the CNMI has not deeded any land on Pagan (DoN 2014a). For a discussion on the CNMI homesteading programs and status, please see Section 3.15, *Socioeconomics and Environmental Justice*.