

4.7 LAND AND SUBMERGED LAND USE

Section 4.7 addresses potential impacts on land and submerged land use and jurisdictional control. As previously discussed in Chapter 3, land ownership and control include a variety of real estate instruments that convey jurisdictional authority for a given area. Associated with this are differing regulatory requirements for land-based use versus submerged land use. Another important consideration is the understanding that the U.S. federal government does not own land in the CNMI; however, the U.S. does own submerged lands. Though the U.S. federal government can own land in the CNMI, it is U.S. policy to obtain the least interest in the property that will accomplish the public purpose. To that end, jurisdictional control of land in the CNMI is acquired by the U.S. federal government via real estate agreements.

Other resource sections of this EIS/OEIS distinguish construction impacts from operation impacts. Although the actual land acquisition (real estate agreements, such as long-term leases) negotiations would occur prior to the construction, these impacts are long-term and are described as operation impacts. Therefore, construction activities associated with all proposed alternatives would result in no impacts for land and submerged land use that are not otherwise described below as operation impacts.

4.7.1 Approach to Analysis

The analysis of land use compatibility considers existing land uses that would be limited or precluded by the proposed action. The impacts of reasonably foreseeable projects and future land uses that would be precluded by the proposed action are addressed in Chapter 5, *Cumulative Impacts*. Incompatibility of the proposed action with the CNMI plans and policies are discussed in Chapter 6, *Additional Considerations Required by NEPA*. Changes in land uses and management that could directly impact other resource areas are discussed in the respective sections including: Section 4.15, *Socioeconomics and Environmental Justice*, Section 4.5, *Noise*, Section 4.8, *Recreation*, Section 4.9, *Terrestrial Biology*, and Section 4.10, *Marine Biology*. For the purposes of this EIS/OEIS, these impacts are considered indirect impacts under land use and the reader is referred to those other sections. Direct impacts are discussed in this section.

The impact assessment criteria used to evaluate impacts to land and submerged land use is as follows:

- Incompatibility with current or planned land or submerged land use, including potential noise impacts (based on compatible use thresholds)
- New restrictions on public access to land and submerged land
- Change in existing land use that is valued by the community
- Change in federal jurisdictional control of land and submerged land

The significance of impacts was determined based on the degree of change. Public scoping comments and existing CNMI government land use plans were considered in the evaluation and rationale for assigning significance levels to potential impacts. Impacts to land use were considered significant if:

- There are any incompatibilities with current or planned land or submerged land use
- Land uses outside the project area would be constrained by the proposed action

- Public access to land or submerged land that is valued by the community is restricted by the proposed action
- The proposed action reduces or eliminates an existing land use that is unique or important to the community
- Substantial increase in acreage of land or submerged land under federal jurisdictional control

4.7.2 Resource Management Measures

Resource management measures that are applicable to land and submerged land use include the following avoidance and minimization measures:

- Minimize land acquisition (acreage)
- Coordination with the Federal Aviation Administration and the Commonwealth Ports Authority to minimize potential impacts to existing operations at the Tinian International Airport
- Implementation of noise abatement measures
- RTA management
- Military traffic, specifically tracked vehicles, would be routed away from the population center of San Jose
- Preparation of an access plan to ensure that local and federal partners have continued access

4.7.3 Tinian

4.7.3.1 Tinian Alternative 1

4.7.3.1.1 Land Acquisition (Jurisdictional Control)

The U.S. currently has a real estate agreement for nearly two-thirds of Tinian (i.e., the Military Lease Area). During the planning process for the development of the alternatives on Tinian, efforts were made to minimize the acreage of land required for acquisition (see Section 2.3, *Alternatives Development*). However, Tinian Alternative 1 would require acquisition or re-acquisition of lands within and outside of the Military Lease Area.

4.7.3.1.1.1 Land Acquisition (Jurisdictional Control) Within the Military Lease Area

The International Broadcasting Bureau site is located within the Military Lease Area. The current reserved area for the International Broadcasting Bureau is 866 acres (350 hectares). However, the fenced boundary of the facility currently used by the International Broadcasting Bureau is 317 acres (128 hectares). Under Tinian Alternative 1, the International Broadcasting Bureau site would continue to operate and its operations would be limited to the 317-acre (128-hectare) fenced site. Although this reduction of the International Broadcasting Bureau reserved area is considered a change in jurisdictional control, the 549-acre (222-hectare) area that would be returned for use by the federal government is within the Military Lease Area.

As discussed in Section 2.4, *Tinian Alternatives*, Tinian Alternative 1 would require improvements to existing roadways within the Military Lease Area. The federal government transferred jurisdictional control of the public roadways within the Lease Back Area back to the CNMI. Improvements to the public roadways within the Military Lease Area would require a review of the 1999 amendment to the

1984 Tinian lease agreement which addresses roadway ownership and maintenance. A transfer of the public rights-of-way back to the federal government would constitute a change in jurisdictional control.

Since the areas associated with the International Broadcasting Bureau and the public rights-of-way that would be returned for use by the federal government are within the Military Lease Area, the change in jurisdictional control would not result in a significant impact. Therefore, Tinian Alternative 1 would result in a less than significant impact to land use with regard to changes in jurisdictional control.

4.7.3.1.1.2 Land Acquisition (Jurisdictional Control) Outside the Military Lease Area

As shown in [Figure 4.7-1](#), additional lands outside of the Military Lease Area would be acquired or reacquired through long-term real estate agreements. Some of these areas were once a part of the Military Lease Area (prior to 1994). Since the 1975 Covenant and Technical Agreement (see Appendix K, *Summary of Historical Land Use Agreements between the U.S. and the CNMI*), some areas covered under the original lease were returned to the CNMI government through lease amendments in 1993 and 1999 (e.g., Tinian International Airport) and would need to be “reacquired” to support the proposed action (Northern Mariana Islands 1975a, 1975b). Both the Tinian International Airport (formerly known as West Field) and the Port of Tinian are public lands currently under the jurisdiction and control of the CNMI Port Authority. The federal government would reacquire management control over an estimated 460 acres (186 hectares) at the Tinian International Airport and 7 acres (3 hectares) of land (parcels) at the Port of Tinian. In total, 467 acres (189 hectares) of land would transfer to federal jurisdictional control, which is 3% of total land on Tinian. Because of the large amount of land already under federal jurisdictional control, the re-acquisition of 3% of the total land on Tinian would not represent a significant impact. Therefore, Tinian Alternative 1 would result in a less than significant impact to land use with regard to changes in jurisdictional control.

4.7.3.1.2 Submerged Land Acquisition (Jurisdictional Control)

Under Tinian Alternative 1 there would be no change in the jurisdictional control of submerged lands around Tinian. Although areas at the Port of Tinian would be added as part of the new real estate interest for military training on Tinian, the waters of the Port of Tinian (i.e., the harbor) would remain within the jurisdictional control of the CNMI government. Therefore, land acquisition under Tinian Alternative 1 would result in no impact to submerged land use with regard to changes in jurisdictional control.

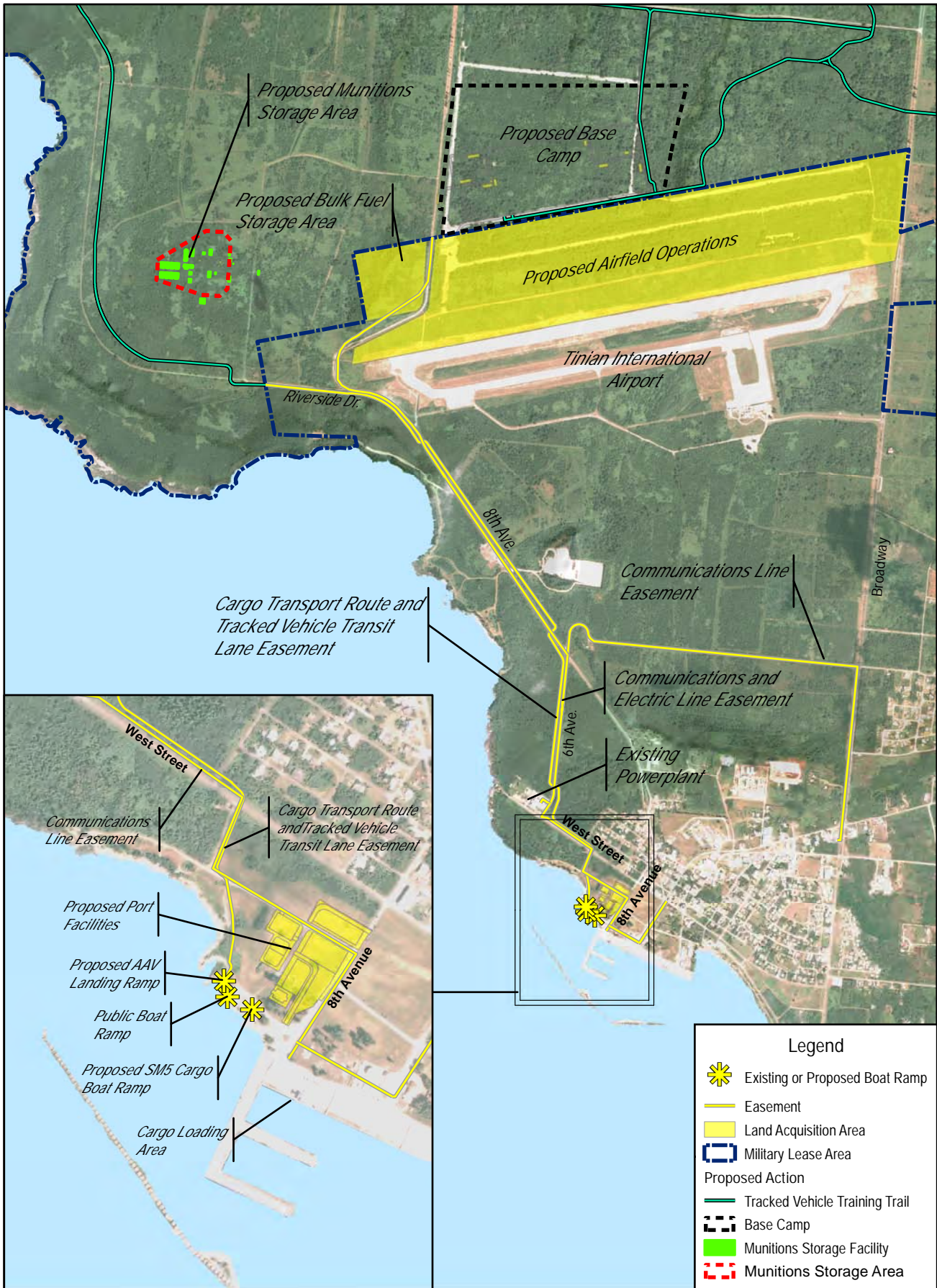


Figure 4.7-1
Tinian Proposed Land Acquisition

Sources: DoN 2010, DoN 2013

4.7.3.1.3 Land Use

4.7.3.1.3.1 Land Use Within the Military Lease Area

Existing and Planned Land Use

As discussed in Section 3.7, *Land and Submerged Land Use*, and shown in Figure 3.7-5, there are multiple current land uses within the Military Lease Area. These include the Exclusive Military Use Area, the International Broadcasting Bureau site, the Tinian Military Retention Land for Wildlife Conservation, and the cattle grazing in the Lease Back Area.

Under Tinian Alternative 1, military training would continue to occur within the Exclusive Military Use Area (i.e., northern portion of the Military Lease Area). This would include live-fire and non-live-fire military training, which is consistent with its intended use. While the military training would increase under Tinian Alternative 1, there are no adjacent designated land uses that would be impacted by the increase in training tempo, and the base camp and other aspects of the proposed action that are proposed along the southern boundary of the Military Lease Area would be compatible with the adjacent rural homesteads and farms.

Under Tinian Alternative 1, the International Broadcasting Bureau installation would remain at its current location. As a quasi-industrial office installation, there is no direct land use conflict between the International Broadcasting Bureau installation and the proposed action under Tinian Alternative 1.

The Tinian Military Retention Land for Wildlife Conservation is a conservation area for the protection of threatened and endangered wildlife. The proposed military training under Tinian Alternative 1 would not be compatible with the existing conservation land use.

Until 2014, the Lease Back Area (i.e., southern portion of the Military Lease Area) supported approximately 2,375 acres (961 hectares) of annual agricultural grazing permits under the Leaseback Agreement between the CNMI and U.S. Although the lease back agreement expired, most of the ranchers still occupy and have been using the land on a month-to-month lease. In January 2015, the lease was extended until the summer of 2016. Under Tinian Alternative 1, land within the Military Lease Area would be removed from agricultural and cattle grazing use.

Tinian Alternative 1 operations would result in land use incompatibilities associated with the Tinian Military Retention Land for Wildlife Conservation and the agricultural and cattle grazing activities in the Lease Back Area. Therefore, Tinian Alternative 1 would result in a significant impact to land use associated with the current and planned land use within the Military Lease Area. With the following potential mitigation measures, the impact to the Tinian Military Retention Land for Wildlife Conservation and the agricultural and cattle grazing would be less than significant.

Potential Mitigation Measures include:

- Four areas are being assessed as potential conservation areas for the protection of the Tinian monarch and other wildlife species (Section 4.9, *Terrestrial Biology*; Figure 4.9-2). These areas may also be used for additional natural resource conservation actions such as forest enhancement and/or invasive species control. The Department of Defense is coordinating with the Federal Aviation Administration and the U.S. Fish and Wildlife Service on these potential conservation areas.

- The DoN has identified and proposed a total of 2,554 acres (1,034 hectares) of land for grazing areas within the Military Lease Area. Of this total 1,010 acres (409 hectares) would be unencumbered and 1,544 acres (625 hectares) would be encumbered by surface danger zones ([Figure 4.7-2](#)).

It is likely that the potential mitigation measure regarding conservation areas for the Tinian monarch and other wildlife species would be required as part of section 7 consultation under the Endangered Species Act. The potential mitigation measure for the impact to the Tinian Military Retention Land for Wildlife Conservation would require mitigation monitoring. The DoN would prepare a Forest Enhancement/Restoration and Monitoring Plan that would provide detailed guidance on proposed forest enhancement activities on Tinian as well as long-term monitoring of the success of the proposed forest enhancement measures.

It is likely that the potential mitigation measure identifying grazing areas would be implemented since cattle grazing is important to the local community (see Section 3.15, *Socioeconomics and Environmental Justice*). Mitigation monitoring would not be required for the proposed grazing areas.

Potential impacts to threatened and endangered wildlife associated with the Tinian Military Retention Land for Wildlife Conservation are discussed in Section 4.9, *Terrestrial Biology*. Section 4.15, *Socioeconomics and Environmental Justice*, discusses the potential socioeconomic impacts related to agriculture, including cattle grazing.

4.7.3.1.3.2 Public Access

The Military Lease Area southern boundary would be fenced to restrict access during training activities. Public access is currently restricted within the Military Lease Area during training exercises. Training and access restrictions tend to be limited to the Exclusive Military Use Area. The proposed action would increase the frequency and duration of the public access restrictions, and public access to certain areas (e.g., High Hazard Impact Area) would be prohibited at all times. Areas within the Military Lease Area that would be restricted, including North Field, historic and cultural sites, and beaches, are areas that are valued by the community.

International Broadcasting Bureau staff would also be subject to access restrictions. International Broadcasting Bureau staff would have to request access to the facility during training events. The DoN would work with the International Broadcasting Bureau and ensure access to the facility to minimize any impact to International Broadcasting Bureau operations.

Tinian Alternative 1 operations would result in access restrictions to areas that are valued by the community. Therefore, Tinian Alternative 1 operations would result in significant impacts to land use associated with public access within the Military Lease Area.

The impacts of public access restrictions on uses and resources, such as recreation and socioeconomics, are discussed in their respective resources sections (Section 4.8, *Recreation*, and Section 4.15, *Socioeconomics and Environmental Justice*).

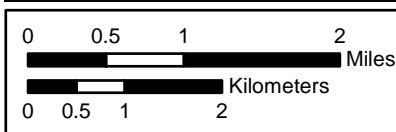
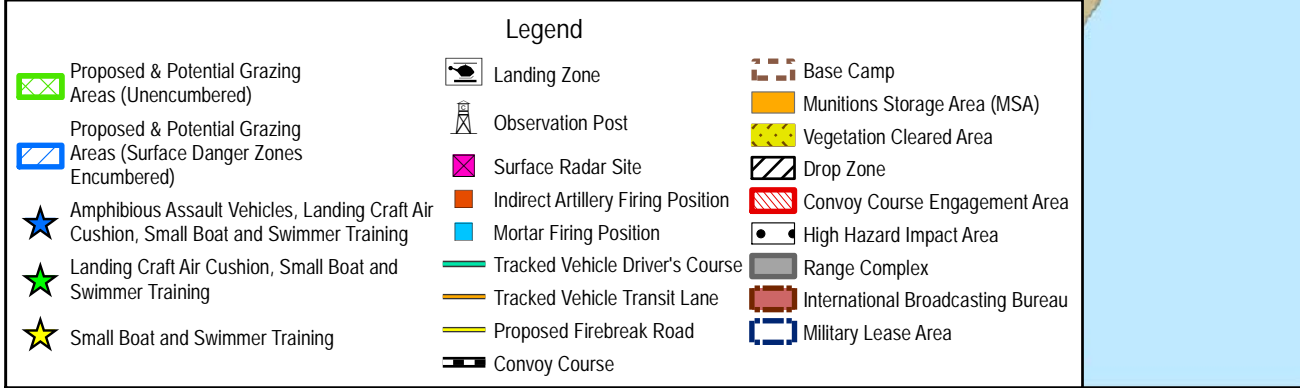


Figure 4.7-2
Tinian Potential Agricultural Use
in the Military Lease Area

4.7.3.1.3.3 Land Use Outside the Military Lease Area

Existing and Planned Land Use

As discussed in [Section 4.7.3.1.1](#), *Land Acquisition (Jurisdictional Control)*, Tinian Alternative 1 would require a change in jurisdictional control of 460 acres (186 hectares) at the Tinian International Airport and 7 acres (3 hectares) at the Port of Tinian.

Land at the Tinian International Airport would need to be reacquired to support proposed improvements. Federal Aviation Administration and Unified Facilities Criteria spacing requirements for airfield operations and facilities dictate the amount of land required for reacquisition. The following improvements and facilities are proposed at the Tinian International Airport:

- Tactical aircraft parking ramp
- Cargo aircraft parking ramp
- Connecting taxiways
- Ordnance arming and de-arming pads
- Hot cargo (i.e., munitions) pad/combat aircraft loading area
- Expeditionary/temporary refueling area
- Arresting gear pads
- Munitions holding pads
- Access roads connecting to the airfield
- LHD Pad (Simulated Flight Deck)
- Flight Carrier Landing Practice Pad

All proposed improvements and facilities are consistent and compatible with existing land uses at the Tinian International Airport. There would be no significant impacts to land use at the Tinian International Airport and some of the proposed improvements would be beneficial to the CNMI airport operations. As discussed in Section 4.13, *Transportation*, close coordination with the Federal Aviation Administration and the Commonwealth Ports Authority (who operate the airport), would ensure that the military operations have limited impacts to existing operations at the Tinian International Airport.

The Port of Tinian currently operates as the only water-based supply point to the island. Nearly all of the supplies brought to Tinian come by way of barge or boat through the Port of Tinian. The existing fuel storage area (owned by Mobil Gas) is the only fuel storage area on the island and provides fuel to the several gas stations on the island. Moving inland from the Port of Tinian (north of West Street) is the most densely populated residential area on the island. Current plans call for a large subdivision (currently platted, but not built), east of 6th Avenue and north of West Street.

Land at the Port of Tinian would need to be acquired to support the following proposed improvements and facilities:

- Biosecurity building
- Vehicle and equipment wash down area
- Vehicle inspection area
- Bulk fuel storage facility
- Parking

- Stormwater retention pond
- Cargo inspection and holding area
- Land improvements in the vicinity of the existing old public boat ramp (to facilitate egress from ramp to roadway)

All proposed improvements and facilities are consistent and compatible with existing land uses at the Port of Tinian.

The primary proposed cargo transport route and tracked vehicle transit lanes were sited to shift the military traffic away from the population center of San Jose. Based on these efforts, the proposed transit corridor for the tracked vehicles to drive from the boat ramp to the Military Lease Area is consistent and compatible with current land uses.

Operations associated with Tinian Alternative 1 would be compatible with existing land uses outside the Military Lease Area. Therefore, Tinian Alternative 1 operations would result in less than significant impacts to land use associated with current and planned land use outside the Military Lease Area.

Public Access

Operations associated with Tinian Alternative 1 would not result in any additional public access restrictions outside the Military Lease Area. Therefore, Tinian Alternative 1 operations would result in no impact to land use associated with public access outside the Military Lease Area.

Noise

Training activities under the proposed action would result in elevated noise levels outside the Military Lease Area on Tinian and in the southwestern portion of Saipan. However, noise levels would be below the compatible use threshold. Tinian Alternative 1 aircraft operations would introduce direct noise impacts to 10 residences in the Marpo Heights area. Training that generates elevated noise levels would be discontinuous and affected land users would be notified in advance of scheduled training. Therefore, Tinian Alternative 1 operations would result in less than significant impacts to adjacent land uses due to elevated noise levels.

See Section 4.5, *Noise*, for a discussion of potential noise impacts resulting from the proposed action.

4.7.3.1.4 Submerged Land Use

4.7.3.1.4.1 Current and Proposed Submerged Land Use

The proposed action would affect coastal uses and resources that are subject to Coastal Zone Management Act federal consistency requirements. The proposed action would be consistent to the maximum extent practicable with the enforceable policies of the CNMI Bureau of Environmental and Coastal Quality.

The proposed action would affect the designated Areas of Particular Concern, as defined by the CNMI Bureau of Environmental and Coastal Quality. Both of the CNMI Areas of Particular Concern and the proposed training areas are shown in [Figure 4.7-3](#). Tinian Alternative 1 would affect the Port and Industrial, Shoreline, Coastal Hazards and Lagoon and Reef Areas of Particular Concern at the Port of Tinian and Tinian Harbor. Because Areas of Particular Concern are CNMI designations, not federal designations, they are considered during the coastal zone consistency determination.

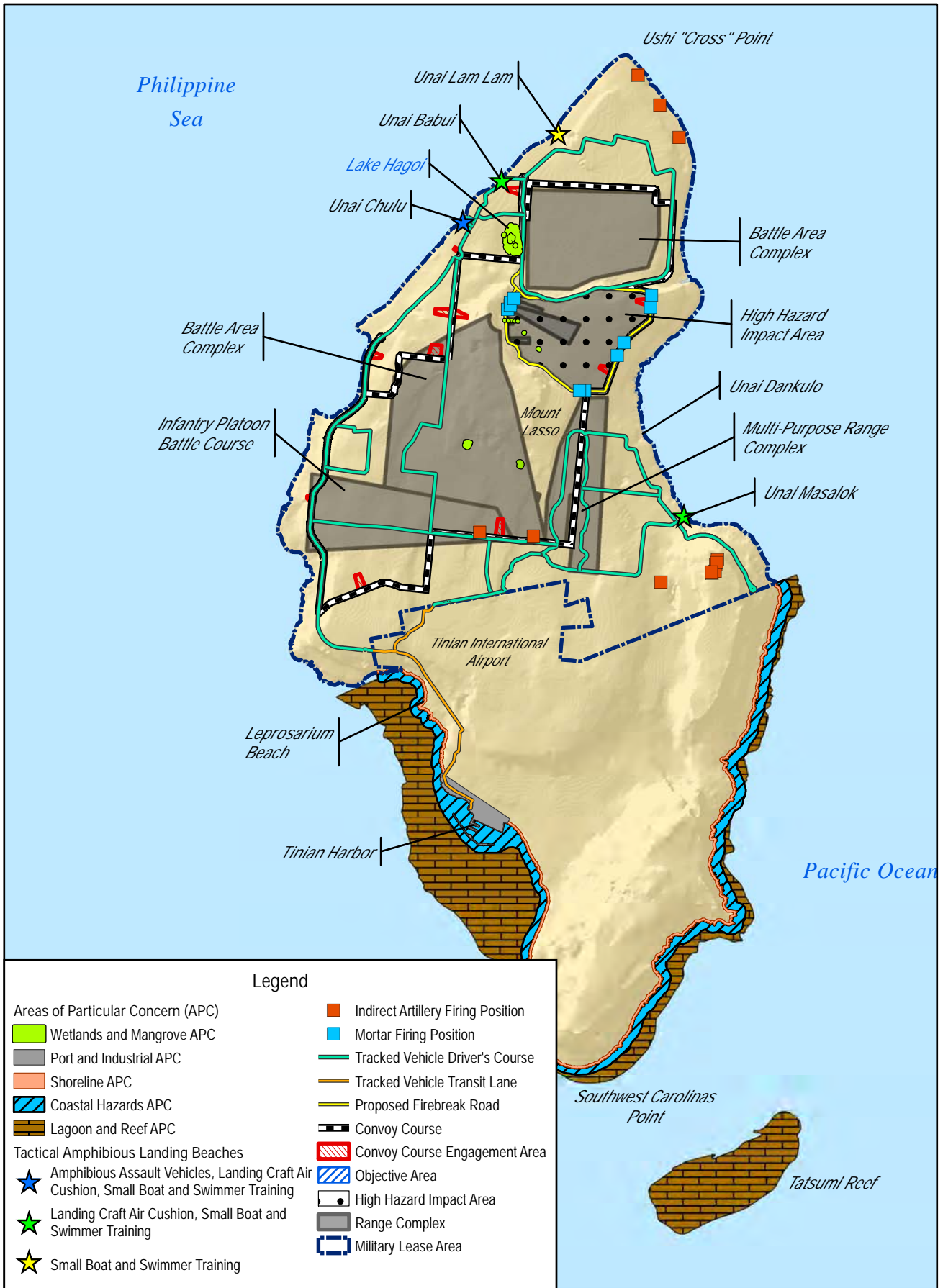
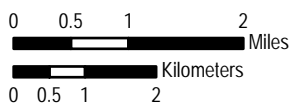


Figure 4.7-3
Tinian All Action Alternatives
Areas of Particular Concern



NORTH
 Data Sources: DoN 2010, DoN 2013

The proposed action would be consistent to the maximum extent practicable with the Coastal Zone Management Act and the enforceable policies of the CNMI Bureau of Environmental and Coastal Quality. Therefore, operation under Tinian Alternative 1 would result in less than significant impacts to submerged land uses subject to the Coastal Zone Management Act.

4.7.3.1.4.2 Public Access

Submerged lands adjacent to the Military Lease Area would remain under federal jurisdictional control. However, the public access to submerged lands (and the waters above) would be restricted during training events 20 weeks per year. Although there are restrictions that occur with the current level of training, the restricted access would increase in frequency and duration under the proposed action. However, the areas of submerged land that would be restricted are not unique. Therefore, Tinian Alternative 1 operations would result in less than significant impacts to the public access of submerged lands.

The impacts of public access restrictions on uses/resources, such as recreation and marine transportation are discussed in their respective resources sections, Section 4.8, *Recreation*, and Section 4.13, *Transportation*.

4.7.3.2 Tinian Alternative 2

The impacts to land and submerged land use resulting from implementation of Tinian Alternative 2 would be similar to those described in [Section 4.7.3.1, Tinian Alternative 1](#). However, land use impacts related to the International Broadcasting Bureau site would be different from those associated with Tinian Alternative 1.

Tinian Alternative 2 would be incompatible with the operation of the International Broadcasting Bureau site located within the Military Lease Area. Within the 8 to 10 year construction period after the Record of Decision and prior to the construction of the southern Battle Area Complex (Range Complex C), the International Broadcasting Bureau facility would cease operations within the Military Lease Area. As necessary, the facility would be relocated outside of the Military Lease Area. The relocation alternatives would be evaluated and would be addressed in another NEPA document (see Section 4.18, *Programmatic Analysis of Future Potential Project Components*). Tinian Alternative 2 would result in the elimination of an existing land use. Therefore, Tinian Alternative 2 would result in a significant impact to land use associated with current and planned uses within the Military Lease Area.

Implementation of Tinian Alternative 2 would result in less than significant impacts to land use with regard to changes in jurisdictional control, to current and planned land use outside the Military Lease Area, to adjacent land uses due to elevated noise levels, and to submerged land use subject to the Coastal Zone Management Act.

Implementation of Tinian Alternative 2 would result in significant but mitigable impacts to current and planned land use within the Military Lease Area.

Implementation of Tinian Alternative 2 would result in a less than significant impact to submerged land use associated with public access.

Implementation of Tinian Alternative 2 would result in no impact to submerged land use with regard to changes in jurisdictional control and no impact to land use outside the Military Lease Area associated with public access.

4.7.3.3 Tinian Alternative 3

The impacts to land and submerged land use resulting from implementation of Tinian Alternative 3 would be the same as those described in [Section 4.7.3.2, Tinian Alternative 2](#).

Implementation of Tinian Alternative 3 would result in less than significant impacts to land use with regard to changes in jurisdictional control, associated with current and planned land use outside the Military Lease Area, to adjacent land uses due to elevated noise levels, and to submerged land use subject to the Coastal Zone Management Act.

Implementation of Tinian Alternative 3 would result in significant but mitigable impacts to current and planned land use within the Military Lease Area.

Implementation of Tinian Alternative 3 would result in a less than significant impact to submerged land use associated with public access.

Implementation of Tinian Alternative 3 would result in no impact to submerged land use with regard to changes in jurisdictional control and no impact to land use outside the Military Lease Area associated with public access.

4.7.3.4 Tinian No-Action Alternative

The periodic non-live-fire military training exercises that occur in the Military Lease Area on Tinian consist of troop maneuvering, ground vehicle movements, and helicopter and fixed-wing aircraft operations. This existing non-live-fire military training would continue on Tinian in the Military Lease Area. Several short term military training exercises involving troop maneuvering, vehicular movements, and helicopter/fixed-wing aircraft have occurred on Tinian in the 2012 to 2014 timeframe. There are short term restrictions on public access to the Military Lease Area during these training events. The four live-fire training ranges envisioned in the Guam and CNMI Military Relocation EIS (DoN 2010a) would be established, temporarily restrict public access, and reduce the number of agricultural permits allotted to local residents. However, no changes in land ownership would occur and lands set aside for military use would remain unchanged (see Table 8.2-4; DoN 2010a). No impacts were identified under land use in the Mariana Islands Range Complex EIS/OEIS (see Section 3.12.6; DoN 2010b). Therefore, under the no-action alternative, less than significant impacts to land and submerged land use would be anticipated.

4.7.3.5 Summary of Impacts for Tinian Alternatives

Table 4.7-1 provides a comparison of the potential impacts to land and submerged land use resources for the three Tinian alternatives and the no-action alternative.

Table 4.7-1. Summary of Impacts for Tinian Alternatives

Resource Area	Tinian (Alternative 1)		Tinian (Alternative 2)		Tinian (Alternative 3)		No-Action Alternative	
	Construction	Operation	Construction	Operation	Construction	Operation	Construction	Operation
Land Acquisition (Jurisdictional Control)	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI
Submerged Land Acquisition (Jurisdictional Control)	Not applicable	NI	Not applicable	NI	Not applicable	NI	Not applicable	LSI
Land Use Within the Military Lease Area – Existing and Planned Land Use	Not applicable	SI mitigated to LSI	Not applicable	SI mitigated to LSI	Not applicable	SI mitigated to LSI	Not applicable	LSI
Land Use Within the Military Lease Area – Public Access	Not applicable	SI	Not applicable	SI	Not applicable	SI	Not applicable	LSI
Land Use Outside the Military Lease Area – Existing and Planned Land Use	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI
Land Use Outside the Military Lease Area – Public Access	Not applicable	NI	Not applicable	NI	Not applicable	NI	Not applicable	LSI
Land Use Outside the Military Lease Area – Noise	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI
Submerged Land Use – Existing and Planned Land Use	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI
Submerged Land Use – Public Access	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI	Not applicable	LSI

Legend: LSI = less than significant impact; NI = no impact; SI = significant impact. Shading is used to highlight the significant impacts.

4.7.3.6 Summary of Potential Mitigation Measures for Tinian Alternatives

Table 4.7-2 provides a summary of the proposed mitigation measures for land and submerged land use resources for the three Tinian alternatives.

Table 4.7-2. Summary of Potential Mitigation Measures for Tinian Alternatives

Impacts	Category	Potential Mitigation Measures	Tinian Phase	
			Construction	Operation
LAND AND SUBMERGED LAND USE				
<p><u>Land Use Within the Military Lease Area – Existing and Planned Land Use</u> There would be land use incompatibilities associated with the Tinian Military Retention Land for Wildlife Conservation and the agricultural and cattle grazing activities in the Lease Back Area.</p>	<p><i>SI mitigated to LSI</i></p>	<ul style="list-style-type: none"> Four areas are being assessed as potential conservation areas for the protection of the Tinian monarch and other wildlife species (Section 4.9, <i>Terrestrial Biology</i>, Figure 4.9-2). These areas may also be used for additional natural resource conservation actions such as forest enhancement and/or invasive species control. The Department of Defense is coordinating with the Federal Aviation Administration and the U.S. Fish and Wildlife Service on these potential conservation areas. The DoN has identified and proposed a total of 2,554 acres (1,034 hectares) of land for grazing areas within the Military Lease Area. Of this total 1,010 acres (409 hectares) would be unencumbered and 1,544 acres (625 hectares) would be encumbered by surface danger zones. 		X

Legend: LSI = less than significant impact; SI = significant impact. Shading is used to highlight the significant impacts.

4.7.4 Pagan

4.7.4.1 Pagan Alternative 1

4.7.4.1.1 Land Acquisition (Jurisdictional Control)

There are currently no federal lands or privately owned lands on Pagan. The CNMI government owns all of Pagan. The federal government would seek to acquire a real estate interest for the entire island of Pagan (approximately 11,794 acres [4,773 hectares]) from the CNMI government. This would result in a substantial increase of acreage under federal jurisdictional control. Therefore, implementation of Pagan Alternative 1 would result in a significant impact to land use with regard to changes in jurisdictional control.

4.7.4.1.2 Submerged Land Acquisition (Jurisdictional Control)

As discussed in Section 3.7, *Land and Submerged Land Use*, the Territorial Submerged Lands Act was amended to convey certain submerged lands to the CNMI government, which included submerged lands around Pagan. The submerged lands around Pagan are now owned by the CNMI government. The federal government would not acquire the submerged lands around Pagan, but would exercise control over surface water during periods of military training to ensure security and safety of the public. There would be no change in jurisdictional control over submerged land around Pagan. Therefore, Pagan Alternative 1 operations would result in less than significant impacts to submerged land use with regard to changes in jurisdictional control.

4.7.4.1.3 Land Use

4.7.4.1.3.1 Current and Planned Land Use

As described in Section 3.7, *Land and Submerged Land Use*, the existing land use is primarily idle (unused) public land. There is no CNMI land use designation for Pagan, so it is therefore assumed to be conservation. During Pagan Alternative 1 operations, proposed training within High Hazard Impact Area would not be compatible with the existing conservation land use. Therefore, Pagan Alternative 1 operations would result in a significant impact to existing conservation land use.

See Section 4.9, *Terrestrial Biology*, for the discussion of the potential impacts to terrestrial biology. See Chapter 5, *Cumulative Impacts*, for a discussion of potential planned land uses, including pozzolan mining and resettlement.

4.7.4.1.3.2 Public Access

Since 1981, Pagan has been largely closed to public access due to volcanic risk. Under the proposed action, the isthmus and northern portion of the island of Pagan would be placed off limits to the public during live-fire training events 16 weeks per year. The remainder of the year all areas of the island, except the High Hazard Impact Areas, would be accessible to the public. While unauthorized (i.e., no use permits obtained from the CNMI government), individual visitors use the land for subsistence. In addition, scientific research and data collection does occasionally take place. There are also some recreation uses, including a few recent ecotourism visits, as discussed in Section 3.8, *Recreation*.

However, current and planned visits to Pagan are infrequent. Therefore, Pagan Alternative 1 operations would result in less than significant impacts to land use associated with public access.

4.7.4.1.4 Submerged Land Use

4.7.4.1.4.1 Current and Planned Submerged Land Use

The proposed use of submerged land by the U.S. military for amphibious training exercises would constitute a change in submerged land use from the present use, conservation. Given the military use would be for 16 weeks per year, other (non-U.S. military) uses could occur during the remainder of the year. Although proposed training would not be consistent with the existing conservation submerged land use, it would still be partially compatible given the limited time that training activities would occur. Therefore, operations associated with Pagan Alternative 1 would result in less than significant impacts to existing submerged land conservation uses.

The proposed action would affect coastal uses and resources that are subject to Coastal Zone Management Act federal consistency requirements. The proposed action would be consistent to the maximum extent practicable with the enforceable policies of the CNMI Bureau of Environmental and Coastal Quality.

The proposed action would affect the designated Areas of Particular Concern, as defined by the CNMI Bureau of Environmental and Coastal Quality. Both of the CNMI Areas of Particular Concern and the proposed training areas are shown on [Figure 4.7-4](#). Pagan Alternative 1 would affect Shoreline and Lagoon and Reef Areas of Particular Concern. Because Areas of Particular Concern are CNMI designations, not federal designations, they are considered during the coastal zone consistency determination.

The proposed action would be consistent to the maximum extent practicable with the Coastal Zone Management Act and the enforceable policies of the CNMI Bureau of Environmental and Coastal Quality. Therefore, operation under Pagan Alternative 1 would result in less than significant impacts to submerged land uses subject to the Coastal Zone Management Act.

The impact on the corals, beaches, and the marine environment are discussed in Section 4.10, *Marine Biology*.

4.7.4.1.4.2 Public Access

For safety reasons, public access to the waters above submerged lands would be restricted during training exercises 16 weeks per year. Danger zones would be instituted to restrict ocean areas, as described in Chapter 2, *Proposed Action and Alternatives*. Since Pagan and the submerged land surrounding the island are infrequently visited, Pagan Alternative 1 would result in less than significant impacts to submerged land associated with public access.

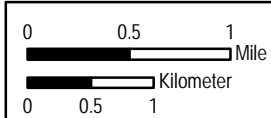
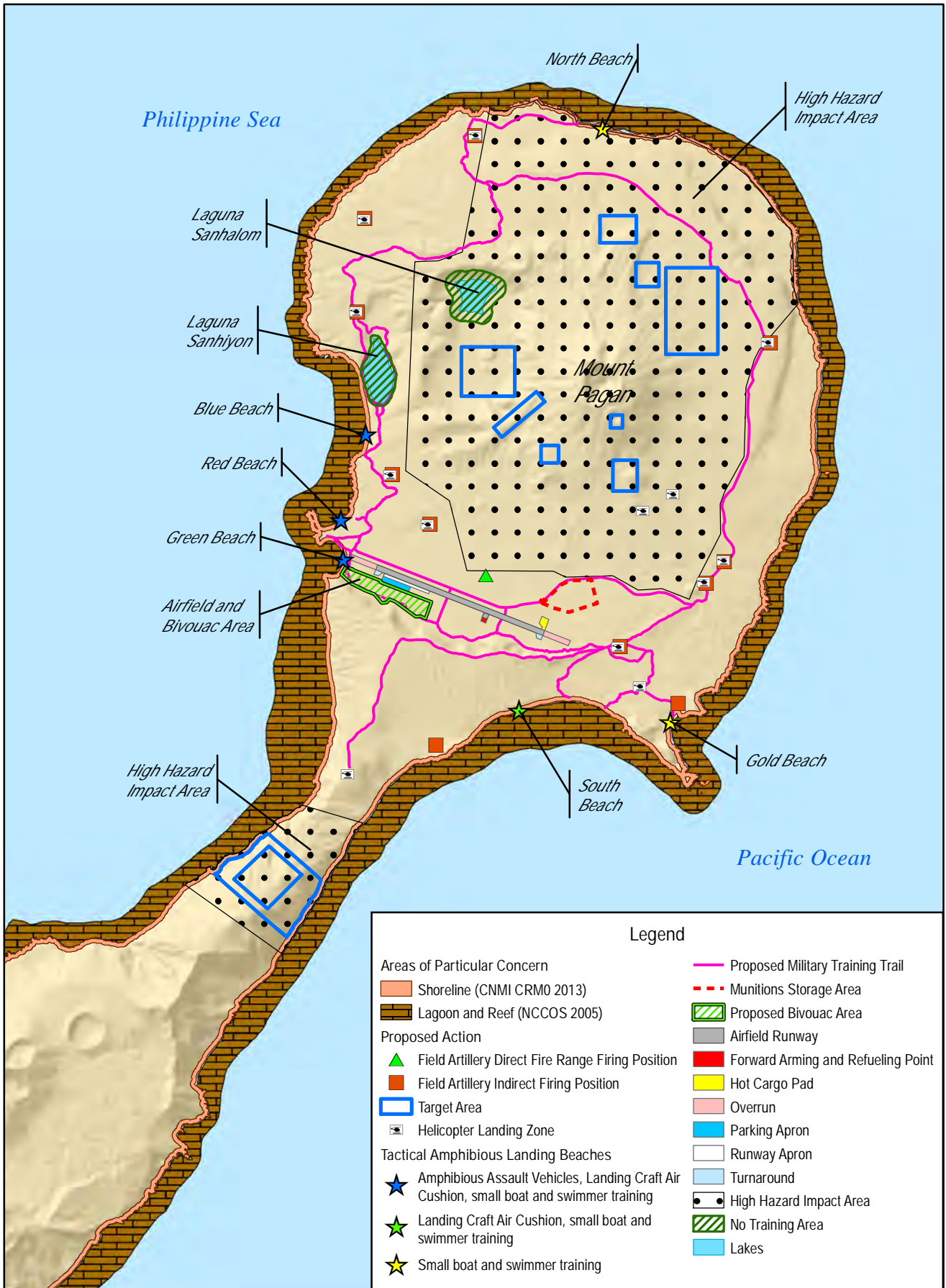


Figure 4.7-4
Pagan All Action Alternatives
Areas of Particular Concern

4.7.4.2 Pagan Alternative 2

The impacts to land and submerged land use resulting from implementation of Pagan Alternative 2 would be similar to those described under Pagan Alternative 1 (see [Section 4.7.4.1, Pagan Alternative 1](#)).

Implementation of Pagan Alternative 2 would result in significant impacts to land use associated with changes in jurisdictional control and current (i.e., conservation) and planned land use.

Implementation of Pagan Alternative 2 would result in less than significant impacts to submerged land use with regard to changes in jurisdictional control, submerged land use associated with current and planned land use, and land and submerged land use associated with public access.

4.7.4.3 Pagan No-Action Alternative

As noted in Chapter 2, the no-action alternative for Pagan would involve no live-fire military training on the island. Periodic visits for eco-tourism, scientific surveys and military use for search and rescue training would be expected to continue, have minimal disruptions to existing conditions and no impacts on the use of land or submerged land on Pagan.

4.7.4.4 Summary of Impacts for Pagan Alternatives

[Table 4.7-3](#) provides a comparison of the potential impacts to land and submerged land use resources for the two Pagan alternatives and the no-action alternative.

Table 4.7-3. Summary of Impacts for Pagan Alternatives

Resource Area	Pagan (Alternative 1)		Pagan (Alternative 2)		No-Action Alternative	
	Construction	Operation	Construction	Operation	Construction	Operation
Land Use (Jurisdictional Control)	Not applicable	SI	Not applicable	SI	Not applicable	NI
Submerged Land Acquisition (Jurisdictional Control)	Not applicable	LSI	Not applicable	LSI	Not applicable	NI
Land Use – Current and Planned Use	Not applicable	SI	Not applicable	SI	Not applicable	NI
Land Use – Public Access	Not applicable	LSI	Not applicable	LSI	Not applicable	NI
Submerged Land Use – Current and Planned	Not applicable	LSI	Not applicable	LSI	Not applicable	NI
Submerged Land Use – Public Access	Not applicable	LSI	Not applicable	LSI	Not applicable	NI

Legend: LSI = less than significant impact; NI = no impact; SI = significant impact. Shading is used to highlight the significant impacts.