

AGREEMENT TERMINATING RIGHTS, TITLE, 401326  
AND INTEREST OF THE UNITED STATES  
TO ENEWETAK ATOLL

KNOW ALL MEN BY THESE PRESENTS; that

WHEREAS, the Government of the Trust Territory of the Pacific Islands, hereinafter referred to as "Trust Territory", and the United States of America, hereinafter referred to as "United States", entered into a Use and Occupancy Agreement for Enewetak Atoll as of 1944; and

WHEREAS, the Trust Territory wishes to obtain use and occupancy of said atoll and the termination of all rights, title, and interest of the United States in or to said atoll; and

WHEREAS, the United States wishes to terminate its use and occupancy of said atoll;

NOW, THEREFORE, in consideration of the agreements of the parties, all rights, title, and interest of the United States in or to Enewetak Atoll existing at noon on the day prior to the date of signature by the last party to sign this agreement are hereby terminated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
31st day of August, 1976.

THE UNITED STATES OF AMERICA

By: [Signature]  
Deputy Assistant Secretary  
of the Air Force (Installations)

**BEST COPY AVAILABLE**

GOVERNMENT OF THE TRUST TERRITORY  
OF THE PACIFIC ISLANDS

By: [Signature]  
Acting High Commissioner

16 day of Sep, 1976

\*\*\*\*\*

RECORDING DATA

Received and filed at 10:30 a.m./p.m. this 22nd day of September,  
1976, in Book 2, Page 26.

By: Oktan Damon  
Assistant Clerk of Courts  
Marshall Islands District

11015

AGREEMENT GRANTING USE AND OCCUPANCY  
RIGHTS AT ENEWETAK ATOLL  
TO THE UNITED STATES OF AMERICA

This Agreement made this 16 day of September, 1976,  
by and between the Government of the Trust Territory of the Pacific  
Islands, hereinafter referred to as "Trust Territory", and the United  
States of America, hereinafter referred to as "United States."

WHEREAS, the Trust Territory and the United States entered into a Use  
and Occupancy Agreement for Enewetak Atoll as of 1944; and

WHEREAS, the United States has terminated its use and occupancy of  
said atoll; and

WHEREAS, the Trust Territory wishes to grant certain rights with  
respect to Enewetak Atoll to the United States, as hereinafter stated; and

WHEREAS, the United States has need for certain rights with respect  
to Enewetak Atoll, as hereinafter stated.

NOW, THEREFORE, in consideration of the mutual agreements contained  
herein, the parties agree as follows;

1. Temporary Use Rights. The Trust Territory hereby grants to the  
United States, for itself, its permittees, licensees, lessees, and con-  
tractors, the temporary use and control of the entire atoll and its adjacent  
airspace, lagoon, and territorial waters and all buildings and fixed facili-  
ties and equipment on it until the proposed cleanup of possible contamination  
on the atoll has been environmentally assessed, a final decision made, and,  
if affirmative and the program is funded, the cleanup completed, subject to  
arrangements between the Defense Nuclear Agency, on behalf of the United  
States, and the Trust Territory to relinquish areas earlier.

2. Indefinite Rights. The Trust Territory hereby grants to the United  
States, for itself, its permittees, licensees, lessees, and contractors, the  
following rights of use and occupancy indefinitely for the purposes of the  
activities described:

(A) The right, for as long as it is needed by the Coast Guard,  
to operate and maintain the Loran A Station presently located at the north

1245

5009655

end of Enewetak Island, including the right of use and occupancy of 7.76 acres, more or less, of land and the buildings and facilities thereon occupied by the station. This area is shown in red on the attached map. Further specific rights granted for purposes of operating, maintaining, and servicing the Loran A Station are as follows:

(1) Rights of access to the atoll by air, including joint use in common with others of the landing field, for arrival and departure of personnel, supplies, and equipment.

(2) Rights of access to the atoll by water, including the right to anchor, and joint use in common with others of the docks (Buildings 140 and 142) for docking vessels.

(3) Land access, both pedestrian and vehicular, in common with others, between the station and other parts of Enewetak Island. Land access also includes rights of way for electric power lines and fresh water lines.

(4) The right to billet personnel in appropriate dormitories and to maintain and utilize dining facilities.

(B) Rights as determined necessary by the Energy Research and Development Administration to perform its responsibility for the longterm radiological surveillance of Enewetak Atoll. This responsibility requires a variety of research and monitoring operations on the atoll. The following use and occupancy rights are examples of those granted to the United States to conduct these operations:

(1) The right of scientific teams to conduct research and monitoring activities.

(2) Rights of access to the atoll by air, including joint use of the landing field, for arrival and departure of personnel, supplies, and equipment.

(3) Rights of access to the atoll by water, including the right to anchor and joint use of docking facilities.

(4) The right to use and occupy the currently utilized marine laboratory (Building 603) on Enewetak Island and/or other appropriate facilities.

(5) The right to billet personnel in Building 462 or other appropriate quarters on Enewetak Island.

(6) Rights of access to all islands and their roads, reefs, lagoons, and adjacent waters for scientific purposes.

(7) Right to collect and remove small amounts of material including biota, sediments, soil, etc., for scientific purposes.

(8) Right to use small parcels of land on some islands to establish test plantings for scientific purposes.

(9) Right to drill test holes to obtain lens water samples for scientific purposes.

(10) Longterm use and access privileges similar to those listed in Paragraph 2(B)(1) through (9) above for the purpose of construction, supply, and operation of a new marine laboratory on Enewetak Island.

3. General Rights. The following general rights are granted or acknowledged, as appropriate, for all United States activities for which temporary use rights or indefinite rights are granted:

(A) All equipment or moveable property owned by the United States which is already on or is brought in to Enewetak Atoll at a later date remains the property of the United States and may be removed, abandoned in place, or disposed of at any time in accordance with United States law.

(B) Buildings and fixed facilities used in connection with activities for which temporary use rights or indefinite rights are granted will remain subject to the use and occupancy of the United States so long as such rights are exercised.

(C) The United States, its agents, employees, and contractors, who are present on Enewetak Atoll for the purpose of conducting the activities for which temporary use rights or indefinite rights are granted, shall not be subject to any requirement for (1) obtaining permits or licenses; or (2) payment of any tax, duty, surcharge, assessment, or fee in the nature of any of them.

(D) The United States shall have the right to bring into Enwetak such contractors and such personnel, whether employed by the United States or its contractors, as it determines are required to conduct the activities for which temporary use rights or indefinite rights are granted.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

GOVERNMENT OF THE TRUST TERRITORY  
OF THE PACIFIC ISLANDS

By *John Coleman*  
Acting High Commissioner

THE UNITED STATES OF AMERICA

By *J. F. Mills*  
Deputy Assistant Secretary  
of the Air Force (Installations)

\*\*\*\*\*

RECORDING DATA

Received and filed at 10:30 a.m. ~~XXXX~~, this 22nd day of  
September, 1976, in Book 2, Page 23.

By: Oktan Damon

Assistant Clerk of Courts  
Marshall Islands District



