

The United States of America  
To all to whom these presents shall come, Greeting:

WHEREAS, the submerged lands surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands (CNMI), which include lands permanently or periodically covered by tidal waters up to but not above the line of mean low tide and seaward to a line three geographical miles distant from the coastlines of each of these islands, which were included in the Marianas Trench Marine National Monument (Monument), established by Presidential Proclamation 8335 of January 6, 2009, pursuant to Section 2 of the Antiquities Act of June 8, 1906 (now codified at 54 U.S.C. 320301);

WHEREAS, the CNMI Constitution recognizes that the islands of Maug, Uracas, Asuncion, Guguan, and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife, and plant species;

WHEREAS, pursuant to Public Law 93-435, as amended by Public Law 113-34 (taken together, the Act), "the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion permanently covered by tidal waters up to the mean low water line and extending three geographical miles seaward from the mean high tide line" (Excepted Lands) were excepted from conveyance to CNMI by Presidential Proclamation 9077 (Proclamation), of January 15, 2014, by virtue of the authority vested in the President of the United States by Section 1(b)(vii) of the Act;

WHEREAS, Proclamation 9077 included a provision allowing the Secretary of the Interior to subsequently transfer the Excepted Lands to CNMI under Section 1(b) of the Act, at such time as the Secretary of the Interior, the Secretary of Commerce, and the Government of CNMI have entered into an agreement for the coordination of management that ensures the protection of the Monument within the area to be conveyed (Agreement), and that such Agreement has now been entered into;

NOW THEREFORE, KNOW YE, that the UNITED STATES, in consideration of the premises, and in conformity with said Acts and Presidential Proclamations, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the Government of CNMI, the Excepted Lands; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the same Government of CNMI, its successors and assigns, forever; and,

EXCEPTING AND RESERVING TO THE UNITED STATES:  
An Easement in perpetuity for the United States to ensure that the Excepted Lands, and the resources associated with such lands and as set forth herein, herewith conveyed to the Government of CNMI are forever managed and maintained for the protection of the Monument or other Federal conservation status, unless such conservation status is withdrawn hereafter by an Act of Congress. The Grantor and Grantee (Parties) shall be bound by the terms of said Reserved Easement in that:

1. The Excepted Lands and associated natural resources shall be managed and maintained by the Government of CNMI consistent with the Monument or other Federal conservation status of the adjacent Federal submerged lands. In doing so, the Government of the CNMI shall not authorize or allow commercial fishing or development on such lands or in the navigable waters overlaying such lands.

2. Nothing in this Easement shall be construed to limit the rights of (a) the Government of CNMI to manage sustenance, recreational, and traditional indigenous fishing in such area as a sustainable activity; (b) the Government of CNMI to conduct or to authorize third parties to undertake bona fide scientific research in such area; (c) the Government of CNMI and the Departments of the Interior and Commerce for coordinated management as set forth in the Agreement or any successor to the Agreement then in effect; or (d) the reserved rights of the United States set forth in the Act. In addition, nothing in this Easement shall be construed or applied to require the Government of CNMI to manage or maintain a more protective conservation regime with respect to the Excepted Lands and associated natural resources than that regime authorized by applicable Federal law for the adjacent Federal submerged lands and associated natural resources.

3. After advance notice to the Government of CNMI, persons duly authorized by the Secretary of the Interior or the Secretary of Commerce shall be allowed reasonable access to the area covered by this easement to ensure compliance with its terms.

4. If a dispute arises between the Parties concerning the interpretation or operation of this Reserved Easement, either Party may request mediation by providing the other Party with written notice of such request. Neither Party is obligated to enter mediation. Nevertheless, if the Parties mutually agree to enter mediation, the Parties shall attempt to agree upon a single mediator, and the cost of mediation shall be borne by the United States Government, subject to the availability of funds. Any efforts at mediation shall conclude within ninety (90) days after the written notice, unless the Parties mutually agree to extend the time period for the mediation.

5. The United States expressly reserves the right to enforce the provisions of this Reserved Easement in any court of competent jurisdiction.

IN TESTIMONY WHEREOF, the undersigned Secretary of the Interior, in the name of the United States, caused these letters to be made Patent, and the Seal of the Department to be hereunto affixed.

GIVEN under my hand, in the CITY OF WASHINGTON, DISTRICT OF COLUMBIA the 29 day of November in the year of our Lord two thousand and sixteen and of the Independence of the United States the two hundred and thirty-eighth.


By \_\_\_\_\_

*Sally Jewell*



IN TESTIMONY WHEREOF, the undersigned Governor of the Northern Mariana Islands, in the name of the Commonwealth of the Northern Mariana Islands, accepts these letters to be made Patent.

GIVEN under my hand, on the ISLAND OF SAIPAN, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS the 21<sup>st</sup> day of December in the year of our Lord two thousand and sixteen.

By  \_\_\_\_\_.

Patent Number 2016-1