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A RESOLUTION

Urging the High Commissioner and the Attorney General of the Trust Territory of the Pacific Islands to recognize the rights of the owners of certain parcels of land taken under indefinite land use agreements who have been excluded from all previous compensation payments and procedures to present claims for compensation for the past use of their land to an arbitration panel.

1 WHEREAS, in a report dated December 28, 1977, the Study Group on
2 Indefinite Land Use Agreements recommended that additional past use
3 compensation be paid to the owners of lands taken by the Trust Territory
4 Government pursuant to indefinite land use agreements; and

5 WHEREAS, in October 1978 the Trust Territory Government hired
6 Don R. Cowell and Associates of Honolulu, Hawaii, to appraise the value
7 of lands taken under indefinite land use agreements; and

8 WHEREAS, for reasons of administrative oversight certain indefinite
9 land use parcels were excluded from the Cowell Appraisal Report; and

10 WHEREAS, in March 1980 the United States Congress, relying upon the
11 report of the Study Group on Indefinite Land Use Agreements and the
12 Cowell Appraisal Report, appropriated \$4.117 million for compensation
13 for past use and future use of indefinite land use parcels; and

14 WHEREAS, the indefinite land use owners included in the Cowell
15 Appraisal Report received their share of the funds appropriated as
16 compensation for past use and at the same time signed a conditional
17 release of claims which guaranteed them the right to present additional
18 claims for past use compensation to an arbitration panel; and

19 WHEREAS, the indefinite land use owners excluded from the Cowell
20 Appraisal Report have received no compensation for the past use of their
21 lands and have not been given the right to present their claims to any
22 court or arbitration panel; and

23 WHEREAS, subsequent to the appropriation of indefinite land use
24 compensation by the U.S. Congress, the Study Group on Indefinite Land
25 Use Claims agreed that equity and justice require that landowners

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1 excluded from the Cowell Appraisal Report be given the same rights and
2 privileges as landowners not excluded; and

3 WHEREAS, the staff of the Study Group on Indefinite Land Use Claims
4 for the last 2 years has gone through the land records of the Trust
5 Territory Government and the State governments in the Federated States
6 of Micronesia in search of indefinite land use parcels that were excluded
7 from earlier compensation payments and procedures; and

8 WHEREAS, the staff of the Study Group on Indefinite Land Use Claims
9 has been able to document the following excluded indefinite land use
10 parcels:

11 Yap State:

- 12 (1) Navigation light on Mt. Matade
13 900 square feet
14 Agreement dated January 22, 1957
15 Owner: Falan
- 16 (2) Fal Village, Rumung Municipality, elementary school
17 and teacher housing
18 1.91 acres
19 Agreement dated March 26, 1969
20 Owner: Falan
- 21 (3) Dachngan Village, Rull Municipality, elementary
22 school and teacher housing
23 2.38 acres
24 Agreement dated January 22, 1969
25 Owners: Buchun, Tun, Tamag, Fattun, Tamadad

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- 1 (4) Gaanelay Elementary School and teacher housing
2 1.934 acres
3 Agreement negotiated in 1958
4 Owners: Taman, Younifmed, Betnag, Fattun, Foruw
5 (5) North Fanif Elementary School and teacher housing
6 Size unknown
7 Agreement negotiated in late 1963 or early 1964
8 Owner: Kenmad
9 (6) Kanify Elementary School and teacher housing and
10 police substation
11 Size unknown
12 Agreement negotiated in late 1963 or early 1964
13 Owners: Gilinug, Waath, Thurung
14 (7) Dalipebinau Elementary School and teacher housing
15 Size unknown
16 Agreement negotiated in late 1963 or early 1964
17 Owners: Yigin, Boobees, Kugfas, Gimmang
18 (8) Tamar Village, Tomil Municipality, elementary
19 school and teacher housing
20 Size unknown
21 Agreement negotiated in January 1964
22 Owners: Gatmer, You, Falalay
23 (9) Gagil teacher housing
24 Size unknown
25 Agreement negotiated in late 1963 or early 1964

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- 1 Owners: Fishibman, Lamem, Seling, Defingis, Joseph
2 Faneshoop
3 (10) Maap teacher housing
4 Size unknown
5 Agreement negotiated in late 1963 or early 1964
6 Owners: Buthung, Banyan, Leedrin, Gorongfich,
7 Gooflan, Loethin, Waaug, Garangfigin
8 (11) Bael Elementary School and teacher housing
9 Size unknown
10 Agreement negotiated in late 1963 or early 1964
11 Owner: Unknown
12 (12) Rumuan Village, Fanif Municipality, teacher housing
13 Size unknown
14 Agreement negotiated late 1963 or early 1964
15 Owners: Defingin, Yaag, Gilchibeg
16 (13) Gilman teachers housing
17 Size unknown
18 Agreement negotiated in late 1963 or early 1964
19 Owners: Libyan, Yuwan, Moon, Fas, Ligow Fanaguchel
20 (14) Ifalik Island, Ifalik Atoll, education facilities
21 20,480 square feet
22 Agreement dated December 15, 1968
23 Owners: Yanesemal, Talimeichi, Lehasugubg, Yauolihar
24 (15) Eauripik Island, Eauripik Atoll, education facilities
25 .2 acres

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- 1 Agreement dated December 25, 1968
 - 2 Owner: Foilimal
 - 3 (16) Mogmog Island, Ulithi Atoll, education facilities
 - 4 Size unknown
 - 5 Agreement dated March 29, 1969
 - 6 Owner; Soreg
 - 7 (17) Fassarai Island, Ulithi Atoll, education facilities
 - 8 Size unknown
 - 9 Agreement dated March 29, 1969
 - 10 Owners: Lorsmol, Mattis
 - 11 (18) Wottagay Island, Woleai Atoll, education facilities
 - 12 .352 acres
 - 13 Agreement dated December 23, 1968
 - 14 Owner: Mailig
 - 15 (19) Falalop Island, Ulithi Atoll, education facilities
 - 16 Size unknown
 - 17 Agreement dated March 29, 1969
 - 18 Owners: Agnes, Gulderang
 - 19 (20) Falalop Island, Woleai Atoll, education facilities
 - 20 19,000 square feet
 - 21 Agreement dated December 14, 1968
 - 22 Owner: Ignadio Saflalimar
 - 23 (21) Falalis Island, Woleai Atoll, education facilities
 - 24 .22 acres
 - 25 Agreement dated January 12, 1965

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- 1 Owner: Marusairong
- 2 (22) Lamotrek Island, Lamotrek Atoll, education facilities
- 3 .22 acres
- 4 Agreement dated December 18, 1968
- 5 Owner: Urip
- 6 (23) Falalop Island, Woleai Atoll, education facilities
- 7 .17 acres
- 8 Agreement dated January 20, 1964
- 9 Owner: Taiei
- 10 (24) Fais Island, education facilities
- 11 43,800 square feet
- 12 Agreement dated December 28, 1968
- 13 Owner: Carlos Harued
- 14 (25) Yap Junior High School teacher housing
- 15 Size unknown
- 16 Agreement made in May 1962
- 17 Owners: Gaag, Kifin, Damich, Kaganangeg
- 18 Truk State:
- 19 (1) Wininuk #1 - Lot No. 054-A-14
- 20 Neauo Village, Moen Island
- 21 .112 hectares
- 22 Agreement dated May 30, 1956
- 23 Owner: Tosiko for Sor clan
- 24 (2) Teweitepin - Lots Nos. 054-A-32 and 054-A-33
- 25 Neauo Village, Moen Island

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1 .806 hectares
2 Agreement dated July 24, 1957
3 Owner: Pilais for Penenose clan
4 (3) Tameor #1 - Lot No. 054-A-19
5 Neauo Village, Moen Island
6 .554 hectares
7 Agreement dated May 30, 1956
8 Owner: Epel for Saporenong clan
9 (4) Nechinangun - Lot No. 054-A-25
10 Neauo Village, Moen Island
11 .520 hectares
12 Agreement dated May 30, 1956
13 Owner: Chieko for Wisusu clan
14 (5) Tameor #2 - Lot No. 054-A-13
15 Neauo Village, Moen Island
16 .137 hectares
17 Agreement dated May 30, 1956
18 Owner: Peti for Souefeng clan
19 (6) Mesenawar #1 - Lot No. 054-A-21
20 Neauo Village, Moen Island
21 .066 hectares
22 Agreement dated June 1, 1956
23 Owner: Souas for Saporenong clan
24 (7) Mesenawar #2 - Lot No. 054-A-20
25 Neauo Village, Moen Island

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- 1 .115 hectares
 - 2 Agreement dated May 30, 1956
 - 3 Owner: Einat for Sor clan
 - 4 (8) Wininuk #2 - Lot No. 054-A-15
 - 5 Neauo Village, Moen Island
 - 6 .048 hectares
 - 7 Owners: Sim and Osiena for Epenges clan
 - 8 (9) Fouman - Lot No. unknown
 - 9 Neauo Village, Moen Island
 - 10 .048 hectares
 - 11 Agreement dated June 1, 1956
 - 12 Owner: Pili for Sapunupi clan
 - 13 (10) Nukina - Lot No. 054-A-18
 - 14 Neauo Village, Moen Island
 - 15 .805 hectares
 - 16 Agreement dated June 1, 1958
 - 17 Owner: Stifen for Neureng clan
 - 18 (11) Neuopwa - Lot No. 029-A-05
 - 19 Iras Village, Moen Island
 - 20 .792 hectares
 - 21 Agreement dated May 30, 1956
 - 22 Owner: Yosko Shirai
 - 23 (12) Nechonmeiros - Lot No. 004-A-15
 - 24 Iras Village, Moen Island
 - 25 154 square meters

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1 Agreement made May/June 1956
2 Owner: Denita Bossy
3 (13) Parcel taken under ILUA T-213-A
4 Neauo Village, Moen Island
5 .406 hectares
6 Agreement dated May 29, 1956
7 Owner: Chomar for Mahano clan
8 (14) Parcel taken under ILUA T-263-A
9 Neauo Village, Moen Island
10 .806 hectares
11 Agreement dated July 24, 1957
12 Owner: Pilais for Penenose clan; now, therefore,
13 BE IT RESOLVED by the Third Congress of the Federated States of
14 Micronesia, First Regular Session, 1983, that the Congress urges the
15 High Commissioner and the Attorney General of the Trust Territory of the
16 Pacific Islands to recognize the rights of the above-listed owners of
17 indefinite land use parcels that were excluded from the Cowell Appraisal
18 Report to be allowed to present their claims for compensation for past
19 use of their lands; and
20 BE IT FURTHER RESOLVED that certified copies of this resolution be
21 transmitted to High Commissioner of the Trust Territory of the Pacific
22 Islands Janet McCoy, Attorney General of the Trust Territory of the
23 Pacific Islands Kent Harvey, President of the Federated States of
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WTA1

1 Micronesia Tosiwo Nakayama, Kosrae State Governor Yosiwo P. George,
2 Ponape State Governor Resio S. Moses, Truk State Governor Erhart Aten,
3 and Yap State Governor John A. Mangefel.

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Date: 6/6/83

Introduced by: Elias Thomas
John Hagelgam