

No. 18875

**UNITED STATES OF AMERICA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

Exchange of notes constituting an agreement amending and supplementing the Leased Naval and Air Bases Agreement of 27 March 1941, as amended (with maps and appendices). Washington, 5 and 6 December 1978

Authentic text: English.

Registered by the United States of America on 30 May 1980.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

Échange de notes constituant un accord modifiant et complétant l'Accord du 27 mars 1941 relatif aux bases navales et aériennes cédées à bail, tel qu'il a été modifié (avec cartes et appendices). Washington, 5 et 6 décembre 1978

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 30 mai 1980.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AMENDING AND SUPPLEMENTING THE LEASED
NAVAL AND AIR BASES AGREEMENT OF 27 MARCH, 1941,²
AS AMENDED³

I

December 5, 1978

Excellency:

I have the honor to refer to the Agreement of March 27, 1941,² as amended,³ between the United States of America and the United Kingdom, regarding leased naval and air bases, and to the related lease and other arrangements regarding the establishment, use, operation and defense of United States naval and air bases on Bermuda.

Discussions between officials of the Government of the United States and the Government of Bermuda have identified certain lands now within the leased area on Bermuda which no longer are required for the United States' purposes. These discussions have also identified certain other lands and facilities which are not now required for such purposes, but which may be required in the future.

As the result of these discussions, and having consulted the Government of Bermuda, I have the honor to propose the following set of arrangements to make these lands and facilities available for use by the Government of Bermuda and to provide for the future operation of other facilities of mutual interest:

I. The Government of the United States hereby gives notice of its intention to abandon the portions of the leased area in Bermuda referred to below, in accordance with article XXI of the Agreement of March 27, 1941. Notwithstanding the one-year minimum notice requirement provided for by that article, I propose that this notice shall become effective upon the date on which detailed descriptions of the lands to be abandoned shall be transmitted by the Government of the United States to the Government of Bermuda.

The locations of the lands subject to this notice are delineated on the maps⁴ attached to this note as appendix I and particularly described in appendix 1A. These lands include:

- A. 5.30 acres, more or less, at the southwest corner of the Naval Air Station Annex;
- B. .015 acres, more or less, at Her Majesty's Dockyard;
- C. .34 acres, more or less, at Daniels Head;
- D. .32 acres, more or less, at Mount Hill;
- E. 1.475 acres, more or less, at Cemetery Hill, which includes right of way of .125 acres;
- F. .98 acres at Skinner's Hill which includes .05 acres access.

¹ Came into force on 6 December 1978, the date of the note in reply, in accordance with the provisions of the said notes.

² League of Nations, *Treaty Series*, vol. CCIV, p. 15.

³ United Nations, *Treaty Series*, vol. 88, p. 273.

⁴ See insert in a pocket at the end of this volume.

II. Notwithstanding article XXIII of the Agreement of March 27, 1941, I propose that the following lands and facilities located within the leased area be made available by the United States to the Government of Bermuda or to entities or persons designated by that Government for the purposes specified herein or for such other purposes as may be agreed by the competent United States and Bermudian authorities. These lands and facilities shall be made available pursuant to agreements (hereinafter referred to as "subleases") for such periods and upon such terms and conditions as may be agreed by the competent United States and Bermudian authorities. The locations of these lands and facilities are delineated on the maps attached to this note as appendix II. These lands and facilities include:

- A. A portion of building A-25 at the Naval Air Station Annex, for the purpose of establishing a fish processing facility sufficient for processing products and retail outlets, the storage of inventory and supplies, and for sales to registered fishermen together with access for vessels and vehicles delivering or receiving cargo and supplies in connection with the operation of the fish processing facility;
- B. Such other facilities at the Naval Air Station Annex as the competent United States and Bermudian authorities may agree upon;
- C. 25 acres, more or less, of land and improvements at the east end of the Naval Air Station Annex peninsula;
- D. Lands sufficient for the creation of two short taxiways and limited apron extensions at the Civil Air Terminal; and
- E. Causeway and Ferry Reach/Stokes Harbour foreshore together with the roadway extending from the Longbird Bridge to, but not including, the Naval Air Station Bermuda small boat basin.

In connection with the subleasing of the lands and facilities described in paragraphs A, B and C above, the competent United States authorities shall convert Constitution Road in the Naval Air Station Annex to a joint-use artery to provide access to the subleased properties.

With regard to the subleasing of the lands and facilities described in paragraphs D and E above, no new construction or modification of existing structures shall be carried out in such a way as to preclude the use of the airfield runway. Nor shall any structure or building be erected which would be an obstruction to air navigation at a military airfield in violation of the standards set forth in subpart C—"Obstruction Standards", of part 77 of the Regulations of the United States Federal Aviation Administration (14 Code of Federal Regulations 77.21 to 77.29), as the same shall be amended.

The sublease provided for in paragraph D, above, shall provide for the assumption by the Government of Bermuda of responsibility for maintenance and repair of taxiways and aprons and for grounds maintenance and upkeep within the area between the Civil Air Terminal, the Western and Northern perimeter fence and Easterly to the junction of taxiway II with runway 8-26.

Except as provided below, the subleases contemplated by Subsections C, D and E of this Section shall be effective up to and including the date on which the Agreement of March 27, 1941, is terminated. All subleases shall be subject to the condition that the United States may resume full and exclusive occupancy of the whole or such part thereof as it may require, immediately in the event of War or National Emergency, and otherwise as mutually agreed.

III. I further propose that the Government of Bermuda shall assume total responsibility for maintenance and operation of Kindley Field Road and its causeway; for Ferry Reach Channel; for five Dundonald Channel Markers in the Great Sound; and for the operation (including operator maintenance in accordance with procedures to be agreed by the competent United States and Bermudian authorities) of the Longbird Bridge. The

United States shall remain responsible for all maintenance except operator maintenance of the Longbird Bridge.

The use of lands made available pursuant to this note shall not be considered to diminish in any way the military nature and importance of the United States Naval Air Station. Except as expressly provided herein, these arrangements shall not, in any manner, derogate from the provisions of the Agreement of March 27, 1941, as amended.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this note, together with Your Excellency's confirming reply, shall constitute an agreement amending and supplementing the Agreement of March 27, 1941, as amended, which will enter into force upon the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

RICHARD D. VINE

Enclosures:

1. Appendix I
2. Appendix I-A
3. Appendix II

His Excellency Peter Jay
British Ambassador

APPENDIX IA

SOUTHWEST CORNER OF THE NAVAL AIR STATION ANNEX

Commencing at the Southwest corner of Building Number A248 (Pumping Station) of the U.S. Naval Air Station, Bermuda Annex, the point of beginning; thence South 21 degrees 20 minutes East, a distance of 510 feet, more or less, to the true point of beginning; thence South 24 degrees 30 minutes East, a distance of 335 feet, more or less; thence South 60 degrees 35 minutes West, a distance of 690 feet, more or less; thence North 25 degrees 50 minutes West, a distance of 85 feet, more or less; thence North 57 degrees 10 minutes East, a distance of 30 feet, more or less; thence North 28 degrees 10 minutes West, a distance of 365 feet, more or less; thence North 70 degrees 30 minutes East, a distance of 685 feet, more or less, to the true point of beginning; containing 5.3 acres more or less.

HER MAJESTY'S DOCKYARD IRELAND ISLAND

METES AND BOUNDS DESCRIPTION

Beginning at a point in line with the north west line of a parapet wall of fort on the said island the said point being located N 55°32'10" W five hundred eighty-five (585) feet from the government triangulation station known as "Casemates Triangulation Station" thence along the line of the said wall N 61°59'30" W twenty-four and six hundred twenty-seven thousandths (24.627) feet to a point in the said wall thence continuing along said line on a curve to the left with a radius of nine and twenty five hundredths (9.25) feet a

distance of twenty-nine and forty-five thousandths (29.045) feet to a point in said wall thence S 49°14'00" E twenty-four and six hundred twenty-seven thousandths (24.627) feet to a point in said wall thence N 33°49'15" E twenty-three and nine hundred thirteen thousandths (23.913) feet to the point of beginning.

Also the full free and unrestricted right and liberty of way and passage over and across a path or roadway extending approximately 480 feet easterly from the area herein before described to a monument PWD 34 BDA extending approximately 240 feet southerly along perimeter of existing catchment area thence approximately 320 feet along the fuel storage tank boundary that runs easterly to the said public road and the full free and unrestricted right to construct maintain and operate any and all electric power telegraph and telephone lines and poles and any other structures or conduits to carry such lines above or below ground which may be desired by the Government of the United States.

DANIELS HEAD PROPERTY

SCHEDULE

All that certain parcel of tract of land at or near a point known as Daniels Head situate on Somerset Island in Sandys Parish, Bermuda, containing thirty-four one hundredths (0.34) acres, more or less, bounded and described as follows, to wit:

Beginning at a point on lands of the British Admiralty, said point being located four hundred five (405.0) feet more or less, northerly (measured at right angles to the south line of said British Admiralty land) from a point located one hundred eighty-two (182.00) feet more or less easterly in the prolongation of said south boundary line from a concrete monument in said line, said monument being located approximately twelve (12.00) feet east of the intersection of said south line with the Waters of the Atlantic Ocean; thence from said point of beginning, N. 40°00' E., one hundred fifty (150.0) feet to a point in said land; thence, S. 45°00' E., one hundred (100.0) feet to a point in said land; thence, S. 45°00' W., one hundred fifty (150.0) feet to a point in said land; thence, N. 45°00' W., one hundred (100.0) feet to point of beginning.

Also the full and free and unrestricted right and liberty of way and passage and the full and free and unrestricted right to construct, maintain and operate any or all electric power, telegraph and telephone lines which may be desired by the grantee herein, his successors or assigns, over and upon a roadway which now exists and extends from the north east line of the above described land easterly to the public road.

Or however otherwise the said lands may be bounded, may measure or ought to be described, together with all appurtenances thereunto belonging.

MOUNT HILL

METES AND BOUNDS

All that certain parcel or tract of land on a hill known as Mount Hill situated on St. David's Island in St. George's Parish, Bermuda, containing thirty-two one hundredths (0.32) acres, more or less bounded and described as follows, to wit:

Beginning at a point in the west line to lands of Alexander Colin Campbell corner to lands of William Fox and to lands of the Colonial Government of Bermuda; thence, along the line to lands of the said William Fox, to lands of Cecil C. O'Connor, and also to lands of the said Colonial Government of Bermuda S 59 deg 34 min 15 sec West one hundred forty and no one hundredths (140.00) feet to a point in said line; thence, through lands of the said Colonial Government of Bermuda of which the lands herein described are a

part N 25 deg 41 min 44 sec W one hundred and no one hundredths (100.00') feet to a point in said land and N 59 deg 34 min 15 sec E one hundred forty and no one hundredths (140.00') feet to a point in the line to lands of the said Colonial Government of Bermuda and to lands of the said Alexander Colin Campbell; thence, along said line S 25 deg 41 min 44 sec E one hundred and no one hundredths (100.00') feet to point of beginning.

Also the full, free and unrestricted right and liberty of way and passage, and the full, free and unrestricted right to construct, maintain and use any or all electric power, telephone and telegraph lines which may be desired over and upon two roadways which now exist, extending northerly and northwesterly from the north line to the lands hereinabove described to the public road.

Also the right to install, maintain and use any or all guy wires deemed necessary, said guy wires to extend from towers erected or to be erected on the lands hereinabove described into lands now of the Colonial Government of Bermuda adjoining on the northwest and the southwest, said guy wires not to extend over fifty (50') feet beyond the limits of the land above described and not to touch any structures now in existence on the adjoining land.

Under and subject to easement in right of way twelve (12') feet wide over and across the lands hereinabove described; said right of way being a roadway as it now exists extending from northwest to southeast across the northeast portion of said land.

CEMETERY HILL

METES AND BOUNDS

All that certain parcel or tract of land situated in St. George's Island, in the Parish of St. George, in the Islands of Bermuda containing one and thirty-five one hundredths (1.35) acres, more or less bounded and described as follows, to wit;

Beginning at a point in the line to lands of Bermuda Development Company Limited, corner to lands of the Imperial Government and also to lands of the Corporation of St. George's; thence, through lands of the said Bermuda Development Company Limited, of which the lands herein described are a part via four lines described as follows; S 65 deg 07 min 43 sec W one hundred seventy-eight and nine one hundredths (178.09') feet to a point in said land; thence, N 41 deg 05 min 13 sec W three hundred ninety-two and twenty-eight one hundredths (392.28') feet to a point in said land; thence, N 40 deg 54 min 47 sec E seventy-one and thirty-two one hundredths (71.32') feet to a point in said land; thence S 65 deg 23 min 33 sec E four hundred fifteen and ninety-eight one hundredths (415.98') feet to a point in the line to lands of the said Bermuda Development Company Limited and to lands of said Imperial Government; thence, along the line to lands of the said Imperial Government and to lands of the said Bermuda Development Company Limited via two lines described as follows; S 40 deg 18 min 05 sec W seventy-seven and forty-seven one hundredths (77.47') feet to a point and S 46 deg 43 min 17 sec E fifty one and fifty-five one hundredths (51.55') feet to point of beginning.

Also the full free and unrestricted right and liberty of way and passage, and the full free and unrestricted right to construct and maintain a road and to construct, maintain and use any or all electric power, telephone and telegraph lines as may be desired over and upon a right of way containing one hundred twenty-five one thousandths (0.125) acres more or less described as follows: to wit;

Beginning at a point, corner to lands of Bermuda Development Company Limited and to land of Imperial Government, said point being the west corner of government cemetery, thence along the line to lands of the said Imperial Government and the said Bermuda Development Company Limited S 65 deg 23 min 33 sec E two hundred eighty-eight and thirty-one hundredths (288.30) feet to a point, corner to lands of the said Imperial Govern-

ment and the said Bermuda Development Company Limited; thence, through land of the said Imperial Government of which a portion of the lands herein described are a part S 67 deg 22 min 12 sec E forty-three and twenty-seven one hundredths (43.27') feet to a point and S 89 deg 17 min 08 sec E eight and eighty-two one hundredths (8.82') feet to a point, corner to lands of the said Imperial Government and to lands of Corporation of St. George's: thence, along the line to lands of the said Corporation of St. George's and the said Imperial Government S 26 deg 10 min 58 sec E twenty and eighteen one hundredths (20.18) feet to a point in said line; thence, through lands of the said Imperial Government E 67 deg 22 min 12 sec W sixty-nine and eighty-three one hundredths (69.83') feet to a point in the line to lands of the said Imperial Government and to lands of the said Bermuda Development Company Limited; thence, along said line S 40 deg 18 min 05 sec W six and twelve one hundredths (6.12') feet to a point in said line; thence, through land of the said Bermuda Development Company Limited, of which a portion of the lands herein described are a part N 65 deg 23 min 33 sec W two hundred eighty-three and eighty-one hundredths (263.80') feet to a point in said land and N 24 deg 36 min 27 sec E sixteen (16.00') feet to point of beginning.

Plan No. B-1207 (a)

SKINNER'S HILL

METES AND BOUNDS

All that certain parcel or tract of land situated in St. David's Island, in the parish of St. George, in the Islands of Bermuda, containing ninety-three one hundredths (0.93) acres, more or less, and being bounded and described as follows, to wit:

Beginning at a point on a hill known as Skinner's Hill, in the lands of the British Imperial Government known as "Crown Land", said point being located one hundred six (106') feet, more or less, northeasterly, (measured at right angle to a straight line extending from War Department concrete boundary markers numbered 5 and 4) from a point on said line two hundred twenty-five (225') feet, more or less, south of said War Department marker No. 5: thence, from said point of beginning through lands of the said War Department via five (5) lines described as follows: N 12 deg 24 min 40 sec E one hundred fifty (150') feet to a point in said land; S 88 deg 04 min 48 sec E one hundred thirty-seven and thirty-one hundredths (137.30') feet to a point in said land; S 65 deg 19 min 15 sec E one hundred seventeen and sixty-nine one hundredths (117.69') feet to a point in said land; S 12 deg 24 min 40 sec W one hundred fifty (150') feet to a point in said land and W 77 deg 35 min 20 sec W two hundred fifty (250') feet to point of beginning.

Also the full, free and unrestricted right and liberty of way and passage and the full and free and unrestricted right to construct and maintain a road and to construct, maintain and use any or all electric power, telephone and telegraph lines which may be desired over and upon a right of way containing five one hundredths (0.05) acre, more or less, said right of way being twelve (12') feet wide and extending northwesterly a distance of one hundred fifty-five (155') feet, more or less, from the west line of the lands hereinabove described to a graded gravel road over lands of the said Imperial Government. Also the right of full and free passage and the right to construct, maintain and use any or all electric power, telephone and telegraph lines which may be desired over said gravel road northwesterly from the right of way hereinabove described to the public road. The said land and right of ways herein described being as shown on Bermuda Defense Base Plan No. B-1207 (a).

II

*The British Ambassador to the Deputy Assistant Secretary of State
for European Affairs*

BRITISH EMBASSY
WASHINGTON, D.C.

6 December 1978

Sir,

I have the honour to acknowledge your Note of 5 December 1978, which reads as follows:

[*See note I*]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note, together with its appendices, and together with the present reply, shall constitute an Agreement between the two Governments in this matter, which shall enter into force on the date of the present reply.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

[*Signed — Signé*]¹

Mr. Richard D. Vine
Department of State
Washington D.C.

¹ Signed by Peter Jay — Signé par Peter Jay.