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ATTORNEY GENERAL OF ARKANSAS

Mark Pryor

October 5, 1999

Ms. Nancy Hernreich
Deputy Assistant to the President
& Director of Oval Office Operations
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Nancy:

Enclosed is a packet of information I was recently asked to forward to the President by Michael A. Baker, President of the Searcy County Regional Water District.

As you will note from Mr. Baker's correspondence, the Searcy County Water District is having difficulty obtaining a 404 permit from the Corp of Engineers and a 401 permit from the Arkansas Department of Environmental Quality.

I would appreciate your having a member of your staff look into this matter to see if anything can be done to assist the residents of Searcy.

Thank you for your attention to this matter.

Sincerely,

Mark Pryor

10-11-99

Send to Burkhardt
for reply?

Yes

No

S.C.

September 15, 1999

President William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Mr. President,

Having served as President of the Searcy County Regional Water District for the past 8 years, I have received a tremendous amount of support from Searcy County residents and our elected officials in our efforts to obtain a source of safe drinking water for our county. However, our efforts have been severely hampered by opposition from the National Park Service, Buffalo National River. We have addressed their concerns adequately, but are still unable to obtain our 401 permit from Arkansas Department of Environmental Quality and our 404 permit from the Corp of Engineers to construct a reservoir on upper Bear Creek.

This reservoir has been determined by NRS Engineers, Texarkana, AR., Arkansas Soil & Water Commission, Natural Resources Conservation Service, Northwest Arkansas Economic Development District and others as being our best alternative to address the long term water needs of our area. The size of the impoundment is approximately 110 acres, which the National Park Service contends is larger than we need. The Water District boundaries are that of Searcy County, yet there have been inquiries from Newton, Stone, and Van Buren Counties as possibly being served by our project. I feel that, in actuality, the impoundment needs to be larger to also serve these areas.

The impoundment is 26 miles from the Buffalo National River, far in the headwaters of Bear Creek. The NPS contends that due to P.L. 92-237 (1972), they have to determine if this will affect the Buffalo National River. They have not been able to document any adverse effects. We must also consider that this source would relieve the current source, Hugh's Spring, which supplies Marshall and Leslie, the majority of the county's users. Hugh's Spring is 3/4 mile from the Buffalo National River. This would restore a historical contributor to the flow of Buffalo National River.

Our other current water sources for Searcy County are plagued with quantity and quality concerns. The rural water associations of the county publish routine warnings in the paper due to the fact that our water exceeds Arkansas State Health Department standards for radium and fluoride.

The NPS has suggested that Searcy County get water from Greers Ferry Lake in Van Buren County. We have been informed by U. S. Congressman Marion Berry's office that this is not an option for us due to existing problems with that system. It would also require us to cross the Red River, which has two documented endangered species, with transmission lines. This option brings water from the Red River Watershed into the Buffalo National River Watershed, possibly having an adverse affect on both watersheds.

As you are aware, Searcy County is a Lower Mississippi Delta Commission county, one of the poorest in the state. Any available assistance in the completion of this project is desperately needed. We have included a packet of information about our project and will eagerly provide additional documents if needed.

Sincerely

Michael A. Baker

Michael A. Baker, President
Searcy County Regional Water District
P.O. Box 307
Marshall, Arkansas 72650

Home Phone: 870-448-5779
Bus. Phone: 870-448-3336
Fax Number: 870-448-3335

tolerance



Arkansas Democrat-Gazette/KAREN E. SEGRAVE
A long Anytown leadership camp at

a really great program."

Campers will hear speeches from religious leaders and from other prominent civil rights figures, including Elizabeth Eckford and Hazel Massery, who will give their accounts of the 1957 desegregation crisis at Central High, which they experienced from opposite sides.

After a week of discussing stereotypes and their feelings about government officials — especially law enforcement officers — the campers will find out at least one counselor is the kind of person they have spent so much time discussing.

Dewana Phillips, a first-year counselor, is a Little Rock police officer.

"They won't know until then, and I really don't look the part," said the petite Phillips. "I'm sure a lot of them will be surprised when we 'unveil' our surprise."

Water district, Park Service at odds on dam

BY JULIE STEWART
SPECIAL TO THE DEMOCRAT-GAZETTE

MARSHALL — A proposal to build a dam on a tributary of the Buffalo National River pits Searcy County's need for safe drinking water against the National Park Service's mission to protect the river.

The Searcy County Regional Water District seeks state and federal permission to build an earthen dam on Bear Creek, about nine miles southwest of the county seat of Marshall.

It would be the first dam on a Buffalo tributary since Congress declared the Buffalo America's first national river in 1972.

The dam would create a nearly 100-acre reservoir. A transmission line would connect the reservoir to Marshall to allow distribution and plans call for a treatment plant to be built at the reservoir. The project is expected to cost just over \$11 million.

The Park Service opposes a federal permit for the dam. In a Sept. 29, 1997, letter to the Army Corps of Engineers, Buffalo National River Park Superintendent John D. Linahan said the Corps shouldn't issue a permit "because there has been no presentation of alternative sources of water or assessment of potential impacts to the free-flowing nature of the Buffalo National River" and associated natural resources.

Linahan wrote that the legislation establishing the national river "specifically prohibits the licensing of 'any dam, water conduit, reservoir, powerhouse, transmission line or other project works ... on or directly affecting the Buffalo National River.'"

"Construction of a reservoir within the headwaters of Bear Creek could significantly change the ecological processes within the lower reaches of this stream, and possibly the Buffalo River," Linahan wrote.

Searcy County doesn't want to



harm the Buffalo, said Michael Baker, president of the regional water district. And the district doesn't believe damming Bear Creek would hurt the river or its
See CREEK, Page 2B

14-year-old

VILLE — Danny A. Doughty, 44, of the Brake community, the husband of Teresa Young Doughty, died of cancer Tuesday, Aug. 3, 10 a.m., at the Harris Chapel. Burial services will be at 7-8 p.m. Monday at the funeral home.

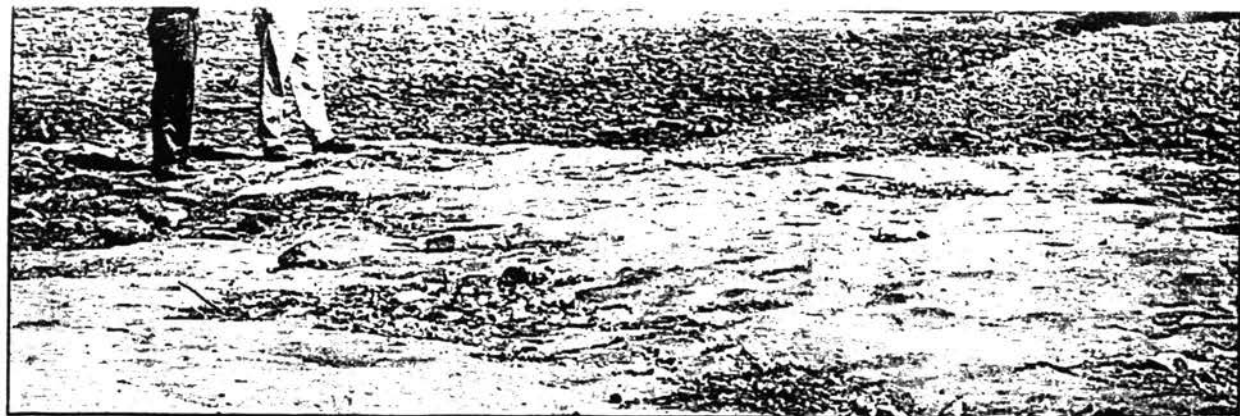
BLUFF — Alene D. Miller, 69, of Pine Bluff, died July 30, 1999, at Jefferson Regional Medical Center. She was survived by her husband, two sons and four grandchildren. Services will be at 10 a.m. Tuesday at the funeral home, Pine Bluff. Burial will be in Roselawn Cemetery.

BLUFF — Doris Rushing, 61, of Pine Bluff, died Saturday. Survivors: husband, two sons, Buck Carroll, Paul Carroll; daughters, Sandy Rushing, Megan Rushing, Hellen Ballew; sisters, Elva Lee Hill, Helen Hill; 10 grandchildren; two great-grandchildren. Services Tuesday, 10 a.m., at the Baptist Church. Fuller Funeral Home, Pine Bluff, (870) 536-8994.

PLUMERVILLE — Nila Ruth "Sadie" Huddlestone, age 68, of Plumerville, Ark., died Saturday, Aug. 28, 1999. She was born Dec. 28, 1931, in Mallett Town, Ark., a daughter of M. Mallett and Jewell Ward. Mrs. Huddlestone was a housewife, an Avon representative. She was a member of Springfield Missionary Baptist Church and a member of the Plumerville Society. Survivors include her husband, D.J. Huddlestone; sons and daughters-in-law, Tim and Brenda Huddlestone of Springfield; daughters and sons-in-law, Danny Gifford of Springfield, and Kevin Whitbey of Springfield; brother, Morse Mallett of Springfield; and one grandchild. Burial services 3 p.m. Tuesday, Aug. 3, at the Springfield Missionary Baptist Church. Bro. Harold C. Walker and Sister Allen Allen. Burial at Mallett Cemetery by Harris Funeral Home. The family will receive friends from 7:30-9 p.m. Monday, at the home. Pallbearers will be Danny Wooten, Jimmy Don Garret, Mallett, Calvin Mallett and Mallett.

— Harlie J. Dampf, 95, of Plumerville, Ark., died July 30, 1999, at his home. Burial services will be Tuesday, Aug. 3, at 2 p.m. at the First Baptist Church in Mountain View, Ark., with Pastor Jack Fendley officiating. Burial will be at the Eastlawn Cemetery in Marshall, Ark.

PLUMERVILLE — Oma Hackworth, of Russellville, died Saturday. She was the widow of Elmer Ray Hackworth, a member of Order of Eastern Star #505 of which she was a member and a member of United Methodist Travelers. Survivors include her husband, Hackworth of Jonesboro; a daughter, Barbara Horton of Russellville; grandchildren and four great-grandchildren. Burial services 10 a.m. Tuesday at Shinn Cemetery in Oakland Cemetery. Visitation 7-8 p.m. Monday at the funeral home.



Arkansas Democrat-Gazette/JIM BODENHAMER

Jeff Mays (right), secretary of the Searcy County Regional Water District, points out a gravel bar on Bear Creek, about

five miles west of Marshall, for district president Michael Baker. The district wants to build a dam on the creek.

Creek

• Continued from Page 1B watershed.

"All we want is safe water," Baker said.

He said the district has done extensive research on alternative water resources, ranking them on supply reliability, water quality, environmental impact, public acceptance, energy resources and capital cost. Research by NRS Engineering of Texarkana identifies the Bear Creek project as the best alternative.

Today, much of Searcy County relies on public wells for water, and several are contaminated with radium, a radioactive element that taints many deep-water wells in north-central Arkansas, state Department of Health Engineering Division Director Harold Seifert said.

At least three public water wells in Searcy County routinely exceed federal standards for radium, Baker said. Fluoride and radon, two other naturally occurring substances found in some deep-water wells, also pose problems.

Seifert said the federal Environmental Protection Agency will soon order states to enforce radium standards for drinking water.

"We're advising communities that, hey, in the real near future, you're going to have to do something," Seifert said. Water can be treated for radium, but it's difficult and costly to dispose of the waste water because it's radioactive.

In 1997, the water district applied to the Corps for a permit to build the dam. Under the federal Clean Water Act, the Corps is responsible for regulating the placement of dredged or filled materials in America's waters, Corps spokesman P.J. Spaul said. The district also has applied for water

quality certification from the Arkansas Department of Environmental Quality.

Baker said as the creek flows, the dam would be 24 miles from the Buffalo, and the resulting reservoir would be more like a pond than a lake.

"They're trying to control the entire watershed," he said of the Park Service.

Meanwhile, Joel Ward, Corps regulatory project manager, said the agency is taking a slow, deliberate approach — in part because of the precedent-setting nature of the Bear Creek project.

"We're going slow because we want to be careful and we want to be sure to make the right decision," Ward said.

However, Baker said the Corps moved too slow in informing the water district about the Park Service's opposition to the Bear Creek project. While Linahan's letter was dated September 1997, Baker said it was a year before the Corps told the district about the federal agency's opposition.

"There was a little bit of a problem then in our initially handling of that," Ward acknowledged. The Corps failed to give the district copies of all comments received during a public comment period, he said.

"Normally we do that real quick. We didn't that in this case," Ward said he couldn't explain the delay because the project was being handled by someone else at the time.

Baker also said the Corps didn't tell the district until this spring that it needed to apply for state water quality certification.

"They apologized and said, 'It's our fault, we should have told you.' But it didn't change the fact that it set us back a year," Baker said.

Ward said he thought the Corps talked to the district "in general terms" about the water quality certification before this year.

Again, Ward said he couldn't say what happened before he took over the project last fall. He said the Corps is not taking sides on the project.

"Our job is to weigh the benefits and the detriments of the project. We're not on anyone's side," he said. "We have to walk that fine line of weighing every factor."

Ward said he hoped the Corps would reach a decision on the Bear Creek dam permit by year's end. Spaul said the agency could issue the permit, deny the permit, or issue the permit with conditions.

Part of the Corps review includes looking at alternatives to the dam, including drilling more wells or tapping into existing reservoirs, such as Beaver Lake by building a water line to Harrison or Greers Ferry Lake via a transmission line to Clinton. Baker said the wells are bad alternative with the radium risk, and it's too expensive to build transmission lines to Harrison or Clinton.

Ward said the Corps hasn't decided whether an environmental impact statement is needed. Baker said the district would have to pay for the statement, an added cost that could threaten the entire project. "It'd be tough," he said.

The dam, to be built near the Welcome Home community, would be about 700 feet long and 107 feet high. Baker said the project would meet Searcy County's water needs for the next 50 years.

Although Marshall uses a spring for its water supply, Baker said at least two water associations that use wells contaminated with radium would immediately tap into the Bear Creek reservoir, and he expects others to follow. The city of Leslie also wants to be a customer, he said. The district also has received inquiries from parts of Newton and Stone counties about buying water.

SECTION I

SUMMARY

NRS has recommended to Searcy County Regional Water District (District) to construct a reservoir located at Dam Site C which has a yield of 3.70 MGD. The reservoir will be adequate to provide for water supply needs in excess of 50 years. The project also includes construction of 2.5 MGD treatment facility with modular expansion capability. The project includes a transmission main from the dam site to the City of Marshall to allow immediate distribution of treated water to the majority of the region. The estimated cost associated with all of the above improvements is \$11,102,181.

Seven alternative water sources were evaluated and ranked for supply reliability, water quality, public acceptance, environmental impacts, energy resources, and capital cost. The preferred alternative based on the above criteria for ranking was determined to be the Proposed Dam Site C on Bear Creek.

Preliminary geology observations of the proposed impoundment site at Dam Site C on Bear Creek appears quite feasible for the proposed dam and reservoir. The report goes on to state that further geotechnical investigations should be conducted but that no major problems would be anticipated beyond normal engineering applications.

A Phase I Cultural Resource Study, Endangered Species Survey, and Cave Survey were conducted on December 7 & 8, 1998, for the proposed Dam Site C and impoundment area on Bear Creek, Searcy County, Arkansas. The results of the studies indicated that the Dam Site C and impoundment location are recommended for archeological and endangered species habitat clearance.

Responses are provided to several comments submitted by various federal agencies and organizations concerned with protecting the water quality and environment of the Buffalo River. Most of the comments are very articulate and directed to getting the required information which would assure either that the Buffalo River would be protected or the Buffalo River would be impacted by identifiable and cumulative degradation of the water quality and environment. The best available information and reason were used to respond to the comments. Some of the comments can only be answered adequately by performing additional studies. The opinion of Searcy County Regional Water District is that the Corps of Engineers can make an adequate determination that an Environmental Impact Statement is not needed and the COE can responsibly issue a Section 404 Permit to construct the Impoundment at Dam Site C on Bear Creek based on the information provided in this report. The District supports protection of the Buffalo River National Park, and the District supports the right of residents of Searcy County to a safe and reliable water supply. The District presents Dam Site C on Bear Creek not as the perfect fit, but the best water resource alternative that can be developed within the watershed of the Buffalo River and still meet the



requirements of the enabling legislation for an impoundment. It would be fair and responsible of governing agencies and concerned organizations to allow Searcy County to have a safe and reliable water supply which would be one of the first steps for the County to recuperate economically as the proposed reservoir on Bear Creek could provide.

SECTION II

WATER SUPPLY ALTERNATIVES

A. ALTERNATIVE NO. 1 - TREATED WATER FROM HARRISON, AR

Alternative No. 1 consists of building a water main routed from Harrison to Marshall along Highway 65 as shown on the map in APPENDIX V. The cost estimate is as follows:

TABLE 1 TREATED WATER PIPED FROM HARRISON TO MARSHALL ESTIMATED COST ANALYSIS				
DESCRIPTION	QUANTITY	UNITS	UNIT COST	COST
Water Main, Valving, & Fittings	211200	LF	50	\$10,560,000
Bore w/ Steel Encasement under Buffalo River	1	LS	200000	\$200,000
Pump Station Complete	3	EA	150000	\$450,000
Legal & Land Acquisition	1	LS	100000	\$100,000
Storage & Distribution	1	LS	500000	\$500,000
SUBTOTAL				\$11,810,000
ENGINEERING & CONTINGENCIES @ (25%)				\$2,952,500
TOTAL PROJECT COST ESTIMATE				\$14,762,500

Water piped 40 miles from Harrison to Marshall is a workable alternative since the City of Harrison has surplus water capacity of 4.3 MGD. The City of

Marshall and their extended municipal customers would provide a demand of 3.7 MGD. The assumption is made that all governing authorities will provide authorization to cross the Buffalo River either attached to the Highway 65 Bridge or bored and encased underneath. Cost of construction and operation of the above alternative would be economically high in comparison to other practical solutions.

8

B. ALTERNATIVE NO. 2 - TREATED WATER FROM CLINTON, AR

Alternative No. 2 consists of building a water main routed from Clinton's Water Plant to Marshall along Highway 65 as shown on the map in APPENDIX V and estimated as follows:

TABLE 2				
TREATED WATER PIPED FROM CLINTON TO MARSHALL				
ESTIMATED COST ANALYSIS				
DESCRIPTION	QUANTITY	UNITS	UNIT COST	COST
Water Main, Valving, & Fittings	168960	LF	50	\$8,448,000
Pump Station Complete	4	EA	350000	\$1,400,000
Legal & Land Acquisition	1	LS	100000	\$100,000
Storage & Distribution	1	LS	500000	\$500,000
SUBTOTAL				\$10,448,000
ENGINEERING & CONTINGENCIES @ (25%)				\$2,612,000
TOTAL PROJECT COST ESTIMATE				\$13,060,000

Water piped 32 miles uphill from Clinton (elevation 508) to Marshall (elevation 1050) is barely a workable alternative even though the City of Clinton will have by the year 2000 a surplus water supply of 3.0 MGD. The surplus water will be available at a water rate of at least \$2.50/1000 gallons as provided by the City of Clinton's Water Department. The City of Marshall and their extended municipal

customers would provide a demand of 3.7 MGD to which the City of Clinton would meet 3.0 MGD. Construction of the pump station would require pumping against an estimated 609 feet of total head (264 psi) requiring approximately 750 horse power to feed 3.0 MGD to Marshall. Cost of construction and operation of the above alternative would be economically high in comparison to other practical solutions.

C. **ALTERNATIVE NO. 3 - DRILLING NEW WELLS**

To develop enough wells to supply the demand for Marshall would cost significantly more than constructing a surface impoundment. The assumption involved is that every well drilled produced good quality and at least 100 gpm of water. The history of the aquifers containing natural radium in excess of the Environmental Protection Agency's standards is well documented. See APPENDIX VI - NRS Letter dated October 9, 1997, and reference APPENDIX X - Water Supply Study for Searcy and Eastern Newton Counties, performed by The Arkansas Soil and Water Conservation Commission (B. Deep Wells, Pages 8 - 10).

The water supply need is based on the deficiency of the current supply and the unreliability of the source. Quality of the source is certainly questionable with excessive levels of radium and fluoride being cited by the Health Department on a regular basis. The District, however, does not desire to continue to developing a questionable water source. Numerous dry holes have been encountered in a search to expand the groundwater source. Many wells that were developed have been abandoned due to water quality problems. The cost to develop a well is at least \$200,000. At only 100 gpm per well, a cost of \$5,860,000 would be required to develop a supply equivalent to the surface impoundment which is greater than the cost of the proposed impoundment of \$4,000,000.

The appendix of the ASWCC report, page 13, provided in APPENDIX X, states that a study has been proposed by Dr. Steele of the Arkansas Water Resources Research Center which would attempt to determine the strata through which the contaminated water is entering the wells. The estimated cost to determine the radium bearing stratus as proposed by Dr. Steel is not available. The proposed project was never funded and therefore the data is not available for regional application.

Casing off radium bearing stratus will lower the well production output of the existing well and thus require additional wells to maintain or replace the lost output. Because there has not been any recorded success with casing off contaminated stratus in the project area, it is recommended to pursue a more reliable and better quality water source. For comparison purposes an estimated cost for drilling new wells and attempting to case off the radon bearing strata is as follows:

TABLE 3
DRILLING NEW WELLS
ESTIMATED COST ANALYSIS

DESCRIPTION	QUANTITY	UNITS	UNIT COST	COST
Fully Developed Well & Pump @ 100 gpm	26	EA	200000	\$5,200,000
Dry Holes Encountered (1:4)	7	EA	100000	\$700,000
Testing for Casing off of Radon Bearing Sand Strata	26	EA	10000	\$260,000
Legal & Land Acquisition	26	EA	5000	\$130,000
Chlorination Facilities	26	EA	15000	\$390,000
Storage & Distribution	26	EA	175000	\$4,550,000
SUBTOTAL				\$11,230,000
ENGINEERING & CONTINGENCIES @ (25%)				\$2,807,500
TOTAL PROJECT COST ESTIMATE				\$14,037,500

No. 5 - Impoundment at Dam Site C on Bear Creek would have the least environmental impact.

5. Energy & Resources Required

Alternatives employing mechanical treatment and large pumping facilities require the largest commitment of energy. A well with good water quality would obviously require the least amount of energy and resources for treatment. Alternative No. 5 - Impoundment at Dam Site C on Bear Creek would be able to convey its water supply by gravity being at a higher elevation plain than the City of Marshall and thus saving energy costs associated with conveyance of the treated water supply.

6. Capital Costs

TABLE 8 - ESTIMATED CAPITAL COST	
ALTERNATIVE	ESTIMATED CAPITAL COST
No. 1 - Treated Water from Harrison to Marshall	\$14,762,500
No. 2 - Treated Water from Clinton to Marshall	\$13,060,000
No. 3 - Drill New Wells	\$14,037,500
No. 4 - Treatment of Contaminated Well Water	\$15,500,000
No. 5 - Impoundment at Dam Site C on Bear Creek	\$11,102,181
No. 6 - Hughs Springs Impoundment	\$8,521,434
No. 7 - Spring Creek Impoundment	\$12,151,509

Table 8 - Estimated Capital Cost presents an economic comparison of the alternatives. On an estimated capital cost basis it can be seen that Alternative No. 6 - Hughs Spring Impoundment is the most cost effective alternative. Major factors in this low capital cost is that The City of Marshall already has an existing transmission line and pump station from the Hughs Spring Box to the City of Marshall Water Treatment Plant.

SECTION V
GEOTECHNICAL ANALYSIS FOR
THE PREFERRED ALTERNATIVE

A. GEOTECHNICAL ANALYSIS OF THE PREFERRED ALTERNATIVE

In June 1992, a geological reconnaissance of the proposed dam site was conducted by Mr. Roy Crutchfield, Geologist. Mr. Crutchfield states in his report, "the geology of the subject site appears quite feasible for the proposed dam and reservoir." The report goes on to state that further geotechnical investigations should be conducted but that no major problems would be anticipated beyond normal engineering applications. See Mr. Crutchfields report in APPENDIX III - GEOLOGICAL DATA.

SECTION VI
ARCHEOLOGICAL PHASE I SURVEY FOR
THE PREFERRED ALTERNATIVE

A. ARCHEOLOGICAL PHASE I SURVEY FOR THE PREFERRED ALTERNATIVE

Ms. Carol Spears of Spears Professional Environmental & Archeological Research Service, Inc. (SPEARS) conducted an archeological survey of the proposed dam site and small impoundment on Bear Creek in Searcy County, Arkansas on December 7-8, 1998. In SPEARS opinion, none of the sites investigated were eligible for nomination to the National Register and no additional archeological work is recommended for this site. See APPENDIX IV - ARCHEOLOGICAL SURVEY for the report.

SECTION VII
ENDANGERED SPECIES INVESTIGATION FOR
THE PREFERRED ALTERNATIVE

A. ENDANGERED SPECIES INVESTIGATION FOR THE PREFERRED ALTERNATIVE

The purpose for the endangered species investigation is based on the United States Fish & Wildlife Service notifying the Corps of Engineers that the proposed reservoir site lies within the range of two federally listed Endangered species: The Indiana Bat and the Gray Bat, and that surveys would be required to determine their presence or absence.

Field surveys were conducted by Mr. Rex Roberg of Roberg Environmental Consulting Services on December 7 and December 15, 1998. Mr. Roberg states in his report, "The extensive ground search revealed no caves, sinkholes, or cave-dwelling bat habitats whatsoever on the property." See APPENDIX V - ENDANGERED SPECIES INVESTIGATION for Mr. Roberg's report.

SECTION VIII**COMMENTS & RESPONSES****A. ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

Arkansas Department of Environmental Quality previously recognized as the Arkansas Department of Pollution Control and Ecology sent a letter dated September 17, 1997, to Colonel P.S. Morris of the Little Rock District Corps of Engineers requesting additional information to allow a decision relative to Section 401(a)(1) of the Clean Water Act to be made. See NRS letter dated 4-26-99 in APPENDIX VI - NRS CORRESPONDENCES addressed to Mr. Randall Mathis, Director, which provides the additional information requested.

B. FISH AND WILDLIFE SERVICE

The United States Department of Interior Fish and Wildlife Service sent a letter dated September 29, 1997, to Colonel Philip S. Morris of the Little Rock District Corps of Engineers with the following project recommendations:

1. *The BNR should be closely coordinated with throughout project planning and development.*
2. *Siltation, turbidity, and erosion should be controlled during all phases of construction. To this end, construction activities should be undertaken during periods of low flow with silt screens, hay bales, and other erosion control devices in place.*

3. *A plan should be developed and coordinated with the Service and Arkansas Game and Fish Commission (AGFC) to set minimum water discharge flow levels for Bear Creek.*
4. *Discharge water should be drawn from different levels of the impoundment, to regulate its temperature.*
5. *If fish are stocked in the impoundment, only species naive to the area should be introduced and AGFC should be coordinated with for advice on the selection and stocking.*
6. *If the area is timbered prior to dam construction:*
 - a. *Best Management Practices (BMP's) should be employed during timber harvesting.*
 - b. *Logging roads should be set as far away from the stream as possible or a minimum of a thirty foot buffer from the stream should be maintained.*
 - c. *Timber harvesting should be constructed during the dry season (summer) to lesson erosion, stream siltation and turbidity.*
 - d. *Some of the trees along the edge of the impoundment area should be left to create snags for birds to roost in above the water and as possible fish habitat.*
7. *In addition, the endangered gray bat (*Myotis grisescens*) is known to occur in Searcy County. This species is associated with caves. Prior to timber harvest or any construction work beginning, a survey should be made to ascertain if there are any caves in the area, and if so, if they provide a habitat*

for any listed species.

Response: The Service had no objections to the issuance of a permit provided the above recommendations were made Special Conditions of the permit. From an engineering and design point of view, all of the above recommendations can be adhered to and coordinated with the appropriate agencies for compliance. Recommendation No. 7 about the endangered bats has already been completed as provided in Section VII - ENDANGERED SPECIES INVESTIGATION FOR THE PREFERRED ALTERNATIVE which resulted in no findings of any caves or bat habitat in the proposed impoundment location on Bear Creek.

C. ARKANSAS SIERRA CLUB

The Arkansas Sierra Club sent a letter dated September 8, 1997, to Mr. Win Hargis of the Little Rock District Corps of Engineers with the following project objections and comments:

The Sierra Club requested that the COE conduct a full Environmental Impact Statement (EIS) on this project.

Response: An EIS is probably premature at this point since the information contained within this report is more likely to be adequate for the COE to determine that an EIS is not needed and proceed with issuance of a 404 permit.

1. *There is no comprehensive analysis or information provided as to the source of the radium contamination and what measures can be taken, if any, to remove or block the contamination from the existing wells and distribution system.*

Response: The above comment concerning the lack of information on the radium source is absolutely true. The study for determining the location of the radium source was proposed but never started. See Section II - WATER SUPPLY ALTERNATIVES (C) & (D) where it was determined that the development and treatment of existing and future water wells were not cost effective as well as not environmentally legal to dispose of radioactive waste in the State of Arkansas.

2. *There is no comprehensive analysis of alternative water sources for the service area.*

Response: See Section II - WATER SUPPLY ALTERNATIVES and Section III - PREFERRED ALTERNATIVE for a comprehensive analysis and determination of the most cost effective alternative.

3. *If this lake is constructed, it sets a dangerous precedent for future projects of this sort on the Buffalo National River watershed which goes against the letter and spirit of the enabling legislation.*

Response: Because Searcy County Regional Water District has taken the time and resources to employ the professional services (engineering,

summer months. It is recommended that the cumulative effects be evaluated by the collection of actual real data be made after the construction of the impoundment. With the best available information existing presently we can only speculate on the outcome. Again based on the location, watershed, and distance of the proposed impoundment on Bear Creek from the Buffalo River (over 24 miles upstream) it is reasonably anticipated that any effects would be minimum.

5. *The rather lackluster Engineering report considers only water yield feasibilities and does not list, mention, or explore potential degradating impacts to the protected resources of the Buffalo National River.*

Response: The engineering report referenced by the Sierra Club, though not all inclusive in nature to answer all questions, focused on the aspects of the proposed Impoundment on Bear Creek that were quantitative and identifiable. The report determined that a reservoir on Bear Creek at the proposed location would actually meet the goal of providing a safe, healthy, and reliable water supply for Searcy County with minimum identifiable impacts to the downstream as compared to other alternatives. Potential degradating impacts to the protected resources of the Buffalo National River have somewhat been identified and addressed the response to Comment No. 4. There are many already identified impacts to the protected resources of the

BNR which are very beneficial. One could speculate more on the potential impacts that could be beneficial as well.

6. *A drinking water reservoir is never constructed only to supply water. There is almost always an ulterior motive such as lakeside lots for real estate development or ability to engage in real estate speculation made possible by the expenditure of public money. No such cumulative analysis of the possible impacts of such unmitigated real estate development and its effects upon the protected values of the BNR have been included in this report.*

Response: The proposed Impoundment on Bear Creek will create a reservoir with a surface area of less than 100 acres. The steep slopes adjacent to the proposed reservoir would not be conducive to build on. The site is extremely remote and access to the site can be accomplished only by four-wheel drive vehicles or by more primitive means. The driving force behind the proposed Impoundment is to provide a safe, healthy, and reliable water supply to the municipalities of Searcy County whose water quality violations are well documented for excessive radium and fluoride and available as public record. Real estate development potentials are not driving the need for Impoundment here.

7. *There is no mention or analysis of the effects of an increased wastewater load on Bear Creek, already one of the most regarded tributaries to the Buffalo River, and its accompanying effects upon the protected qualities of*

the Buffalo National River.

Response: Treated wastewater discharged to Bear Creek is closely regulated and enforced by the Arkansas Department of Environmental Quality who is responsible for setting the discharge permit criteria.

8. *(Submittal of findings regarding the water quality of the BNR as reason for conducting a full EIS).*

Response: The information presented pertained to existing conditions of deterioration to the water quality. More regulated water flow can be provided by an Impoundment structure which would aid in decreasing erosion due to flood waters.

9. *There is no provisions in the dam plans for maintaining minimum flows in Bear Creek or for maintaining channel peak flows.*

Response: The proposed dam structure will be able to vary its discharge flowrate as well as draw water from different elevations for temperature control if needed. The minimum base flow was estimated based on best available information in Section IV - BEAR CREEK HYDROLOGICAL ANALYSIS FOR THE PREFERRED ALTERNATIVE of this report.

10. *There is no analysis of dam safety, potential for high runoff or the presence of karst topography.*

Response: The dam design will be in accordance with all applicable regulation and safety measures. Karst topography is not anticipated base on

preliminary geotechnical observations as referenced in Section V -
GEOTECHNICAL ANALYSIS FOR THE PREFERRED
ALTERNATIVE of this report.

11. *The impoundment could change the temperature regimes of Bear Creek and, thus, affect the ecological processes and species composition in both Bear Creek and the BNR. There is no analysis or discussion of this issue.*

Response: The proposed dam structure will be able to vary its discharge flowrate as well as draw water from different elevations for temperature control if needed.

12. *There is no discussion of the fact that the impoundment could change the movement of nutrients, sediments and aquatic biota throughout Bear Creek and the BNR.*

Response: It would be anticipated that sediments and nutrients would be captured and allowed to settle and decompose upstream of the proposed impoundment structure on Bear Creek. Less sediments and lower nutrient levels in the water leaving the reservoir could be considered a benefit to the downstream and eventually the Buffalo National River. If the movements of nutrients downstream are considered needed for the maintenance of downstream ecology, a minimum base flow from the impoundment would aid in the continuance on nutrient travel downstream

D. THE OZARK SOCIETY

The Ozark Society sent a letter dated September 3, 1997, to the Little Rock District Corps of Engineers with the following project comments:

The application does not consider alternatives that might mitigate the environmental impacts of an impoundment on Bear Creek.

Response: See Section II & Section III of this report for a discussion and a determination of the preferred alternative.

E. NATIONAL PARKS SERVICE

The United States Department of Interior National Parks Service sent a letter dated September 29, 1997, to Mr. Win Hargis of the Little Rock District Corps of Engineers opposing the issuance of a permit because there has been no presentation of alternative sources of water or assessment of potential impacts to the free-flowing nature of the Buffalo River and other associated resource values. The National Parks Service's letter also stated that if the assessments and planning steps defined in the following are performed, and the damming of Bear Creek is the preferred alternative, and if the reservoir and outflow can be constructed in such a manner as to leave the Buffalo River unimpaired, and if proper mitigation measures can be put into place to offset the cumulative and future impacts associated with development, then the National Parks Service would not be in a position to oppose the reservoir construction.

Response: A presentation of alternative water resources is evaluated in

SECTION II - WATER SUPPLY ALTERNATIVES with the determination of the Preferred Alternative presented in SECTION III - PREFERRED ALTERNATIVE. The preferred alternative was determined to be the proposed Impound at Dam Site C on Bear Creek based six different qualifications as shown in Table 9 - Ranking of Alternatives of this report.

The National Parks Service listed several other concerns as follows:

1. *Flow and Water Yield - It was determined that there is no safe yield in the Buffalo River during any season of the year. Thus, the flow in Bear Creek must be maintained if the minimum stream flow requirements for the Buffalo are to be met. Reduction in flows from Bear Creek could result in a decrease in the number of days the Buffalo River is floatable below the confluence.*

Response: The NPS's letter later stated that continuous flow data is lacking on Bear Creek which would be needed to make an actual determination of the minimum flow requirements, and peak flows of Bear Creek. The Proposed Impoundment on Bear Creek will have provisions to allow for a continuous discharge and from different depths for temperature control. An estimate of the minimum flow needed to be continually released is provided in SECTION IV - BEAR CREEK HYDROLOGICAL ANALYSIS FOR THE PREFERRED ALTERNATIVE.

Another alternative to consider is the discharge from Hughs Spring which is presently being captured and pumped at a rate of 400 gpm (0.89 cfs) to the City of Marshal. When water is supplied to the City of Marshal from the proposed impoundment on Bear Creek, the need for water from Hughs Spring will be needed less and the flow can be released. Hughs Spring flows to Brush Creek which outfalls into the Buffalo River less than 1 mile downstream from the outfall of Bear Creek into the Buffalo River. An exchange of minimum flows could easily be coordinated to allow Hughs Spring to flow to the Buffalo as a substitute for the minimum flow from the Bear Creek Impoundment. The Buffalo River would benefit much more to receive the flow from Hughs Spring which is located within 1 mile of the Park and at a greater flowrate than what would be available from the Bear Creek Impoundment. If the concern is to have enough water to be able to float your canoe, the preferred choice is to free up the water from Hughs Spring and build the Impoundment on Bear Creek in exchange.

2. *Water Quality - Quality of water is largely determined by the volume of water available for dilution. The ADPC&E uses the Q7-10 value in determining the permissible rate of waste disposal into a given stream. Flow data will also be important in making waste loading determinations. The impact of the waste water would depend on the amount of water available to dilute the*

discharged wastewater and the actual chemical, physical, and biological characteristics of the wastewater. If dam construction does result in increased development, the waste load to Marshall's sewage treatment plant could increase, and thus the volume of effluent discharged from the plant.

Response: Base flow estimations are presented in Section IV of this report. The argument that if the dam is constructed and increased development is a result which interns produces more wastewater to be treated by the City's Wastewater Treatment Plant and thus discharging more pollutants into Bear Creek can be easily regulated by the Arkansas Department of Environmental Quality. Development is a good thing when it helps the City of Marshal increase its tax base and in return afford improvements to their wastewater treatment plant which could then discharge effluent of better quality than that of Bear Creek. Searcy County is being destroyed economically because it is prevented and choked by the Buffalo River's protective legislation that is making it so difficult to develop a safe, reliable water supply from Bear Creek. See Appendix VIII - Newspaper articles about the economic drain the Buffalo River National Park has had on Searcy County by preventing the County to pursue measures that would allow it to develop. A fair balance of consideration and attention should be given to the need for a reliable water supply in Searcy County. The governing agencies involved this decision process have

as much or more responsibility to help the residents in Searcy County get a good reliable water supply as they have the responsibility to protect the Buffalo River National Park. Let's not forget about the people with a real need here.

3. *Ecological Processes - Reservoir construction could also cause changes in water temperature in downstream reaches which could further limit ecological production.*

Response: The structure will be designed to allow water to be drawn from varying depths for temperature regulation.

4. *Fluvial Geomorphic Processes - An evaluation should be made to determine what effect the reservoir would have on altering the ability of Bear Creek to produce peak flows of a magnitude which will sustain in-channel and flood plain processes. These include maintenance of gravel transport capabilities, riparian area disturbances and inundation, and channel maintaining flows.*

Response: Once the impoundment is full it can operate as plug flow during flooding periods or it could be set up to help regulate flood discharges depending on what is preferred.

5. *Dam Safety - The ratio of the watershed area to the surface area of the impoundment is about 65/1. This high ration coupled with the steep topographic nature of the area, the propensity for high intensity rainfall and large magnitude discharge, and the complete lack of geotechnical*

investigations of the proposed dam and lake site make a structure of this size potentially risky in this setting.

Response: The dam will be designed based on extensive geotechnical investigations once a permit is obtained. Early geotechnical observations are that the proposed dam site is very conducive to constructing a dam and any concerns encountered are well within engineering means of resolution. See Appendix III - Geological Data.

6. *Endangered Species*

Response: See SECTION VII - ENDANGERED SPECIES INVESTIGATION FOR THE PREFERRED ALTERNATIVE. The proposed Dam Site C on Bear Creek and reservoir have been cleared of habitats for endangered species.

7. *Precedent Setting Nature of the Proposed Action - No major reservoirs currently affect the free-flowing nature of the Buffalo River. The outcome of SCRWD efforts to secure a surface water source for municipal water could set a significant precedent for other similar decisions. Thus the cumulative impacts of additional similar projects must be examined as a portion of the over-all analysis of effects.*

Response: The intent the District is to adhere to all applicable regulations and answer all inquiries with the best present factual information available (not impact speculation) in obtaining a Section 404 Permit within the provisions that the enabling legislation allows does allow for the

construction of impoundments within the watershed of the Buffalo River National Park. Hopefully this Impoundment on Bear Creek will set a great precedence for the people of Searcy County to have a safe and reliable water supply for the betterment of their welfare and economy while still providing with negligible impacts the base flows and nutrient conveyance downstream to maintain the water quality and environmental needs of the Buffalo River.

Soil characteristics from ST 0N,0E:

0-2 cm	humus
2-40 cm	10YR3/4 dark yellowish brown silty loam

Recommendation: Prehistoric isolated find sites such as this have little research value. The historic component consists of trash that is probably from the housesite at Site 135-1 and has little research value. Site 135-2 is not eligible for nomination to the National Register. No additional archeological investigations are recommended.

SUMMARY AND RECOMMENDATIONS

In December 1998, SPEARS conducted an archeological survey for a proposed dam and 92 acre impoundment on Bear Creek in Searcy County. Two sites were found in the project area. Sites 135-1 is a multicomponent site consisting of a historic farmstead and a light density prehistoric lithic scatter. Site 135-2 is a prehistoric isolated find and historic trash scatter. Both sites do not possess significant intact deposits or features. They are not eligible for nomination to the National Register. No additional archeological work is recommended for the two sites.

Although a few small natural overhangs are located within the current project area, these landforms were shallow and did not contain evidence of prehistoric or historic activities. With the exception of nearby bluff shelters at higher elevations, very little of the project area could be considered attractive locations for any but the most specialized prehistoric activities. Most of the project area is characterized by steep slopes, rocky creek terraces, no ridgetops, and no lithic resources. While it is likely that specialized activities such as hunting or collecting have taken place in this area, artifacts from these types of temporal and seasonal sites are rare and, when present, difficult or impossible to detect (Klinger and Kandare 1984). This project area is similar to other surveys conducted on nearby tracts of land which also had low site densities (Klinger and Kandare 1984; Pheiffer and Knudsen 1992; Slay 1993; and Toole 1997).

SPEARS recommends archeological clearance for the dam site and 92 acre impoundment area surveyed on Bear Creek provided that the following stipulations are followed:

1. If the project flood pool and dam axis is changed, then additional surveys of the new areas and National Register evaluations of all sites found will be necessary. Sight alterations in the current construction limits may impact Sites 3SE190, 3SE191, and 3SE192 which are eligible for nomination to the National Register, or the Jenny Harness homestead or other sites where site significance is unknown.
2. If deeply buried cultural resources (dense scatters of stone tools) are encountered during project construction, the land disturbing activities in the immediate area will be halted and the project archeologist notified, so that the cultural resources can be evaluated for their significance.

If burials or unmarked graves are encountered during project construction, the Native American Graves Protection and Repatriation Act (NAGPRA) and the Arkansas Unmarked Grave Law (Act 753) must be followed.

3. Once the plans are finalized, other areas to be disturbed by this project such as staging areas, borrow dirt, access roads, recreation areas, pump stations, or waterline corridors across high probability areas may need to be surveyed prior to ground-disturbing activities. Any sites found should be evaluated for their eligibility for nomination to the National Register.

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Klinger, Timothy C. and Richard P. Kandare

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1984 *National Register of Historic Places Testing for Significance at Four Archeological Sites (3SE189, 3SE190, 3SE191, and 3SE192), Searcy County, Arkansas*. Mid-Continental Research Associates Report No. 84-3. Prepared for the Bureau of Land Management, Southeast District.

Laurent, Glen D., J. Sidney Lowrance, and Richard T. McCright

1992 *Soil Survey of Searcy County, Arkansas*. USDA, Soil Conservation Service and Forest Service, in cooperation with the Arkansas Agricultural Experiment Station and the USDI National Park Service.

Pheiffer, Michael A. and Gary D. Knudsen

1992 *Cultural Resource Inventory of 93063G Road Easement, Bayou Ranger District, Pope County, Arkansas*. USDA Forest Service, Ozark National Forest, Russellville, Arkansas. Report No. 92-10-03-03.

Slay, John D.

1983 *Cultural Resource Inventory of 92130A Road, Buffalo Ranger District, Searcy County, Arkansas*. USDA Forest Service, Ozark National Forest, Russellville, Arkansas.

**SEARCY COUNTY REGIONAL WATER DISTRICT
BEAR CREEK MUNICIPAL WATER RESERVOIR SITE (proposed)**

**ENDANGERED SPECIES INVESTIGATIONS
Gray bat (*Myotis grisescens*) Indiana bat (*M. sodalis*)**

Section 404 Application ID No. 13861

Prepared for:

NRS Consulting Engineers
4415 Jefferson Avenue
Texarkana, Arkansas 71854

December 18, 1998

Prepared by: Roberg Environmental Consulting Services
410 East Cricket Lane
Cabot, Arkansas 72023

INTRODUCTION

This research project was initiated as a result of the public notice process associated with a Section 404 application (ID No. 13861) by Searcy County Regional Water District to construct a municipal water supply reservoir on Bear Creek. The U.S. Fish & Wildlife Service notified the USACOE that the proposed reservoir site lies within the range of two Federally-listed Endangered Species: Indiana bat (Myotis sodalis) and Gray bat (Myotis grisescens), and that surveys would be required to determine their presence or absence.

PROJECT AREA

The Searcy County reservoir site consists of approximately 110 acres in southwestern Searcy County, about twenty-three miles southwest of Marshall (T-13-N, R-18/19-W). The topography of the area is extremely rough and mountainous, the only level land being linear tracts along ridgetops and discontinuous floodplain areas of streams in the most low-lying lands. The surface hydrology of the property is dominated by Bear Creek, which would support the impoundment in question, and which flows north off the site, eventually emptying into the Buffalo River some twenty miles north of the site. Oak-hickory is the predominant forest community, and well over 90% of the property is forested. Geological formations in the basin are sedimentary in origin with sandstone interbedded with siltstone and shale.

ENDANGERED BATS

Gray Bat

Gray bats are year-round cave inhabitants, though different caves may be used in summer and winter. Their range is concentrated in the cave regions of Arkansas, Missouri, Kentucky, Tennessee and Alabama. Present population is estimated at over 1,500,000, with only eight caves (one of which is in Arkansas) serving as hibernacula for over 95% of the known population. Gray bats hibernate primarily in deep vertical caves with large rooms acting as cold air traps. The caves are entered for hibernation in late September or early October. During summer, females congregate in maternity colonies of a few hundred to many thousands of individuals, often in large caves containing streams.

Indiana Bat

The range of the Indiana bat is in the eastern United States from Oklahoma, Iowa and Wisconsin east to Vermont and south to northwestern Florida. Distribution is associated with major cave regions and areas north of those regions. The present total population is estimated to number approximately 500,000, of which more than 85% hibernate at only six locations, none of which are in Arkansas. The largest number known to hibernate in any one Arkansas cave is about 5,000, and less than 6,000 are known to hibernate in the entire state. Hibernacula are generally large caves with open rooms where the bats will cluster. Scientific evidence indicates that during the summer, Indiana bats are widely distributed in suitable habitat (along perennial streams and lakes) throughout their range. Maternity colonies are small and utilize loose tree bark along perennial streams. No maternity colonies are known to occur in Arkansas.

METHODS

The previous brief discussion of Gray bat and Indiana bat life histories is included in this report in order to give the reader the understanding that surveys for these creatures can best be accomplished 1) after October 1 and before emergence from hibernation (usually March) and 2) in caves. With this in mind, logic dictates that the appropriate habitat (caves) must be identified on the land tract in question. To aid in the process of locating caves on the property, USGS topographical maps and enlarged engineering draft maps of the property were used. Experience has shown that bluff-lines, stretches of rock outcroppings, hollows/gullies and streambeds are the areas which are most likely to have cave formations. Benchlands adjacent to the previously described geologic formations were also surveyed for the presence of sinkholes, which often exist as part of a typical Ozark cave system. For this reason, such areas were given special attention during actual on-the-ground search, but the entire tract completely investigated. Please note that the streambeds on this property are not perennial in nature, indicating that no large solution caves exist within the watershed. Field surveys were conducted December 7 and December 15, 1998.

RESULTS

Extensive ground-search revealed no caves, sinkholes or cave-dwelling bat habitats whatsoever on the property. There are no Gray or Indiana bats, nor habitats which might sustain their existence, on the Searcy County municipal water supply reservoir property in question. This research verifies Arkansas Game & Fish Commission, Arkansas Natural Heritage Commission and U.S. Fish & Wildlife Service records regarding presence/absence of these species on this particular tract.

WATER SUBCOMMITTEE
101 E. Capitol, Suite 350
Little Rock, AR 72201
Phone: (501) 682-1611
FAX: (501) 682-3991



38
WASTEWATER
SUBCOMMITTEE
Post Office Box 8913
Little Rock, AR 72219-8913
Phone: (501) 570-2826
FAX: (501) 562-2541

State of Arkansas

WATER/WASTEWATER ADVISORY COMMITTEE

November 15, 1995

Mr. Mike Baker, President
Searcy County Regional Water District
Post Office Box 307
Marshall, Arkansas 72650

RE: Water Supply Reservoir and Treatment Plant

Dear Mr. Baker:

On November 1, 1995, the Water/Wastewater Advisory Committee (WWAC) reviewed the latest information received on the referenced project.

The advisory committee supports the project, and encourages you to obtain funding from the Rural Utilities Services (RUS) and/or the Arkansas Soil and Water Conservation Commission (ASWCC). The actual funding amounts cannot be determined at this time; but, will be developed during the regular application process to the above agencies. The Arkansas Industrial Development Commission (AIDC) is unable to provide funds for this project at present, due to Searcy County having two currently active projects. AIDC funds may be applied for after one of these projects has been closed.

Please note this approval is contingent on the following items:

1. Any construction project disturbing five or more acres must have a storm water construction permit issued by the Department of Pollution Control and Ecology. Included as a permit requirement is the development of a Storm Water Pollution Prevention Plan. For construction projects less than five acres, best management practices during construction would include erosion and sediment control measures.
2. Approval from the Water Plan Compliance must be given.
3. Submit plans to the ASWCC's Dam Permitting Section for approval. Send to Mr. Ralph Ezelle at 101 E. Capitol - Suite 350, Little Rock, AR 72201.

4. Presently, the City of Marshall's treatment facilities are near capacity. Therefore, an upgrade to the plant should be included with any proposal.

If you have any questions or comments, please contact me at 682-3974.

Sincerely,



Alan W. Johnson
Chairman, Water Subcommittee

AWJ/smb

cc: NRS Consulting Engineers
Northwest Arkansas Economic Development District
WWAC Members
The Honorable Duford Taylor, Searcy County Judge
Mr. Jerry Honey, Rural Development Specialist, Harrison
Mr. Ken Brazil, State Water Plan, ASWCC
Mr. Ralph Ezelle, Dam Permits, ASWCC



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Sandra B. Nichols, M.D., Director • Jim Guy Tucker, Governor

DEC 6 1995

November 30, 1995

Mr. James Rice, P.E.
NRS Consulting Engineers
4415 Jefferson Avenue
Texarkana, AR 75502

RE: Supplement to Preapplication for Funding and Preliminary Engineering
Report - Water Supply Reservoir & WTP
Searcy County, AR
96-9951

Dear Mr. Rice:

We have reviewed your supplemental report responding to some of our earlier comments.

We concur, in general, with the need for the project and the report with the following comments.

1. Future water needs based on 10 year, 20 year or maybe 30 year growth projections should be included in any further study on this project.
2. The letter dated July 21, 1995 from the City of Marshall states that water demands have caused their treatment plant to reach its capacity. The report did not discuss what additions or modifications to the Marshall Treatment Plant might be necessary to utilize the additional capacity from the proposed lake source. This is additional cost that needs to be considered in the debt service and for which customers need to be made aware of.

Keeping Your Hometown Healthy

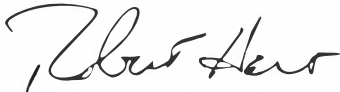
"An Equal Opportunity Employer"

Mr. James Rice, P.E.
November 30, 1995
Page 2

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3. A sanitary survey of the proposed lake site will need to be conducted by the Arkansas Department of Health.

Sincerely,



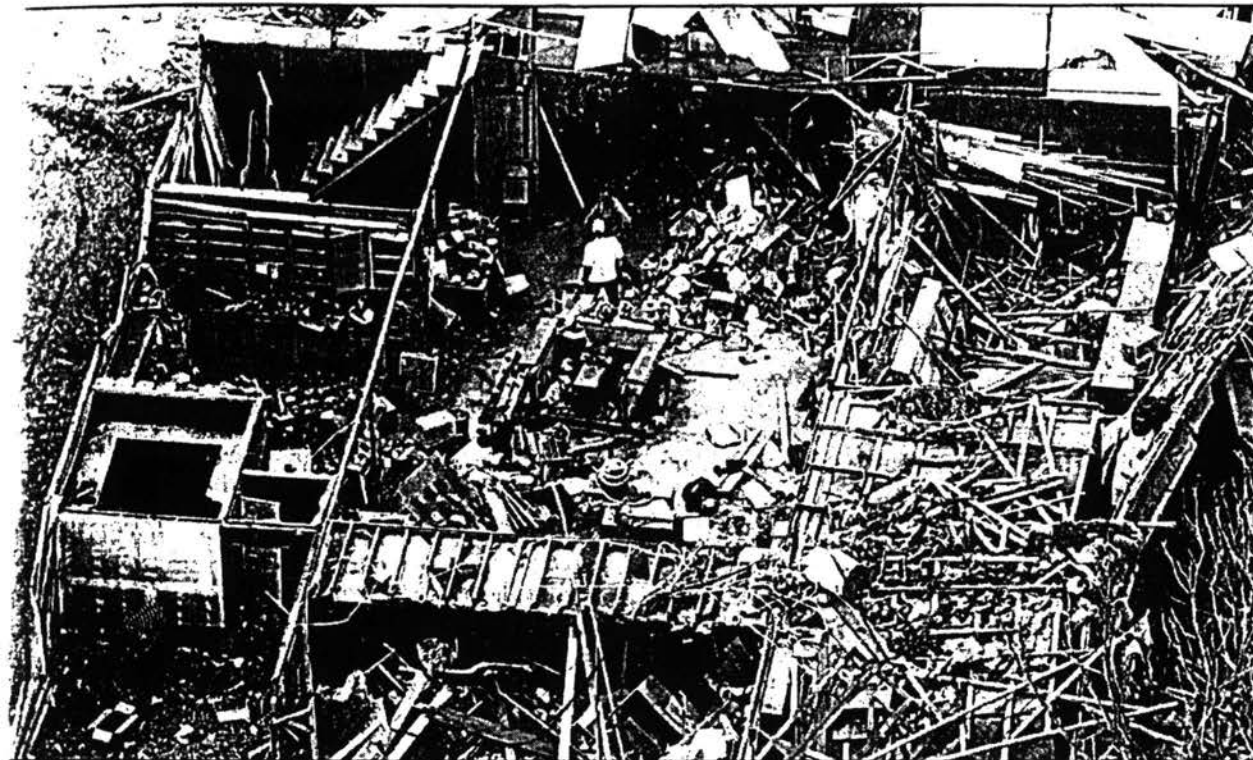
Robert Hart, P.E.
Chief Engineer
Division of Engineering

RH:MM:CP:1km

cc: Mr. Duford Taylor, Searcy Co. Judge
Mr. Burt Glenn, Mayor, City of Marshall
Mr. Alan W. Johnson, Chairman, WWC AR Soil & Water
Mr. David Meador, Soil & Water Commission

ID#5238/11-12

own residents mourn the loss



Associated Press

Three days after a tornado destroyed the Double Creek Estates subdivision near Jarrell, Texas, residents clean up Friday. A grimmer task awaits — burying the 27 dead, which

included nine children from a school. Four funerals are planned for today. Damage from the tornado was estimated at \$20 million.

Safe-water money closer to pipeline

THE ASSOCIATED PRESS

WASHINGTON — The Clinton administration is proposing parceling out \$725 million among states next year to improve deteriorating water systems and ensure safe drinking water for all Americans.

The request for fiscal 1998 money must be approved by Congress. But Vice President Gore issued a state-by-state breakdown Friday of how the administration envisions dividing the \$725 million under the Safe

Drinking Water Revolving Loan Fund.

Arkansas would get \$10,132,200 under the plan.

The top recipient of the funds would be California, with \$77 million; followed by Texas, with \$54 million; and New York, with \$45 million.

Besides Texas, the states surrounding Arkansas and their amounts: Louisiana, \$9,949,200; Mississippi, \$8,271,700; Missouri, \$9,574,900; Oklahoma, \$10,224,200; and

Tennessee, \$9,557,400.

"We can protect the public health by giving local communities the resources they need to rebuild their drinking water systems," Gore said at a White House ceremony. "It's a small investment that will pay enormous dividends."

Once provided the federal funds, states would turn around and either grant or lend the money at below-market rates to communities in need of improving their water systems.

Clean-air zealots who try to ban barbecues can be raked over coals

THE ASSOCIATED PRESS

WASHINGTON — Sure, Americans want clean air. But don't mess with their backyard barbecues.

As much a summertime tradition as baseball and the Fourth of July, barbecuing has become a smoldering target in the sizzling debate over whether to clamp down further on air pollution.

And while backyard chefs may pay little attention to statistics on smog-causing ozone and fine particulates, they perk right up when someone suggests that they may lose their outdoor grills.

And that's what some groups have been doing in radio ads, press releases and newspaper commentaries.

Only last week, the Michigan House unanimously approved a resolution telling federal bureaucrats to clean the air but "not restrict the use of barbecue grills."

"Some federal officials are proposing restrictions on the use of charcoal and gas grills used for cooking. ... [This] is an overreaction," the Michigan lawmakers fumed.

No such attack on barbecuing is actually being considered by the Environmental Protection Agency or by any other federal officials as far as anybody can determine. The proposal going through final review at the EPA and White House calls for further reducing the amount of ozone-causing chemicals in the air and for the first time

regulating microscopic soot, much of which comes from burning.

States would have to develop pollution control plans to meet new standards, in many cases over 10 to 15 years. Factories, industrial plants and coal-burning electric power plants as well as automobiles spew millions of tons of soot pollution into the air.

And some also comes from burning charcoal and the light fluids used in home barbecues.

But will millions of backyard chefs be unilaterally sent into the kitchen to meet the federal air-quality standard? Sep EPA officials, health experts, and many state environmental control officials say no way. That would amount to committing political hara-kiri over a hibachi, they suggest.

"EPA is not contemplating what we have ever contemplated — restrictions on the use of charcoal and gas grills," EPA Administrator Carol Browner wrote a congressman recently. In other words, a state or local attempt to curb barbecues would "defy common sense."

State officials also have little desire to take on the barbecue crowd.

"There are a lot of things we would look at before we went that extent," concedes Kenneth Silfven, spokesman for the Michigan Department of Environmental Quality. "Nobody's out there taking the backyard grill."

PUBLIC NOTICE

The South Mountain Water Association is a public water system subject to regulation under the federal Safe Drinking Water Act. Those regulations require the notification of customers whenever a violation occurs and is the basis for this notice. The U.S. Environmental Protection Agency sets national standards for drinking water and has established the level for combined radium 226 and 228 at 5 picoCuries per liter. The level of combined radium in this water system exceeded the maximum level, averaging 6.7 picoCuries per liter in the period Jan. thru March 1999.

Radium is a naturally occurring substance found in certain rock formations and in groundwater which comes in contact with those formations. The EPA estimates that at the current maximum level, between 0.7 and 3 cancers per year per one million population would occur for those who consume two liters of water each day for 70 years. Water with higher levels of radium would result in a proportionally higher risk.

The Arkansas Department of Health has advised the water system that there is no immediate health risk from consuming the water. Failure to meet this requirement does not mean that the water is unsafe or that alternate sources of water should be used. The water system has and will continue to monitor testing for Radium and adhere to recommendations made by the Department of Health.

Should you have questions concerning this notice, contact the water system at 448-3139, 448-3433 or 448-3603. Information can be obtained from the Department of Health on drinking water by calling the Division of Engineering at 661-2623 and on the health effects of radium by calling the Division of Epidemiology at 661-2796. Department of Health at 661-2623.

THE ANNUAL MEETING OF THE SOUTH MTN. WATER ASSOCIATION WILL BE HELD 9-14-99 AT THE SOUTH MTN. FIRE STATION FOR THE PURPOSE OF ELECTING BOARD MEMBERS AND UPDATING EVERYONE ON THE PROGRESS OF THE ASSOCIATION AND FIRE STATION.

PUBLIC NOTICE

The South Mountain Water Association is a public water system subject to regulation under the federal Safe Drinking Water Act. Those regulations require the notification of customers whenever a violation occurs and is the basis for this notice.

The U.S. Environmental Protection Agency sets national standards for drinking water and has established the level for combined radium 226 and 228 at 5 picoCuries per liter. The level of combined radium in this water system exceeded the maximum level, averaging 7 picoCuries per liter in the period April thru June 1999.

Radium is a naturally occurring substance found in certain rock formations and in groundwater which comes in contact with those formations. The EPA estimates that at the current maximum level, between 0.7 and 3 cancers per year per one million population would occur for those who consume two liters of water each day for 70 years. Water with higher levels of radium would result in a proportionally higher risk.

The Arkansas Department of Health has advised the water system that there is no immediate health risk from consuming the water. Failure to meet this requirement does not mean that the water is unsafe or that alternate sources of water should be used. The water system has and will continue to monitor testing for Radium and adhere to recommendations made by the Department of Health.

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SDM PUBLIC NOTICE
PRIMARY FLUORIDE MCL

PUBLIC NOTICE

The SDM Water Association is a public water system subject to regulation under the federal Safe Drinking Water Act. Those regulations require the notification of customers whenever a violation occurs and is the basis for this notice.

Water from this system contains naturally occurring fluoride. Federal regulations set a maximum level of fluoride in drinking water at 4.0 milligrams per liter. Exposure to drinking water levels above 4.0 milligrams per liter for many years may result in some cases of skeletal fluorosis, which is a serious bone disorder.

The U.S. Environmental Protection Agency sets national standards for drinking water and has established the maximum level for fluoride at 2.0 to 4.0 milligrams per liter. The fluoride in this water system exceeded the maximum level, averaging 5.0 milligrams per liter in the period January through March, 1997.

Fluoride levels of approximately 1 milligram per liter have been shown to reduce the number of dental cavities, particularly in children. However, some children exposed to levels of fluoride greater than about 2.0 milligrams per liter may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining or pitting of the permanent teeth.

Dental fluorosis occurs only when developing teeth (before they erupt from the gum) are exposed to elevated fluoride levels. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

The water system can lower the concentration of fluoride through treatment so the benefits of cavity prevention can still be received while the possibility of stained and pitted teeth is minimized. However, this type of treatment may increase the cost of water. Treatment systems are also available for home use. Low fluoride bottled water is also commercially available.

Should you have questions concerning this notice, contact the water system at 448-3979 or the Division of Engineering of the Department of Health at 661-2623.

SDM WATER ASSOCIATION
May 12, 1997

SDM PUBLIC NOTICE
RADIUM MCL

PUBLIC NOTICE

The SDM Water Association is a public water system subject to regulation under the federal Safe Drinking Water Act. Those regulations require the notification of customer whenever a violation occurs and is the basis for this notice.

The U.S. Environmental Protection Agency sets national standards for drinking water and has established the level for combined radium 226 and 228 at 5 picoCuries per liter. The level of combined radium in this water system exceeded the maximum level, averaging 7.68 picoCuries per liter in the period January thru March, 1997.

Radium is a naturally occurring substance found in certain rock formations and in groundwater which comes in contact with those formations. The EPA estimates that at the current maximum level, between 0.7 and 3 cancers per year per one million population would occur for those who consume two liters of water each day for 70 years. Water with higher levels of radium would result in a proportionally higher risk.

The Arkansas Department of Health has advised the water system that there is no immediate health risk from consuming the water. Failure to meet this requirement does not mean that the water is unsafe or that alternate sources of water should be used. The water system has and will continue to monitor testing for Radium and adhere to recommendations made by the Department of Health.

Should you have questions concerning this notice, contact the water system at 448-3979. Information can be obtained from the Department of Health on drinking water by calling the Division of Engineering at 661-2623 and on the health effect of radium by calling the Division of Epidemiology at 661-2796. Department of Health at 661-2623.

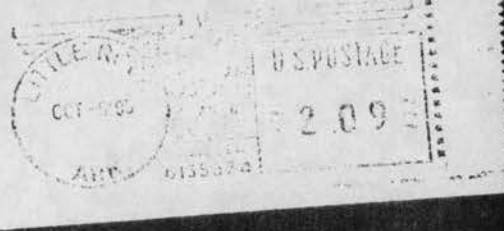
SDM WATER ASSOCIATION
May 12, 1997



Mark Pryor
Attorney General

From The
OFFICE OF THE ATTORNEY GENERAL
323 Center Street, Suite 200
Little Rock, Arkansas 72201-2610

Ms. Nancy Hernreich
Deputy Assistant to the President
& Director of Oval Office Operations
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500



MSSS

10-11-99

This copy
does not include
the confidential
attachment.
S.C.

THE PRESIDENT HAS SEEN

10-11-99

Podesta
fig. - wrote nothing
too wrong - [redacted] in
will to [redacted]
[redacted]

Copied
Podesta

Producty
worth reading
RC



The President
Deputy Secretary of State

Sept 1 1995

Chief -
Here's a speech I gave
recently attempting to put our
Kosovo policy in historical context.
Too bad I can't send a copy to
Woodrow Wilson! Steve



CHIEF OF STAFF TO THE PRESIDENT

Send to
STAFF see.
JOP

THE BALKAN QUESTION AND THE EUROPEAN ANSWER

BY STROBE TALBOTT

DEPUTY SECRETARY OF STATE

August 24, 1999

The Aspen Institute,
Aspen, Colorado

Thank you Elmer [Johnson] for that introduction, and thanks, too, for taking on the presidency of the Aspen Institute, which has done so much, over the years, to encourage discussion on the world's toughest problems. In that spirit, I'd like to talk to you this evening about the Balkans, about why that corner of Europe has been so troubled and what's at stake there for Americans as well as Europeans.

Let me start with a set of questions. They go to the heart of what's happening today in Bosnia and Kosovo but they also resonate through history and around the world. These are questions that have never been answered with total clarity and permanence, either in theory or in practice. Moreover, the attempt to answer them has been, over the centuries, more or less constant source of war.

The questions are these: What exactly is a nation? What is a state? When does a nation *become* a state, and what allows it to survive as such? What are the economies of scale, the natural boundaries that make a piece of real estate viable as a sovereign country? What, indeed, *is* sovereignty, and what are its limits? At issue here is not just geography but also anthropology — that is, the mystery of human behavior. How similar — and in what ways similar — must the inhabitants of a certain territory be to feel that they have a common identity, a common destiny and, often, a common vulnerability?

There is, of course, an American answer to this cluster of questions, and it goes like this: a state should let its people choose their leaders through elections; it should derive strength and cohesion from the diversity of its population; and it should protect the rights of minorities, especially those of the ultimate minority — the individual

citizen. In short, to be successful and strong, to survive and prosper, a state should be a liberal democracy. Of course, we Americans have had plenty of arguments among ourselves about what that phrase — liberal democracy — actually means. Yet the pursuit of that ideal has been at the core not just of our domestic politics but of our foreign policy as well.

We have promoted and defended democracy in other lands not so much out of missionary zeal as out of self-interest: we have conducted our diplomacy, and sometimes our military exertions as well, on the premise that the way foreign leaders behave within their own borders has a direct bearing on the way they will behave toward other countries, including our own. States that protect the rights of minorities on their own territory are more likely to respect the independence of other nations. Conversely, a regime that relies on force in dealing with its own people is predisposed to commit aggression against its neighbors, and that, in turn, may require the military intervention of the United States.

It has been in response to that sort of threat that we have sent American troops across the Atlantic five times in eight decades: twice in world wars, once in the cold war, and twice more since the end of the cold war, first in Bosnia, then in Kosovo. In a sense it's appropriate that Europe has been the principal testing ground for the proposition that the defense of American strategic interests requires the defense of American political values — and vice versa. Europe, after all, is the birthplace of the Enlightenment and thus a critical source of much of our own political culture. But Europe has also been the scene of a protracted and often harrowing struggle between the forces of liberalism and tyranny.

In much of central and eastern Europe, until very recently, tyranny has had the upper hand in that struggle. That has been especially true in the Balkans. The people of that region began this century in the twilight of imperialism. The more empire faltered, the more its rulers resorted to repression, and the more their subjects sought to assert national identity as a prelude to nationhood itself. Nationalism, in other words, was synonymous with liberation.

The Serbs were the prime example. They broke free of Ottoman rule in 1878 and established their own state. In the Balkan Wars of 1912 and 1913, Serbia went to war against the Ottoman empire in its decrepitude. Then, a year later, a Serb nationalist, Gavrilo Princip, struck a blow against the other imperial power in the region, the Habsburgs. What started as the Third Balkan War quickly escalated into the First World War, which was also the first of the five times that the U.S. dispatched troops to Europe.

Two catch phrases emerged from that manifestation of America's emergence as a world power: one was the vow to "make the world safe for democracy," and the other was the conviction that a stable, democratic peace should be based on "self-determination" for the nations liberated from imperialism. Those mottoes — indelibly and rightly associated with Woodrow Wilson — have generated quite a bit of controversy over the years, both in the U.S. and around the world.

They have recently figured prominently in the debate over America's intervention in the Fourth Balkan War of this century — the one that began with the breakup of Yugoslavia in 1991 and that ended a little over two months ago on June 10th, when NATO formally suspended its bombing campaign. "Making the world safe for democracy" is simplistic, of course, as all slogans are; but it actually stands up pretty well, as long as we understand what it does — and doesn't — mean. It *doesn't* mean that Uncle Sam dons a suit of armor, grabs a lance and sallies forth to slay every antidemocratic dragon in sight; it *doesn't* mean resorting to force to impose liberal democracy on everyone everywhere. But here's what it *does* mean: it means we have, at certain key times and places, been willing and able to oppose, deter and, if necessary, defeat antidemocratic regimes when they have threatened other states that were trying to establish themselves on the principles of liberal democracy. That has been a consistent theme in America's commitment to the security of Europe from World War One right through our current engagement in Bosnia and Kosovo.

Now let me turn to that other highly charged watchword of Wilsonianism: "self-determination." How to translate that phrase into practice — and into peace — was one of the challenges at Versailles 80 years ago, just as it was at Rambouillet six months ago, and just as it is in Sarajevo and Priština today. At Versailles, self-determination

meant the dismantlement of empire and the formation of a whole cluster of new nation-states.

4 Nation-states have been a venerable fixture in Europe since the mid-17th century, when the Treaty of Westphalia broke up the Holy Roman Empire and established a country called France for the French and a country called Sweden for the Swedes. In theory at least, a nation-state is as homogenous and harmonious as an empire is heterogeneous and roiling with frustrated national aspirations. However, a pure nation-state doesn't exist in nature, since the ethnographic map never coincides with the political one. That is especially true in the Balkans.

Partly for that reason, the map-makers at Versailles created a single home for three groups of so-called South Slavs: the Serbs, the Croats and the Slovenes. The very inclusiveness of Yugoslavia might, over time, have made it an improvement on the older, Westphalian generation of mono-ethnic nation-states. However, that was not to be because of what was happening elsewhere on the continent.

During a formative period in Yugoslavia's development, Europe as a whole resembled a musty, sprawling laboratory in the basement of a gothic castle, where mad scientists were experimenting with competing yet similar political monstrosities — two in particular: fascism and communism. Both were dictatorial in their internal order and predatory in their external behavior. Both required the armed intervention of the United States. And both took a heavy toll on Yugoslavia as it defined for itself those problematic words "nation" and "state."

Yugoslavia suffered a double dose of fascism under to the Nazi occupation and the Ustashe reign in Croatia. Then, with no time to recover from those horrors, it fell under communism. As result, Yugoslavia entered the second half of the century without any ideology for binding together its constituent nationalities beyond an authoritarian and artificial one that was imposed, and strictly enforced, by the central government.

When my wife Brooke and I lived in Belgrade in the early '70s, we often heard it said that Yugoslavia consisted of six republics, five nationalities, four languages, three religions, two alphabets and one Tito. When it lost that last, unifying attribute in 1980, things fell apart; the center would not hold. Communism, already desiccated and

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discredited, gave way to the most malignant species of nationalism; party hacks who were good at mouthing the internationalist slogans about the solidarity of the working class morphed, almost overnight, into hate-mongering jingoists.

Serbia, while by no means the only offender in this regard, was the best armed and, therefore, the most offensive. Its leaders mobilized their kinsmen in neighboring lands on behalf of the dream of Greater Serbia, which, of course, was a nightmare for everyone else in the region. Within its own borders, the Serbian regime repressed and often killed non-Serbs, especially Kosovo Albanians. Irredentism abroad and ethnic cleansing at home were part and parcel of the same policy: the drive to define and expand Serbian statehood in terms of Serb nationality.

Thus an evil — and that's the only word for it — that we thought had been expunged by the middle of the century made a stunning comeback at the end. The international response to that comeback was not as timely as any of us would have wished. But when it came, it was, at least, not too late. This time, thanks to the revolution in global communications, it was much harder to avert our gaze from what Chamberlain and others had dismissed in 1938 as trouble in “faraway countries” of which “we know nothing.”

This time we knew a lot about the trouble in question, and we knew that such trouble tends first to fester, then to escalate in ferocity and scope until only forceful intervention will bring it to a halt. Also, unlike in the '30s, this time the transatlantic community had both the political will and the military means to meet the challenge before it got completely out of hand. The institutional mechanisms were NATO, the OSCE, the EU and the UN. These organizations, all of which came into being after — and because of — World War Two, have different but overlapping memberships; they have different but mutually reinforcing missions. In Europe at least, they have been able to make common cause in enforcing a vital principle: national leaderships must not be allowed to define national interests or national identity in a way that leads to crimes against humanity and threats to international peace.

That principle was applied, belatedly but nonetheless decisively, in the way that we, and others, stepped in and ended the Fourth Balkan War. Now we're deep into the

no less difficult task of imposing a Balkan peace. It involves dealing, day-in and day-out, with die-hards and vengeance-seekers in Bosnia-Herzegovina and Kosovo. It also involves working to establish in both those places the basis for viable political arrangements — arrangements that take account of the violence and the divisions that have occurred in the recent past, while at the same time guarding against the danger that they will recur.

This means trying to find new answers to those old questions about nationhood, statehood, democracy and self-determination that have vexed Europe, and especially the Balkans, for the past hundred years. A few words on what that challenge means in each case. In Bosnia-Herzegovina, our goal there is to give all citizens reason to feel that they belong to a single state. That means thwarting those who would like to split Bosnia-Herzegovina into three parts —in other words, those recidivists, if I can put it that way, who would like to refight the war of 1991 through 1995 by other means.

Partition in Bosnia-Herzegovina would be a multiple disaster: it would play right into the hands of advocates of Greater Serbia and Greater Croatia; it would result in a Muslim, or Bosniak, rump state that would be barely viable economically and existentially insecure, since it would be at the mercy of its larger and exceedingly unfriendly neighbors. That's why we must continue to bolster Sarajevo's role as the capital of the country.

In Kosovo, our task is different in one obvious respect: we have suspended Belgrade's powers as the administering authority over the province. But that does not mean we support Kosovo's independence. Quite the contrary, we feel that secession would give heart to separatists and irredentists of every stripe elsewhere in the region. Most of all, secession would encourage proponents of Greater Albania — a single state stretching across the Balkan peninsula from Albania proper to northwestern Macedonia, with its own sizable ethnic Albanian population. Greater Albania would be no less anathema to regional peace and stability than Greater Serbia.

In this regard, Macedonia deserves special care and attention. It's a brave, young independent state that has made a real and promising effort at establishing multi-ethnic democracy and thus, so far, in escaping the worst pitfalls of the nation-state. If Kosovo

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were to become a catalyst for Albanian nationalism throughout the region, Macedonia would probably disappear from the map, and violently so.

So there is a common denominator in our two principal ventures in the Balkans: in both Bosnia and Kosovo, we stepped in not only to stop the slaughter of human beings, but also to stop the violent dismemberment of states. In the case of Bosnia-Herzegovina, there is reason for cautious optimism. The leaders of all the communities there have subscribed to the basic outlines of a single state. They have started to put in place common institutions that embrace both the Serb entity, Republica Srpska, and the Muslim-Croat one, the Federation. Bosnia-Herzegovina now has a flag, a common currency, a common license plate — all steps in the right direction, although with a long way to go.

Kosovo is a much harder case, and not just because the war there ended only 75 days ago. The overwhelming majority of the ethnic Albanians want out of Yugoslavia, pure and simple. If they were complete masters of their own fate, they would be independent. As it happens, today Kosovo is a ward of the international community; it goes about the business of rebuilding itself under the day-in, day-out protection and supervision by a consortium of global and regional organizations. The ultimate status of Kosovo is a question for the future.

If the people who live there are ever going to settle for some form of self-governing autonomy short of total independence, it will only be if Serbia itself changes profoundly. It will only be if Serbia frees itself from the tyranny and barbarism personified by Milošević. It will only be if the people of Serbia foster the conditions in which they and the people of Kosovo can, once again, live with each other — not in the context of the old Yugoslavia but in the context of a new Europe.

That brings me to the good news about European politics in the second half of the 20th century. After World War Two, two trends have reinforced each other. One is that all successful modern European states — whether unitary ones like Great Britain, federal ones like Germany, or confederal ones like Switzerland — have defined statehood in a way that encourages majorities and minorities to prosper together. That's because in those countries, the norms of society, politics and economics all conspire to

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make cooperation across ethnic lines *itself* a norm. The effect is to soften ethnic competition and make it less relevant to everyday life.

The second trend has been the emergence in Western Europe of a concert of liberal democracies under the aegis of the European Union; the treaties of Westphalia and Versailles are giving way to those of Maastricht and Amsterdam. The old system of nation-states — each sovereign in its exercise of supreme, absolute and permanent authority — is giving way to a new system in which nations feel secure enough in their identities and in their neighborhoods to make a virtue out of their dependence on one another.

This means pooling sovereignty in certain areas of governance and, in other areas, granting greater autonomy to regions. It means simultaneously relinquishing some powers upward and devolving others downward. On those matters where borders have become an obstacle to efficiency and prosperity, such as commercial activity and monetary policy, much of Europe is investing authority in supranational bodies. The euro is only the most dramatic example.

On other matters, where communal identities and sensitivities are at stake, such as language and education, central governments are transferring power to local authorities. For example, there is still a country in Europe today called Spain, but within its borders is an entity that calls itself the state of Catalonia, where Catalan is the official language and Spanish is taught as an elective. The German *lander* — from Bavaria to Schleswig-Holstein — have taken control of affairs that once resided in the national capital. In Britain, the Blair government has sanctioned the establishment of parliaments in Scotland and Wales, thereby, however paradoxical it may seem, actually making the United Kingdom more united, because the institutions of governance are more accommodating of the national communities that make up the state.

In this fashion, Europe is managing and sublimating the forces that might otherwise trigger civil strife and conflict across borders — that is, precisely the forces that have so devastated the Balkans and threatened the peace of Europe as a whole. As the most multi-ethnic of the Balkan states, Yugoslavia would have especially benefited from those trends that have characterized West European politics these past several

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decades: the opening of borders, the opening of societies, the protection of minorities, the empowerment of regions and the pursuit of trans-national cooperation.

But since Yugoslavia was largely cut off from the European mainstream, its multi-ethnic character became a curse: deprived of inducements for integration, Yugoslavia fell victim to *disintegration*. With the end of the fourth Balkan war, now we have an opportunity to bring the fragments of the old Yugoslavia, along with other countries that are emerging from the wreckage of communism, into the orbit of those innovations in national identity and international relations that Western Europe is putting in place. Or, to put the point in Wilsonian terms, we have an opportunity to make the entire continent safe for democracy, thereby creating an environment in which self-determination can flourish without requiring the proliferation of ethnically based micro-states.

Taking advantage of that opportunity is first and foremost a challenge for the Europeans in general and for the European Union in particular. But it is also a challenge for us. Five times in this century the United States has had to help Europe save itself from the consequences of political experiments gone catastrophically awry. Each time our intervention has been crucial; each time it has made possible yet another chance for peace.

Now, finally, there is an experiment underway in the laboratory of European politics that is going *right*, an experiment that carries with it the promise that the 21st century might truly be an improvement on the 20th, an experiment that coincides with our own political and civic values and therefore with our own vital strategic interests. That's why we must do everything we can to help the Europeans to succeed, for our sake as well as their own.