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Tuesday, October 19, 1999 [1]

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DAN - 10-19-79
WHAT DO YOU
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Dear Mr. Cunniff,

Your name is Jason Cunniff and I am a 21-year-old senior here at Davidson College in North Carolina.

I have come to admire and respect you deeply for the integrity with which you have conducted yourself throughout this so-called impeachment affair. Thank you on behalf of the entire nation.

I am currently debating between majoring in either US History or political science here at Davidson, with an eye towards law school and perhaps even a career in the political arena.

I was wondering if you might please have any advice for me in such career goals?

I am also eager to hear your answer to the following questions — how do you feel history will judge the Clinton administration?

What has been your best day as a member of Clinton's administration?

Could you please sign
the enclosed letter for
me? But if there
is anything else you could
please send me, such
as an autographed
photo, a signed business
card, or a letter
answering my previous
questions, it would be
greatly appreciated.

Finally might you please be able
to find a way to get
President Clinton to authentically
sign and inscribe a photo
to me of himself with his family?
I admire him so much
but when I wrote to him at
the White House all I
received was a photo signed
by an autopen machine. ☹

Thank You Very Much!

Jason Keese
PO Box 4155
Davidson, NC

28036

Sincerely,

Jason Keese

Jason Reese
PO Box 4138
Dorchester, NC
28036

Personal

Please Forward

Mrs Betty Currie
to White House

1600 Pennsylvania Ave NW

Washington



My Beloved



Jason Reese

Po Box 4138

Davidson, NC 28036

THE LAW OFFICES OF
FRANK L. BRANSON, P.C.

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October 14, 1999

FRANK L. BRANSON
DEBBIE DUDLEY BRANSON
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JERRY M. WHITE
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THOMAS J. FARMER
CHARLES E. MOODY

*cc Bruce
Bob Nash
Stephanie S.*
OF COUNSEL
TED Z. ROBERTSON
J. HADLEY EDGAR, JR.

*4/3 - congrats
Do letter to SS
refer to book
to book
into*

President Bill Clinton
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500-2000

Dear Mr. President:

I understand that you're going to be in Texas on December 10 or 11 for the DCCC. Matt Angle and I are working out the details of how we can maximize the fundraising from your trip for both the DCCC and the Legislative Victory Fund for our State House and Senate races. I am on a *mission* to ensure that we keep the House and take back the one seat we need in the Senate to have a majority there, too. My financial goals are lofty!

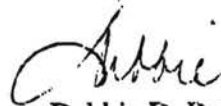
Also, on the 10th I will be anointed, invested, sworn in or at, as the new President of the Texas Trial Lawyers Association. I cannot tell you what it would mean to me personally and to our group to be able to coordinate your Texas visit, the fundraising, and an appearance by you among big contributors from TTLA.

In the meantime, I'm waiting on information from Bob Nash in an attempt to bring some closure to the ideas we've bounced around.

Once you have a better idea of your plans for Texas in December, I'd love to have an opportunity to visit with you further about my ideas.

In the meantime, please give the First Lady a hug and keep her headed toward these lofty, ambitious goals. It's good for all of us!

Sincerely,



Debbie D. Branson

DDB\dh

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FAX COVER SHEET

October 14, 1999

To: Nancy Herrnreich

Of: The White House

Fax Number: 202/456-6703

From: Debbie Branson

RE: Please deliver the attached letter to the President. Thanks for your help.!

Number of Pages including this cover: 2

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Debbie D. Branson
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THE PRESIDENT HAS SEEN
TEL: (203) 336-9999 10-19-99 FAX: (203) 336-9852
TEL: (203) 333-6961

THE BRIDGE ACADEMY

FELIPE REINOSO
DIRECTOR

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BRIDGEPORT, CONNECTICUT 06608
felipereinoso@hotmail.com

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Hennrich
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Rodriguez

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THE PRESIDENT HAS SEEN

PROJECT
AZ

AIDS PROJECT ARIZONA

10-19-99

MACLOVIA ZEPEDA

La Zona Hispana/WomenAware! Outreach Specialist
admapaz@apaz.org

1427 North Third Street, Suite 125, Phoenix, AZ 85004
602-253-2437 Fax 602-253-5577

San. Bernadino
Counseling

Bertha / 739.7133

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Echaveste
Podesta*

3005 45th Street, NW
Washington, DC 20016
202-244-4555
202-237-0092 fax

From the Desk of
Ronald I. Dozoretz, MD

THE PRESIDENT HAS SEEN
10-19-99

Fax

To: Nancy Hemreich

From: Karen Skeeter for Dr. Ron Dozoretz

Fax: 202-456-6703

Pages: 2

Phone: 202-456-6610

Date: 10/18/99

Re: Attached Article

CC:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

✓
Dear Nancy:

Dr. Dozoretz wants to make sure that the President sees this article. If you have any questions, please feel free to reach Dr. Dozoretz at 757-459-5126.

Thank you for your assistance.

Karen Skeeter
Karen Skeeter

10-19-99

To Burkhardt for letters?

Yes ✓ No —

B.

*To try to Ron D
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FRIDAY, OCTOBER 15, 1999

New Home Follows President's Visit

BY DAVID HENDEE
WORLD-HERALD STAFF WRITER

Pine Ridge, S.D. — Not long ago, Geraldine Blue Bird was taking drinking water from a toilet tank.

She and an extended family of 27 shared five rooms in a dilapidated house and run-down trailer in one of Pine Ridge's bluest corners.

Then President Clinton came calling.

Next week, Blue Bird takes delivery of a manufactured house thanks to the generosity of a stranger who learned of her plight while watching a movie with Clinton at the White House.

The benefactor is Dr. Ronald I.

Dozoretz, a Washington, D.C., psychiatrist who is chairman of FHC Health Systems, a friend of the president's whose wife is the Democratic Party's chief fund-raiser.

Turning Dozoretz's philanthropy into reality has been a moving experience, said Dennis Mohatt of Lincoln, who has handled the logistics of the gift on Dozoretz's behalf.

Mohatt is western regional vice president of Alternative Behavioral Systems, the arm of Dozoretz's company that runs psychiatric hospitals and group homes. He is a former deputy director of the Nebraska

Department of Health and Human Services.

"We sat on her porch — the same deck the president sat on — and she wept and I wept," Mohatt said. "She was so moved it sent shivers up and down my spine."

Blue Bird, who is in her mid-40s, will be receiving a new 28-foot-by-60-foot double-wide manufactured home. It has four bedrooms, two bathrooms and a furnished kitchen. It is scheduled to be placed adjacent to Blue Bird's existing house Wednesday.

"At one point Geraldine needed a
See BLUE BIRD Page 20

BLUE BIRD

Clinton's Hostess Receiving A New House

Continued from Page 19

Kleenex and, of course, they don't have Kleenex," Mohatt said. "So they brought her out an old towel and she cried, and we joked that she might need a shower."

Blue Bird chose the floor plan, curtains, vinyl carpet and the color of the siding, shingles and shingles.

A Virginia company donated furniture for the dwelling. Mohatt loaded it into a 26-foot U-Haul truck and drove it to a temporary storage center until it can be moved into the house.

"As a mental health professional, it was pretty exciting to watch someone who was so down come to life and jump up about eight rings on the hierarchy of needs," Mohatt said.

Mohatt said he wondered if Blue Bird's neighbors would turn jealous of her good fortune, but most have been supportive.

"My hope is that other people will

reach out and help as well," Mohatt said. "Anything helps. People can make a difference."

What color did Blue Bird select for the house? Blue.

THE PRESIDENT HAS SEEN

10-19-99

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BC

Drug May Be Cause of Veterans' Illnesses

Pentagon Survey Links Gulf War Syndrome to Nerve-Gas Antidote

By STEVEN LEE MYERS

WASHINGTON, Oct. 18 — A scientific survey underwritten by the Pentagon has concluded that an experimental drug given to American troops during the Persian Gulf war to protect against a nerve gas may be responsible for the chronic illnesses afflicting tens of thousands of veterans.

The report, to be released at a news conference on Tuesday, is the first commissioned by the Pentagon to identify a possible cause for the illnesses, which have collectively come to be known as gulf war syndrome. It sharply contradicts two earlier Government studies — by a Presidential commission and by the Institute of Medicine — that ruled out the drug as a cause.

The drug, pyridostigmine bromide, or P.B., was distributed to 250,000 to 300,000 of the nearly 700,000 American troops sent to the Persian Gulf in 1990 and 1991 as a "pretreatment" for potential Iraqi attacks with the nerve agent soman. While the drug has been used since 1955 to treat a rare neurological disorder, its use as an antidote to soman is still regarded as experimental.

More than 100,000 veterans have reported experiencing symptoms associated with gulf war syndrome, including chronic fatigue, muscle pain, memory loss and sleep disorders. But because of the Pentagon's acknowledged shoddy record keeping in the war, it may be impossible to know how many of those took the drug and in what quantities.

After years in which the Pentagon has systematically discounted possible explanations for the ailments, including stress, exposure to oil-well fires and depleted uranium used in American bombs, the report is something of a breakthrough.

Wary of the reaction of veterans' groups and their supporters in Congress, Pentagon officials today played down the findings of the survey, which was conducted over two years by the Rand Corporation, a nonprofit research organization financed by the Defense Department.

"This is not a Eureka," said Dr. Sue Bailey, a physician who is the Assistant Secretary of Defense for Health Affairs. Dr. Bailey and other officials said they accepted the report's findings but added that more studies were needed before a direct scientific link could be established. They also said the Pentagon would continue to keep the drug in its arsenal of vaccinations and antidotes

for troops who might face attacks with chemical and biological weapons, even though the survey's conclusions also raise questions about its effectiveness against soman.

The report, which runs 385 pages and was written by Dr. Beatrice Alexandra Golomb, is based on the findings of scores of medical studies on pyridostigmine bromide. Dr. Golomb is a professor at the University of California at San Diego and a physician at the Veterans Affairs medical center in San Diego.

Her report cites studies that have linked the drug to side effects similar to those experienced by some veterans. One study, by Hebrew University in Israel, linked the drug to neurological disorders in mice. Another, by the University of Texas and Duke University, concluded that when mixed with other chemicals it could cause nerve damage.

Dr. Golomb's report goes on to suggest that the drug's short-term

research into the drug's effects.

Dr. Bernard D. Rostker, the Under Secretary of the Army who is the Pentagon's senior official overseeing gulf war illnesses, said the Pentagon had strongly supported several studies on pyridostigmine bromide, including Rand's, because of those concerns. He said the Pentagon was already spending \$20 million on additional research into the possible links considered in Rand's report.

"That does not mean we have made a direct relationship between the two," he said, referring to the drug and the syndrome. "It means we don't have enough information."

The initial reaction on Capitol Hill was harsh. Representative Christopher Shays, a Connecticut Republican who is one of the most outspoken critics of the Pentagon's handling of the issue, accused the Pentagon of moving slowly to study the drug and of "restating the obvious need for aggressive research."

"The sad news is how little has been learned in eight years about organophosphate poisoning and the delayed neuropathies that appear to play a role in the illnesses suffered by gulf war veterans," Mr. Shays said.

Under a special waiver from the Food and Drug Administration, the Pentagon distributed thousands of packets of pyridostigmine bromide to the troops as they deployed to Saudi Arabia in 1990 following Iraq's invasion of Kuwait. Troops were ordered to take three flat white tablets each day as long as they were in the region, although it appears they did so erratically.

Pyridostigmine bromide is the only known treatment for soman, a deadly gas developed by the Soviet Union. Although Iraq is known to have made weapons with other nerve agents, including sarin, no evidence has surfaced to suggest Iraq ever made weapons with soman.

Dr. Golomb also reported that some studies on animals suggested that the drug might not be very effective against soman at the doses given and may in fact increase susceptibility to other chemical weapons.

The drug has not been given to troops since the gulf war, but Dr. Rostker said the findings would not change the Pentagon's policy to use it whenever commanders determine that an enemy might have soman.

"Its continued use is warranted given the fact that an exposure to soman would result in almost immediate death," Dr. Rostker said.

Fear of attacks prompted a military experiment.

effects can become chronic because it causes abnormal levels of the nerve-signaling chemical acetylcholine. The chemical is involved in many important functions, including sleep, muscular activity, memory and pain, which have all been cited as problems for ill veterans.

The report said research showed that individual reaction to the drug depended on different factors, including stress, physiology and exposure to other agents, including pesticides and even nicotine and caffeine. That would explain why only some veterans have reported illnesses.

"One cannot rule out the possibility that long-term effects of P.B. might occur and might participate in the production of neuropsychological and other deficits reported by some" veterans, Dr. Golomb concludes.

Scientists and veterans' advocates have long pointed to pyridostigmine bromide, as well as other experimental drugs given to troops in the gulf, as one of the possible culprits in the still unexplained illnesses attributed to gulf war syndrome. Separate reports by the House and Senate identified it as such and called for further

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THE PROSECUTOR'S OFFICE

10-19-99

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CLINTON PROPOSES A DISCOUNT SYSTEM ON MEDICARE COSTS

Continued From Page A1

'PREFERRED PROVIDERS'

Doctors and Hospitals Object,
Saying Measure Would Put
Cost Ahead of Quality

By ROBERT PEAR

WASHINGTON, Oct. 18 — In a break from three decades of Medicare policy, the Clinton Administration asked Congress today to steer Medicare patients to certain doctors and hospitals that offer discounts on the price of care they provide to people who are elderly or disabled.

Under legislation drafted by the Administration and sent to Congress, Federal officials would give Medicare beneficiaries a list of preferred doctors and hospitals that had agreed to offer discounted rates to the Government and to reduce the fees charged to patients.

Administration officials said these health care providers would attract more patients, making up in volume for the lower charges.

The White House and some Democrats, like Senator Bob Graham of Florida, say the proposals would save money and would allow Medicare to compete more effectively with private health plans.

But many Republicans oppose the idea, which has also provoked an outcry from doctors and hospitals. Critics say the Government would emphasize price over quality and would steer Medicare patients to mediocre doctors and hospitals that offered the biggest discounts.

Since the creation of Medicare in 1965, beneficiaries have been able to seek treatment from almost any licensed doctor or accredited hospital. Until now Medicare has provided little financial incentive for choosing a particular doctor or hospital in its fee-for-service program.

In its proposal, the Administration was asking Congress for broad powers to pick and choose providers who would coordinate the care of Medicare patients who choose to participate in the special arrangement.

Under current law, when Medicare beneficiaries go to the doctor, they must pay a deductible, now \$100 a year, and after that they pay 20 percent of the Government-approved amount for most physician services. Medicare pays the remaining 80 percent.

Likewise, when beneficiaries go to the hospital, they pay a deductible, now \$768, and Medicare pays most of the remaining costs for the first 60 days of hospital care. Under the Administration's proposal, the Government could reduce or eliminate the

patient's share of the bill when patients use a doctor or a hospital designated as a "preferred provider."

Doctors and hospitals that wanted to be named as "preferred providers" would have to meet new Federal standards for the quality of care. The Secretary of Health and Human Services would also establish "standards for the quality of health care items and services" provided to Medicare beneficiaries. The proposal does not specify how quality would be measured.

But critics said that price would often be the dominant factor because it was much easier to measure cost than quality.

Administration officials insist that their proposals would not require or coerce beneficiaries to do anything, and that patients could decide for themselves whether to participate in the arrangements or keep things the way they are now. Patients would enroll voluntarily, but could be locked into one of the arrangements for six months or a year.

Here are other details of the Administration's proposal:

¶The Government would designate hospitals across the country as centers of excellence and encourage Medicare patients to use them for high-cost procedures like heart surgery or hip replacement, provided the Government saved money.

¶The Government would hire specialists to coordinate care needed by Medicare patients who choose to participate for the treatment of conditions like congestive heart failure, high blood pressure, coronary artery disease, asthma and diabetes.

¶Federal officials could use competitive bidding to obtain discounts on medical equipment and other goods and services. Medicare often pays more than the retail price for common items.

President Clinton had expressed interest in these proposals in June, when he had unveiled a plan to redesign Medicare and add prescription drug benefits.

White House officials said the proposals would modernize Medicare and save money by using selected techniques of managed care to control costs in the fee-for-service program, which still served 84 percent of the 39 million beneficiaries.

The proposals did not mention any possible affect on people who buy private insurance, or Medigap policies, to pay expenses not covered by Medicare.

The Senate Finance Committee and the House Ways and Means Committee plan to vote this week on legislation to restore some money cut from Medicare in 1997, and the committees may consider the Administration's proposals then.

White House officials said they

A measure breaks with three decades of policy.

hoped that the committees would accept the President's proposals, which could offset some of the cost of undoing cuts made in 1997.

Two members of the Finance Committee, Mr. Graham and Senator John H. Chafee, Republican of Rhode Island, support the President's proposal to revamp the buying of goods and services in the traditional Medicare program.

Representative Pete Stark, Democrat of California, said that an experimental project in Polk County, Fla., had shown that competitive bidding and similar techniques could save money without harming the quality of care.

But there was also strong criticism. Dr. Nicholas T. Kouchoukos, president of the Society of Thoracic Surgeons, said heart surgeons were "extremely troubled" by the proposal because they feared that "excellence would take a back seat to discounted pricing." It was, he said, totally inappropriate to send elderly patients to the "lowest bidder."

Richard J. Pollack, executive vice president of the American Hospital

Association, said Mr. Clinton's proposal could reduce access to services in areas where the local hospital did not win a contract with Medicare.

In March, 10 of the 17 members of a Federal advisory commission headed by Senator John B. Breaux recommended that Medicare compete directly with private health plans. To enhance such competition, the panel said, Medicare officials should make more of the purchasing tools available to private health plans, including the ability to sign contracts with selected health care providers who offer high-quality services and lower prices.

In an interview tonight, Senator Breaux, a Louisiana Democrat, said the President's proposal, taken by itself, was "like robbing Peter to pay Paul." The Government, he said, would cut payments to some doctors and hospitals so it could redistribute the money to others.

The Mayo Clinic in Rochester, Minn., is an obvious candidate for designation as a "center of excellence." But Bruce M. Kelly, director of Government relations for the Mayo Foundation, said Mr. Clinton's proposal was flawed because it failed to consider that the centers of excellence would attract complicated cases costing more than the average.

"It is unrealistic to think that the centers of excellence would take the sicker cases and agree to be paid less," Mr. Kelly said.

The New York Times

TUESDAY, OCTOBER 19, 1999

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Curtain Is Up on Textile Tariff Disputes

By JOHN BURGESS
Washington Post Staff Writer

Delegates from the world's trading nations won't meet until next month to consider new rules for international commerce, but already a preview of the kinds of arguments likely to erupt can be seen on Capitol Hill.

At issue is a White House-backed plan to grant new trade privileges to Africa and the Caribbean. American garment workers and many of their employers are up in arms over one part of the plan, now awaiting action in Congress, saying it will send thousands of U.S. jobs overseas and unfairly benefit multinational companies.

Meanwhile, a group of black ministers argues that the Africa bill demands too many concessions from countries supposedly being helped, and former South African president Nelson Mandela has weighed in against the measure.

So it goes in the trade wars, where such battles are fought again and again as protected industries feel the heat of low-cost foreign competition and international trading rules. With the world merging slowly into a single market, once-protected industries generally lose out, but not without a fight.

The bills now before Congress would lower or eliminate tariffs and quotas on garments and textiles entering the United States from the two regions. To qualify, the African countries would have to move to make their economies more open to trade and investment and con-

trol government spending.

Clinton administration officials portray the Africa measure as an overdue step to build on debt-relief initiatives announced last month for some of the world's poorest countries. The Caribbean part, they say, would give deserving neighbors some of the same benefits Mexico received from the North American Free Trade Agreement, which lowered trade barriers in a zone from Mexico to Canada.

"There is broad bipartisan support" for the new plan, President Clinton said at a recent dinner of the Democratic Leadership Council. "I hope and pray we will get that out of this session of Congress."

But a coalition of U.S. garment workers and many of the companies that employ them are trying to thwart Clinton's best hopes. Even without the program, "we're losing 8 and 10,000 garment jobs a month," said Seth Bodner, executive director of the National Knitwear and Sportswear Association, which represents about 200 companies. "Mexican apparel imports are going up and up."

The critics say the trade changes would unfairly benefit big manufacturers such as Fruit of the Loom Inc., which has already moved much of its garment work to Central American countries that stand to benefit from the plan. The legislation's tariff relief would make it even more attractive to shift jobs offshore, critics contend.

David L. Aaron, undersecretary of commerce for international trade, predicted minimal impact on

jobs in the United States. Rather, the program might send to the Caribbean Basin jobs now in Mexico or Asia, another big source of textiles and garments, Aaron said.

Some of the program's supporters say that the reality of today's global economy is that labor-intensive sewing-machine jobs will go abroad. But the Senate version of the plan, they say, would help the United States keep the more desirable, higher-tech work of making fabric, because it would grant import benefits only to clothes made from U.S. fabrics.

"If you can marry U.S. textiles with low-cost labor for sewing... you can compete with Asia," said Ronald J. Sorini, a Fruit of the Loom senior vice president who deals with international issues. His company, which keeps major textile operations in the United States but has sent much garment work abroad, supports the Senate bill.

U.S. garment workers here see less threat from the Africa package, called the African Growth and Opportunity Act, because the garment and textile industry there is underdeveloped. Still, critics contend that Africa might become a staging ground for illegal "transshipments" of goods from third countries seeking to evade quotas that they have exhausted.

Much of the criticism of the Africa bill focuses on requirements that countries make major changes in their economies. The House version of the bill, for instance, calls for minimizing price controls there, removing investment restrictions and protecting intellectual property, steps that supporters say would help bring African nations into the world economy.

The program "offers a first step for American companies and other institutions to begin to look at Africa and treat Africa as a viable economic partner," said Lorenzo Bellamy, co-manager of the African Growth and Opportunity Act Coalition and a lobbyist for Chevron Corp.

But critics say these steps would doom some social programs in the countries and facilitate predatory investment by foreign companies.

A group of African American ministers last week praised television ads sponsored by the Citizens Trade Campaign, whose members include unions, environmentalists and consumer groups. The ads say the program would force African countries to "choose between the well-being of their people and trade with America." The ministers and the citizens group support an alternative bill called the Hope for Africa Act.

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Kosovo's Homeless Shudder As Balkan Winter Threatens

U.N. Officials Race to Provide Temporary Shelter, Heat, Food

By PETER FINN and R. JEFFREY SMITH
Washington Post Foreign Service

OBRINJE, Yugoslavia—Sitting on a stool on a wind-swept hill, wrapped in three sweaters and a man's jacket and dragging deeply on a cigarette as if for warmth, Faza Hysenaj, 98, is tired of foreign visitors.

"Are you here to talk, or are you going to do something?" she barks at a reporter, waving away the looks of consternation of younger family members.

Behind Hysenaj are three tents, two for the nine members of the Hysenaj family to sleep in, and one for living and cooking. Beside the tents is Hysenaj's ruined home, which was first burned in September 1998, when Serbian police forces swept through this former stronghold of the Kosovo Liberation Army. Tahir Hysenaj, Faza's 45-year-old son, managed to rebuild one room to shelter the family through last winter, but the house was burned again this spring when Belgrade government forces launched a brutal military operation to purge Kosovo of its ethnic Albanian majority.

Today, the dwelling is roofless, and only one room has four standing walls. "It's very, very cold at night," Faza Hysenaj said. "I'm very worried about the winter."

Kosovo's unforgiving winter is fast approaching, and Western agencies, led by the U.N. High Commissioner for Refugees, are in a race to patch together a shelter system that will protect families from ice, snow and freezing temperatures.

It is not everything the people of Kosovo had hoped for,

and the coming months will be difficult for hundreds of thousands of ethnic Albanians whom Yugoslav army and Serbian police forces drove from their homes this spring in a 2½-month campaign of shelling, burning and killing.

"There will be enough shelter," declared Dennis McNamara, head of the U.N. refugee agency's office in Kosovo, who said U.N. workers will be distributing shelter kits to winterize sections of gutted homes through the end of November. "It won't be very pleasant, and it won't be very comfortable, but there will be enough shelter."

Others are not so sanguine, saying they fear that a lack of food and shelter could provoke social disorder in Kosovo this winter, particularly if rural residents move into the province's already overcrowded cities, where electricity and water systems are already breaking down. Since NATO peacekeeping troops entered Kosovo on June 12, the prewar population of its capital, Pristina, has doubled to 200,000, and the city is often without power.

"We are facing a real risk that winter will bring huge problems, driving more and more people into the cities, especially Pristina," said Paloke Berishaj, a senior official with a local charity, the Mother Teresa Society. "Everything is running very late, and we believe that 500,000 people still don't know where they will spend the winter."

Among them are the Hysenaj family, which has still not received a shelter kit from agencies contracted by the U.N. refugee agency to provide them. As the nights grow colder, the family is growing frantic.

"Look where we're sleeping," said Tahir Hysenaj, pointing to a porous tent. "The cold is getting in, and we're shivering. I thought we might have our house rebuilt."

Like many Kosovo Albanians, Hysenaj had huge—and unrealistic—expectations of their Western benefactors. Many believed their homes would be immediately rebuilt this fall, but the massive reconstruction of the 100,000 homes destroyed or heavily damaged in the Serb-led Yugoslav offensive will not begin until spring. Instead, the West, through the U.N. refugee agency, is supplying stoves and the winterizing kits, roofing some houses and creating a system of large, collective shelters across the province.

But the backbone of the West's winter-survival plan—drawing on the experience of Kosovo Albanians through 16 months of conflict that reached a crescendo last spring—will be the willingness of those who have shelter space to take in the hundreds of thousands of people who don't.

Some U.N. officials believe that catastrophic winter scenarios painted by some ethnic Albanians are more a reflection of their disappointment that there was not an immediate reconstruction effort, rather than a real fear that some people will freeze.

"Expectations were very high," said McNamara, who noted that there was neither enough time nor money from donor countries to begin rebuilding this year. Even obtaining plastic sheeting for the winterizing kits has been a slow, logistically demanding task. Some families, believing their homes would be rebuilt swiftly, cut up the sheeting to cover floors, forcing the U.N. agency to provide them with more.

Although aid agencies plan to continue distributing shelter materials for several more weeks, some fear they will still come up short and that tens of thousands of people who have been living outdoors or in partially repaired houses will be forced to find warmer shelter in cities.

In Pristina, U.N. officials are worried that an aged heating plant that supplies steam heat to 40 percent of the city may not operate reliably through the winter. "Everything will be fine, as long as winter does not arrive," joked Thomas Koenygs, head of the U.N. civil administration effort here. If the heating plant fails, he said, and "every-one puts on an electric heater, then the transformers [at Kosovo's main power plant] will fail," and the entire province will be plunged into darkness.

The power plant is already operating precariously, which became all too evident when electrical service failed repeatedly over the last two weeks. The plant has two transformers that W. Hillary Lee, the U.N. official overseeing electricity, water and heating matters here, says the Belgrade government operated for more than a decade without making needed repairs.

One of the turbines could explode at any time, some officials have warned. Moreover, when Serbian plant managers withdrew, they took with them all the operation manuals and disabled the facility's computerized system, he said. British engineers have been able to get the turbines to function intermittently, providing roughly a third of the electricity Kosovo needs this winter, but they are not sure how long they can maintain operation.

U.N. officials say additional electricity will be supplied through transmission lines recently recon-

nected to neighboring Macedonia and Albania, but funds have not been donated yet to pay for the power purchase, and the lines themselves are in poor condition. "I am not optimistic," Lee said. "The situation is significantly better than it was in August, but electricity is a big worry."

THE WHITE HOUSE
WASHINGTON

October 18, 1999

ACTION MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Chris Jennings

SUBJECT: Assisted Suicide Legislation

*Call letter to send letter
but I'm basically OK
on that point - if pain
relief not sufficient -
4 no offensive burden
to keep on life support with all
hope gone
BC*

On Wednesday, the House is tentatively scheduled to vote on H.R. 2260, the Pain Relief Promotion Act of 1999. As you will recall, this legislation, sponsored by Congressman Hyde, modifies the Controlled Substances Act (CSA) to create criminal penalties for the use of a controlled substance in physician assisted suicides. It also takes new steps to protect the appropriate provision of palliative care, a significant modification to the previous version of this legislation.

While the Department of Justice strongly supports the palliative care provisions of the bill, it has strong concerns about the federalism issues it raises and the penalty structure it creates. They would like to forward the attached letter of opposition to the House Judiciary Committee outlining these concerns. This letter does not include a veto threat. We recommend that the letter be sent, but that the White House refrain from public comment on the legislation.

BACKGROUND

Representative Hyde introduced the H.R. 2260 this summer. It is the second generation of the legislation known as the Lethal Drug Abuse Prevention Act of 1998 (LDAP). As you will recall, you and virtually every respected consumer and health care provider group, including the AMA, opposed LDAP because of the fear that the legislation would inhibit pain relief for the terminally ill. The provisions of most concern to provider and consumer groups included the establishment of broad prosecutorial authority for law enforcement officials, allowing the investigation of health care providers that were suspected of planning to use or of having used a controlled substance to assist in a suicide, and the absence of a proactive statement protecting the provision of appropriate palliative care.

H.R. 2260 would make physician-assisted suicide using controlled substances subject to administrative, civil, and criminal sanctions, and effectively ban the practice in all 50 states. However, Representative Hyde has modified the old version of this legislation to incorporate an explicit statement that using a controlled substance to alleviate pain and discomfort is a legitimate medical purpose, even if the use of the controlled substance increases the likelihood of death. It also narrows prosecutorial authority to suspected cases of the use of a controlled substance in an assisted suicide, and requires local, state, and Federal law enforcement personnel to receive information on palliative care in continuing education programs. Because

of these modifications, the bill is now supported by many of the groups who previously opposed it, including the AMA, the National Hospice Association, and the National Academy of Pain Management.

Notwithstanding the modifications to the bill, a number of provider organizations, including the American Nurses Association and the American Academy of Family Physicians, still oppose this legislation because they feel that H.R. 2260 will place the Department of Justice in the position of regulating the practice of medicine, which is traditionally the purview of the states. In addition, since this legislation would effectively nullify the Oregon Death With Dignity Act, Governor Kitzhaber and Senator Wyden view this legislation as an unnecessary intrusion into state policy making and oppose its passage.

The Justice Department is very supportive of the new provisions protecting appropriate palliative care. However, because H.R. 2260 effectively blocks all state policy-making on the issue of physician assisted suicide, the Attorney General shares the federalism concerns of the Oregon delegation. In addition, she believes that the legislation establishes criminal and administrative sanctions that will be burdensome and difficult to implement and enforce.

RECOMMENDATION

The Department of Justice wants to ensure that their concerns are not construed as opposition to the legislation's intent. The Attorney General, like you, strongly opposes physician assisted suicide, but believes the legislation's approach can be improved. Although she has no interest in engaging in a protracted dispute with Senator Nickles (who has introduced a similar bill in the Senate) and Congressman Hyde, she feels strongly that her Department should formally voice their concerns to the Congress, with the hope of an opportunity to address some of them, particularly the criminal and administrative penalty provisions, in conference.

We would recommend that the Department of Justice be permitted to forward this letter. Having said this, and given the cross-currents of opinion on this issue and on this bill, we believe that there should not be a strong White House public statement on the legislation until and unless it has been submitted to you for signature.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Henry Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter presents the views of the Department of Justice on H.R. 2260, the "Pain Relief Promotion Act of 1999."

H.R. 2260 makes two changes to federal drug law as it relates to the use of controlled substances by terminally ill patients. First, the bill clarifies that controlled substances may be used to alleviate pain in the course of providing palliative care to terminally ill patients. The bill also funds research and education on the appropriate use of controlled substances for this purpose. The Department strongly supports these provisions of H.R. 2260.

Second, H.R. 2260 states that the use of controlled substances to assist a terminally ill person in committing suicide is not authorized by federal law. The Department opposes physician-assisted suicide, but is concerned about the propriety of a federal law that would unquestionably make physician-assisted suicide a federal crime with harsh mandatory penalties. Imposing such penalties would also effectively block State policy making on this issue at a time when, as the Supreme Court recently noted in Washington v. Glucksberg, 117 S. Ct. 2258, 2275 (1997), the States are still "engaged in an earnest and profound debate about the morality, legality, and practicality of physician-assisted suicide."

Palliative Care

Section 101 of H.R. 2260 amends section 303 of the CSA, 21 U.S.C. § 823, to specify that the use of controlled substances to "alleviat[e] pain or discomfort in the usual course of professional practice" is a "legitimate medical purpose" under the Controlled Substances Act, 21 U.S.C. § 841, "even if the use of such a substance may increase the risk of death." Because a physician who acts with a "legitimate medical purpose" is acting

pas.views.ver.14.wpd

October 18, 1999 (4:33PM)

in compliance with the Act.¹ H.R. 2260 creates a "safe harbor" against administrative and criminal sanctions when controlled substances are used for palliative care. Sections 102, 201 and 202 amend the CSA and the Public Health Service Act (42 U.S.C. § 299) to authorize the Attorney General, the Administrator of the Agency for Health Care Policy and Research, and the Secretary of the Health and Human Services Department to conduct research on palliative care, to collect and distribute guidelines for the administration of palliative care, and to award grants, cooperative agreements, and contracts to health schools and other institutions to provide education and training on palliative care.

The Department fully supports these measures. H.R. 2260 would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context. The Department accordingly supports those portions of H.R. 2260 addressing palliative care.

Physician Assisted Suicide

H.R. 2260 would amend section 303 (21 U.S.C. 823) of the Controlled Substances Act (CSA) to provide that "[n]othing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death." By withdrawing authorization under the CSA, H.R. 2260 would make it a federal crime for a physician to dispense a controlled substance to aid a suicide.² A physician who prescribes the controlled substances most commonly used to aid a suicide would, because he necessarily intends death to result, face a 20-year mandatory minimum sentence in federal prison (as well as civil and administrative sanctions under the Act).³

¹ See, e.g., 21 C.F.R. § 1306.04(a) (authorizing prescriptions only for "legitimate medical purposes").

² The criminal provisions of the CSA are triggered by the absence of proper authorization. See 21 U.S.C. §841(a) ("Except as authorized by this subchapter, it shall be unlawful . . .") (emphasis added).

³ See 21 U.S.C. § 841(b) (1) (C) (setting 20 year mandatory minimum sentence when death results from the distribution of a Schedule II substance); 21 C.F.R. § 1308.12(a)-(c) (defining Schedule II substances). Schedule III drugs, which are sometimes used, do not carry any mandatory minimum sentence. See 21 U.S.C. § 841(b) (1) (D).

The Administration strongly opposes the practice of physician-assisted suicide and would not support the practice as a matter of federal policy. H.R. 2260 side-steps the federal policy question, however, and operates instead by blocking state policy making on an issue that many, including the Supreme Court, think is appropriately left to the States to decide as each chooses.⁴

Moreover, H.R. 2260 would affirmatively interfere with state policy making in a particularly heavy handed way by using 20-year mandatory prison sentences (as well as civil and administrative sanctions) to effectively preclude states from adopting any policy that would authorize physician-assisted suicide, even if that authorization contains carefully drafted provisions designed to protect the terminally ill.

For these reasons, H.R. 2260 is particularly intrusive to state policy making and the Department accordingly opposes this portion of the bill.⁵ The Department would, however, be willing to work with the Committee in formulating a legislative or regulatory solution that obviates the concerns identified in this letter.⁶

⁴ Glucksburg, 117 S. Ct. 2258, 2274 (noting that debate over physician-assisted suicide is underway in the States, "as it should in a democratic society"); id. at 2303 (O'Connor, J., concurring) (endorsing majority's result, which left "the . . . challenging task of drafting appropriate procedures for safeguarding . . . liberty interests . . . to the 'laboratory' of the States"); id. at 2293 (Souter, J., concurring) (emphasizing that, in light of current state experimentation, "[t]he Court should stay its hand to allow reasonable legislative consideration [of this difficult issue]").

⁵ This approach to physician-assisted is consistent with the Department's approach to "medical marijuana." The legality of the latter turns on factual, not ethical, questions. That is, the scheduling of controlled substances is based on scientific testing to determine, among other things, whether they have any "currently accepted medical use for treatment in the United States," a "high potential for abuse," and "a lack of accepted safety for use . . . under medical supervision." 21 U.S.C. § 812(b)(1) and Schedule I(c)(10). As a result, the CSA appropriately creates a uniform national system of drug scheduling. Where an issue turns solely on ethics, not science, it is reasonable to allow individual states to reach their own conclusions, rather than impose a uniform national standard through implied preemption of state medical standards.

⁶ Any solution should also be careful not to make state-authorized assisted suicides more painful, as H.R. 2260 appears

Thank you for this opportunity to present our views. The Office of Management and Budget has advised us that from the standpoint of the Administration, there is no objection to the submission of this letter. Please do not hesitate to call upon us if we may be of further assistance.

Sincerely,

Robert Raben
Assistant Attorney General

cc: Honorable John Conyers, Jr.
Ranking Minority Member

to do. H.R. 2260's prohibitions would only reach controlled substances, which are most often used as sedatives and not as the actual agents of death. As a result, H.R. 2260 might well result in physician-assisted suicides that do not use sedatives and pain-controlling substances that are accordingly more painful.

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-4-

October 18, 1999 (4:33PM)

THE WHITE HOUSE
WASHINGTON

Date 10/19

To: BETH NOLAN

From: The Staff Secretary

ANY VIEW ON THIS?

IT'D APPEAR TO BE

AN (APPROPRIATE?) EXCEPTION

TO OUR NORMAL PRACTICE

-SEAN

THE WHITE HOUSE

WASHINGTON

October 19, 1999

'99 OCT 19 AM 11:23

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER *uk for*
SUBJECT: Request from Peres Center for Peace

Purpose

Respond to a request from Shimon Peres.

Background

The Peres Center for Peace has requested your signature on the attached card which would then be imprinted on a Peace Calendar for use by the Peace Computer Centers, a joint project of Israel and the Palestinian Authority (PA). The Calendars would be given to major donors who have contributed to the funding of the Peace Centers. It may also be used to raise funds for the Peace Centers through direct sales.

While White House policy generally is not to approve such things, I believe in this case it is appropriate because there are important foreign policy reasons for you to provide your signature and these reasons will help us distinguish this request from others. The computers, which will be acquired thanks to the proceeds from the sale of the calendars, will be provided to schools in Israel and the PA. They will allow Israeli and Palestinian school-children to interact with one another via Internet, e-mail and video-conferencing. Such people-to-people activities are critical to the success of the peace process in the long run. Moreover, former Prime Minister Peres, an ardent supporter of the peace process, has invested his personal energy and prestige into this endeavor.

The calendar already has been signed by Peres, Arafat and Pope John Paul II.

cc: Vice President
Chief of Staff

RECOMMENDATION

That you sign the attached card.

Attachments

Tab A Card

Tab B Incoming Correspondence



Shimon Peres

14, September 1999

President Bill Clinton
The White House
Washington, D.C.

Dear Mr. President,

I am deeply moved that you have graciously agreed to place your esteemed signature on the ***Peace Calendar*** that has been initiated by our center, and wish to express my deepest and warmest thanks. Your participation in this initiative will help further our shared mission of creating a more promising future for the youth of this region, while offering a source of inspiration to tomorrow's leaders.

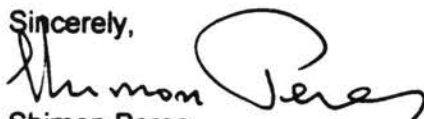
This initiative, launched by the First Lady, will bring peace dividends to Palestinian and Israeli youth through its establishment of a network of ***"Peace Computer Centers"***. The centers will offer youth wide-ranging possibilities to develop skills in fields such as computers, music, art, literature and sport. Based on Palestinian-Israeli cooperation, the centers will advance gradual interaction and new relationships between the youth of this region. Developed in cooperation between the Palestinian Authority and the Peres Center for Peace, the ***"Peace Computer Centers"*** network will mark a contribution both *from* and *for* peace.

The ***Peace Computer Centers*** will be created in the framework of the Palestinian Authority school system that will be gradually linked to counterpart schools within Israel. Utilizing video-conferencing and Internet technology, the Palestinian and Israeli schools will be able to work together towards creating a culture of peace and coexistence among their students.

I again send you my sincerest gratitude for your continued leadership for peace in our region.

With my best personal gratitude,

Sincerely,


Shimon Peres

THE PRESIDENT HAS SEEN
10-19-99
EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON, D.C. 20502

99 OCT 18 PM 9:09

October 18, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT Z. LAWRENCE RZL

SUBJECT: Consumer Price Indexes for September, Labor
Department Release, Tuesday, 8:30 a.m.

The consumer price index rose 0.4 percent in September, in line with market expectations. Over the past 12 months, the total CPI has risen 2.6 percent, up from 1.5 percent during the year-earlier period. Energy prices account for all of the acceleration.

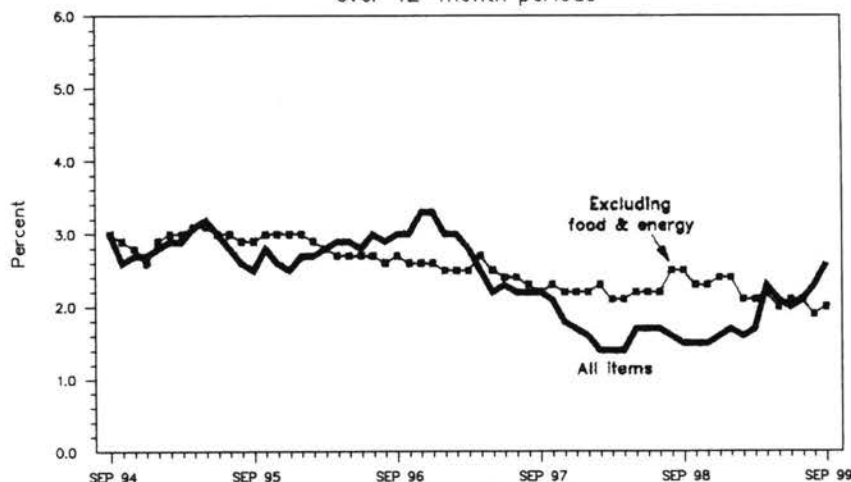
- Energy prices rose 1.7 percent in September and have increased 10 percent over the past 12 months after posting a decline of the same magnitude during the year-earlier period. Recent weekly data show that gasoline prices stabilized in October.
- Food prices were up 0.2 percent in September, and over the past year have risen at about the same rate as the core CPI.

The core CPI (which excludes food and energy prices) increased 0.3 percent in September--in line with market expectations. Larger-than-usual increases occurred in apparel and tobacco.

Over the past 12 months, the core CPI has increased 2.0 percent, down 0.5 percentage point from the year-earlier rate. Thus, core consumer price inflation remains low and stable. Looking ahead, core CPI inflation may tilt upwards as rising energy prices pass through to other commodities.

Based on this report, the COLA for Social Security and Federal pensions will be 2.4 percent, up from 1.3 percent last year.

CONSUMER PRICE INFLATION
over 12-month periods



Copied
Lawrence
Podesta

To Brew / Louella

Roy Spencer's Americorp
Ad - They're very good

BR

THE PRESIDENT HAS SEEN

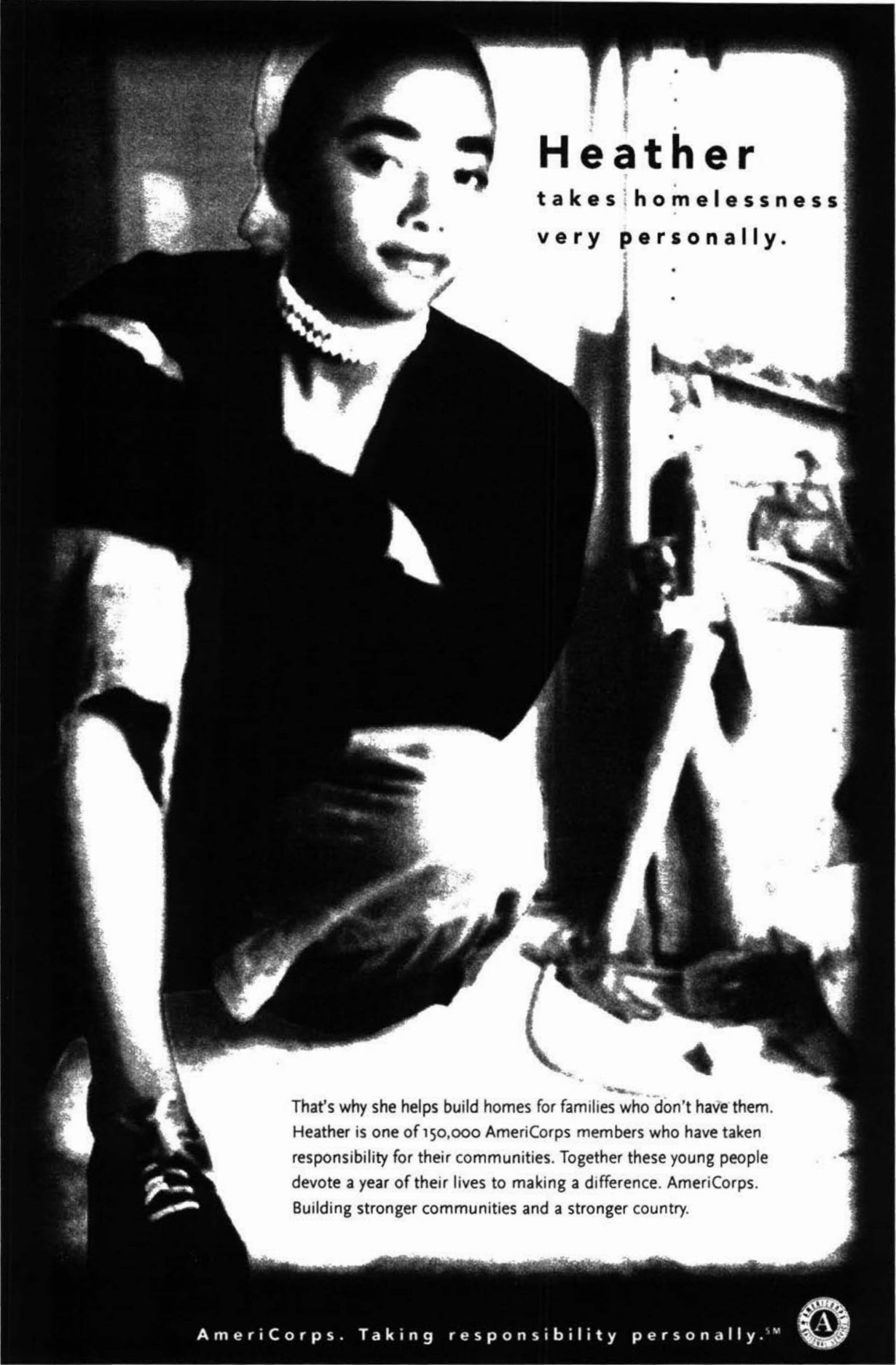
10-19-99

copied

Reed

Ucelli

Podesta



Heather

takes homelessness
very personally.

That's why she helps build homes for families who don't have them. Heather is one of 150,000 AmeriCorps members who have taken responsibility for their communities. Together these young people devote a year of their lives to making a difference. AmeriCorps. Building stronger communities and a stronger country.

AmeriCorps. Taking responsibility personally.SM



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Hannah

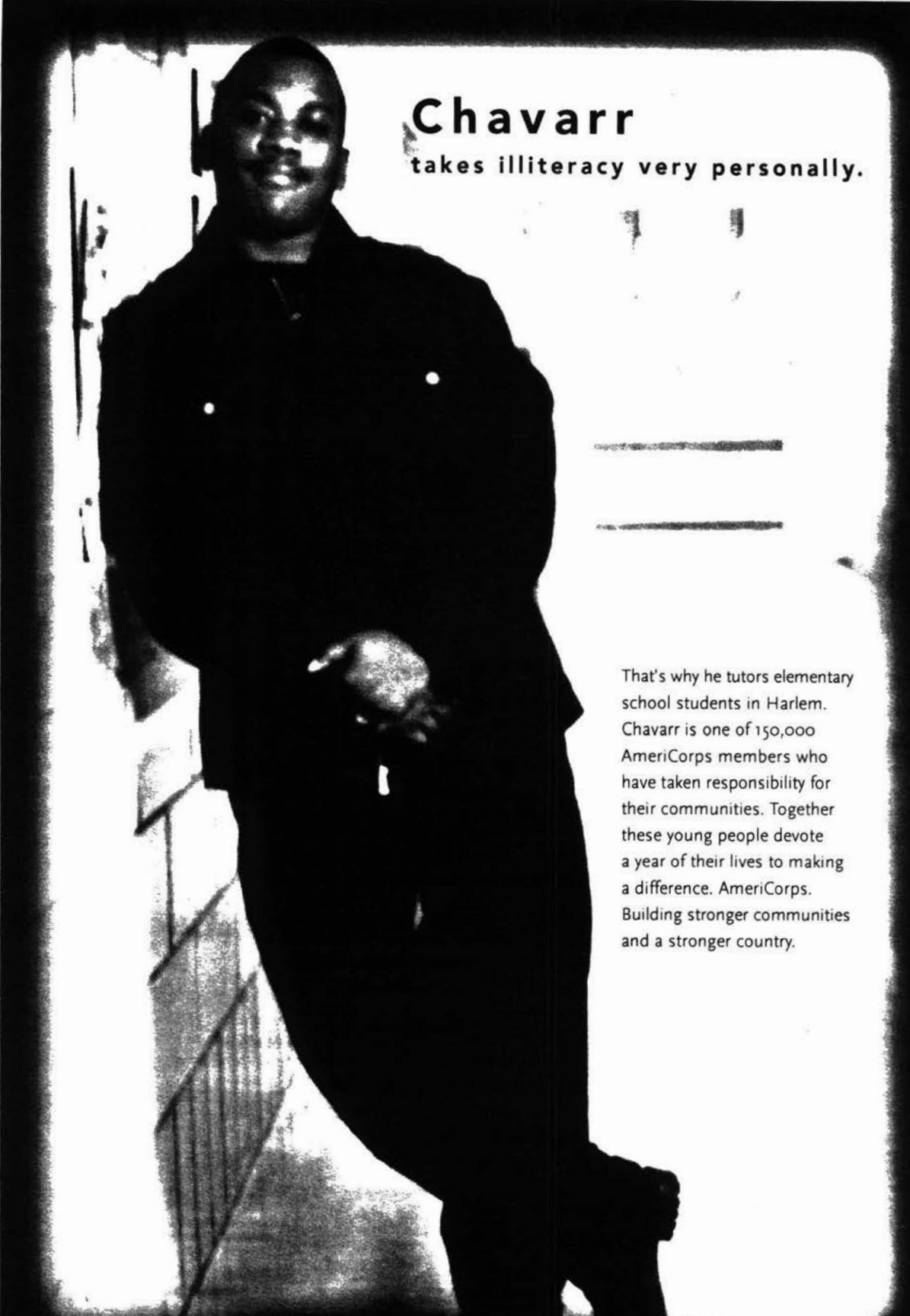
takes poverty very personally.

That's why she helps kids from the inner city get to college. Hannah is one of 150,000 AmeriCorps members who have taken responsibility for their communities. Together these young people devote a year of their lives to making a difference. AmeriCorps. Building stronger communities and a stronger country.

AmeriCorps. Taking responsibility personally.SM



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Chavarr

takes illiteracy very personally.

That's why he tutors elementary school students in Harlem. Chavarr is one of 150,000 AmeriCorps members who have taken responsibility for their communities. Together these young people devote a year of their lives to making a difference. AmeriCorps. Building stronger communities and a stronger country.

AmeriCorps. Taking responsibility personally.SM



Paid for by the AmeriCorps Anniversary Committee, a private nonprofit initiative, whose sponsors include Slimfast Foods Inc. and the ADM Foundation. The Committee is not affiliated with the Corporation for National Service.

ROLEUM CORP
SHIRE BOULEVARD
3, CALIFORNIA 900
(208-8800

per: Nancy - pls expedite 10-19-99
-SC

Send to Benckhardt for
reply ASAP

Yes ☒

No ☐

coordinate w/ NSG

Yes ☒

No ☐

See -
Peter would
want to have
responded to
you
Can you expedite?
XD

Dear Mr. President:

I am writing to express my profound concern over the deteriorating situation in Colombia, and to express my strong support for a supplemental funding package to help the Pastrana Administration address critical challenges that will shape Colombia well into the next century.

Your Administration, led by Under Secretary of State Thomas Pickering, has done a superb job in heightening awareness, both on Capitol Hill and among the general public, of Colombia's vital importance to U.S. national interests. We strongly applaud your efforts to enhance cooperation and engagement with Colombia, and your success in support of "Operation Millennium," which led to the arrest of 31 alleged major drug traffickers. The ground is now well established to move quickly to the next and most critical dimension of U.S. support - the provision of additional aid to Colombia. The importance of this support cannot be overemphasized. Colombia's national sovereignty is increasingly threatened by well-armed and ruthless guerillas, paramilitaries and drug traffickers - all of whom are inextricably linked. Recent kidnappings in Ecuador and threats posed by Colombian guerillas in the neighboring countries of Panama, Venezuela and Peru led one prominent member of Congress to label the situation in Colombia "the single greatest threat to the stability of our hemisphere."

One of the pillars of Colombia's recovery strategy is foreign investment, particularly in the energy sector. Foreign investment supports literally thousands of jobs in the legitimate economy. Given Colombia's immense resources, a stable, secure environment could lead to significant new inflows of investment. Occidental has been in Colombia for over 25 years, and is prepared to make substantial increases in our level of investment there. But we, like other major investors, are dependent on the military for protection. While the military has scored a number of impressive strikes against the FARC and ELN in recent months, it cannot offer adequate support and protection without a much-needed boost in resources and training. The aid package under consideration within your Administration could be the lynchpin in turning the tide in the struggle to restore peace and stability that is essential to economic development.

OCCIDENTAL PETROLEUM CORPORATION

10889 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90024
(310) 208-8800

'99 OCT 19 AM 9:34

DR. RAY R. IRANI
CHAIRMAN OF THE BOARD
AND
CHIEF EXECUTIVE OFFICER

October 15, 1999

'99 OCT 19 AM 9:34

President William J. Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

I am writing to express my profound concern over the deteriorating situation in Colombia, and to express my strong support for a supplemental funding package to help the Pastrana Administration address critical challenges that will shape Colombia well into the next century.

Your Administration, led by Under Secretary of State Thomas Pickering, has done a superb job in heightening awareness, both on Capitol Hill and among the general public, of Colombia's vital importance to U.S. national interests. We strongly applaud your efforts to enhance cooperation and engagement with Colombia, and your success in support of "Operation Millennium," which led to the arrest of 31 alleged major drug traffickers. The ground is now well established to move quickly to the next and most critical dimension of U.S. support - the provision of additional aid to Colombia. The importance of this support cannot be overemphasized. Colombia's national sovereignty is increasingly threatened by well-armed and ruthless guerillas, paramilitaries and drug traffickers - all of whom are inextricably linked. Recent kidnappings in Ecuador and threats posed by Colombian guerillas in the neighboring countries of Panama, Venezuela and Peru led one prominent member of Congress to label the situation in Colombia "the single greatest threat to the stability of our hemisphere."

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President William J. Clinton

Page 2

October 15, 1999

As Secretary Albright correctly noted in her OP Ed article in the New York Times on August 10, Colombia's economic woes are largely "the result of crime and conflict". She went on to state that "economic development and the creation of legitimate jobs are the best ways to keep citizens from flouting the law and supporting radical movements." But the development of Colombia's legitimate economy cannot move forward so long as ordinary Colombian citizens are subjected to the terrorist tactics of armed insurgents engaged in murder, kidnapping, extortion and narcotics trafficking with the objective of undermining the country's democratically elected government.

Mr. President, it is for these reasons that I urge you to move as expeditiously as possible to request a substantial package of aid for Colombia. Such a package clearly serves the national interest of both the United States and Colombia, and could help avoid what is quickly devolving into a security and humanitarian crisis of dramatic proportions in our own backyard.

Sincerely,

A handwritten signature in black ink, appearing to read "R R Grani". The signature is written in a cursive, flowing style with large, connected letters.

10-19-99

Send to Beekhardt?

Yes ☒

No ☐

coordinate w/NSC

Yes ☒

No ☐

Melanne Verveer

Nancy, The POTUS
maybe interested
in this. I gave
copy to OMB &
NSC.

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA



AMBASSADOR CRAIG JOHNSTONE
SENIOR VICE PRESIDENT
INTERNATIONAL, ECONOMIC & NATIONAL SECURITY AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-3183 • 202/955-1152 FAX
E-MAIL: CJOHNSTONE@USCHAMBER.COM

October 12, 1999

The Honorable William J. Clinton
The President
The White House
Washington, DC 20500

RECEIVED OCT 13 1999

Dear Mr. President:

You may recall when I joined Madelaine Albright in the Cabinet Room to present the International Affairs Budget last December. At the end of the meeting you commented on my imminent move to the U.S. Chamber, describing it as a form of "reverse infiltration". On a more serious note you asked me to ensure that the U.S. Chamber gave strong support to the International Affairs Budget.

You will find enclosed an unprecedented letter from Chamber President and CEO Tom Donohue to the Congressional leadership providing exactly that support. The letter is only a small part of what we are doing to support Foreign Operations, State Department and UN funding. For example, in May we co-sponsored an event featuring the First Lady in which she addressed and enlightened the Chamber membership on the importance of foreign affairs and positively exposed the membership to your administration. Since then we have pressed for International Affairs Funds in numerous Hill contacts.

In sum the Chamber has provided the International Affairs Budget with the support, and the Administration with the political cover, needed to succeed. It is now up to the Administration to place International Affairs high on the list of priorities for the budget end game. If you do so you should be able to recoup the funds our nation needs to maintain global leadership.

Please let me know if there is anything further we can do to advance this important cause.

Warm Regards,



CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

THOMAS J. DONOHUE
PRESIDENT AND
CHIEF EXECUTIVE OFFICER

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5300 • 202/463-5327 FAX

October 5, 1999

The Honorable J. Dennis Hastert
Speaker of the House
United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Strong U.S. leadership and active international engagement are critically important for U.S. business in the age of globalization. To maintain our nation's influence in the world this Administration must request and Congress must provide adequate funding for both our National Defense (Function 050) and for International Affairs (Function 150).

Congress is doing the right thing by the Defense Department. But, Congress has failed to provide the funding necessary in the International Affairs Budgets to maintain American leadership and influence in the world. Specifically, the levels approved by the House/Senate Conference on the Foreign Operations Bill and the proposed levels in both the Senate and House for the State Department Appropriation are woefully inadequate. They do not measure up to the requirements of our nation.

As you proceed to final resolution of this year's budget debate I strongly urge you to revisit the levels being considered in these budgets. Specifically we should provide adequate funding to:

- Fully fund the Freedom Support Act, restoring, in particular, the amounts requested for programs in Russia. Notwithstanding the difficult issues faced in Russia, we have no greater foreign policy priority than assisting that nation in its rocky transition to market democracy;

The Honorable J. Dennis Hastert

October 5, 1999

Page Two

- Provide additional funding for reconstruction and development in Kosovo and Southeastern Europe;
- Provide the Secretary of State with sufficient Security Assistance funds (ESF and FMF) and Voluntary Peacekeeping (PKO) funds necessary to give the Administration the flexibility to respond to crises and promote democratic transformation where and when needed in the world. These accounts have been seriously underfunded in pending legislation;
- Provide the Development Assistance funds and funds for organizations such as the Asia Foundation with the wherewithal to facilitate economic recovery in Asia;
- Fully fund the trade agencies, OPIC, EximBank and TDA so that they can continue to help create American jobs and maintain a level playing field in international trade. And, provide the State Department with the small fund it seeks to enable the Economic and Commercial Officers of U.S. Embassies, at non-FCS missions, to promote American exports;
- Match or exceed the Administration's request levels for embassy security and antiterrorism and counter-terrorism programs. The counter terrorism initiative is of particular interest to the business community. The lives of Americans living and working overseas are at stake in these programs and it is irresponsible not to fund them;
- Fully fund the operating accounts of the Department of State and USAID. Reductions in our capacity to project our influence overseas are crippling to our foreign policy and national security.

Finally, we need to ensure that we meet our obligations to the United Nations and other International Organizations. For too long we have shamed our country by failing to pay our bills. There is no excuse for tying up this funding with politically sensitive non-germane issues. We need to keep our promises.

The Honorable J. Dennis Hastert

October 5, 1999

Page Three

Mr. Speaker, no one knows better than do we the need to keep federal spending in check. However, there are core functions that must be funded adequately at the federal level. National Security and international engagement are preeminent among these core functions. To underfund either is to do a great disservice to our nation. I urge your support for restoring International Affairs funding to the levels necessary to protect the interests of the American people.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom", with a large, sweeping flourish above it.

Thomas J. Donohue

The Honorable Thomas A. Daschle
Minority Leader
United States Senate
Hart 509
Washington, DC 20510
T: 202.225.0600

The Honorable Don Nickles
Assistant Majority Leader
United States Senate
Hart 133
Washington, DC 20510
T: 202.224.2708

The Honorable David E. Bonior
Minority Whip
United States House of Representatives
Rayburn 2207
Washington, DC 20515
T: 202.225.3130

The Honorable Tom Delay
Majority Whip
United States House of Representatives
Cannon 341
Washington, DC 20515
T: 202.225.0197

The Honorable J. Dennis Hastert
Speaker of the House
United States House of Representatives
Rayburn 2263
Washington, DC 20515
T: 202.225.0600

The Honorable Harry Reid
Minority Whip
United States Senate
Hart 528
Washington, DC 20510
T: 202.224.2158

The Honorable Trent Lott
Majority Leader
United States Senate
Russell 487
Washington, DC 20510
T: 202.224.3135

The Honorable Richard Gephardt
Minority Leader
United States House of Representatives
Longworth 1226
Washington, DC 20515
T: 202.225.0100

The Honorable Richard Armey
Majority Leader
United States House of Representatives
Cannon 301
Washington, DC 20515
T: 202.225.4000

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA
1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000

The Honorable William J. Clinton
The President
The White House
Washington, DC 20500

10-19-99

Could not find duplicate -
Send to Burkhardt?

Yes

No





*duplicate
of copy
of 8/28/99
JCM*

STATE OF ARKANSAS

House of Representatives

99 OCT 19 AM 9:37

REPRESENTATIVE

Percy Malone
518 Clay Street
Arkadelphia, AR 71923-6024

Phone:
870-246-4141 Business
870-246-7177 Residence
870-246-6616 FAX

DISTRICT 36

Counties:
Part of Clark County
Part of Nevada County

COMMITTEES

Public Health, Welfare and Labor
Human Services Subcommittee

Insurance and Commerce
Financial Institutions Subcommittee

Joint Committee on Energy

Chairperson,
Joint Budget

October 6, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D. C. 20500-2000

Mr. President:

As you know, we are still working to rebuild our community following that devastating tornado of March 1, 1997. According to the professional Disaster Recovery Assistance Team that you provided through the Department of Housing and Urban Development, Arkadelphia will require \$14.65 million dollars to recover. So far, we have only received 5 percent of that amount for real recovery programs. If we are to proceed, we need your guidance.

As we discussed previously, Arkadelphia's only real hope for substantial recovery from our disaster is through a targeted appropriation. There simply is just not enough money available to fund a Disaster Recovery Program with standard competitive governmental resources. Without additional assistance our Recovery Program may not succeed.

In light of the recent natural disasters that affected the east coast a congressional supplemental appropriation will most likely be required to fund their recovery initiatives. If Arkadelphia could be included in this appropriation then we could proceed. Will you help me through this process?

Thank you, truly, for the support you have given to us so far. I am available to meet in Washington any time with whomever you suggest.

Sincerely,

W. Percy Malone,
State Representative

*Hope to see
you soon.*



STATE OF ARKANSAS

House of Representatives

Representative PERCY MALONE
518 Clay Street
Arkadelphia, Arkansas 71923-6024

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D. C. 20500 - 2000

October 5, 1999

President Bill Clinton
The White House
1600 Pennsylvania
Washington, DC 20500-2000

Nancy ? *Joe*

99 OCT 19 AM 9:36

Dear Mr. President,

I would like you to read this letter written by Joe Kuonen. You know him because of the band he plays in, however, I know him for his companies ability to help homeowners and businesses to save drastic amounts of energy. Their processes of insulating and sealing up structures is in the minority in this country. They use methods that everyone should use. Most homes today are not built using these methods of construction and this causes literally tons and tons of wasted energy in heating and cooling costs. The up front costs are a little more, but they are swallowed up by the long term gains in energy savings.

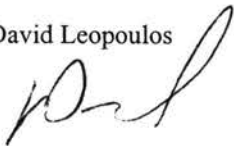
Bill, I would not be sending this to you unless I thought it was a very significant way for this country to save energy for the future of this country. If you use the power of your office to communicate this to the public, it will be of great service to our future.

You see most builders today only care about making a quick buck, knowing that the homeowner will buy the house not checking into what the utilities will be and dealing with them after the sale. If the builder practiced these energy saving building techniques they could guarantee low, very low utilities. Joe said they could guarantee way under \$100 monthly electric bill for a house up to 3,000 sq.ft. Can you imagine the savings??? Even very large \$500,000 and above homes are not built correctly for energy savings.

There is a movement towards this type of technology, however, it is just in pockets around the U.S.. It is not a really hot topic I know, however, it is an important one. Just imagine, thousands of homes being built that use 50 to 60 percent less energy for decades, never mind huge buildings and the like.

Just thought you might be interested.

David Leopoulos



*Help Homeowner & Business Save
Drastic Amounts of Energy - Country Could
Save Energy - future of country. Wants power
use power go to communicate to public.*

Comfort Air & Solutions

10-19-99

Send to Burkhardt?

Yes ☒
No ☐

Letter to D. Leopoulos

- Letter to Joe Kuonen, et

all
-sc-

COMFORT DIAGNOSTICS AND SOLUTIONS, INC.

4250 RIXEY ROAD, SUITE #A • SHERWOOD, AR 72117
(501) 833-8000 • FAX (501) 833-8222

August 16, 1999

The Honorable Bill Clinton
The White House
1600 Pennsylvania Ave.
Washington, DC

Dear Mr. President,

Your friend and our repeat customer, Paul Leopulous, has asked us to write this letter explaining how we, at Comfort Diagnostics and Solutions, are creating a new industry by using state-of-the-art technologies and an entirely new work force to reduce home and office energy usage by 30-70% while greatly increasing indoor comfort, air-quality and safety standards. We hope this information will be useful to you in formulating our country's energy strategy for the 21st century.

Our experience has shown that customer education is the key to creating the change necessary and that it is not just possible, but true, that you can cut residential energy usage by 30%, or more, in every home in America. Furthermore, these energy savings can be accomplished with existing technologies and skills at a cost-effective price.

Previous energy saving efforts in the public and private sector have been geared towards manufacturers and builders. Unfortunately, energy usage continues to climb. The FTC rules of 1991 mandated minimum efficiencies for household appliances, including heat and air systems. The Department of Energy efforts have been aimed at instituting minimum energy codes, home energy rating systems and tax credits. Industry responses have been to try and educate the builders, suppliers, contractors, installers, real estate agents and bankers. However, our testing has proven that almost no installed heat and air system meets federal minimums because of gross installation errors. Almost every new home built has design and installation errors which negate savings from minimum energy code requirements. In other words, energy ratings are still almost non-existent as are the Energy Efficient Mortgages they are supposed to facilitate. More unfortunately, each and every industry involved has found its own historic inertia too much to overcome, and regardless of education and knowledge, change becomes impossible.

The founders of Comfort Diagnostics and Solutions helped create and develop one of the first Home Energy Rating systems in the country, Energy Rated Homes of Arkansas, which you were instrumental in starting, and have been deeply involved in all of the above

ventures. *It became an exercise in frustration which then led to the development of our company which does not make use of any of the above efforts.*

Instead, we took our knowledge directly to the people with a weekly radio show that educates and answers home owner questions about their comfort and efficiency problems. Additionally, we provide a private business that not only tests the home, but also fixes the home to standards well above the federal minimums.

We have proven that the public, when informed and educated, does want and will pay for the improvements necessary to make their home comfortable, efficient and healthy.

We often hear the political question of whether it is possible to reduce our residential energy usage significantly while maintaining our current standard-of-living. The clear, proven answer is not just yes, it is in fact, the only way we can cut energy usage. A home with high utility bills is always the most uncomfortable home of all. A home with truly high comfort and indoor air quality is always going to have the lowest energy usage, because the comfort and environmental quality is only possible if everything is done correctly. Moreover, the research on how to do it right has already been done by institutions such as Oak Ridge National Laboratory, the National Research Energy Laboratory, Florida Solar Energy Center, and Lawrence Berkeley Laboratory. Likewise, the results and recommended practices are regularly published in periodicals and books such as *Energy Design Update* published by Cutter Information System and *Home Energy Magazine* published by LBL.

We have merely taken these known and existing technologies and techniques and put them together into a single business that has succeeded beyond our imagination with no end in sight.

Comfort Diagnostics and Solutions started about four years ago with three people, one truck, and a "blower-door" which tests house pressures and leakage rates. We now employ over 30 people with over a dozen trucks, an array of scientific testing instruments, and are rapidly approaching \$2 million a year in sales. All of the jobs created are well-paying, skilled positions with a tremendous future.

We have tested almost two thousand homes and have scientifically demonstrated how each and every one of them can slash their utility costs and improve their indoor environment at the same time. Home owners who have retained our services have consistently reported utility savings beyond their expectations as well as greater comfort. Those with allergies have been amazed at the difference in their air-quality after we finished and almost everyone reports that their home now has less dust, mold and humidity.

The most amazing thing, however, is that we are doing this with readily available equipment and materials that other contractors are already using. And, we are marketing ourselves without utility subsidies, government contracts, or any other kinds of rebates.

We are truly a private sector business, self-started, self-taught and self-supported. The differences between our methods and theirs explain why they cannot reduce bills or improve indoor environments while we consistently do so in every home that we touch.

First of all, “they” invariably do only one thing and do it the same way their predecessors did 20-30 years ago. The carpenter builds the shell of the house, the insulator insulates it, the heat and air man installs the system and duct work, the builder provides the windows, the roofer installs the roof venting, the concrete or brick layer installs the foundation insulation and/or venting, the electrician provides the kitchen and bath vents and lighting, the plumber selects and installs the water heater, and usually, two or three people have their hands in selecting and installing the fireplace.

None of these individual trades have a clue as to what the other is doing and yet each has an impact on the others work.

How does the heat and air person know what size system to put in without knowing how tight the home will be, how well insulated it will be, what kind of windows will be used, how much air will be sucked out of the house by exhaust fans, and how well the attic will be vented? The traditional answer has been, and still is, to just guess or use an ancient rule-of-thumb (i.e.: install one ton for every 500 square feet of living space). Obviously, an all glass and rock home facing east and west will need a whole lot more cooling than one that uses super-windows, thick insulation and faces north and south. Yet, the rules-of-thumb persist and homeowners pay the price every day.

We, on the other hand, use the “house-as-a-system” approach. This approach has been scientifically developed and tested by such varied institutions as Oakridge National Laboratory, The Florida Solar Energy Center, and the North Carolina Alternative Energy Center (now Advanced Energy). Its success has been demonstrated in cases across the country.

The “house-as-a-system” approach recognizes that almost everything that goes into a home has direct and indirect impacts on everything else in the home. If you change the type of window you use or the type of kitchen exhaust vent installed, you can completely change how much air conditioning tonnage you need and what type of fireplace you can use. Some new windows can reduce solar heat gain by 70% and high volume kitchen exhausts can easily prevent open fireplaces from venting properly.

At Comfort Diagnostics and Solutions, our home energy auditors combine the latest science in all of these fields to produce a plan for each home that coordinates and integrates all of these trades and products so that the home is the most efficient, comfortable, safe, healthy and durable home possible.

Our production crews are trained to work on everything from the vapor barrier in the crawlspace to the venting in the attic. We install the highest efficiency heat and air equipment, totally designed and sealed ductwork, quality insulation, targeted air-sealing of

the house, and whole house ventilation systems. Also, we guide the homeowner on the selection and installation of lights, appliances, windows, water heaters, fireplaces, exhaust vents, and even house shading.

Our new industry is based on two basic principles: "Prescription without diagnosis is malpractice" and "Diagnosis without testing is just guessing".

Before we sell anything for an existing home, we test everything necessary to provide a proven diagnosis of what is wrong. We use a "blower-door" to test the house and duct system to see how much each leaks and where the leaks are located. Studies have shown that house leaks can account for 60-70% of heating bills and 20% of cooling bills. The house leaks are also directly responsible for indoor humidity, dust, and allergy problems. Other studies have shown that duct leakage can account for at least 14% of every homes heating and cooling costs.

At Comfort Diagnostics and Solutions, we test duct systems to verify airflow problems that are caused by improper design and installation practices. Such problems can reduce heating and cooling system efficiencies by as much as 50%, or more.

We examine and measure all insulation levels, window type and orientation to the sun, the effect of exhaust vents on combustion safety within the home, and also determine the age, efficiency and quality of heating and cooling systems. We examine humidity control features of the home, attic venting, and sources of indoor pollutants.

Then, we use computer analysis to determine the adequacy of everything we tested and compile a list of cost-effective measures to improve the efficiency, comfort, health, and safety within the home.

Finally, we work with the homeowner to repair only those things that are necessary to meet such goals. We eliminate the guess work. All of our recommendations are guaranteed to resolve the problem because we have thoroughly tested and diagnosed the problem before prescribing a cure.

New home builders can and do bring their proposed plans to us for analysis so that all of the above described factors can be incorporated from the beginning. New homes that use our services average 50% lower energy use than other new homes of the same type and size and are built without the comfort and health problems normally associated with new housing. And, with almost every builder now making their houses much tighter and better insulated, indoor air quality problems and structure durability problems are inevitable. All of these problems are unnecessary if done correctly using the "house-as-a-system's" approach.

We regularly test brand new homes because the home owner is experiencing high bills, low comfort or indoor environment problems. In every case, we find inadequate insulation in various "difficult" areas, leaky duct systems, with poor air flows which show

a clear lack of design, improperly sized heating and cooling systems with the minimum allowed by law rated efficiencies and installation errors so profound that actual efficiencies are much less than the Energy Guide Labels reflect. Further, we find kitchen vents so powerful that they depressurize the home and suck air down chimneys and flues while exhaust fumes are trying to rise up and out of the home, and dozens of recessed lights that are neither air tight nor designed for insulation contact which results in dozens of un-insulated holes in the ceiling which let the warmest household air out and the extreme attic temperatures in .

Our ability to help homeowners eliminate indoor problems and slash their energy use at the same time has been so successful that we regularly have a two month waiting list for home audits and cannot train people fast enough to keep up with the demand for testing or fixing of these problems.

And although we are competing with large, well-established industries and contractors , we have already become the “experts” in all of their fields. We are regularly called on to solve the problems they can’t fix. Heat and air companies, insulators, builders, utilities, and government agencies regularly send us people they can’t help. We are already one of the largest Bryant equipment dealers in the state, the largest buyer of sheet metal ductwork from our wholesale vendor, and the acknowledged leader in “quality” in all of the fields we touch.

We are training and developing workers with new skills who receive higher-than-average wages and have what appears to be unbelievable job security. Every home in the country needs our services and we are the only company we know that does what we do with such success. In poor economic times, our services will be needed to reduce utility expenses and in good economic times, to provide better comfort, health, and safety in the home and office. Contractors are building homes faster than we can fix them and our ability to provide the solutions is becoming well and widely known.

At the same time, we are still regularly witnessing some of the most irrational and counter-productive efforts of others in the same area which amount to a giant waste of time and energy.

Your instructions to the military to cut energy use led to wholesale changes of heating and cooling systems at L.R.A.F.B. which included removing gas water heaters and furnaces. The efforts to win the contract, of course, was led by our local electrical supplier-Entergy. By last reports, the multi-million dollar effort was a complete bust and they are about to spend millions more to correct the problems. The irrational method of trying to save energy at the base is clear when one realizes that they replaced gas appliances with electric ones while electricity costs five times as much as gas per BTU at Little Rock rates. (Electrical costs are about \$.10 a kilowatt and provides only 3,413 BTUs while gas costs \$.60 a therm which provides 100,000 BTUs.) The entire problem could have been avoided if they had used our techniques of testing and diagnosing prior to prescribing the cure. As it turns out, the high-dollar geothermal heat pumps they installed were connected

to such poor existing duct systems and put into such poorly insulated housing that the energy savings are coming nowhere close to your mandates and occupant complaints have multiplied.

Our state energy office requires heat and air installers to hang their ducts in the attic where they are exposed to the extreme attic temperatures so that ceiling insulators won't miss as many spots. Realistically, logic would dictate that, if you must put the ductwork in the attic, it should be buried in the ceiling insulation so that it could be better protected from the extremely hot attic.

Our state heat and air board has declared that they won't enforce the federally mandated minimum SEER laws because they don't have enough inspectors, but will require anyone who installs higher than minimum equipment to install it properly so that the higher efficiencies are actually achieved. In other words, they will inspect those who try to do it right, but not those who don't even try to meet the minimum standards.

The National Home Builders Association has used all of their efforts to minimize the model energy code's requirements by insisting that "affordability" be the main criteria and have been gleefully successful. Somehow, the concept that lower monthly utility costs combined with building and equipment durability can easily offset the initial costs and increased monthly mortgage payments is completely lost in the argument.

We believe that federally-mandated minimum appliance efficiencies (which is about to be raised under your watch) will continue to fail to deliver their promise until the installers of these appliances (heat and air) are required to use proper installation techniques. Currently, only the manufacturers must meet the law, and installers are under no obligation whatsoever.

We also believe that the road to change is through customer education for which your support is badly needed. Attempts to change the industry from the top is greatly resisted by the inertia of these existing industries. If we had the President and Vice President of the United States preaching the benefits of "house-as-a system" techniques, contractors and retailers would quickly change their course to meet the new demands.

The people in our area have learned through our education efforts that they can have the best of both worlds and are beginning to demand it. The main stumbling block for the public is an availability of low-cost financing of the improvements which we believe the government could be instrumental in providing.

Every home owner we have ever consulted agrees with the need to make the necessary repairs and modifications to their home. Invariably, the thing that stops them from incorporating our recommendations is that they either don't intend to stay in the home long enough to make it cost-effective for them individually or they simply don't have the initial funds. These consumers regularly state that they would make the repairs if adequate

financing was available. Unfortunately, there is almost a complete dearth of such financing.

What is needed is low-interest, long-term financing. Most of the improvements (such as insulation, ductwork and heat and air equipment) will last anywhere from 10 years to the life of the structure. Yet, the little financing that exists is very short-term (five years or less) and carry high interest rates (most over 12% APR). Why should a homeowner, like many today, who only intends to stay 3-5 years pay the entire cost of improvements that will last many years after they are gone? Appraisers don't credit such improvements (they don't even recognize or look for them) and real estate agents and bankers are equally oblivious to them. Currently and sadly, there is little chance to recover these costs.

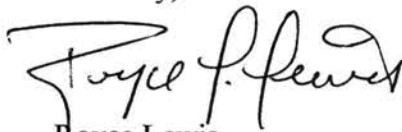
If low-interest, long-term loans were available through existing mortgage services, the existing owner would only pay their share of the improvements which would make all such repairs automatically cost-effective and wise for everyone. Homeowners would have safer, healthier homes with much lower utility bills and our country's energy usage, and resultant pollution, would be greatly reduced.

We understand that the State of Nebraska has proven such financing will work by using the Exxon settlement funds to finance energy improvements for homeowners. The state has been lending money to banks at attractive rates, who in turn lend it to the consumers. The program has evidently been so successful that they now have more money in the fund than they started with; while the other states who received a share of the money have none left.

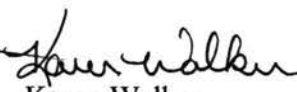
Mr. President, we promise you that this is not smoke and mirrors. Our solutions do work every time and with your voice added to the consumer's education along with proper financing, we can truly have the best of both worlds.

Thank you for your time. We welcome the opportunity to expand on these issues and would be pleased to provide additional information to you and your staff.

Sincerely,


Royce Lewis

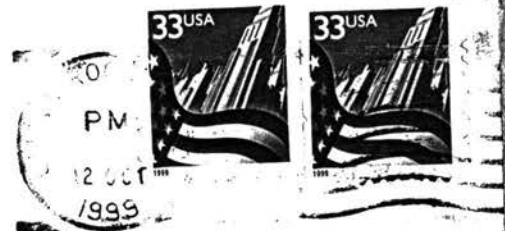

Joe Kuonen


Karen Walker

DAVID LEOPOLDES
5409 NORTH HILLS BLVD
NORTH LITTLE ROCK, AR 72116

153

WHITE HOUSE MAIL
RECEPTION & SECURITY
OCT 15 1999



PRESIDENT BILL CLINTON
THE WHITE HOUSE
1600 PENNSYLVANIA AVE.
WASHINGTON, D.C. 20500-2000

20300/2000



10-19-99

Send to Benhardt?

Yes ☒

No ☐

Agency Decision

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Far -

Lead to copy
state prison -

Status would be
help -
not

Kris,

This copy sent as requested
by Mike Hathorn. One copy
given to Mark Pryor by
George Daniel of Marshall, AR

Mike Baker

James E. ...
September 15, 1999

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

99 OCT 19 AM 8:59

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

A handwritten signature in cursive script that reads "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

k-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

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

UFF — Alene D. Miller, 69, of E Street, Pine Bluff, died July 28 at Jefferson Regional Medical Center. She was survived by her husband, two sons and four grandchildren. Services Tuesday, Aug. 3, 10 a.m., at the funeral home, Pine Bluff, in Roselawn Cemetery.

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

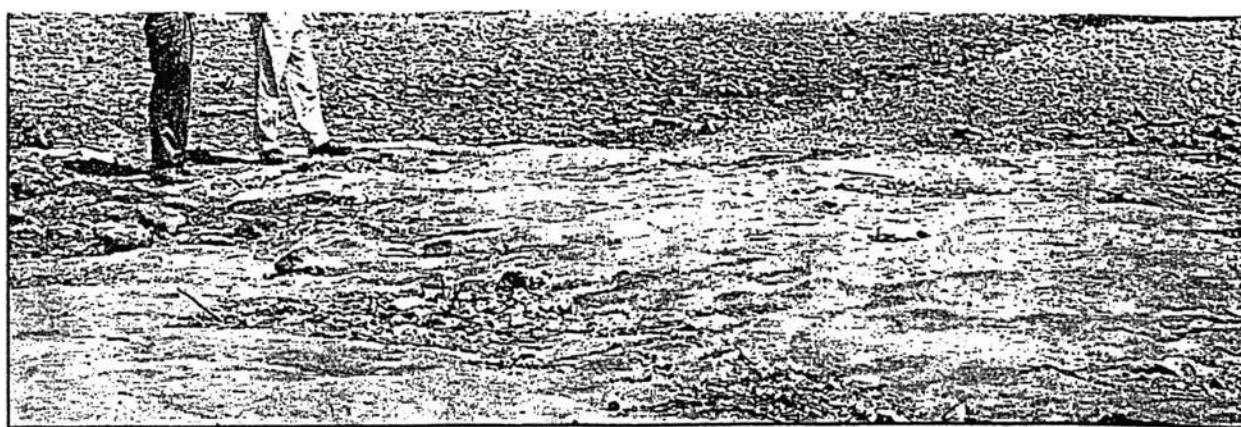
IVILLE — Nila Ruth "Sadie" Ward, age 68, of Plumerville, Ark., died Sunday, Dec. 28, 1999. She was born Dec. 28, 1931, in Mallett and Jewell Ward. She was a housewife and an Avon representative. She was a member of the Springfield Missionary Baptist Church and a member of the Y Society.

Survivors include her husband, D.J. Ward; sons and daughters-in-law, Brenda Huddleston of Springfield and Teresa Huddleston of Mallett; daughters and sons-in-law, Danny Gifford of Springfield, and Kevin Whitbey of Mallett; brother, Morse Mallett of Mallett; and seven grandchildren and one great-grandchild. Services 3 p.m. Tuesday, Aug. 3, at the Springfield Missionary Baptist Church. Bro. Harold C. Walker and Mrs. 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 Gifford, Wooten, Jimmy Don Gifford, Mallett, Calvin Mallett and others.

— Harlie J. Dampf, 95, of Mallett, died July 30, 1999, at his home. Services will be Tuesday, Aug. 3, 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.

LVILLE — Oma Hackworth, 87, 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 y Hackworth of Jonesboro; a daughter, Barbara Horton of Russellville; and four grandchildren.

Services 10 a.m. Tuesday at Shinn Funeral Home in Oakland Cemetery. Burial 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.

(3)

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.

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 degrading 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 degrading 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.

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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.

REFERENCES CITED

Foti, Thomas L.

1974 Natural Divisions of Arkansas. In *Arkansas Natural Area Plan*, prepared by the Arkansas Department of Planning, pp.11-34. Arkansas Department of Planning, Little Rock.

Klinger, Timothy C. and Richard P. Kandare

1984 *BLM Arkansas Tracts: Cultural Resources Survey of 13 Bureau of Land Management Tracts in Baxter, Fulton, Independence, Marion, Searcy and Van Buren Counties, Arkansas*. Historic Preservation Associates Report No. 84-7. Prepared for the Bureau of Land Management, Southeast District.

Lafferty, Robert H. III

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, Russelville, 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, Russelville, Arkansas.

(34)

**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



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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.

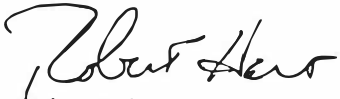
1. Future water needs based on 10 year, 20 year or maybe 30 year growth projections should be included in any further study on this project.
2. The letter dated July 21, 1995 from the City of Marshall states that water demands have caused their treatment plant to reach its capacity. The report did not 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.

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,



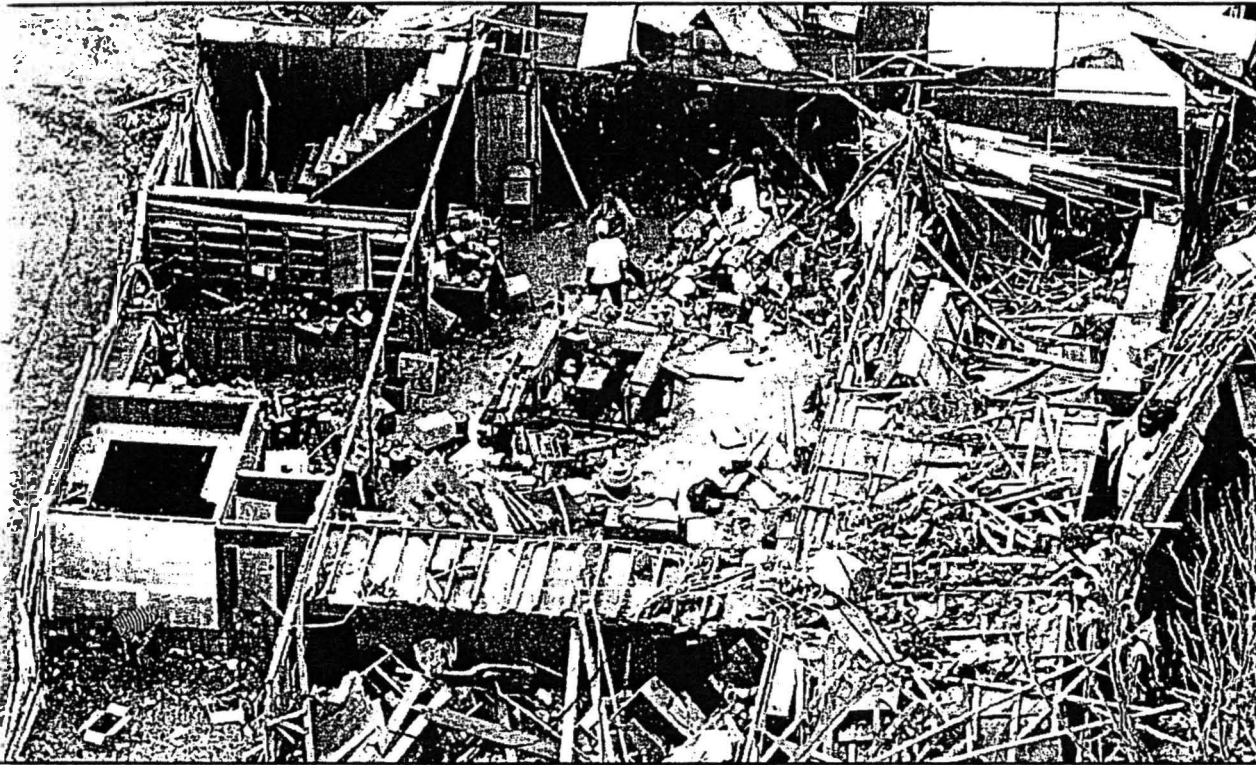
Robert Hart, P.E.
Chief Engineer
Division of Engineering

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, of which comes from burning.

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

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

But will millions of backyard chefs be unilaterally sent into the kitchen to meet the new air-quality standard? EPA officials, health experts and many state environmental officials say no way. That amounts to committing hara-kiri over a hibachi, the gesture.

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

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

"There are a lot of things that would look at before we get that extent," concedes Kristian Silfven, spokesman for the Michigan Department of Environmental Quality. "Nobody's out there lighting 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.

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.

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

MIKE BAKER
P.O. BOX 307
MARSHALL, ARKANSAS 72650