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September 14, 1999

Lawrence M. Noble, General Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, NW
6th Floor
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 14 1 32 PM '99

Re: MUR 4915, Gore 2000, Inc. and Jose Villarreal, treasurer
Vice President Al Gore

Dear Mr. Noble:

This is the response of our clients, Vice President Al Gore and his authorized campaign committee, Gore 2000, Inc. (the "Committee") and Jose Villarreal, as treasurer, to the complaint in the above-captioned matter under review ("MUR 4915"). As is fully demonstrated below, the Commission should find no reason to believe that any violation of the Federal Election Campaign Act of 1971 (the "FECA"), as amended, or of the Presidential Primary Matching Payment Account Act (collectively the "Acts") has occurred and should immediately close the file in this matter.

Statement of Facts

On July 22, 1999, Vice President Gore announced a major initiative of the Federal government that provided \$819,000 in Federal funds to enhance the historic, environmental and economic resources for communities along the Connecticut River watershed and a Federally funded "River Navigator" to work with the river communities.¹ The announcement was made in remarks at a public event in Cornish, New Hampshire. As a precursor to this announcement, the Vice President along with the Governor of New Hampshire and accompanied by 19 others², took a scenic canoe trip on the Connecticut River, travelling from Lebanon, New Hampshire to Cornish, New Hampshire, a distance of 3.5 miles. The canoe trip lasted approximately 35 minutes.

¹ See White House Press Release, Exhibit 1. The initiative and funding were originally announced in January 1997, prior to the Vice President's candidacy, and is commonly known as the "American Heritage Rivers Initiative," since it provides assistance to 14 different rivers. This was one in a series of additional steps taken to fully implement the initiative.

² In addition, United States Secret Service, White House staff and a few members of the press also were on the canoe trip.

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Gore 2000 did not plan the canoe trip or the accompanying announcement of the Federal government initiative and was not involved in the logistics of either. The Committee did not schedule the event, did not invite the attendees, did not stage the event, and did not prepare the Vice President's remarks. Neither the Committee nor the Vice President solicited any contributions at the event, engaged in any express advocacy at the event or otherwise referred to the campaign.

Unbeknownst to the Committee, as part of the staging of the event, the local New Hampshire electric utility released a quantity of water from a controlled area upstream on the Connecticut River which served to raise the water level further downstream where the canoe trip occurred. Because the Committee had no involvement with the canoe trip, Gore 2000 had had no contact or communication with this utility, and therefore, in no way requested, authorized or directed the release of this water.

In an unfortunate display of partisanship, the New Hampshire Republican Party filed a complaint with the Commission absurdly alleging that the above-described water release -- despite the lack of involvement by the Committee -- constituted a contribution to the Committee under the FECA, and, as such, was in violation of 2 U.S.C. §441b. No factual support for the allegation was supplied with the complaint. As fully demonstrated below, such an allegation is completely baseless, and is unsupported by the facts, law or Commission precedent. The canoe trip complained of was an official, not campaign, event and did not constitute campaign activity. Accordingly, the complaint should be dismissed by the Commission forthwith.

Discussion

Although the FECA at 2 U.S.C. §441b prohibits contributions made by a corporation "in connection with any election to any political office" and prohibits any person from knowingly receiving or accepting such contributions, the Commission has not precluded corporate involvement with events and officeholders, where the officeholder is not appearing as a candidate and the remarks made are not campaign-related. See 11 C.F.R. Part 114; Explanation and Justification, 60 Federal Register 64266 (December 14, 1995). Consequently, the FECA has never been interpreted by the Commission to mean that every event attended by a sitting Vice President in his role as an officeholder, subsequent to his filing a statement of candidacy, is considered a campaign event.

The Commission has frequently considered whether particular activities involving the participation of a candidate who is also an officeholder are campaign-related, and thus result in a contribution to or expenditure on behalf of such candidate.³ The Commission has long determined that an event does not give rise to campaign activity if (1) there is no solicitation, making or acceptance of contributions to the candidate's campaign at such event, or (2) none of the communications made at the event expressly advocate the

³ Such consideration is routinely part of the Commission audits conducted of the Presidential campaigns of candidates who also happen to be officeholders.

nomination, election or defeat of any candidate. In addition, the Commission has traditionally considered other factors, including the timing of, setting of, substance of remarks or speeches made at, and statements or expression of the purpose of a particular event in determining whether such an event is campaign activity. See, e.g., 11 C.F.R. §9034.7; Advisory Opinion ("AO") 1992-6.

The event complained of clearly meets the standard set forth by the Commission for distinguishing legitimate officeholder events from campaign activity. Under no conceivable standard -- complainant's conclusory allegations notwithstanding -- did campaign activity occur during the canoe trip or the accompanying Federal announcement:

- No contributions were solicited at or in connection with either the canoe trip or the Federal announcement. There was no fundraising activity of any kind; no checks were asked for, and no checks were received. Furthermore, the Committee did no follow-up fundraising in any way connected to the canoe trip or the Federal announcement.
- No express advocacy occurred at or in connection with the canoe trip or the Federal announcement. The Vice President did not make any remarks containing express advocacy or in any other way reference the Presidential campaign or his campaign committee, his candidacy or the candidacy of another, the election, voting or otherwise exhort any person to take an electorally-related action. A copy of his remarks is attached hereto, and even a cursory reading of such demonstrates that the sole purpose thereto was to announce an initiative of the Federal government.⁴ See Exhibit 2.

Specifically, the Vice President describes a major initiative promoting the environment, a policy area where he, as Vice President, has clearly and publicly taken the lead during the last six and one half years of this Administration. The key point of his speech is in the statement: *Today, I am proud to announce a major new \$800,000 commitment to support environmental restoration, historic preservation, and economic development along the Connecticut River. I am also announcing the appointment of Dan Burke as a full-time "river navigator."* Clearly, the entirety of the remarks address the Connecticut River, the American Heritage Rivers Initiative, and this new funding commitment.

- None of the other participants in the canoe trip or the Federal announcement made remarks containing express advocacy or any other reference to the Vice President's candidacy or the candidacy of others, the election, voting or otherwise exhort listeners to take an electorally-related action. Copies of the remarks made at the Federal announcement are also attached hereto, and any reading of those undoubtedly demonstrates the governmental purpose of this event. See Exhibit 3.

⁴ The Committee had no role in the preparation of these remarks.

- No other possible indicia of express advocacy was present. Neither the Committee, nor any representative thereof, handed out campaign paraphernalia or other materials or posted any signs or banners. No Committee staff attended the canoe trip. In other words, there was no campaign presence at the event complained of.

Accordingly, under the objective criteria previously set forth by the Commission, in short, (1) solicitation or (2) express advocacy, this event could not be considered campaign activity, given the complete absence of both criteria. Moreover, even applying the Commission's more subjective standard of examining the timing, setting and purpose of the event, it is clear that no campaign activity occurred in connection with the canoe trip and the Federal announcement:

- With respect to timing, this event was simply not in proximity to the New Hampshire primary. The Commission has never declared -- nor could it -- that there can be no official government initiatives or events once an officeholder files a statement of candidacy. To the contrary, the Commission has, in fact, expressly recognized the obvious: that the business of the Federal government continues despite the election cycle.
- The setting was typical of many other official announcements of Federal initiatives during which part of the announcement is a participatory event, such as the canoe trip, to publicize the initiative. For example, Federal funding of empowerment zones is often accompanied by a "walk-through" of the needy area by the President or Vice President and other local, state and Federal government officials. Federal funding of other environmental initiatives is often accompanied by "wilderness hikes" by the President, Vice President and other local, state and Federal government officials.⁵ Given the total absence of campaign activity on the canoe trip, this event is identical to any of these other examples.
- The purpose of the canoe trip was to highlight and publicize the accompanying Federal announcement of governmental funding for an American Heritage River. A summary description of the Federal program, the American Heritage Rivers Initiative is attached. See Exhibit 4. In short, this program was announced in January 1997 to support and assist local communities in their efforts to enhance America's rivers and riverfronts. Specifically, environmental protection, historic preservation, and economic revitalization are its goals. In 1998, fourteen rivers, including the Connecticut River, were formally designated as American Heritage Rivers, eligible for Federal assistance and resources. As funding becomes available for each river, it is formally announced. The program is implemented by a consortium of Federal agencies working with local communities.

⁵ Specific examples of similar events in which the Vice President joined with other Federal, state or local officials include (1) a January 17, 1995 community walk in Detroit, Michigan in conjunction with the announcement of an empowerment zone and concurrent funding, (2) a July 25, 1997 hike in Lake Tahoe Forest, California in conjunction with a workshop and discussion of issues including clean water policies and forest health, and (3) a September 2, 1997 boat ride and hike at Glacier National Park, Montana, in conjunction with a climate change event. This Administration (including the Vice President) has participated in numerous other similar events over the course of the last six and one-half years.

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- The participants in the event were officeholders and public officials. In fact, this was a bipartisan event including both Democrats and Republicans. A manifest of the participants in the canoe trip is attached hereto and obviously consists of other Federal and state officials and others, all of whom have a professional interest in the Federal initiative being announced. See Exhibit 5. Included are the Governor of New Hampshire, the EPA Regional Administrator, the Chairman of the Natural Resources and Agriculture Committee of the New Hampshire State Senate, representatives of the New Hampshire, Vermont and Connecticut state environmental, natural resources and agriculture agencies, and representatives of the Connecticut River Watershed Council, the Massachusetts Watershed Initiative and the U.S. Fish and Wildlife Service.⁶

Given the total absence in the complaint of any evidence of campaign activity combined with the clear, overwhelming indicia of official bipartisan officeholder activity, there can be only one conclusion herein -- that complainant's allegations are totally without merit, and no contribution to the Committee occurred. Complainant cannot change the facts simply by alleging that the canoe trip was a campaign event. Similarly, complainant cannot deprive an officeholder such as the Vice President of the ability to perform the responsibilities of his office.

This event was planned and implemented in complete and total compliance with the criteria set forth by the Commission. The conclusion that this was not campaign activity compels the logical resolution of this matter -- that no corporate contribution could have possibly occurred because this was not a campaign event.⁷ Accordingly, for the reasons stated herein, the Commission should find that there is no reason to believe that any violation of the Acts has occurred, dismiss this wholly baseless complaint, and close this matter immediately.

⁶ Republican participants included representatives of the Connecticut Department of Environmental Protection and the Massachusetts Watershed Initiative.

⁷ This response does not address the absurdity of the complainant's allegation that something of value was provided by Pacific Gas & Electric ("PGE") to the Committee. The water that was released is a natural resource and is not owned by PGE. The release occurs on a routine basis and is explained in detail in the public statement by the Executive Director of the Connecticut River Joint Commission, a copy of which is attached hereto. See Exhibit 6. This statement corroborates the fact that the Committee did not request the release of any water and that the release was done without the Committee's authorization. As emphasized in the body of this response, and as the Commission has long recognized, if there is no campaign activity, there cannot be a contribution to the campaign.

Moreover, even assuming arguendo that this event was a campaign event, 11 C.F.R. §§114.3 and 114.4 permit candidate appearances at corporate facilities. Nothing in those provisions limits the amounts that a corporation may pay in hosting such an event, and the payment of such costs in connection with a candidate appearance does not give rise to a corporate contribution.

Conclusion

Complainant's allegation that the canoe trip attended by the Vice President, the Governor of New Hampshire and eighteen other local, state and Federal officials constituted campaign activity has absolutely no factual or legal basis. Complainant provides no evidence to the contrary. The allegation of a corporate contribution is absurd.

The event complained of was a bona fide official government event planned and carried out in the course of the Vice President's officeholder duties. The Committee did not plan, sponsor or participate in this event, and abided by all of the guidelines set forth previously by the Commission to avoid having campaign activity occur, namely, the avoidance of fundraising and express advocacy. The factual description above and the attachments hereto conclusively demonstrate that the event complained of was not campaign activity, and accordingly, no contribution could logically have occurred.

It is respectfully requested on behalf of the respondents that this baseless complaint be dismissed forthwith, that the Commission find no reason to believe that any violation of the Acts or Commission regulations has occurred, and that the file be closed immediately.

Respectfully submitted,


Eric Kleinfeld


Lyn Utrecht

Attachments

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Exhibit 1

THE WHITE HOUSE**Office of the Vice President**

For Immediate Release
Wednesday, July 22, 1999

Contact:
(202) 456-7035

**VICE PRESIDENT GORE ANNOUNCES \$819,000
TO ENHANCE CONNECTICUT RIVER, SURROUNDING COMMUNITIES**

Cornish, NH -- Vice President Gore today announced a total of \$819,000 from various federal sources to enhance the historic, environmental and economic resources of the Connecticut River and its communities.

The Connecticut River was designated an American Heritage River last year, and today's awards are a portion of the federal resources redirected to the river as a result of that designation.

Like a grand main street, the Connecticut River is 410 miles long and runs through the center of New England's commerce, community, history and culture. The Connecticut River was one of 14 rivers selected out of 126 rivers nominated for the designation.

"The Connecticut River community has a vision of a river with clean running water, migrating salmon, many recreational uses with protected open lands, wildlife areas, paths and access for everyone, and urban riverfront development," Vice President Gore said. "Today the federal government is providing funds to start making that vision a reality."

Also, the Vice President announced that the four river states of New Hampshire, Vermont, Massachusetts and Connecticut had joined with a dozen federal agencies and more than 20 community partners in agreeing to a work plan of 29 local projects along the river. Gore also announced the federal government had named Daniel Burke, a six year employee of the Environmental Protection Agency, as the "Connecticut River Navigator," a full time federal employee dedicated to accomplishing the projects included in the joint plan.

Today's announcement includes:

- **River Restoration/Flood Damage Control and Prevention:** A \$350,000 block grant from the Federal Emergency Management Agency (FEMA) for environmental projects along the Connecticut River in New Hampshire.
- **Scenic Byway Visitor Center:** A \$215,000 Federal Highway Administration grant for a Scenic Byway Visitor Center in Sullivan County.
- **Support for Community-led Improvement Projects:** A \$100,000 partnership grant from the National Park Service to the Connecticut River Joint Commission -- which will make

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25 grants to local efforts to support the joint work plan.

- **Restoring Fish Habitat:** A \$50,000 grant from the National Marine Fisheries Service (NMFS) to the state of Vermont for the study of Atlantic salmon on the Connecticut River; a \$20,000 to the Connecticut River Watershed Council for construction of a fishway to allow migrating species access to habitat.
- **Sustainable Riverbanks Funding:** A \$50,000 grant from EPA to the Connecticut River Watershed Council and the Connecticut River Joint Commission to carry out a Sustainable Riverbanks component of the joint work plan.
- **Help for Local Farmers:** A \$34,000 grant from the USDA to the New Hampshire Department of Agriculture to help local farmers find markets for their products.
- **Wildlife Habitat Incentive Program:** A \$10,000 grant to a local landowner from the Natural Resources Conservation Service to promote wildlife habitat preservation on agricultural lands.
- **National Heritage Corridor Support:** A \$10,000 National Park Service grant to the Connecticut River Watershed Council to determine the public's preferences in a national heritage corridor study directed by Congress.

In his 1997, President Clinton in his State of the Union address announced his American Heritage Rivers Initiative to support local efforts to enhance America's rivers and river fronts. The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation. The President subsequently directed federal agencies to establish and implement the Initiative, focusing authorized programs to solve local problems at communities' requests. The initiative creates no new regulatory requirements for property owners or state, tribal, or local governments.

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Exhibit 2

**REMARKS BY VICE PRESIDENT AL GORE
CONNECTICUT RIVER ANNOUNCEMENT**

Thursday, July 22, 1999

Before we get started, I want to say to all of you: my heart aches for one of New England's greatest families, the Kennedy family -- and for the Bessette family as well.

My father worked closely with President Kennedy, from the days they both served in the House of Representatives; in fact, my parents were at the small dinner where then-Congressman Kennedy met Jacqueline Bouvier, who became his wife.

The spirit of hope and possibility that defines the Kennedys has touched my life -- and I know it is how John Kennedy Jr. lived his short but extraordinary lifetime. We all share the pain of his loss -- and together, we grieve for the contributions that were surely to come.

[pause]

I want to begin with the words of Mark Twain. For it was from his home on the Connecticut River that Twain wrote his tales of life on the Mississippi River. Those words have great resonance for us today.

"The face of the water," he wrote, "in time became a wonderful book... delivering its most cherished secrets as clearly as if it uttered them with a voice."

I just had a chance to canoe the Connecticut River, and I heard that timeless voice. As it cuts its 410-mile path between New Hampshire and Vermont, through the Berkshires of Massachusetts and the Trap Rock Hills of Connecticut, all the way to the Long Island Sound, the Connecticut River tells the story of America.

In the 17th Century, this river was the main corridor for the settlement of New England. It brought Europeans into contact with Native Americans -- and it was from them that we learned our earliest hunting, fishing, and farming practices. Later, the Connecticut River became the first large river that was specially improved for travel by boat. In the Industrial Revolution, the power of the Connecticut's waters helped The Valley to thrive. And it was here, in 1886, that the people of Cornish, New Hampshire and Windsor, Vermont reached out to one another by building the longest covered bridge in the United States; I just had a chance to canoe under it.

But that timeless voice also challenges us to make a commitment: As we close the curtain on America's century of conservation, let us dedicate ourselves to meeting the great environmental challenges of the 21st Century.

We must commit to protecting our historic rivers and streams, and making our air cleaner and our food safer -- even as we grow our economy faster, and create high-paying jobs for our people.

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We must forge new worldwide coalitions to fight global warming, and foster free and fair trade in ways that also advance environment protection.

We must make the 21st Century the time when we finally right the environmental wrongs of our past -- by cleaning up poisonous waste dumps and abandoned lots in our communities, and creating more parks and playgrounds for our children and families.

To me, these are more than public policy issues -- they are profoundly moral issues. They speak to the very fabric of life itself: the lifeblood that connects our communities, the lifeline that binds us together -- neighbor to neighbor, nation to nation, generation to generation.

My deep beliefs on this started with lessons I learned at home. My earliest lessons on environmental protection were about soil erosion on our family farm back in Tennessee. I still remember clearly how important it is to stop a gully "before it gets started good." And my earliest experiences with the power and beauty of rivers came from the Caney Fork River, which runs by my family's farm -- where I swam as a child, and have watched my children swim.

And it is with these memories in mind that I urged President Clinton to launch the American Heritage Rivers initiative. We felt it was time to rededicate our country to restoring our great river heritage and to recognize our rivers for what they are -- national treasures that must be safeguarded so our children and grandchildren can enjoy them as our parents did.

I was so pleased that the Connecticut was designated as one of those rivers, and I want to say a special word of thanks to Walpole, New Hampshire's Dayton Duncan -- who chaired the advisory committee that helped us choose the rivers.

American Heritage Rivers is not about federal mandates or restrictions on the rights of property holders -- indeed, there are none. It is about communities coming together in common cause -- to enhance historic rivers, to make them economically viable, and to preserve the rich, natural qualities that draw us to them in the first place. What is most impressive is that literally hundreds of people, representing all interests and all walks of life, have rallied together to support their rivers.

This is truly inspirational, given the fact that not long ago, it seemed the storied history of the Connecticut River was about to be a closed book. The first European explorer who traveled up the Connecticut named it "de versche" -- "fresh river" -- because of the purity of its water. But by the late 1950's, some travelers here had to take water samples wearing gas masks. By the late 1970's, one major newspaper [NY Times] declared the Connecticut River "the nation's best landscaped sewer."

Today, thanks to the visionary and bipartisan Clean Water Act, and the combined efforts of the people of this region -- state officials, citizens, activists, industries, farmers, and sportsmen -- an amazing change has taken place -- the river is now almost entirely safe for fishing and swimming. And now, we are taking another step in the remarkable recovery of the Connecticut River.

Today, I am proud to announce a major new \$800,000 commitment to support environmental restoration, historic preservation, and economic development along the Connecticut River. I am also announcing the appointment of Dan Burke as a full-time "river navigator." Dan will be dedicated to accomplishing the 29 goals this community has already set forth – and agreed upon today.

With this new commitment, we will help the people of New England write another chapter in the Connecticut River's remarkable story of rebirth.

I am pleased to tell you that we are writing similar chapters from the Cuyahoga in Ohio, to the Willamette in Washington, to the Tennessee River in my home state – and scores of shining waterways in between.

And I want to make clear that we are proving, time and again, that environmental protection and economic growth are not opposing forces; they go hand in hand. Today, we have the cleanest environment in a generation and the strongest economy in a generation. When it comes to our environment – we can do well by doing good.

Three weeks ago, my first grandchild was born. Decades from now, when his children or his children's children gather on the banks of this river, I want them to know that we were thinking of their time with the same vision, the same dedication, and the same commitment with which the great 20th Century conservationists thought of ours.

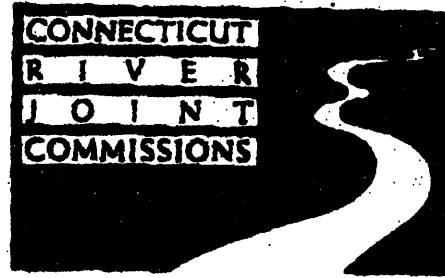
I want them to know that we closed the chapter on this century not by looking back, but by looking forward – to a 21st Century where our rivers and streams and natural lands are as strong and secure as they are awe-inspiring.

That is the 21st Century I want to help create. So I want to thank all of these wonderful stewards of the Connecticut River for working so hard and understanding so well – God created only this one earth. And if we live up to our obligation to protect and sustain it, it will be ours to cherish and enjoy for centuries to come.

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Exhibit 3



Remarks of Sharon F. Francis
CEREMONY WITH VICE PRESIDENT ALBERT GORE
Dedication of the Connecticut River
as an
AMERICAN HERITAGE RIVER
Cornish, NH, July 20, 1999

This ribbon of blue that you see here is the largest river in New England . . . serene today . . . but a river that does not let you forget its power. The Connecticut River Joint Commissions have become students of the river, and as we learn from the River itself, its neighbors, and fellow students, we teach . . . so there is an evolution underway here in the arts of stewardship, of being good neighbors to a great River.

Two thirds of the River's length is here, a uniting border for New Hampshire and Vermont, and almost two thirds of the River's watershed. Its a big piece of geography to get your mind around and understand.

It is a great honor that the River we work for has been chosen one of a handful of American Heritage Rivers. This was not a photo contest of beautiful rivers, rather it is the people who have been honored, the workers and the visionaries of this Valley, all of us here. We have been recognized for what we have done, and now we are challenged to do a great deal more, because this time we are in the national spotlight.

I want to highlight a few of the objectives that we put in the American Heritage River nomination for the Connecticut River, because they indicate the challenges ahead:

***Repair eroded riverbanks** and do a better job of protecting natural buffers along the river;

***Develop new markets for the Valley's agricultural products.** The working landscape that gives the Valley so much scenic appeal rests on the shoulders of farmers who are struggling to hang on to their lands and livelihood as the global food marketplace increasingly provides apples from China or broccoli from Mexico on our supermarket shelves. Our farmers know how to grow food. They could use some real help with the sophistications of marketing.

*** Transform the Tri State Connecticut River Scenic Byway** from being a good plan on paper to the dynamic thread that weaves historic and scenic preservation with heritage tourism and new economic opportunities.

*** Combat nonpoint pollution.** In many respects, farmers have been the first conservationists, recycling nutrients back into the land and crops. But farmers in the Valley will need more help from Cooperative Extension, NRCS and other agencies in fine-tuning their nutrients if they are going to continue making progress in being good neighbors to our great River.

***Bring the resources and skills of federal agencies to bear in helping us implement the recommendations of our *Connecticut River Corridor Management Plan*, a plan written by wise citizens of the 53 towns that border the River. Already, thanks to John DeVillars' initiative, the New England Federal Partners for Natural Resources have set up a series of teams to help us, and this encouraging teamwork shows the way for how the American Heritage River process can work.**

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The essence of the American Heritage River initiative, as we see it, is a new and thriving partnership between federal agencies and local people, landowners, farmers, fishermen, town selectmen, and all the rest, a partnership that will erase the trappings of the pejorative word, "bureaucrat," and demonstrate mutual creative problem solving.

Much can be done with dedication and Yankee frugality, but not everything. Underfunded federal programs must be taken off starvation rations if the promise of the American Heritage River is to become real. I'm referring to the Land and Water Conservation Fund, Forest Legacy, Clean Water Act, Rivers and Trails program of the National Park Service, the Conte Refuge, and the USDA programs like Conservation Reserve and the incentives for environmental quality and wildlife habitat. We are fooling ourselves if we think river stewardship doesn't have a pricetag.

These are dynamic times. The river is ever moving and changing. So is the global economy and the way it impacts this region. So is our environmental savvy. We are always trying to catch up to this River. With your help, we will.

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**Connecticut River
American Heritage Rivers Initiative
Presentation
July 22, 1999
Cornish, New Hampshire**

*draft remarks by
ms. Whitty Sanford
ct-river watershed Co*

Vice President Gore, Governor Shaheen, Honored Guests, and good friends of the Connecticut River:

Usually, it is the role of the Connecticut River Watershed Council to speak for the River, from its source at 4th Connecticut Lake in NH to the sea at Old Saybrook in CT. Today, however, we want to speak on behalf of the people in the Valley. They are the reason the Connecticut and its communities have earned this national honor that you, Mr. Vice President and President Clinton, created in the American Heritage Rivers Initiative.

CRWC wants to congratulate and thank:

- **The corporate leaders and individuals in the four-state Valley who almost 50 years ago founded the Connecticut River Watershed Council, and who have worked tirelessly over that time to clean up the River, so we could enjoy its natural beauty and economic benefits today;**
- **The more 250 individuals, nonprofits, businesses, and communities in the four-states who came together to nominate the Connecticut for American Heritage Rivers designation; and**
- **The growing network of more than 2,500 people in the Valley who are involved a truly remarkable grassroots effort to help the River and their communities.**

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**Connecticut River
American Heritage Rivers Initiative Presentation****July 22, 1999
Cornish, New Hampshire**

Their programs and partnerships are the engine behind the Connecticut's Action Plan for the American Heritage Rivers designation. CRWC wants to recognize some of these endeavors, so more people, communities and corporations in the Valley will support and get involved with the Initiative's work. They are projects like the:

- **Connecticut River Heritage Network**
- **Connecticut River Education Initiative** of teachers, schools, museums, science centers, and each state's PBS Television station
- **Great Falls Discovery Partnership** with MA DEM, Northeast Utilities, the Montague Economic Development and Industry Council and others
- **Connecticut River Water Trail** led by the Upper Valley Land Trust
- **Tri-State Scenic Farm Byway** led by the Valley's Regional Planning Commissions like the Windham Regional Commission, Southwest Regional Commission, and Franklin Regional Council of Governments in VT, NH and MA
- **Riverfront Recapture** in Hartford CT
- **Anadromous Fisheries Restoration Initiative** sparked by CT DEP and led by CRWC
- **Interstate Connecticut River CSO Coalition** with the Pioneer Valley Planning Commission and Hartford's MDC, and

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**Connecticut River
American Heritage Rivers Initiative Presentation**

**July 22, 1999
Cornish, New Hampshire**

The Council is here today for another reason. We want to thank you Vice President Gore and the agencies and individuals of the New England Federal Partners whose support will be critical to the success of these grassroots programs for the American Heritage Rivers Initiative.

The New England Federal Partners are a remarkable model of federal action and assistance for the Nation. These 12 agencies (soon to be 15) have worked for five years to improve government services for the region. Today, with the signing of the Memorandum of Understanding for the Connecticut's AHRI designation, they will be able focus their assistance on the Connecticut, setting the example for a new federal/local partnership that will become the standard for rivers and communities across the country.

In particular, we want to thank people like Mike Bartlett of USFWS, Ron Manfredonia and Trish Garrigan of EPA, Jamie Fosburgh of NPS, Steve Garabedian of USGS, Bill Hubbard of ACE and Dawn Genes of the NRCS. They are the individuals along with our River Pilots at each agency, and River Navigator Dan Burke who are the face of the federal government. They will lead this new federal initiative in New England, working directly with the nonprofits, Regional Planning Commissions, businesses, communities and individuals wanting to make a difference for the Valley.

We are embarking together on new partnership for the 21st century – one where the Valley's communities and people, the Administration, the New England Federal Partner Agencies, our four states and our Congressional Delegation will work with nonprofits and localities to achieve our common goals of economic prosperity, heritage preservation, and environmental conservation.

Thank you Vice President Gore for giving the Valley and the Nation the opportunity of the American Heritage Rivers Initiative.

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Draft Talking Points (4:00 PM 7/21/99)**John DeVillars****Connecticut Heritage River Celebration****July 22, 1999**

Welcome.

We're here today to salute the Connecticut as an American Heritage River – to celebrate the rich heritage of its value to New England, and to dedicate ourselves to preserving and renewing that heritage.

It is indeed a rich legacy we have in the Connecticut.

The Connecticut forms the backbone of New England. It powerfully affects the whole region, draining a third of Vermont and New Hampshire, through the Pioneer Valley, to Long Island Sound, where it provides 70% of the fresh water entering the sound.

For 10,000 years – since it was formed by the melting glaciers that shaped the landscape of New England – the Connecticut has provided water, food, recreation and transportation to the residents of the region, as shown for instance by the Native American petroglyphs found along the river in Bellows Falls, VT.

It was the main highway of the New England colonies – moving timber from the woodlands of the upper river, carrying the products from the rich valleys of western Massachusetts, providing power for mills in Connecticut and New Hampshire.

And it's still a central part of New England's identity today.

- Runs through or forms the border of 4 of 6 NE states – and the watershed it drains covers about a third of each of those states.**
- More than 1 out of 7 New England residents live in the watershed [2 million out of NE's 13.6 million]. And countless more come here to paddle, fish, swim, hike, ski or watch bald eagles in the watershed.**

Unfortunately, we haven't always treated the Connecticut with the respect it deserves.

We used it as a dumping area for pollution from sewers and factories. We killed the fish and the birds – almost driving into extinction the bald eagle that symbolizes not just New England, but our entire nation, and eliminating the Atlantic Salmon that used to call the river home. And

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many the industries that once drove thriving economies along the river have left for other areas, often leaving legacies of abandoned and contaminated properties behind.

Two decades ago the New York Times called it "the nation's best landscaped sewer". It's no wonder that the towns and cities along the river walled themselves off from it – removing their residents from the potential beauty and renewal that can come from being in touch with the great river of New England.

The good news is that the Connecticut, like the eagles that nest here, has made a remarkable recovery. Thanks to the Clean Water Act, and the work that's been done by countless people, the river is cleaner than it has been in decades, and people are rediscovering the value and beauty of the Connecticut.

But there's still a lot of work to do. We've made a great start – we're even halfway home – but the Connecticut is still facing some of the largest challenges:

- Today old-fashioned sewer systems still pour tens of millions of gallons of raw, untreated sewage into the river through CSOs every time it rains - hundreds of millions in a large storm.
[This is a rough estimate – based Hartford discharging about 90 million gallons in a once-a-year storm, and 65 million in a once-every-three-months sized storm. Springfield, Chicopee, and Holyoke are the other major systems. There are more minor CSOs in Vermont and elsewhere in CT and MA. At least some of them overflow even in minor rain events]
- Non-point source pollution – runoff from roads, parking lots, and suburban lawns – degrades water quality along the river, contributing more than half of the pollution entering it.
- Unplanned, sprawling growth is chewing up open space everywhere along the river, from the tidelands in Connecticut to the vanishing farmland in Vermont. And this spread-out development intensifies the runoff and erosion problems.
- All areas of the Connecticut – from the former industrial areas in the Lower Connecticut, to the farming communities in the upper reaches – are trying to develop local economies that can provide for their residents in a sustainable way, while still preserving the environment and natural beauty of the valley.

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- Cities like Hartford and Springfield are grappling with how to put their abandoned, often contaminated properties back into uses that contribute rather than drain their economies.
- And these cities are trying to reconnect their downtowns and their residents with the rich heritage and everyday beauty of the river.

We've vigorously taken up these challenges and made the Connecticut a priority of ours at EPA-New England.

- Last year alone, we gave out \$ 447,000 in grants for clean water efforts directly in and along the Connecticut -- for non-point source control, habitat restoration, urban stormwater control, flow control, supporting watershed partnerships, etc.
- Over the last ten years, federally-funded state revolving loan funds have provided over \$273 Million for drinking water and sewer improvements to communities in the Connecticut watershed.
- We've given \$6.5 million for brownfields grants directly to communities along the Connecticut River so they can put abandoned properties back into beneficial re-use.
- We're using our enforcement powers in working with communities along the river to ensure that the CSO discharges to the river are abated, while doing so in a way that is sensitive to the needs of the ratepayers in those towns.
- Our region-wide programs are making a difference in the Connecticut as well, like our pollution prevention and assistance programs that are helping businesses reduce their use and generation of toxic materials that could otherwise have found their way into the river.
- And our smart growth campaign will be working with communities across New England -- including the Connecticut River valley -- to give them the tools to plan for growth and channel it into ways that contribute both to the local economy, and the local environment.

Our approach to livable communities and smart growth I think exemplifies the spirit of the American Heritage River program that we're celebrating today. Our goal is not to tell towns how to grow -- it's properly their choice, and their responsibility. Our goal is to give them the tools to achieve the goals they want. It's not about the federal government having all the answers, and its not about leaving communities without the resources to protect their river and their heritage.

It requires a truly cooperative effort -- from EPA and other federal agencies, from States like New Hampshire, from towns and municipalities, from non-profits and community organizations, and from responsible businesses who understand that a healthy Connecticut river is vital for a healthy economy in the region.

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It's been said that "a river gets stronger as its tributaries converge." And that's what this effort to protect and restore the Connecticut is doing - getting stronger as the tributaries of our efforts converge into a common partnership, with a common vision of a clean, healthy Connecticut river that is a proud heritage for our children, grandchildren, and their descendants.

One note on our national symbol:

As you may recall, the Bald Eagle was just a couple of weeks ago taken off the endangered species list. Interior Secretary Bruce Babbitt first announced the government's intention to remove the Eagle at a press conference on the Connecticut River in May 1998. There are Bald Eagles in every state along the CT - at least 5 successful nests in MA alone.

Some more potential quotes:

Robert F. Kennedy: "One man can make a difference and each of us should try."

Norman McLean: "Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood and runs over rocks from the basement of time"

Proverb: "Like dreams, small creeks grow into mighty rivers."

Thos. Jefferson "Great Initiatives cannot be built on slender majorities" (i.e., they need everyone cooperating)

John Muir- "Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and cheer and give strength to body and soul alike."

G. K. Chesterton: "The way to love anything is to realize that it might be lost."

** Since they just had Yogi Berra day at Yankee Stadium last week.

Q: "Yogi, what makes a good manager?" A: "Good Players"

(Berra: "I really didn't say everything I've said")

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Exhibit 4

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American Heritage Rivers Initiative

July 1999

Background

Presidential Announcement: In his 1997 State of the Union address, President Clinton announced his American Heritage Rivers Initiative to support local efforts to enhance America's rivers and river fronts. The President subsequently issued Executive Order 13061, directing federal agencies to establish and implement the Initiative and describing how communities could nominate their rivers for designation as American Heritage Rivers. He stressed that the initiative creates no new regulatory requirements for property owners or state, tribal, or local governments. The initiative will use existing federal resources more effectively to assist communities.

Response: The response to the President's initiative was overwhelming. The Administration received 126 nominations from 46 states and the District of Columbia. Nearly 200 members of Congress, more than 500 mayors and 21 governors expressed their support. A blue ribbon Advisory Committee was appointed and, after two meetings and an intensive review, made recommendations to the President.

Designations: On July 30, 1998, at a ceremony along the banks of the New River in North Carolina, President Clinton formally designated 14 American Heritage Rivers (see list below).

Term of Designation: Under the Executive Order, the term of focused, active assistance to the designated rivers will be limited to five years. Federal agencies may, of course, continue to provide appropriate services as part of their ongoing activities after this time. Designation will generally be considered indefinite or until and unless termination of it is sought.

Current Status

Each of the 14 designated rivers will, if they so chose, have the use of a "River Navigator," a federal or federally funded person who will identify programs and resources to help communities implement their plans. Below is a list of the designated rivers:

Blackstone and Woonasquatucket (RI/MA)
Cuyahoga (OH)
Connecticut (CT/MA/NH/VT)
Detroit (MI)
Hanalei (HI)
Hudson (NY)
Mississippi, Lower (TN/LA)
Mississippi, Upper (MO/IL/IA/WI/MN)
New River (NC, VA, WV)
Potomac (DC, MD, PA, VA, WV)
Rio Grande (TX)
Susquehanna/Lackawanna Rivers (PA)
St. John's River (FL)
Willamette (OR)

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Federal Assistance:

The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation. In addition to providing for River Navigators, E.O. 13061 specifically directs federal agencies to:

- coordinate their "plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage."
- "...bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers."
- "...help identify resources in the private and nonprofit sectors to aid revitalization efforts" and, "to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations."
- "...establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs."

Interagency Coordination

Interagency Committee: E. O. 13061 creates the American Heritage Rivers Interagency Committee, responsible for implementing the Initiative. The Committee is chaired by the Chair of the Council on Environmental Quality (George Frampton) and it may elect a rotating co-chair (currently Jim Lyons, Under Secretary of the Department of Agriculture). The Committee is composed of the following members or designees at the assistant secretary or higher):

The Secretary of Defense
Attorney General
Secretary of the Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Housing & Urban
Development

Secretary of Transportation
Secretary of Energy
Administrator, Environmental Protection
Agency
Chair, Advisory Council on Preservation
Chair, National Endowment for the Arts
Chair, National Endowment for the
Humanities.

Each of these departments and agencies oversees programs and services, authorized by Congress, that can benefit citizens in riverfront communities. Other Federal agencies and Departments have also volunteered their help, including the Department of Education, Federal Emergency Management Agency (FEMA), General Services Administration (GSA) and Small Business Administration (SBA).

Task Force: To assist the Committee in implementing the initiative, an Interagency Task Force has been formed. It currently includes three senior level staff members representing agencies on the Committee.

For Further Information:

Internet address is: <http://www.epa.gov/rivers>. Or contact the American Heritage Rivers Interagency Task Force, c/o Council on Environmental Quality, 722 Jackson Place, NW, Washington DC 20503, Phone: 202-395-5750. Fax: 202-456-6546.

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The Connecticut River

Connecticut, Massachusetts, New Hampshire and Vermont

Like a great main street of New England, the Connecticut River flows 410 miles from the Canadian border to the coast of Connecticut, forming the New Hampshire-Vermont state line, bisecting both Massachusetts and Connecticut, and draining an 11,260 square mile watershed. For 300 years, the river has played a key role in the history of New England. It was the nation's first large river highway and retains the remains of six early canals, dating back to 1795.

Ninety-nine cities and towns border the Connecticut River, including the cities of Springfield and Hartford. The entire watershed encompasses more than 400 cities and towns with a combined population of 2 million, including students at 35 universities and colleges.

River Resources

The Connecticut is an economic lifeline for the region. In communities along its banks, some 50,000 businesses employ more than 643,000 people and generate revenues of more than \$200 billion a year. Agriculture still covers 11 percent of the watershed's land, producing a wide variety of products and specialty foods.

Tourism is a major economic activity throughout the region, with visitors coming from around the world.

The land ranges from forests and sparsely-populated rural areas in the northern end, including New England's great Northern Forest, to suburbs and industrialized urban areas in southern Massachusetts and Connecticut. The river's watershed includes one of the nation's least-disturbed tidal marsh systems in the nation and is a key habitat for a wide variety of birds and other wildlife. The river and its tributaries also play a central role in efforts to restore Atlantic salmon runs.

Community Action Plan

The Connecticut River Action plan draws together a variety of plans from communities, states, regional commissions, non-profits, and federal agencies. Over the past 20 years, major steps have been taken to clean up the river. The action plan, which will continue those efforts, envisions a river with clean water, salmon runs, improved and diverse recreational opportunities, protected open lands and river access, and riverfront development in downtown areas. Designation as an

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(American Heritage River will be a key to improving partnerships and cooperation and ensuring grassroots support along the entire river.

Contact

Whitty Sanford, Connecticut River Watershed Council, Inc. (413) 529-9500

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Exhibit 5

Canoe Manifest

July 22, 1999

Vice President Al Gore
Governor Jeanne Shaheen

VPOTUS
Governor of New Hampshire

Mr. John DeVillars
Mr. Witty Sanford

EPA Region I Administrator
Exec. Director, CT River Watershed Council

Ms. Sharon F. Francis
Mr. Robert Varney

Connecticut River Joint Commissions
NH Dept. of Environmental Services

Mr. Billy Shaheen
Mr. Mike O'Malley

Governor Shaheen
Governor Shaheen

Mr. Ron Lambertson
State Senator Marc Pacheco, Massachusetts

U.S. Fish & Wildlife Service
Chair of the Natural Resources and Ag.
Committee

Mr. David Leff
Mr. Rob Taylor *

CT Department of Environmental Protection

Mr. John Kassel
Mr. Stephen Taylor

VT Agency of Natural Resources
NH Department of Agriculture

Ms. Deborah Bacon Nelson *
Mr. Peter Burling

NH House of Representatives

Ms. Alice Nelson *
Mr. Daniel Nelson

Acting Dean, Dartmouth College

Mr. Jack Nelson *
Mr. Bob O'Connor

Director, MA Watershed Initiative

*** Family Member**

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Exhibit 6



For immediate release

July 24, 1999

The Connecticut River Joint Commissions wish to correct several errors which have appeared in the media in the days following Vice President Gore's visit to the Connecticut River.

No one requested "4 billion gallons of dammed water to lift the river level," as reported in the Washington Times, the Boston Globe, and the Manchester Union Leader. After several canoe runs on the river in advance of Vice President Gore's visit, we encountered very low levels in one instance, and a surge of high water on another. I called Pacific Gas & Electric Generating, and asked if they could accommodate a shift in the **timing** of the power company's daily release of water, so we could have an hour of constant flow level, for the safety of the canoeing party.

The request was *not* made to benefit salmon: there are, as yet, no salmon in this reach of the river. The request was *not* made to benefit photographers on a mid-stream gravel bar: these photographers had been assigned a location up on the Vermont shore, and no one would have been foolish enough to suggest that they carry their equipment into the river. According to PG&E Gen, the releases from Wilder Dam have been **averaging** 89 million gallons per hour in the current drought. The actual release at the time of the Vice President's canoe trip was 97 million gallons, less than the averages a few days previously. The company shifted its regular release schedule ahead by 2 hours.

We wish that the press had contacted the Connecticut River Joint Commissions, as the organization most directly involved, to gain an understanding of the situation before publishing misinformed articles. This purported embarrassment to the Vice President was actually a media myth.

We are all grieved at the tragedy that has recently filled the headlines, and are deeply concerned about safety. As hosts for our Vice President on the Connecticut River, we felt a responsibility for his safety and that of the governor and the river's other guests. The request for a slightly earlier water release came from us, as the legislatively appointed commissions for the Connecticut River, because we know the river so well. It did not come from any party within the White House, the governor's office, or the campaign staff. We did not ask the White House for permission to make this request. Given the same circumstances, we would make the same request again, out of concern for safety.

We regret that Thursday's real story was missed by the media: that the hard work of thousands of local citizens from all four states on behalf of their river has been recognized by the highest levels of our government, and will lead to some very exciting improvements that all can enjoy. We will welcome your focus on the benefits to come from the designation of the Connecticut, New England's largest river, as an American Heritage River.

Sharon F. Francis,
Executive Director

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