

Originally Processed With FOIA(s):
2005-0336-F

FOIA Number:
2005-0336-F

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files

OA/ID Number: 62004
Folder ID Number: 62004-009

Folder Title:
D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

Stack:

Row:

Section:

Shelf:

Position:

0

0

0

0

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01a. Letter	To: Bertram Wolfe From: Allan Bromley Re: Nuclear power (2 pp.)	12/1/89	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

Date Closed:	2/10/2010	OA/ID Number:	62004-009
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

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(b)(9) Release would disclose geological or geophysical information

"CORRESPONDENCE TRACKING"

TYPE: Action Item

DOCUMENT NUMBER: 8920384

FROM: BERTRAM WOLFE
GENERAL ELECTRIC COMPANY

TO: BROMLEY

DATE OF
CORRESPONDENCE: 11/09/89

SUBJECT: CONGRATULATIONS AND RAISING CONCERNS ABOUT THE U.S.
NUCLEAR SITUATION.

ASSIGNED TO: JUDY BOSTOCK

ACTION REQUIRED: APPROPRIATE RESPONSE'

SENDER'S DUE DATE: OSTP DUE DATE: 11/28/89

DATE COMPLETED:

COPIES TO: D. Allan Bromley
Marian Nida
MICHELLE VANCLEAVE
JOHN O'NEIL

JUDY BOSTOCK

REMARKS:

DATE RECEIVED: 11/15/89

FILE: NEOB

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01b. Letter	To: Allan Bromley From: Bertram Wolfe Re: Nuclear Power (3 pp.)	11/9/89	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

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THE WHITE HOUSE

WASHINGTON

December 6, 1989

Dear Senator Cohen:

I shall be most happy to accept your kind invitation to join you and the distinguished group you have assembled for the 27th Wehrkunde Conference scheduled for February 2-4, 1990.

I look forward to meeting and working with you.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "D. Allan Bromley", written in a cursive style.

D. Allan Bromley
Assistant to the President
for
Science and Technology

The Honorable William S. Cohen
United States Senate
Washington, D.C. 20510-6050

"INVITATION FOR DR. BROMLEY"

TYPE: Conference

DOCUMENT NUMBER: 8910184

SPEECH: ~~YES~~ No

FROM: United States Senate
Committee on Armed Services

DATE OF EVENT: 02/02/90

LOCATION OF EVENT: MUNICH

TIME OF EVENT:

SUBJECT: 27th Wehrkunde Conference - forum for examining
security problems of the North Atlantic Alliance.
"Opportunities and Risks in the 1990's."

RSVP:

CONTACT PERSON: William S. Cohen

CONTACT NUMBER:

INVITATION ACCEPTED? YES NO

REMARKS: Sent Michelle Van Cleave a copy for information.
Transportation available for non-government members
of the U.S. delegation on a reimbursable basis.

DATE OF LETTER: 11/01/89

DATE RECEIVED: 11/02/89

*Want to talk to
AC Hammond &
Michelle VC per this one.*

SAM NUNN, GEORGIA, CHAIRMAN

J. JAMES EXON, NEBRASKA
CARL LEVIN, MICHIGAN
EDWARD M. KENNEDY, MASSACHUSETTS
JEFF BINGAMAN, NEW MEXICO
ALAN J. DIXON, ILLINOIS
JOHN GLENN, OHIO
ALBERT GORE, JR., TENNESSEE
TIMOTHY E. WIRTH, COLORADO
RICHARD C. SHELBY, ALABAMA
ROBERT C. BYRD, WEST VIRGINIA

JOHN W. WARNER, VIRGINIA
STROM THURMOND, SOUTH CAROLINA
WILLIAM S. COHEN, MAINE
PETE WILSON, CALIFORNIA
JOHN MCCAIN, ARIZONA
MALCOLM WALLOP, WYOMING
SLADE GORTON, WASHINGTON
TRENT LOTT, MISSISSIPPI
DAN COATS, INDIANA

ARNOLD L. PUNARO, STAFF DIRECTOR
PATRICK A. TUCKER, STAFF DIRECTOR FOR THE MINORITY

United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

November 1, 1989

The Honorable D. Allan Bromley
Science Advisor to the President
Old Executive Office Building
17th and Pennsylvania NW
Suite 358
Washington, DC 20506

Dear Dr. Bromley:

The 27th Wehrkunde Conference has been scheduled for February 2-4, 1990 (Friday evening through Sunday afternoon) at the Bayerischer Hof Hotel in Munich, Federal Republic of Germany. As you may know, this prestigious conference provides an excellent forum for examining the security problems of the North Atlantic Alliance. Many knowledgeable officials rate the Wehrkunde Conference as the premier international conference on NATO security issues. The theme of this year's conference is "Opportunities and Risks in the 1990s."

Freiherr Ewald Heinrich von Kleist, director of Wehrkunde, has asked me to head the American delegation for the upcoming conference. On behalf of Herr von Kleist, I extend an invitation for you to participate in the 27th Wehrkunde Conference.

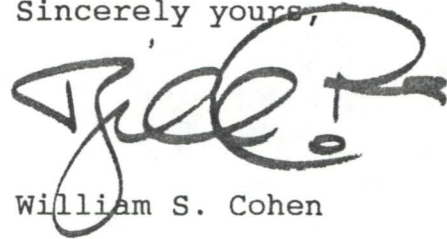
Approximately 150 senior foreign policy and defense officials and non-government experts from NATO member nations will attend the conference. Enclosed is a list of the outstanding American delegation which participated in the last Wehrkunde Conference.

Transportation to and from Munich will be provided by a U.S. military aircraft. All U.S. Government officials and others with a current U.S. Government affiliation will clearly be able to travel on this aircraft. If space is available, non-government members of the U.S. delegation will be permitted to use this aircraft on a reimbursable basis. (U.S. regulations require that non-government personnel be charged commercial, coach airfare, plus one dollar, for the flight.)

The American delegation will depart Andrews Air Force Base during the evening of Thursday, February 1 and will arrive in Munich on Friday morning. The return flight from Munich will depart Sunday afternoon, February 4 and arrive at Andrews Air Force Base that evening.

I hope that you will be able to find time in your schedule to participate in this important conference. When you are able to make a decision as to your participation or if you have any questions, please have your staff contact Judy Freedman (202 224-3094) of the Senate Armed Services Committee's staff.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "W. Cohen", with a large, stylized flourish extending from the end of the signature.

William S. Cohen

Enclosure

January 26, 1989
FINAL

AMERICAN PARTICIPANTS IN THE WEHRKUNDE CONFERENCE 1989

United States Senate

Honorable John S. McCain, III (R-Arizona)
Honorable Warren Rudman (R-New Hampshire)
Honorable William V. Roth, Jr. (R-Delaware)
Honorable John Glenn (D-Ohio)
Honorable Richard C. Shelby (D-Alabama)
Honorable Barbara A. Mikulski (D-Maryland)

United States House of Representatives

Honorable Les Aspin (D-Wisconsin)
Honorable John M. Spratt, Jr. (D-South Carolina)
Honorable Beverly B. Byron (D-Maryland)
Honorable Barbara B. Kennelly (D-Connecticut)
Honorable William L. Dickinson (R-Alabama)
Honorable Jon L. Kyl (R-Arizona)

Department of Defense

Honorable John G. Tower
Secretary of Defense-designate

Honorable James F. McGovern
Under Secretary of the Air Force

Honorable Ronald F. Lehman II
Assistant Secretary of Defense
(International Security Policy)

General A.M. Gray, USMC
Commandant of the Marine Corps

General John Galvin, USA
Supreme Allied Commander Europe and
Commander in Chief, US European Command

Admiral Frank Kelso II, USN
Supreme Allied Commander Atlantic and
Commander in Chief, US Atlantic Command

Vice Admiral John A. Baldwin, USN
Director, Strategic Plans & Policy (J-5)
Joint Chiefs of Staff

Rear Admiral Thomas Lynch, USN
Chief of Legislative Affairs
Department of the Navy

Mr. Robert A. Moore
Deputy Director, Systems & Technology
DARPA

Mr. Michael Hanpeter
Director, Plans and Programs
National Defense University

Department of State

Ambassador Alton G. Keel, Jr.
U.S. Permanent Representative to NATO

Mr. Dobbins
Deputy Chief of Mission
U.S. Embassy, Bonn

Mr. David J. Fischer
Consul General, Munich

Media

Mr. Dan Rather
CBS News

Mr. John Dancy
NBC News

Mr. Benjamin Schemmer
Armed Forces Journal International

Mr. John Fialka
The Wall Street Journal

Mr. Charles Corddry
The Baltimore Sun

Academicians, Consultants and Businessmen

Dr. Edward Luttwak
CSIS

Mr. James Woolsey
Shea & Gardner

Dr. Edward Teller
Hoover Institute

Dr. Helmut Sonnenfeldt
Brookings Institution

Mr. Walter Hahn

General George J. Eade, USAF (Ret.)
President
R & D Associates, Europe

Mr. Robin Beard
Croton Institute

Mr. Peter Hughes
Croton Institute

Dr. Fred Ikle

Dr. James Brown
Political Science Department
SMU

THE WHITE HOUSE
WASHINGTON

December 7, 1989

Dear Bill:

Many thanks for your letter of November 7, which arrived while I was in the Netherlands attending the ministerial conference on global warming.

I, too, have a very high opinion of Louis Ianniello, and if my budget made it possible, I would be delighted to have him as a member of OSTP. It may well be that I can actually work something out in the not too distant future, but right at the moment I am very much involved in the final stages of the budget activity for FY 1990 and the beginning of the FY 1991 cycle, so that I have deferred all further hiring until such time as my four Associate Directors are in place. As you know, Jim Wyngaarden and Tom Ratchford were confirmed at 1:00 a.m. on Saturday morning, November 18, and the two remaining Associate Directors, one for Physical Science and Engineering and one for Industrial Technology, are persons of comparable stature, and I hope that they will be confirmed very shortly after the Senate reconvenes after the recess.

Many thanks for bringing Lou to my attention. I will certainly keep him in the active file.

With all best wishes,

Sincerely yours,



D. Allan Bromley
Assistant to the President
for
Science and Technology

Dr. William A. Wallenmeyer
President
Southeastern Universities Research Association, Inc.
1709 New York Avenue, N.W.
Suite 320
Washington, D.C. 20006

"CORRESPONDENCE TRACKING"

TYPE: Action Item

DOCUMENT NUMBER: 8920318

FROM: WILLIAM A. WALLENMEYER
SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION.

TO: BROMLEY

DATE OF
CORRESPONDENCE: 11/07/89

SUBJECT: RECOMMENDING LOU IANNIELLO FOR A POSITION AT OSTP.

ASSIGNED TO: D. Allan Bromley

ACTION REQUIRED: ACKNOWLEDGE AS APPROPRIATE

SENDER'S DUE DATE: OSTP DUE DATE: 12/04/89

DATE COMPLETED: -----

COPIES TO: JUDY BOSTOCK

REMARKS: ARE WE INTERESTED?

DATE RECEIVED: 11/09/89

FILE: NEOB

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02a. Letter	To: Allan Bromley From: William Wallenmeyer Re: Letter of Recommendation for Louis Ianniello [personal information redacted] (1 pp.)	11/7/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records

Office: Science and Technology Policy, Office of (OSTP)

Series: Bromley, D. Allan, Files

Subseries: Correspondence Files

WHORM Cat.:

File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

Date Closed:	2/10/2010	OA/ID Number:	62004-009
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RESTRICTION CODES

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personal privacy [(a)(6) of the PRA]

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Freedom of Information Act - [5 U.S.C. 552(b)]

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(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02b. Resume	Resume of Louis Ianniello [personal information redacted] (3 pp.)	11/7/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

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12/18

THE WHITE HOUSE

WASHINGTON

December 14, 1989

Dear Mr. Rensberger:

Thank you for your letter of November 17 suggesting a number of meetings. I anticipate that, by this time, someone from my office may have contacted you to set up an interview with you and the two other reporters you mentioned.

When we can find a mutually agreeable date and time, I would be pleased to have lunch with your executive and managing editors, as well as other reporters and editors as may be desirable. Unfortunately, however, until the President's 1991 budget is sent to the Hill, much of my time will be taken up with the budget preparation process.

As to your proposal to set up regular meetings, I am afraid that my daily calendar is erratic at best so that scheduling standing meetings has not worked successfully for me. However, either I or one of my Associate Directors will try to respond to your requests as they arise.

Also, I now have a press officer, Sarah Keegan. When you have a request or question, please feel free to call her on 395-6142 and she will reach the appropriate person for you.

I sincerely appreciate your interest in the Office of Science and Technology Policy.

Sincerely,



D. Allan Bromley
Assistant to the President
for
Science and Technology

Mr. Boyce Rensberger
Science Editor
The Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

bcc: Sarah Keegan
Marian Nida ✓

The Washington Post

1150 15TH STREET, N. W.

WASHINGTON, D. C. 20071

(202) 334-6000

WRITER'S DIRECT TELEPHONE NUMBER
334-7410

17 November 1989

Dr. Allan Bromley
Office of Science and Technology Policy
New Executive Office Building
Washington DC 20506

Dear Dr. Bromley:

Your talk to the DC Science Writers Association the other night, which I appreciated very much, reminds me that we science writers and editors at the Post would very much like the opportunity to sit down with you for a get-acquainted visit and a closer discussion of your priorities.

You are the first heavyweight science advisor in some years and I am the first science editor in the modern history of the Post. Since I took this job a year ago I've been working to improve our coverage of science. Now I want the Post to do more to cover national science policy, especially funding for megascience projects, funding for individual investigators, and precollege science education. As the hometown newspaper of the entire federal government, the Post should be doing more to keep these issues visible and intelligible as government policies and practices are developed.

Would you have an hour some time soon to meet with me and two of our science writers, Michael Specter and William Booth? We would also like to invite you to lunch at the Post with a larger group of top reporters and editors, including Ben Bradlee, the executive editor, and Leonard Downie, the managing editor. This can be worked out at your convenience. And (a third request) what would you think of setting up a schedule of regular meetings, say once every three months, between you and me? This would help me keep current on developing issues without the need for crises or formal briefings.

Sincerely,

A handwritten signature in black ink, appearing to read "Boyce Rensberger", with a stylized, flowing script.

Boyce Rensberger
Science Editor

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Letter	To: Marian Nida From: Boyce Rensberger Re: Information on reporters scheduled to visit with Allan Bromley [social security numbers redacted] (1 pp.)	12/12/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
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Withdrawal/Redaction Sheet

(George Bush Library)

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04a. Letter	To: Richard Wilson From: Allan Bromley Re: NASA Shuttle launches (1 pp.)	12/14/89	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
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"CORRESPONDENCE TRACKING"

DOCUMENT NUMBER: 8920102

TYPE: Information

DATE OF CORRESPONDENCE: 09/21/89

FROM: TOM RONA

TO: BROMLEY

SUBJECT: DR. RICHARD WILSON'S LETTER ON GALILEO

ASSIGNED TO:

ACTION REQUIRED:

SENDER'S DUE DATE:

OSTP DUE DATE:

DATE COMPLETED: 10/09/89

COPIES TO: MICHELLE VANCLEAVE
TOM RONA
EOB FILES

Judy Bostock

FILE: NEOB

DATE RECEIVED: 10/09/89

REMARKS:

*Galileo file
Imagned
Hanson*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

NOTE TO DR. BROMLEY

SUBJECT: GALILEO - Dr. Wilson's 9/21

The enclosed copy of Dr. Wilson's letter is for your information only. No action requested at this point.

All the concerns of Dr. Wilson are being addressed by our NASA interactors.

Tom 9/27

10/5
(This was in ^{the} envelope
drawer, unopened.)
I retrieved it, today,
some days later. SS

Maybe it's OTOE

gachie
To files?
Seems un-
important
D.16

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04b. Letter	To: Thomas Rona From: Richard Wilson Re: GALILEO space probe (3 pp.)	9/21/89	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

Date Closed:	2/10/2010	OA/ID Number:	62004-009
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE OFFICE OF CABINET AFFAIRS STAFFING MEMORANDUM

Date: December 18, 1991

Due by: _____

Domestic Policy Council meeting, Thursday, December 19, 1991
Subject: at 2:30 P.M. in the Cabinet Room. (FOR PRINCIPALS ONLY)

Richard W. Porter
From: Executive Secretary, Domestic Policy Council

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	☐	☐			
Vice President	☒	☐	CIA	☐	☐
Agriculture	☒	☐	CEA	☒	☐
Commerce	☒	☐	CEQ	☒	☐
Defense	☐	☐	EPA	☒	☐
Education	☒	☐	GSA	☐	☐
Energy	☒	☐	NASA	☒	☐
HHS	☒	☐	National Science Foundation	☒	☐
HUD	☒	☐	ONDCP	☒	☐
Interior	☒	☐	OPM	☐	☐
Justice	☒	☐	OSTP	☒	☐
Labor	☒	☐	SBA	☒	☐
OMB	☒	☐	UN	☐	☐
State	☐	☐	BRADY (For WH Staffing)	☒	☐
Transportation	☐	☐	NEH (Cheney)	☒	☐
Treasury	☐	☐	Mrs. Bush	☐	☒
USTR	☐	☐		☐	☐
Veterans	☒	☐		☐	☐

COMMENTS:

A copy of the revised agenda is attached.

THE WHITE HOUSE
WASHINGTON

December 16, 1991

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: RICHARD W. PORTER *RWP*
Executive Secretary

SUBJECT: Revised Agenda for Domestic Policy Council
Meeting, Thursday, December 19, 1991 in the
Cabinet Room

An agenda is attached for the Domestic Policy Council meeting on the President's education strategy -- America 2000 -- with the President on Thursday, December 19, 1991 in the Cabinet Room. As previously indicated, the meeting will start promptly at 2:30 P.M., and will last 45 minutes. Secretary of Education Lamar Alexander and other Department of Education officials will discuss the next phase of the America 2000 strategy.

Please inform Honor Ingersoll (456-2800) by C.O.B. Wednesday, December 18, regarding your attendance at this meeting.

Attachment

THE WHITE HOUSE

WASHINGTON

DOMESTIC POLICY COUNCIL

Thursday, December 19, 1991

2:30 P.M.

Cabinet Room

AGENDA

- I. Opening Remarks
(3 minutes -- The President)
- II. Remarks by the Attorney General
(1 minute)
- III. Progress to Date on America 2000 / Four Transforming Ideas
 - A. Introduction
(6 minutes -- Secretary Lamar Alexander)
 - B. World Class Standards and American Achievement Tests
(6 minutes -- Assistant Secretary Diane Ravitch)
 - C. New American Schools
(6 minutes -- Deputy Secretary David Kearns)
 - D. Choice for Low and Middle Income Parents
(6 minutes -- Secretary Lamar Alexander)
 - E. America 2000 Communities
(6 minutes -- Secretary Lamar Alexander)
- IV. Open Discussion
(10 minutes)
- V. Closing Remarks
(1 minute -- the President)

THE WHITE HOUSE OFFICE OF CABINET AFFAIRS STAFFING MEMORANDUM

Date: December 4, 1991

Due by: _____

Subject: Domestic Policy Council Meeting, Thursday, December 19, 1991
at 2:30 PM in the Cabinet Room. (FOR PRINCIPALS ONLY)

From: Richard W. Porter
Executive Secretary, Domestic Policy Council

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	☐	☐			
Vice President	☒	☐	CIA	☐	☐
Agriculture	☒	☐	CEA	☒	☐
Commerce	☒	☐	CEQ	☒	☐
Defense	☐	☐	EPA	☒	☐
Education	☒	☐	GSA	☐	☐
Energy	☒	☐	NASA	☒	☐
HHS	☒	☐	National Science Foundation	☒	☐
HUD	☒	☐	ONDCP	☒	☐
Interior	☒	☐	OPM	☐	☐
Justice	☒	☐	OSTP	☒	☐
Labor	☒	☐	SBA	☒	☐
OMB	☒	☐	UN	☐	☐
State	☐	☐	BRADY (For WH Staffing)	☒	☐
Transportation	☐	☐	NEH (Cheney)	☒	☐
Treasury	☐	☐	Mrs. Bush	☐	☒
USTR	☐	☐	_____	☐	☐
Veterans	☒	☐	_____	☐	☐

COMMENTS: A copy of the agenda is attached.

THE WHITE HOUSE
WASHINGTON

December 4, 1991

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: RICHARD W. PORTER *RWP*
Executive Secretary

SUBJECT: Domestic Policy Council Meeting, Thursday,
December 19, 1991 in the Cabinet Room

The Domestic Policy Council will hold a meeting with the President, for principals only, on Thursday, December 19, 1991 in the Cabinet Room. The meeting, rescheduled from today, will start promptly at 2:30 P.M. and will last one hour. Secretary of Education Lamar Alexander will discuss the next phase of the America 2000 initiative.

An agenda for the meeting is attached. Please inform Honor Ingersoll (456-2800) by C.O.B. Monday, December 16, regarding your attendance at this meeting.

Attachment

THE WHITE HOUSE
WASHINGTON

DOMESTIC POLICY COUNCIL

Thursday, December 19, 1991

2:30 P.M.

Cabinet Room

AGENDA

- I. Introductory Remarks
(3 minutes -- The President)
- II. Progress to Date on America 2000 / Four Transforming Ideas
 - A. Introduction
(5 minutes -- Secretary Lamar Alexander)
 - B. World Class Standards and American Achievement Tests
(7 minutes -- Assistant Secretary Diane Ravitch)
 - C. New American Schools
(7 minutes -- Deputy Secretary David Kearns)
 - D. Choice for Poor and Middle Income Parents
(6 minutes -- Secretary Lamar Alexander)
 - E. America 2000 Communities
(6 minutes -- Secretary Lamar Alexander)
- III. Open Discussion
(26 minutes)

THE WHITE HOUSE OFFICE OF CABINET AFFAIRS STAFFING MEMORANDUM

Date: November 27, 1991

Due by: _____

Subject: Domestic Policy Council Meeting, Wednesday, December 4, 1991
10:30 A.M. in the Cabinet Room. (FOR PRINCIPALS ONLY)

From: Richard W. Porter
Executive Secretary, Domestic Policy Council

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	☐	☐			
Vice President	☒	☐	CIA	☐	☐
Agriculture	☒	☐	CEA	☒	☐
Commerce	☒	☐	CEQ	☒	☐
Defense	☐	☐	EPA	☒	☐
Education	☒	☐	GSA	☐	☐
Energy	☒	☐	NASA	☒	☐
HHS	☒	☐	National Science Foundation	☒	☐
HUD	☒	☐	ONDCP	☒	☐
Interior	☒	☐	OPM	☐	☐
Justice	☒	☐	OSTP	☒	☐
Labor	☒	☐	SBA	☒	☐
OMB	☒	☐	UN	☐	☐
State	☐	☐	BRADY (For WH Staffing)	☒	☐
Transportation	☐	☐	NEH (Cheney)	☒	☐
Treasury	☐	☐	Mrs. Bush	☐	☒
USTR	☐	☐	_____	☐	☐
Veterans	☒	☐	_____	☐	☐

COMMENTS: A copy of the agenda is attached.

THE WHITE HOUSE

WASHINGTON

November 27, 1991

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: RICHARD W. PORTER *RWP*
Executive Secretary

SUBJECT: Domestic Policy Council Meeting, Wednesday,
December 4, 1991 in the Cabinet Room

The Domestic Policy Council will hold a meeting with the President, for principals only, on Wednesday, December 4, 1991 in the Cabinet Room. The meeting will start promptly at 10:30 A.M. and will last one hour. Secretary of Education Lamar Alexander will discuss the next phase of the America 2000 initiative.

An agenda for the meeting is attached. Please inform Honor Ingersoll (456-2800) by C.O.B. Monday, December 2, regarding your attendance at this meeting.

Attachment

THE WHITE HOUSE

WASHINGTON

DOMESTIC POLICY COUNCIL

Wednesday, December 4, 1991

10:30 A.M.

Cabinet Room

AGENDA

- I. Introductory Remarks
 (3 minutes -- The President)
- II. Progress to Date on America 2000 / the Four Transforming Ideas
 - A. Introduction
 (5 minutes -- Secretary Lamar Alexander)
 - B. World Class Standards and American Achievement Tests
 (7 minutes -- Assistant Secretary Diane Ravitch)
 - C. New American Schools
 (7 minutes -- Deputy Secretary David Kearns)
 - D. Choice for Poor and Middle Income Parents
 (6 minutes -- Secretary Lamar Alexander)
 - E. America 2000 Communities
 (6 minutes -- Secretary Lamar Alexander)
- III. Open Discussion
 (26 minutes)

THE WHITE HOUSE OFFICE OF CABINET AFFAIRS

STAFFING MEMORANDUM

Date: June 21, 1991

Due by: _____

Domestic Policy Council Meeting on Wetlands (FOR PRINCIPALS ONLY)
 Wednesday, June 26, 1991 from 10:00 to 11:00 A.M. in the

Subject: Roosevelt Room

Richard W. Porter, Executive Secretary

From: Domestic Policy Council

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	☐	☐	CIA	☐	☐
Vice President	☒	☐	CEA	☒	☐
Agriculture	☒	☐	CEQ	☒	☐
Commerce	☒	☐	EPA	☒	☐
Defense	☒	☐	GSA	☐	☐
Education	☐	☒	NASA	☐	☐
Energy	☒	☐	National Science Foundation	☐	☐
HHS	☐	☒	ONDCP	☐	☐
HUD	☒	☐	OPM	☐	☐
Interior	☒	☐	OSTP	☒	☐
Justice	☒	☐	SBA	☐	☐
Labor	☐	☐	UN	☐	☐
OMB	☒	☐	BRADY (For WH Staffing)	☒	☐
State	☐	☐	_____	☐	☐
Transportation	☒	☐	_____	☐	☐
Treasury	☐	☒	_____	☐	☐
USTR	☐	☐	_____	☐	☐
Veterans	☐	☒	_____	☐	☐

Tuesday, July 2, 2:00-3:00

COMMENTS: The Domestic Policy Council will hold a meeting on the subject of Wetlands for principals only on ~~Wednesday, June 26, 1991 from 10:00 to 11:00 AM~~ ^{2:00} on ~~Wednesday, June 26, 1991 from 10:00 to 11:00 AM~~ ^{2:00} in the Roosevelt Room. Attached for your review are a memo, an agenda and a paper on Wetlands which will be presented by Roger B. Porter, Assistant to the President for Economic and Domestic Policy.

Please confirm your attendance with Honor Willson Ingersoll (456-2800) by noon, Tuesday, June 25.

THE WHITE HOUSE

WASHINGTON

June 21, 1991

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: RICHARD W. PORTER *RWP*
Executive Secretary

SUBJECT: Meeting of the Domestic Policy Council, Wednesday,
June 26, 1991 at 10:00 A.M. in the Roosevelt Room

The Domestic Policy Council will hold a meeting for principals only on Wednesday, June 26, 1991 starting promptly at 10:00 A.M. for one hour in the Roosevelt Room. The subject of this meeting is wetlands.

Attached for your review prior to the meeting are an agenda and a paper prepared by the Domestic Policy Council Task Force on Wetlands. Roger B. Porter, Assistant to the President for Economic and Domestic Policy, will make the presentation. (Please limit the distribution of this document.)

Please confirm your attendance with Honor Willson Ingersoll (456-2800) by noon, Tuesday, June 25.

Attachments

THE WHITE HOUSE

WASHINGTON

MEETING OF THE DOMESTIC POLICY COUNCIL

2:00 p.m.
July 2, 1991
~~10:00 a.m.~~, Wednesday, ~~June 26, 1991~~
The Roosevelt Room

Report of the Task Force on Wetlands

AGENDA

1. Opening.....Attorney General Thornburgh
(2 minutes)
2. Presentation.....Roger B. Porter, Assistant to
the President for Economic & Domestic Policy
(10 minutes)
3. Discussion.....All Participants
(45 minutes)
4. Conclusion.....Attorney General Thornburgh
(3 minutes)

WETLANDS OPTIONS PAPER

During the campaign and in office, the President articulated a goal of no net loss of wetlands. In the last two years, however, many have expressed concerns over existing wetlands regulations and the direction of future wetlands protection efforts.

To address the no net loss goal and the existing controversy over wetlands regulation, the Administration is committed to taking three important actions: (1) issuing a revised delineation Manual that will simplify and clarify the definition of wetlands; (2) strengthening nonregulatory efforts to protect wetlands; and (3) achieving a balanced program of wetlands regulation that respects private property rights and the need to maintain a healthy economy, while preserving this important natural resource.

I. Revised Delineation Manual

In January 1989, the Environmental Protection Agency (EPA), the Army Corps of Engineers (Corps), the Fish and Wildlife Service (FWS), and the Soil Conservation Service (SCS) issued a joint Federal Manual for the Identification and Delineation of Wetlands to address inconsistencies in practice among the agencies. The Manual establishes the technical criteria and procedures which must be used to verify the presence of a wetland. With some exceptions (prior converted wetlands), all wetlands delineated by the manual are also covered by regulations.

During the past two years, the Administration received numerous complaints that the revised Manual significantly expanded the coverage of the regulatory program to include areas that do not meet the regulatory or statutory (Clean Water Act and 1985 Food Security Act) definitions. In response to these comments and agency field hearings, the four agencies are recommending changes to the Manual aimed at simplifying its application and reducing the unintended expansion in coverage. These recommended changes are now going through interagency review. Unlike the previous Manual which was issued as guidance, the public will be invited to submit comments before final action is taken.

II. Positive Nonregulatory Measures to Protect Wetlands

Nonregulatory programs to protect wetlands play a significant role in the country's efforts to conserve this natural resource. At least one-quarter of the wetlands in the lower 48 states are found on federal lands. Last year, the Administration proposed a 48 percent increase in funding for wetlands protection programs in the FY 1992 budget. This

includes the purchase of 600,000 acres of wetlands in the Wetlands Reserve Program, enacted as part of the 1990 Farm Bill. In addition to major acquisition programs at the Interior Department, Army Corps of Engineers, and the Agriculture Department, the government also restores and enhances existing wetlands, and conducts valuable research and monitoring on the quality and functions of remaining wetlands.

To ensure further progress towards the no net loss goal, several new nonregulatory initiatives are recommended to enhance wetlands protection on federal and private lands. These include:

- Fully funding the Wetlands Reserve Program in the 1990 Farm Bill. The 1990 Farm bill authorized the purchase of up to 1 million acres of wetlands. The FY 1992 budget submitted by the President requested funding for 600,000 acres.
- Initiating an Administration-wide wetlands restoration and creation program on federal lands. Many agencies, including Interior, EPA, Defense, NOAA, and Energy, have restoration and creation programs. These activities could be coordinated through a standing interagency group. Such a group would develop an overall program for the most effective use of new and existing Federal resources in this area.
- Promoting excellence in research on wetlands. Several agencies are now conducting their own research on wetlands. This initiative would coordinate, consolidate and establish priorities for wetlands research to improve the scientific information base.
- Continuing to make wetlands a priority in the allocation of Land and Water Conservation Funds. Assure level funding or increases to this program. Target a portion of state LWCF funds to wetlands.
- Continuing and expanding the existing satellite monitoring program to periodically assess national wetland trends. Satellite imagery provides up to date information on the status and trends of wetlands, and can be effective in conducting periodic change analysis of high value wetland areas. Further accelerate and improve our national inventory of wetlands, with more geographically targeted reporting, and monitoring of the ecological health of our wetlands.

- Focusing existing public outreach and education programs on informing the regulated community about federal wetlands regulations.

III. Balance in Wetlands Regulation

A third objective of the Administration is to balance progress toward important environmental goals, such as the no net loss of wetlands, with the need to maintain a healthy and growing economy. In the area of wetlands protection, it means reducing unnecessary bureaucratic delays in issuing permits and respecting private property rights by providing landowners with meaningful options.

The primary mechanism of regulating wetlands is the section 404 program under the Clean Water Act. Under section 404, a landowner must receive an individual permit from the Corps of Engineers before adding dredged or fill material to a wetland. Smaller-scale actions which individually or in aggregate have less than a minimal impact are usually subject to the Corps' general permit program which requires significantly less review.

To receive an individual permit, the landowner must take "all appropriate and practicable steps" to minimize adverse impacts on the aquatic ecosystem. The landowner must show to the extent practicable that he has **avoided, minimized, and compensated** wetlands destruction -- a process known as sequencing.

Under the first step, a landowner bears the burden of showing (for nonwater dependent activities) that the site chosen, and the development program proposed, are the least environmentally damaging practicable alternatives (taking cost into account). In this analysis, the landowner must evaluate other potential sites and demonstrate why they are not practicable (from a technical or cost standpoint) for the project purpose. After the landowner demonstrates that damage has been avoided where possible, he must then demonstrate that the damage has been minimized through reasonable and practicable project modifications. Finally, any remaining environmental damage must then be compensated or "mitigated" to the extent practicable by restoring or creating wetlands of equivalent function and value.

The Army Corps of Engineers issues the permit, but EPA, FWS, SCS, and the National Marine Fisheries Service can consult on the terms of the permit. If any one of the agencies disagrees with the Corps, they can appeal a district office

decision (under a resolution process established under section 404(q)) up the management chain to the Assistant Secretary level in Washington for resolution.

Finally, under section 404(c) of the Clean Water Act, the Administrator of EPA can veto a Corps decision to issue a permit if he determines that it will have an unacceptable adverse effect on the environment. EPA has vetoed eleven projects in the twenty-year history of the program.

Recent statistics show that the majority of wetlands permitting actions (80,000 per year) occur under the general permit program and are approved in less than 60 days. Of the 15,000 individual permit applications in 1989, the Corps issued 10,000 (67 percent), and formally denied 500 (three percent). The remaining 30 percent of individual permits (4,500) were withdrawn (for unrecorded reasons) or redirected to the general permit program. (No statistics are kept on the number of people who initiate the process, but fail to submit a completed application.) According to the Corps, over 50 percent of the individual permits were issued within 60 days of application.

While there was general support for the President's no net loss goal, many local officials, property owners, and businessmen criticized the 404 program. They believe the program ignores personal property rights and often results in a "takings" because of its failure to balance competing public policy interests. They find the permitting process cumbersome, confusing, and full of delays. They question why as many as five different federal agencies must be involved in a permit decision, and tell stories of having to negotiate with one federal agency after another on the permit conditions. They further believe that the sequencing requirements of avoidance, minimization, and mitigation place too stiff a burden on the applicant and result in unfair and uninformed government judgements as to what constitutes a "practicable alternative."

Many argued for national wetland categories because they believe that the regulatory requirements should vary in stringency between wetlands with high functions and values, and those wetlands with marginal or questionable functions and values. Similarly, because of the land use nature of the decisionmaking, many argued that the program would be better managed by the States. On this point, some noted that state wetland resources and needs can vary widely, making a uniform program inappropriate. This may be especially true with regard to states such as Alaska and Louisiana which have unique wetlands problems.

Many who testified also complained that the scope of the program should be expanded to include other activities that

destroy wetlands (such as excavation and drainage) besides simply the addition of fill material. Others, however, questioned why the program covers man-made wetlands if those wetlands are not created for mitigation purposes or as the result of federal subsidies.

Because of this controversy, at least 140 House Members support H.R. 1330, the Comprehensive Wetlands Conservation and Management Act of 1991, introduced by Congressmen Tom Ridge (R-PA) and Jimmy Hays (D-LA). The bill would limit the definition of wetlands to areas which have a minimum of 21 days of water inundation or saturation to the surface. While the Corps would continue to issue permits, the bill would eliminate the consulting role of other agencies as well as EPA's veto.

H.R. 1330 would establish wetlands categories by function and value and replace the sequencing requirements with different regulatory requirements based on the category. Under the bill, protection of the highest value wetlands would constitute a takings and would merit federal compensation. H.R. 1330 would also expand the 404 program to include other activities adversely affecting wetlands. Similar legislation has not been introduced in the Senate.

In response to the concerns raised by the regulated community and others, several options were identified to (1) streamline the regulatory process; (2) categorize wetlands; (3) encourage mitigation banking; (4) modify sequencing requirements; (5) increase the role of the states; and (6) modify the coverage of the program. **These options are not mutually exclusive.** They reflect different views on the amount of reform needed.

Some within the Administration advocate an overhaul of the 404 program to allow a more market-based approach to wetlands protection. Under this approach, the federal government would issue criteria for states to develop wetland categories and presumptive compensation requirements for each category. To reduce regulatory uncertainty, proponents of this approach would replace the sequencing requirements with the mitigation requirements established for each wetland category. The Corps would be required to issue permits once an applicant has met the compensation requirements of the applicable wetland category. The development of mitigation banks and a market for the sale and banking of mitigation credits would be key to the success of this approach. (*Specific options of the market-based approach are included in italic.*)

Others within the Administration have reviewed the success rates for wetlands restoration and creation, and the science of wetlands classification. Based on the field evidence, they

prefer to move more incrementally, and to field test new regulatory programs (such as mandatory classifications and wetlands trading) before significantly changing the 404 program. In the interim, they advocate measures to help streamline the process to avoid unnecessary bureaucratic delays and enhance the States' role in the program. Both groups would endorse the development of mitigation banks, but disagree over the constraints that should be placed on the geographic scope and type of mitigation that should be allowed (creation versus restoration).

A. Streamlining the Regulatory Process:

The wetlands task force recommends:

- Issuing a regulatory guidance letter providing that meetings and other interaction between the public, applicant and Federal government will be coordinated through the Army Corps of Engineers. The Corps would serve as the project manager, and would be responsible for all consultation with other agencies on the permit application, and for determining the final permit conditions.
- Encouraging attendance by all interested agencies at pre-application meetings with the permittee and encourage increased up-front consultation on the types and location of mitigation that will be required if wetland losses will occur.
- Initiating a wetlands delineation training program for private consultants. Better train agency field staff on wetlands functions, values and delineation.

Options

Several agencies also recommend additional measures to streamline the regulatory process. These options would set limits on the ability of federal agencies (such as the FWS, NMFS, SCS, EPA and NOAA) to consult on individual permits and to appeal Corps decisions on permit conditions. (These options can be implemented administratively.)

1. Modify the interagency appeal process to reduce the number of coordination steps; raise the appeal initiation step to the Regional Administrator/ Director level; and require more rigid time frames at all levels of the appeal process.

2. *Expedite permit consultations among agencies by eliminating the appeal process for the resolution of permit-specific issues. Allow elevation of more generic policy issues in relation to permit decisions.*
3. *Require agencies commenting on permit applications to provide substantive site specific data (rather than boilerplate comments) before recommending denying a permit.*
4. *Require decisions to be completed by the Corps within six months or the permit is deemed approved unless the deadline is extended upon request of the applicant or the federal government, for good cause.*
5. *Expand use of general permits for classes of activities and waters.*

B. Categorizing Wetlands:

Options

All agencies support some variant of categorizing wetlands. Those who believe the science and technical base for categorizing wetlands is weak would prefer to either: (1) develop general criteria on functions and values instead of categories; or (2) to first test the establishment of wetland categories through pilot projects instead of proceeding directly to full implementation.

1. *Require the Corps and EPA (in consultation with FWS and SCS) to develop general criteria to categorize the functions and values of wetlands. Such criteria would be used by the Corps in making case-specific decisions on compliance with existing regulations.*
2. *Establish a Federal panel to develop within 1 year wetland categories based on function and values, including scarcity. Implement pilot programs in selected States to test the feasibility and economic viability of wetland categories.*
3. *Same as option 2, but require program to be implemented nationally when wetland categories are developed instead of initiating state pilot programs.*

C. Encouraging Mitigation Banking:

Options

All agencies support some form of mitigation banking. They differ with respect to the willingness to establish a national market for mitigation credits, the ability to use created wetlands as mitigation, and how aggressively to remove impediments to full mitigation trading.

1. Phase-in the use the use of wetlands creation for mitigation beginning with the lowest value category of wetlands. As science confirms that higher functions and values can be created, higher classes of wetlands can be mitigated by artificial creation.
2. Restrict mitigation to the geographic area in which the wetland occurs. Use the hydrologic water maps prepared by the U.S. Geological Survey.
3. Issue guidance to direct the implementation of pilot projects in selected states to assess the feasibility of encouraging markets for mitigation credits that could be banked, sold, or traded.
4. Issue guidance to create a national market for mitigation credits that could be banked, sold, or traded.
5. To encourage mitigation banking, issue guidance to: (1) eliminate the preference for on-site mitigation in all but the highest class of wetlands; (2) presume satisfaction of compensation requirements if restored or created wetlands are in the same or higher category; and (3) accept preservation as compensatory mitigation in limited circumstances.

D. Sequencing and the Establishment of Presumptive Mitigation Requirements:

Options

Agencies differ regarding whether to retain or eliminate the process of sequencing (avoidance, minimization, and mitigation). Options 1 and 2 would retain sequencing based on the belief that avoidance (demonstrating that the site is the least damaging alternative) is the main tool to ensure the protection of existing wetlands. Options 3 and 4 would replace sequencing with mitigation requirements based on the belief that wetlands can be created and restored, and that landowners must have meaningful options.

1. Provide that the process sequencing (avoidance, minimization and mitigation for remaining losses) is not necessary in all cases. Deviate from sequencing when wetland losses are insignificant or when wetlands have been identified in advance as being suitable for development.
2. Establish a system of general permits for low value wetlands, to complement existing activity-based permits.
3. *Eliminate sequencing requirements and replace them with compensatory mitigation requirements to offset wetland losses. Wetlands in higher categories would be required to mitigate at higher ratios compared to wetlands in a lower category. Permits would be given upon verification that the prospective permittee has meet the required mitigation requirements in a satisfactory manner.*
4. *Eliminate sequencing (as proposed in Option 3) and issue guidance for all categories of wetlands to allow the Corps to: (1) suspend or reduce mitigation requirements if the public interest is clearly served by allowing the project to go forward; and (2) give greater consideration to the value of other ecosystems in determining mitigation requirements.*
5. Eliminate sequencing as proposed in Option 3, but limit alteration of coastal wetlands to projects that have a water-dependent project purpose (i.e. a marina would be acceptable; a golf course would not).

E. Increasing the Role of States:

Options

These options differ to the degree States are allowed to develop their own programs to protect wetlands instead of simply administering the Federal 404 program. Significant change will require legislation.

1. Provide States with guidance and assistance for the development of State Wetlands Conservation Strategies to achieve the no net loss goal, integrating regulatory and non-regulatory approaches.
2. Increase grants to States to encourage State

assumption of the Section 404 program.

3. **Amend the Clean Water Act** to allow States to assume Section 404 authority for waters adjacent to, but not including, "navigable waters" under Section 10 of the Rivers and Harbors Act.
4. **Amend the Clean Water Act** to provide flexibility to States to develop plans which achieve equivalent levels of environmental protection to the Section 404 program. Performance based criteria would be used to approve plans to afford States greater flexibility to in developing wetlands protection programs.
5. **Amend the Clean Water Act** to replace the 404 program with federal criteria on the establishment of wetland categories and presumptive mitigation requirements for each category. Further amend the Act to allow States to develop wetland categories and mitigation requirements based on the federal criteria.

F. Modifying Coverage of the Program

The task force recommends:

- Clarifying that normal farming, ranching and silvicultural activities generally are exempt from the 404 program coverage, and that lands exempted from Swampbuster similarly are not covered.

Options

1. *Exempt certain manmade wetlands from the 404 program jurisdiction unless the wetlands were created as a mitigation or other legal requirement.*
2. *Issue a rule extending the 404 permit requirements to draining and excavation of wetlands. The Corps of Engineers would increase its efforts to ensure compliance with permit conditions.*
3. **Amend the Clean Water Act** to expand the coverage of the program to include excavation and drainage, but only if legislation includes major reform of the 404 program that establishes wetland categories, eliminates sequencing, and establishes a market for mitigation credits.

G. Use of the 404(c) Veto

Options

1. Maintain the veto as is.
2. Narrow the basis for the EPA 404(c) veto to assessing adverse environmental impacts and not reviewing the practicable alternatives test.
3. **Amend the Clean Water Act** to limit use of EPA veto to Class A wetlands.
4. **Amend the Clean Water Act** to eliminate the 404(c) veto for all wetlands.

H. Other:

Options

1. Require any revisions to Memorandums of Agreement on sequencing to go through APA rulemaking.
2. Issue an Executive Order on wetlands, emphasizing stewardship of wetlands on federal lands and federal acquisition and requiring federal agencies to develop plans to implement the EO and track progress towards its goals.
3. Announce a short-term goal of a net increase in wetlands on Federal lands for the government as a whole. Agencies estimate that the Federal government as a whole produces more wetlands than it destroys. By stating this goal, the President could highlight ongoing wetlands protection efforts.
4. Add legislation to implement the Administration's agreement to require agencies to reimburse the judgement fund if a Court decides that agency action has resulted in a "takings."

JULY 2, 1991

MEMORANDUM FOR D. ALLAN BROMLEY

FROM: VICKIE V. SUTTON 
SUBJECT: WETLANDS ISSUE UPDATE

BACKGROUND

A Technical Committee was formed in 1989 to re-write the Delineation Manual (hereinafter, Manual) for identifying wetlands. Hill hearings took place last year on the Administration's commitment to attain "no-net-loss" of wetlands, while the DPC addressed the issue through the creation of a Wetlands Task Force. Last month, the Council on Competitiveness raised wetlands in the context of being a competitiveness issue, and has since participated in the staff level discussions.

The Technical Committee produced a revised version of the Manual which has been in OMB for review for about three months. The Office of Information and Regulatory Affairs (OIRA) has also been involved in technical review of the document, and has provided lengthy comments along with EPA to the latest version of the Manual, as recent as last evening.

Yesterday evening, Lujana Wilcher, Assistant Administrator from EPA for Water, Bob Grady and Al Hubbard met to discuss the remaining issues concerning the Manual, which are outlined below. They were successful in eliminating two of the issues.

ISSUES BEING CONSIDERED CONCERNING THE MANUAL

- (1) **Time of saturation**
 - 1. Period of saturation?
 - a. A Period of "7 days or more" is the current reading of the Manual
 - b. A Period of "more than 14 days" is proposed by EPA
 - c. A Period of "21 days" has been proposed by OMB.

OMB's proposed period is rumored to eliminate 30 million acres of wetlands now controlled under Section 404 of the Clean Water Act. [The total number of acres controlled under Section 404 has a wide range of estimates, even within EPA: The Policy Office (OPPE) says there are 46 million acres, and the Water Office identifies 90 million acres controlled under Section 404 of the Clean Water Act.]

UPDATE FROM LAST NIGHT:

This issue was not resolved. EPA proposed 15 days, last night, and OMB stuck

with the 21 day proposal.

2. How much saturation?

a. "Saturation to the surface", would eliminate more wetlands than the current reading of the Manual.

b. "Saturation to 18 inches" is the current reading of the Manual, and could remain the same.

(2) How to determine hydrology during off seasons?

During off seasons or dry seasons, it is difficult to determine whether an area is a wetland.

UPDATE FROM LAST NIGHT

OMB and OIRA recommended dropping some of the indicators for hydrology, which have also been problematic. Indicators dropped were: stained leaves and trunks. Some secondary indicators were also dropped: drift lines, flood marks and other marks showing a presence of water.

(3) Determination of wetlands based on hydrophilic plants.

Certain of the hydrophilic plants, which include both obligate wetlands plants (which require wetlands) and facultative wetlands plants (which can live both in wetlands as well as upland) make determination of wetlands difficult. Populations of each type and what is the appropriate population combinations to determine what is a wetland has posed difficulty.

In making a determination that there are enough hydrophilic plants, the question has been raised concerning how much one should depend on the ones which are obligate, and the ones which are facultative in making a determination.

(4) Special difficult areas to identify

Prairie potholes, for example fall within the standard criteria for identifying wetlands. (Prairie potholes were particularly important because farmers filled them in, so they could plow; however, it eliminated bird breeding grounds. This has posed a difficult environmental problem because the migratory bird populations have been dropping.)

UPDATE FROM LAST NIGHT:

Special areas will now be identified by a specific list, not open to new areas.

DECISIONS WHICH MAY BE CONSIDERED AT DPC MEETING TODAY

1. Some members may raise the point that the Manual should go back to the Technical Committee because these are technical issues more than policy issues, and the DPC group does not have the expertise to make these judgments.

2. During the "notice and comment" period, the Corps of Engineers are concerned about creating a backlog during the interim period, with holding up wetland determinations, as well as consequent litigation to potentially reconsider earlier or interim wetland determinations.

3. EPA would like to issue the Manual the way it stands, and OIRA would like to make further revisions. It is unclear whether the meeting last night resolved this issue.

4. The point has also been raised that an intergovernmental science panel, made up of experts and state administrators of the policy, should be convened to evaluate the Manual's scientific soundness. EPA is primarily credited with this idea, and would like to Chair the group. The issue of OSTP taking on an interagency, intergovernmental science panel review could be raised.

cc: Nancy G. Maynard
Tom Ratchford

THE WHITE HOUSE

WASHINGTON

MEETING OF THE DOMESTIC POLICY COUNCIL

2:00 p.m., Tuesday, July 2, 1991
The Roosevelt Room

Report of the Task Force on Wetlands

AGENDA

1. Opening.....Attorney General Thornburgh
(2 minutes)
2. Presentation.....Roger B. Porter, Assistant to
the President for Economic & Domestic Policy
(10 minutes)
3. Discussion.....All Participants
(45 minutes)
4. Conclusion.....Attorney General Thornburgh
(3 minutes)

THE WHITE HOUSE OFFICE OF CABINET AFFAIRS STAFFING MEMORANDUM

Date: June 26, 1991

Due by: _____

Subject: Rescheduling of the Domestic Policy Council Meeting on Wetlands to Tuesday, July 2, 1991 at 2:00 PM for one hour in the Roosevelt Room.

From: Richard W. Porter, Executive Secretary
Domestic Policy Council

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	☐	☐			
Vice President	☒	☐	CIA	☐	☐
Agriculture	☒	☐	CEA	☒	☐
Commerce	☒	☐	CEQ	☒	☐
Defense	☒	☐	EPA	☒	☐
Education	☐	☒	GSA	☐	☐
Energy	☒	☐	NASA	☐	☐
HHS	☐	☒	National Science Foundation	☐	☐
HUD	☒	☐	ONDCP	☐	☐
Interior	☒	☐	OPM	☐	☐
Justice	☒	☐	OSTP	☒	☐
Labor	☐	☐	SBA	☐	☐
OMB	☒	☐	UN	☐	☐
State	☐	☐	BRADY (For WH Staffing)	☒	☐
Transportation	☒	☐	_____	☐	☐
Treasury	☐	☒	_____	☐	☐
USTR	☐	☐	_____	☐	☐
Veterans	☐	☒	_____	☐	☐

COMMENTS: Attached is a memorandum announcing the rescheduling of the Domestic Policy Council Meeting on Wetlands to Tuesday, July 2, 1991 from 2:00 to 3:00 P.M. in the Roosevelt Room. The meeting is for principals only.

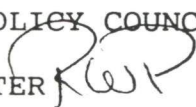
Please confirm your attendance with Honor Ingersoll at 456-2800.

THE WHITE HOUSE

WASHINGTON

June 26, 1991

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: RICHARD W. PORTER 
Executive Secretary

SUBJECT: Rescheduling of the Domestic Policy Council
Meeting on Wetlands to Tuesday, July 2, 1991 at
2:00 P.M. in the Roosevelt Room

The Domestic Policy Council Meeting on Wetlands, originally scheduled for Wednesday, June 26, 1991, at 10:00 A.M. in the Roosevelt Room has been rescheduled for Tuesday, July 2, 1991 from 2:00 to 3:00 P.M. in the Roosevelt Room.

The agenda for the meeting remains the same.

Please confirm your attendance with Honor Ingersoll (456-2800) by Noon, Monday, July 1.



DEPARTMENT OF ENERGY

Deputy Under Secretary
Policy, Planning and Analysis

MEMORANDUM FOR DOMESTIC POLICY COUNCIL
(DPC) MEMBERS AND STAFF

RE: JULY 2, 1991 DPC MEETING ON
WETLANDS

DATE: JULY 1, 1991

Admiral Watkins asked me to bring to your attention the attached letter from Deputy Secretary Moore to Attorney General Thornburgh.

I hope you will find this material helpful as you prepare for the July 2, 1991 DPC meeting on wetlands.

LG Stuntz
Linda G. Stuntz

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05a. Letter	To: Dick Thornburgh From: Henson Moore Re: Wetlands Task Force (2 pp.)	6/28/91	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: D. Allan Bromley Correspondence - Presidential - W [2 of 2] [1989]

Date Closed:	2/10/2010	OA/ID Number:	62004-009
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05b. Report	Principles of the Market-Based Approach to No Net Loss of Wetlands Program (4 pp.)	6/28/91	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
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AR Disposition:		MR Disposition:	
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