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7-8-1976

## James M. Cannon to Senator James O. Eastland, 8 July 1976

James M. Cannon

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THE WHITE HOUSE  
WASHINGTON

July 8, 1976

Dear Senator Eastland:

In your letter of June 10, 1976, to the President, you and some of your colleagues expressed your views on Section 404 of the Federal Water Pollution Control Act.

After reviewing all the facts related to this issue, the President directed the Secretary of the Army to delay for sixty days the implementation of Phase II of the guidelines. I am attaching a copy of the notice of the President's action for your information.

The President appreciated your informing him of your views and concerns. Thank you again for your thoughtful and constructive comments.

Sincerely,

James M. Cannon  
Assistant to the President  
for Domestic Affairs

The Honorable James O. Eastland  
United States Senate  
Washington, D.C. 20510

Enclosure

July 2, 1976

Office of the White House Press Secretary

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NOTICE TO THE PRESS

The President has directed the Secretary of the Army to defer for sixty days implementation of Phase II of the Corps of Engineers Section 404 program regulating dredge and fill operations in the waters of the Nation.

Phase II, which was scheduled to become effective July 1, would expand the Corps' permit activities to certain new areas. However, the House of Representatives has recently passed a bill that would deny the Corps jurisdiction over these areas. In addition, thirty Senators have written to the President requesting a delay in the implementation of Phase II until the Senate has a chance to act on the House passed bill. We are advised that the Senate Public Works Committee has scheduled hearings starting on July 27.

The President took this action:

- To give the Congress additional time to consider the Section 404 program, and
- To avoid the possibility that those being regulated under the program would be subject to rules which changed three times over a relatively short period.

That portion of the Corps regulations which requires that action be taken to alleviate serious pollution threats anywhere in the Nation's waters will remain in effect.

(If you have any further questions, contact Alan Wade, OMB, at 395-4747.)

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