

The original documents are located in Box 21, folder “Lake Winnepesaukee (2)” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

INFORMATION

WASHINGTON

April 1, 1976

MEMORANDUM FOR: THE PRESIDENT
FROM: JIM CANNON *JM*
SUBJECT: Lake Winnepesaukee

Attorney General David Souter telephoned to ask me to convey his appreciation to you for your helpfulness in getting this difficult issue resolved.

He also said that Governor Thomson, at a public meeting yesterday morning, gave you full credit for moving in promptly and getting the good results that New Hampshire residents wanted.



20 (02)
MGMWSHT HSB
2-033401E092 04/01/76
ICS IPMMTZZ CSP
6032712176 MGM TDMT CONCORD NH 112 04-01 1222P EST

 **Mailgram**
western union



*Steve
McConkey*
► PRESIDENT GERALD FORD
1600 PENNSYLVANIA AVE
WASHINGTON DC 20500

DEAR MR PRESIDENT
ON BEHALF OF OUR CITIZENS THIS WILL EXPRESS OUR MUTUAL APPRECIATION FOR
YOUR ASSISTANCE IN EFFECTING A MORATORIUM BY THE COAST GUARD IN ITS
DESIRE TO ASSUME JURISDICTION OF SOME NEW HAMPSHIRE INLAND WATERS
THE INTERCESSION OF YOUR OFFICE BY ARRANGING A TOP LEVEL CONFERENCE
BETWEEN TRANSPORTATION SECRETARY COLEMAN, THE COAST GUARD COMMANDANT
AND OUR ATTORNEY GENERAL SOUTER WAS A SIGNIFICANT CONTRIBUTION IN THAT
IT PROVIDED MR SOUTER THE VEHICLE WHEREBY HE PRESENTED EFFECTIVELY THE
STATES LEGAL PRESENTATION
PLEASE CONVEY ALSO MY PERSONAL THANKS TO YOUR STAFF WHO EFFECIENTLY AND
WITH DISPATCH FULFILLED YOUR DESIRES IN THIS MATTER

✓ MELDRIM THOMSON JR
GOVERNOR OF NEW HAMPSHIRE

12:22 EST

MGMWSHT HSB



2-033401E092 04/01/76

1CS IPMMTZZ CSP

6032712176 MGM TDMT CONCORD NH 112 04-01 1222P EST

western union

Mailgram



*Steve
on - Monday*

► PRESIDENT GERALD FORD
1600 PENNSYLVANIA AVE
WASHINGTON DC 20500

DEAR MR PRESIDENT

ON BEHALF OF OUR CITIZENS THIS WILL EXPRESS OUR MUTUAL APPRECIATION FOR YOUR ASSISTANCE IN EFFECTING A MORATORIUM BY THE COAST GUARD IN ITS DESIRE TO ASSUME JURISDICTION OF SOME NEW HAMPSHIRE INLAND WATERS THE INTERCESSION OF YOUR OFFICE BY ARRANGING A TOP LEVEL CONFERENCE BETWEEN TRANSPORTATION SECRETARY COLEMAN, THE COAST GUARD COMMANDANT AND OUR ATTORNEY GENERAL SOUTER WAS A SIGNIFICANT CONTRIBUTION IN THAT IT PROVIDED MR. SOUTER THE VEHICLE WHEREBY HE PRESENTED EFFECTIVELY THE STATES LEGAL PRESENTATION PLEASE CONVEY ALSO MY PERSONAL THANKS TO YOUR STAFF WHO EFFECIENTLY AND WITH DISPATCH FULFILLED YOUR DESIRES IN THIS MATTER

✓ MELDRIM THOMSON JR
GOVERNOR OF NEW HAMPSHIRE

12:22 EST

MGMWSHT HSB



THE WHITE HOUSE

INFORMATION

WASHINGTON

April 1, 1976

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FROM: JIM CANNON *JC*
SUBJECT: Lake Winnepesaukee

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THE WHITE HOUSE
WASHINGTON

Judy Hope

April 2, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CANNON
FROM: JIM CONNOR *JEC*
SUBJECT: Lake Winnepesaukee

The President reviewed your memorandum of April 1 on the above subject and made the following notation:

"Shouldn't we write a thank you, etc."

Please follow-up with appropriate action.

cc: Dick Cheney



THE WHITE HOUSE

INFORMATION

WASHINGTON

April 1, 1976

MEMORANDUM FOR: THE PRESIDENT
FROM: JIM CANNON *JC*
SUBJECT: Lake Winnepesaukee

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He also said that Governor Thomson, at a public meeting yesterday morning, gave you full credit for moving in promptly and getting the good results that New Hampshire residents wanted.



THE WHITE HOUSE
WASHINGTON

Date

4/4/76

TO:

James Cannon

FROM: Judy Hope

Art Queen

For your information

For your appropriate handling

For your review and comment

Return to me

Return to file

Return to central files



Comments:

Alternative Closing

remark:

"Happy Boating!"

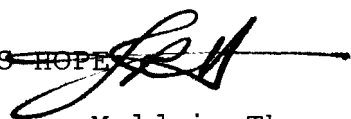
OK

TH

THE WHITE HOUSE

WASHINGTON

April 5, 1976

MEMORANDUM FOR: JIM CANNON
THROUGH: ART QUERN
FROM: JUDITH RICHARDS ~~HOPE~~ 
SUBJECT: Letter to Governor Meldrim Thomson

Per your request, attached is a letter for your signature to Governor Meldrim Thomson, Governor of New Hampshire.

Attachment

THE WHITE HOUSE

WASHINGTON

April 5, 1976

Dear Governor Thomson:

As you know, the President has been deeply concerned about the issues involving the navigability of New Hampshire's waterways. Just as I am sure you are, he is pleased that the Secretary of Transportation and the Commandant of the Coast Guard have decided to reopen the decision on this matter, and that the Commandant has revoked his prior determination in order to review the historical and geographic facts, as well as their legal implication, de novo.

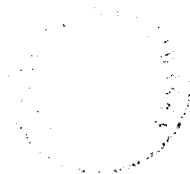
The President has asked me to express his appreciation for your recent kind remarks about him in this connection.

Best personal regards.

Sincerely,

James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Meldrim Thomson, Jr.
Governor of New Hampshire
Concord, New Hampshire



THE WHITE HOUSE
WASHINGTON

April 5, 1976

Dear Senator:

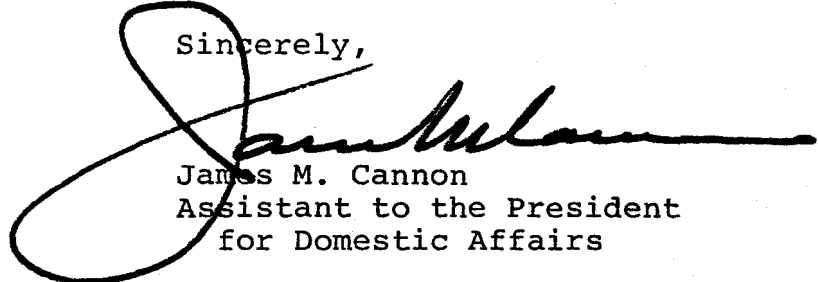
The President has asked me to respond to your letter of March 29 concerning the U.S. Coast Guard's decision concerning the navigability of certain New Hampshire lakes and waterways. The President has been very concerned about this matter for some time.

As I am sure you know, on March 31, the Secretary of Transportation announced that the Coast Guard's decision was being reopened. The Commandant of the Coast Guard further announced that he was revoking his prior determination of navigability in order to review the facts, both historical and geographic, as well as their legal implication, de novo. I am attaching a copy of Secretary Coleman's statement together with the Press Release which was issued yesterday by the Department of Transportation.

Thank you for your interest and concern.

Best personal regards.

Sincerely,



James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Thomas J. McIntyre
United States Senate
Washington, D. C.



JOHN C. STENNIS, MISS., CHAIRMAN

STUART SYMINGTON, MO.
HENRY M. JACKSON, WASH.
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JOHN TOWER, TEX.
BARRY GOLDWATER, ARIZ.
WILLIAM L. SCOTT, VA.
ROBERT TAFT, JR., OHIO
DEWEY F. BARTLETT, OKLA.

T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

March 29, 1976

The Honorable Gerald R. Ford
The President
The White House
Washington, D. C.

Dear Mr. President:

I directly appeal to you to declare a moratorium on the U.S. Coast Guard's assumption of concurrent jurisdiction over certain waters in New Hampshire, namely, Lakes Winnisquam and Winnepesaukee, the connecting waterways, and the in-state portion of the Merrimack River.

I make this appeal, Mr. President, because a moratorium may be the only action that can insure safe, responsible boating on these waters in the season about to commence.

Wholesale public confusion over respective State and Federal responsibilities under concurrent jurisdiction--and over the specific obligations of individual boatmen in meeting legal requirements under the new jurisdictional arrangement--may create a dangerous situation on these waters unless the changeover process is suspended immediately and through the balance of the 1976 boating season.

The Coast Guard tells me that even under concurrent jurisdiction it retains pre-emptive authority in three areas: boat numbering, boat manufacture standards, and boat safety equipment requirements. But the Coast Guard also has announced that in deference to the New Hampshire situation it will be "liberal, lenient and flexible" this season. And while I appreciate this gesture of good will on the part of the Coast Guard, I fear that a lenient enforcement policy, coupled with confusion over individual responsibilities under the new system, and further confusion over just what State water patrols can--or can't--enforce in the way of boat safety equipment will leave a dangerous vacuum in authority that invites conscious or innocent violations, accidents, perhaps even tragedy.

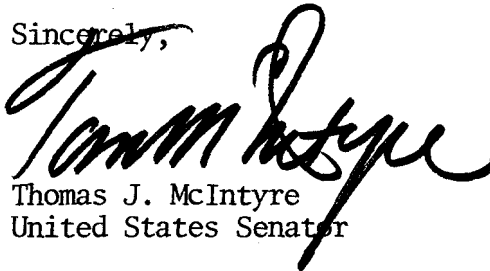
Legislation to exempt these waters by declaring them non-navigable and thus not subject to Coast Guard jurisdiction was introduced in the Senate last week, Mr. President, and I appreciate your New Hampshire Primary campaign pledge to sign such legislation.

if it reaches your desk. What concerns me, however, is the possibility that such legislation cannot be passed and signed into law before the boating season begins.

Therefore, I am appealing to you to please declare, by Executive Order, a moratorium on Coast Guard assumption of jurisdiction over these waters until the upcoming boating season is over for the year.

I thank you for your consideration, Mr. President.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom McIntyre", written over the printed name and title.

Thomas J. McIntyre
United States Senator

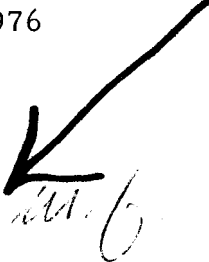
TJM:Om



THE WHITE HOUSE
WASHINGTON

March 29, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: MAX FRIEDERSDORF 
SUBJECT: Senator Thomas J. McIntyre

Senator McIntyre tried to call the President this afternoon and the call was returned by White House Congressional Relations.

The call concerned the Coast Guard matter in New Hampshire and we picked up a letter to the President concerning this issue which is attached.

I have asked Jim Cannon to draft a substantive response for the President's signature and wanted the President to have a copy of this letter in the event that he wanted to return the phone call.

I don't believe a return phone call is absolutely necessary because we have discussed the situation with Senator McIntyre and he understands that his letter was delivered to the President.



RECONSIDERATION OF THE DETERMINATION BY THE COMMANDANT
OF THE UNITED STATES COAST GUARD THAT THE WATERS OF
LAKES WINNIPESAUKEE AND WINNISQUAM, NEW HAMPSHIRE, THE
MERRIMACK RIVER, AND INTERCONNECTED WATERWAYS ARE
NAVIGABLE WATERS OF THE U.S. DATED SEPTEMBER 2, 1975


On September 2, 1975, in connection with the construction of two bridges by the State of New Hampshire, the Commandant of the United States Coast Guard determined that the waters of Lakes Winnepesaukee and Winnisquam, the Merrimack River, and all their interconnecting waterways in New Hampshire and Massachusetts were navigable waters of the United States under the Constitution and laws of the United States.

Subsequent to that determination, the Attorney General of the State of New Hampshire raised new historical and geographic facts that are material and relevant to the Coast Guard's determination of navigability. The State Attorney General also raised certain pertinent legal questions. After meeting with the Attorney General, the Commandant and I have decided that it is in the interest of a just and fair resolution of this issue that the question of navigability be reopened in order to assess these new facts and evidence and to review further the applicable law in light of these new facts.

Because it is in the interest of all parties concerned that these questions be resolved on the basis of full and fair consideration of all relevant information, the Commandant has decided to reconsider his determination. The Commandant will undertake a thorough review of all the historical and geographic facts that are relevant to a determination of navigability. The Commandant will invite the Attorney General of the State of New Hampshire to submit whatever facts, views, and recommendations are appropriate. The Commandant will consult with me before making any final determination.

The Commandant has informed me that he therefore has revoked his determination of September 2, pending completion of his de novo review. As a result, the Coast Guard will not undertake any further action under the Federal Boat Safety Act until after the final resolution of this issue.

Dated: March 31, 1976


William T. Coleman, Jr.



PRESS RELEASE

Secretary of Transportation William T. Coleman, Jr. announced today that he and the Commandant of the United States Coast Guard have decided to review and reconsider the issue of whether certain waters in the State of New Hampshire are navigable under the laws of the United States. These waters include Lakes Winnepesaukee and Winnisquam, New Hampshire, the Merrimack River, and inter-connected waterways.

In deciding to reopen the issue for further consideration, the Commandant and the Secretary cited new factual evidence about the historical use and geography of these waters which were brought to their attention in a recent meeting with the Attorney General of the State of New Hampshire.

The Commandant announced simultaneously that he has revoked his determination of September 2, 1975, pending the outcome of the new review. Thus, the Coast Guard does not intend to undertake any further activity pursuant to the Federal Boat Safety Act.

In calling for the review, the Secretary said that "it is in the interest of a just and fair resolution of this issue that the question of navigability be reopened for reconsideration in order to assess these new facts and evidence and to review further the applicable law."

"It is important," the Secretary said, "in an issue involving the application of constitutional law to a complex set of facts that a complete and thorough review take place." The Commandant will invite the Attorney General of the State to submit additional facts, views and recommendations that will be useful in the reconsideration. The Commandant will consult with the Secretary before making a final determination.



4/12/76

2. Busing

I have had two good discussions with Secretary Mathews about an attempt to find a better approach to this problem. I talked briefly with Ed Levi and will meet with him tomorrow.

At this point, we believe we must develop a concept based on these premises:

- (a) Communities should find solutions on their own rather than have them imposed by the Federal government;
- (b) Remedies can best be reached before any court action begins;
- (c) Any approach must be in accord with Federal law enforcement responsibilities.

If this meets with your approval, I will continue meeting with both Mathews and Levi to develop specific proposals for you.

Approve

Disapprove

3. Navigability of Waterways

In the wake of Lake Winnepesaukee, other questions about which waters are navigable have been brought to our attention.

Since the Constitution was written, the definition of navigability has evolved to the point where its application often does not make common sense.

As a result, we believe we should ask Secretary Coleman to review the definition with the possible objective of recommending to Congress a more precise and practical interpretation. This review should include an examination of the Constitutional implications, and the advantages and disadvantages of making any changes in the definition of navigability.

Approve

Disapprove



THE WHITE HOUSE
WASHINGTON

Date 4/15/76

MEMORANDUM FOR:

FROM

Cannon
through Queen
: JUDITH RICHARDS HOPE

Here is the
Navigability Memo.

JRH
GR

Pres report



April 15, 1976

MEMORANDUM FOR: THE HONORABLE WILLIAM T. COLEMAN
Secretary of Transportation

SUBJECT: Navigability

In recent months a number of questions about which waters are navigable have been brought to our attention. The historical and constitutional definition of navigability may have evolved to the point where its application does not always make common sense.

Will you please prepare a memorandum for the President reviewing the historical and constitutionally-based concept of navigability and analyzing alternative Administration actions, including a possible recommendation to Congress of a more precise and practical interpretation.

The memorandum to the President should be submitted to me by Monday, May 3.

James M. Cannon
Assistant to the President
for Domestic Affairs



THE WHITE HOUSE

WASHINGTON

June 11, 1976

MEMORANDUM FOR: JIM CANNON
FROM: JUDY HOPE
SUBJECT: Lake Winnepesaukee Issue Chronology

Pursuant to Congressman Cleveland's letter to the President, the following is a basic chronology of recent events concerning Lake Winnepesaukee as I know or have been able to reconstruct them.

September 2, 1975	Coast Guard determined certain New Hampshire waters were navigable.
February 7, 1976	President's in New Hampshire press conference, stated support for legislation exempting New Hampshire waters.
February 13, 1976	Cavanaugh request to Hope for data on issue; Hope memo in response.
February 18, 1976	Hope to McConahey: Q&A on issue.
February 24, 1976	New Hampshire primary.
March 12, 1976	Coast Guard began handing out pamphlets in New Hampshire on Federal safety requirements.
March 23, 1976	Thompson-Loeb headlines in the Manchester Union Leader.
March 25, 1976	Cannon memo to Hope re: Conversation with President concerning <u>Union Leader</u> Article.
March 26, 1976	S.3214 introduced (to declare certain New Hampshire waters non-navigable)

NOTE: Jim Cleveland had previously ask DOT for assistance in drafting that legislation - and had received assistance.



March 29, 1976	New Hampshire Attorney General presented additional facts to Secretary Coleman at DOT.
March 30, 1976	Hope met with D. Bliss (General Counsel, DOT) re issue.
March 31, 1976	Secretary Coleman signed press release and reconsideration statement re issue.
April 1, 1976	Cannon memo to President re issue.
April 2, 1976	Connor memo to Cannon for follow up (thank you) <u>(for Governor)</u> .
April 2, 1976	Hope submits 1st draft of Thomson letter for Cannon signature.
	Hope submits 1st draft of letter to Senator McIntyre responding to his letter (JMC signature).
April 5, 1976	JRH submits another draft of letter to Thomson.
	Memo to McConahey re same.
April 7, 1976	<u>Cannon requests similar letter for Congressman Cleveland</u> as "a good idea."
April 7, 1976	Hope submits letter for Cannon signature for same.

I attach the Presidents' letter you sent with your inquiry.

When is copy?



THE WHITE HOUSE

WASHINGTON

April 7, 1976

Dear Congressman Cleveland:

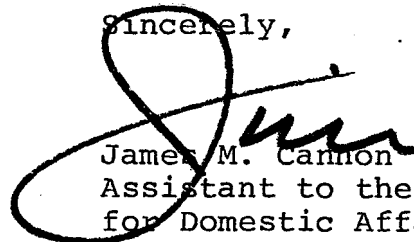
The President has asked me to write to you about the U.S. Coast Guard's decision on the navigability of New Hampshire's lakes and waterways.

As you know, on March 31, The Secretary of Transportation announced that the Coast Guard's decision was being reopened. The Commandant of the Coast Guard further announced that he was revoking his prior determination of navigability in order to review the facts, both historical and geographic, as well as their legal implication, de novo. In case you have not seen them, I am attaching a copy of Secretary Cannon's statement and the DOT press release for your information.

The President has been concerned about this matter for some time, and is gratified by the Department of Transportation's recent decision in this connection.

The President has asked that I extend his appreciation to you for your great interest in this issue, and sends his warm personal regards.

Sincerely,



James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable James Cleveland
U.S. House of Representatives
Washington, D.C.



THE WHITE HOUSE
WASHINGTON

June 1, 1976

TO: JUDY HOPE

FROM: JAMES CANNON

I received this copy by way
of Dick Cheney.

HOUSE ADMINISTRATION
JOINT COMMITTEE ON
CONGRESSIONAL OPERATIONS

Congress of the United States
House of Representatives
Washington, D.C. 20515
May 11, 1976
May 11, 1976

2235 MAPLE STREET
CONCORD, NEW HAMPSHIRE 03301
TEL. 234-4137
23 TEMPLE STREET
CONCORD, NEW HAMPSHIRE 03301
TEL. 234-4325

Canner
MAY 27 1976

Dear Jim:
Honorable Gerald Ford
President of the United States of America
Your letter of today's date has reached my desk.
Although I have not had an opportunity to absorb
fully the excellent points you raised, I intend
to study it in depth later today.

You have been in the front line on my behalf and I respect your judgment on what can and should be done. I accept input. During the campaign this worked out pretty well and I have no complaints on that score.
With warmest personal regards,

Sincerely,
Since the New Hampshire campaign, however, I have gradually decided that there is some additional input I should share with you. I think it is important. Based on the experience and discussions with people in other states, I would like to make the following suggestions:

1) Jerry Ford unrehearsed (but obviously not unbriefed) is your strong suit--and really strong.

The Honorable James C. Cleveland
House of Representatives
Washington, D.C. 20515

bcc: w/incoming to John Marsh
Rogers C.B. Morton
burden you with a melancholy list. In New Hampshire it could be picked up by the Coast Guard takeover of our lakes. Here is a situation where your people (Dr. James
GRF:MLF:JEB:VO:vo
of transportation absolutely promised me there was no way to step back and take another look. Based on this assertion, which made a liar out of me and inferentially one out of you, we addressed the problem during the campaign. Two months later they suddenly found there was a way. And then I was the last to be told!

From this type of situation I believe there is a lesson to be learned and I think there is still time. The bureaucratic first reaction that "there is no way" is pervasive. Damn it, there is almost always a way. You or somebody on your behalf has got to get this message across to the decision makers in your administration.



JAMES C. CLEVELAND
2d DISTRICT, NEW HAMPSHIRE

COMMITTEES:
PUBLIC WORKS
HOUSE ADMINISTRATION
JOINT COMMITTEE ON
CONGRESSIONAL OPERATIONS

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 11, 1976

WASHINGTON OFFICE:
2246 RAYBURN HOUSE OFFICE BLDG.
WASHINGTON, D.C. 20515
TEL.: 225-5206

DISTRICT OFFICES:
316 FEDERAL BUILDING
53 PLEASANT STREET
CONCORD, NEW HAMPSHIRE 03301
TEL.: 224-4187
23 TEMPLE STREET
NASHUA, NEW HAMPSHIRE 03060
TEL.: 883-4525

Honorable Gerald Ford
President of the United States of America
The White House
Washington, D. C.

MAY 1 1976



Dear Jerry:

When I agreed to take over your campaign in New Hampshire, you agreed that to the extent possible you would accept input. During the campaign this worked out pretty well and I have no complaints on that score.

Since the New Hampshire campaign, however, I have gradually decided that there is some additional input I should share with you. I think it is important. Based on the New Hampshire experience and discussions with people in other states, I would like to make the following suggestions:

1) Jerry Ford unrehearsed (but obviously not unbriefed) is your strong suit--and really strong.

2) But, as President you are perceived as being responsible for the government of the United States and that's the problem.

Some of the myriad departments and agencies of your government seem hell bent to ruin your candidacy. I won't burden you with a long and melancholy list. In New Hampshire it could be best summed up by the Coast Guard takeover of our lakes. Here is a situation where your people (Dr. James Cannon) in the White House and the people at the Department of Transportation absolutely promised me there was no way to step back and take another look. Based on this assertion, which made a liar out of me and inferentially one out of you, we addressed the problem during the campaign. Two months later they suddenly found there was a way. And then I was the last to be told!

From this type of situation I believe there is a lesson to be learned and I think there is still time. The bureaucratic first reaction that "there is no way" is pervasive. Damn it, there is almost always a way. You or somebody on your behalf has got to get this message across to the decision makers in your administration.

5/11/76

I am not and I repeat I am not suggesting that every Congressional shopping list be promptly filled.

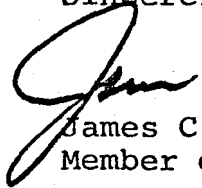
I am suggesting that legitimate gripes about foolish and arrogant and unnecessary abuses of the government--your government-- be acted on decisively.

This is an urgent message from the firing line. Too many of your people do not know where the firing line is-- or for that matter that there is one.

It is true that some of the problems cannot be solved by the executive, but it is equally true that some of the problems which can be solved are not being effectively addressed.

The solution? Not easy but as a starter you should have someone with power designated to act in this area and available to listen.

Sincerely,



James C. Cleveland
Member of Congress

JCC/jem



*P.S. Most of this was dictated before
Texas & Indiana - & since then I'm
sure you've been getting plenty of
advice - maybe too much - but
my principal point remains important*

THE WHITE HOUSE
WASHINGTON

Glenn

June 18, 1976

MEMORANDUM FOR: JIM CANNON
FROM: *Glenn* GLENN SCHLEEDE
SUBJECT: ADDITIONAL UPCOMING NEWS EVENTS

1. Distillate Decontrol. House hearings will begin June 22 on FEA's proposal to decontrol distillates (heating oil, diesel fuel) with John Hill appearing before Congressman Dingell. Proposal is controversial. Decontrol proposals can be prevented from going into effect if either House disapproves. (Two previous decontrol proposals were submitted and allowed to go into effect: Residual oil, small refinery exemption.)
2. Conference on FEA Extension. Begins this week. Both House and Senate Bills contain unacceptable riders. Acceptable bill may not be possible to achieve before FEA expires. *U* *M*
3. Selection of Sites for Windmills. ERDA this week will announce tentative selection of sites for the first of four new demonstration windmills to produce electricity. Of the four, the first two will be about the capacity of the one that recently was completed by ERDA and NASA at Sandusky, Ohio. (For comparison purposes, that one has potential output of 100 kilowatts. Largest ones now being thought about are 1 to 1.5 megawatts. Modern coal and nuclear plants are 1000 megawatts.)

cc: Jim Cavanaugh
Art Quern

enough to do what



Stats

Ronny vs

Greedy
in '70

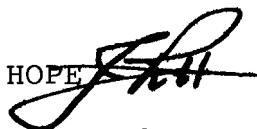
uniform for tomorrow



THE WHITE HOUSE
WASHINGTON

INFORMATION
REQUEST

October 4, 1976

MEMORANDUM FOR: JIM CANNON
FROM: JUDITH RICHARDS HOPE 
SUBJECT: Inquiry from Governor Thomson

Persuant to our telephone conversation earlier this morning, I think that Governor Thomson is interested in the following bill:

Technical Amendments to the Federal Boat
Safety Act, HR 13585

This is a good bill which the Coast Guard recommends that the President sign.

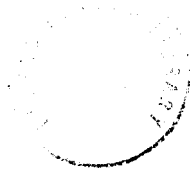
The Governor could also be referring to an amendment added to this bill by a New Hampshire Congressman D'Amours which states:

"until judicial decision is rendered on
Lake Winnepesaukee, the Coast Guard cannot
enforce any laws relative to Lake Winnepesaukee."

The Coast Guard has no problem with this.

Note: This bill was passed late last week and has not yet reached the White House. It should arrive sometime this week.

Since Governor Thomson has expressed an interest in being present at the signing, we may wish to give some thought to signing it in New England next week.



100417

THE WHITE HOUSE

WASHINGTON

October 4, 1976

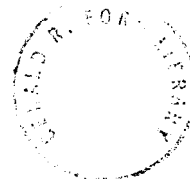
MEMORANDUM FOR STEVE MCCONAHEY

FROM: JIM CANNON

SUBJECT: Request from Governor Thompson of New Hampshire

Governor Thompson has asked that he be permitted to attend the signing of H. R. 13585, which would keep the Coast Guard from invading Lake Winnebago.

I recommend we grant his request.



THE WHITE HOUSE

WASHINGTON

October 4, 1976

MEMORANDUM FOR JIM CAVANAUGH

FROM: JIM CANNON

SUBJECT: Request From Governor Thompson of New
Hampshire

Governor Thompson has asked that he be permitted to attend the signing of H. R. 13585, which would keep the Coast Guard from invading Lake Winnepesaukee.

I recommend we grant his request.



THE WHITE HOUSE

WASHINGTON

October 4, 1976

MEMORANDUM FOR BILL NICHOLSON

FROM: JIM CANNON

SUBJECT: Request from Governor Thompson of New
Hampshire

Governor Thompson has asked that he be permitted to attend the signing of H. R. 3585 which would keep the Coast Guard from invading Lake Winnepesaukee.

I recommend we grant his request.



THE WHITE HOUSE
WASHINGTON
October 11, 1976

file
Transp. Water

MEMORANDUM TO: DICK CHENEY
FROM: JIM CANNON *Jm*
SUBJECT: New Hampshire Legislation

Governor Meldrim Thomson of New Hampshire wants very much to be present when the President signs H.R. 13585, which among other things keeps the Coast Guard off Lake Winnepesaukee.

To Thomson, this is one of the most important issues in his campaign and the President's campaign. Governor Thomson mentioned this to the President during the New Hampshire primary.

If there is a photograph of the President and Thomson at the signing, Governor Thomson plans to send out a mailing of 400,000 throughout the State during the last week of the campaign to show what the President and he have done.

I recommend we invite Governor Thomson for the signing. The last day for action on the bill is Monday, October 18.

cc Jim Cavanaugh
Jerry Jones
Judy Hope



File

Transp.

THE WHITE HOUSE
WASHINGTON

INFORMATION
REQUEST

November 1, 1976

NOV 1 1976 PM 5 42

MEMORANDUM FOR:

JIM CANNON

FROM:

JUDITH RICHARDS HOPE

SUBJECT:

Lake Winnepesaukee

Persuant to your request today, I contacted Coast Guard officers to learn the present status of the Lake Winnepesaukee navigability issue. Commander Royce Garrett, Admiral Siler's Aide, personally checked this issue. He advised me that the decision on navigability from the Coast Guard's point of view is still in the hands of the Coast Guard lawyers. Their recommendation must then be forwarded to the Commandant, and after his review, to the Secretary of Transportation. This process will take at least a month, and perhaps longer according to Garrett.

As you asked, I telephoned David Souter, the Attorney General of New Hampshire, and informed him that no announcement on the Lake Winnepesaukee question was expected this week. He did not ask me when a decision could be expected, and I did not get into a discussion on this issue with him.

He thanked us for our interest, and expressed the hope that the matter could be resolved expeditiously.

I am returning your original correspondence on this matter with this memorandum.



110118



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

1976 OCT 29 PM 12 05

To: Jim Cannon

From: Marshall Cobleigh

Date: October 27, 1976

We believe that the Coast Guard is going to give up their claim of Lake Winnepesaukee as a result of this memo. If that's true, and we think it is, you might as well have the President announce it the day before the election rather than the day after. It means a lot of votes in New Hampshire

Marshall



102907

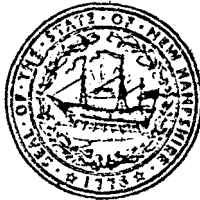
ATTORNEY GENERAL
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The State of New Hampshire



Attorney General

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RICHARD V. WIEBUSCH
JOHN T. PAPPAS
W. JOHN FUNK
JOHN S. KITCHEN
JAMES L. KRUSE

October 26, 1976

Rear Admiral R. A. Ratti
United States Coast Guard
(G-LMI/81)
Washington, D.C. 20590

Dear Admiral Ratti:

On August 6, 1976 I wrote to you in accordance with your invitation that the State of New Hampshire submit material indicating that Lake Winnepesaukee and related waterways are not navigable waters of the United States, with particular attention to the significance of that conclusion under the Federal Boat Safety Act of 1971. I submitted three copies of a detailed memorandum of thirty-four pages plus appendices containing further material, and I offered to submit further copies and to provide anything further the Coast Guard might wish on the subject. Admiral Bursley wrote me on August 17, 1976 to say you had received this material, but I have heard nothing since then.

I hope you will not tax me with too much of an advocate's zeal for believing that the memorandum I submitted and its supporting authorities establish that Lake Winnepesaukee and the related waterways which have been the subject of our attention throughout this year are not navigable waters of the United States. If we cannot agree on this conclusion, however, I believe we should prepare to litigate the question as soon as we possibly can. National legislation of course defers the imposition of Coast Guard jurisdiction to the conclusion of any litigation on the subject. But the question of Coast Guard jurisdiction continues to concern property owners and boaters on the waters in

Rear Admiral R. A. Ratti
October 26, 1976
Page two

question, and the New Hampshire Legislature, which returns in January, will naturally desire some indication of how, and when, the question may be resolved if it has not by then been resolved in the manner we have supported in our submission to you.

For these reasons I would be grateful for any action you may be able to take to conclude the Coast Guard's consideration of the matter and submit it to the Secretary of Transportation in the near future. It would also help me in my own planning if you would indicate when we can expect a decision from the Coast Guard.

Yours sincerely,



David H. Souter
Attorney General

DHS/smg

