

# Rocky Flats Coalition of Local Governments

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August 18, 1999

Honorable Mark Udall  
128 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Udall:

The Rocky Flats Coalition of Local Governments ("Coalition") has been discussing H.R. 2179, the "Rocky Flats Open Space Act" and is pleased to forward the following comments to you. These comments follow the commitment the Coalition Board made to you at the July 8, 1999 meeting to let you know where we stand on the specific issues raised in this important bill.

In February, 1999 the seven local governments that comprise the Coalition signed an Intergovernmental Agreement ("IGA") that, among other things, provides the Coalition governments will work together to protect the Rocky Flats buffer zone as open space during and after the cleanup with allowance for transportation uses. The buffer zone, which covers approximately 6,000 acres, is not just home to numerous plant and animal species, including the Preble's meadow jumping mouse, but through these lands run three important drainages -- Woman Creek, Walnut Creek, and Rock Creek

The Rocky Flats Cleanup Agreement assumes the buffer zone will be protected as open space once the Site is cleaned and closed, but as you are aware, there are no legislative provisions guaranteeing that protection. That's why the Coalition supports your efforts to protect the buffer zone as open space for it tracks what we, elected officials and community leaders, have agreed to -- the Rocky Flats buffer zone must be protected as open space during and after the cleanup with allowance for transportation uses.

We are pleased to see the bill specifically notes nothing should be construed to affect future use of the Rocky Flats Industrial Area, for the Coalition IGA also leaves open the question of future use of the Rocky Flats Industrial Area. The Coalition committed to work together in "assuring cleanup, configuration, and post-closure care of the Rocky Flats Industrial Area to permit a range of future uses, from open space to employment center." That's why the Coalition supports the language of the bill that provides decisions regarding future use of the Industrial Area will be made at a later date.

Continued protection of the buffer zone as open space is important but begs the question of who should own the land after the Site is cleaned and closed. The Coalition believes

the federal government should remain liable for the property after closure. The Department of Energy will most likely have to operate and repair various containment structures for years to come, and the sole way to ensure the federal government meets this critical stewardship responsibility is for the lands to remain in federal ownership. Towards this end, the Coalition supports the language contained in the bill that provides Rocky Flats will remain in federal ownership after the Site is cleaned and closed.

As local governments have discussed with you individually, the Coalition takes exception to the formation of the proposed Open Space Advisory Council and requests you work with us to change, as necessary, the bill's language. The Coalition supports your efforts to involve local governments in decisions regarding the future use and protection of the Rocky Flats buffer zone. Your goal is our goal -- we want such decisions made here and not in Washington, D.C. We believe, however, creating the proposed Open Space Advisory Council would unnecessarily duplicate other efforts, most notably the process the Coalition is starting to undertake. The Coalition intends to work with other local governments and non-governmental entities in developing a vision for the buffer zone and has identified similar questions to the ones you note in the bill, including questions regarding local government involvement in management decisions.

The bill can better support the Coalition's effort by establishing legislatively that DOE must work with local governments, but the bill must also provide greater latitude for the Coalition, working together with other local governments, to define the timeline, makeup, and scope of that process. For that reason, the Coalition objects to the formation of the Council and instead requests you work with the Board to modify the existing language to provide greater authority to local governments on an issue of such great importance to them.

Finally, the Coalition believes the Rocky Flats cleanup must be protective of human health and the environment. As we said in our letter to you dated July 14, 1999, our communities lie downwind and downstream of Rocky Flats and our constituents recreate on lands neighboring the Site. No issue is of greater collective importance to the Coalition than ensuring the Site is cleaned, that the drainages are protected for future generations, and that the buffer zone is protected.

The Coalition understands you have begun discussing the bill with Senator Allard and that you both are committed to working with the Coalition and with each other to secure its passage. We commend those efforts and pledge to work with you and rest of the Colorado congressional delegation on this important piece of legislation.

Sincerely yours,

/s/  
Thomas Brunner  
Chairman

/s/  
David Abelson  
Executive Director