

Rocky Flats Coalition of Local Governments

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April 8, 2003

Representative Mark Udall
115 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Udall,

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, I would like to thank you for the opportunity to comment on your draft bill to provide the Department of Interior with additional tools with which to acquire mineral rights underlying Rocky Flats. The Board understands the draft bill authorizes the Secretary to issue credits to private mineral rights holders in exchange for their transferring their rights to the federal government. The credits could then be sold to others seeking to develop minerals on the Outer Continental Shelf. The bill would also make land exchanges easier at Rocky Flats by allowing for exchanges for minerals in other states.

The Coalition has numerous times emphasized its support for acquiring privately held mineral rights at Rocky Flats and thus strongly supports the draft bill. As the Board noted in its May 6, 2002 letters to Senator Allard and you,

An important element to our support of "The Rocky Flats National Wildlife Refuge Act of 2001" was the assurance that all outstanding questions concerning non-federal mineral rights at Rocky Flats would be fairly addressed. We support federal ownership of these rights, preferably from a willing seller, and request you take appropriate steps to work with the owners of the mineral rights to secure federal ownership or control of the minerals. (*Quoting the 5/6/02 letter*)

Where this draft bill differs from the Coalition's position is that it does not include an affirmative statement that the minerals must be acquired. This draft bill provides that "acquisition...is desirable". The Board recognizes the purpose of the bill is to provide the Secretary of Interior with additional tools. However, consistent with the Coalition's aforementioned position in support of federal ownership of these rights, it appears that unless the language of the bill is strengthened from acquisition being "desirable" to mandating such acquisition, acquisition remains uncertain. The Board therefore suggests amending Section 1(b)(2) to provide that acquisition is desirable and that "the federal government shall acquire such rights, preferably from a willing seller" or something to that effect.

Another issue the Board requests you reconsider is that by giving the Secretary of Interior additional tools with which to acquire the minerals, the bill could be interpreted to suggest that the onus is on the Secretary of Interior and not on the Secretary of Energy to acquire these minerals. The Board therefore suggests adding a provision that provides that DOE should also take affirmative steps to acquire such rights.

Once again, thank you for the opportunity to comment on this draft bill. We welcome the opportunity to work with you and your colleagues in both the House and Senate to secure passage of this legislation. Should you have any questions, please contact me or have your staff contact, David Abelson, the Coalition's executive director, at (303) 412-1200.

Sincerely yours,

/s/

Lorraine Anderson
Chairman

Cc: Senator Wayne Allard
Representative Bob Beauprez