

Rocky Flats Coalition of Local Governments

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August 18, 1999

Senator Wayne Allard
513 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Allard:

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. We hope this letter answers the questions you raised in your letter to Thomas Brunner, the Coalition's Chairman, dated June 18, 1999, and look forward to discussing this bill and other issues when you meet with the Coalition Board on September 2, 1999.

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 is no congressional act guaranteeing that protection. That's why the Coalition supports the goal of H.R. 2179 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 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 post-closure, 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.

The Coalition, however, disagrees with the formation of the Open Space Advisory Council. The intention of these provisions in the bill is to ensure the Coalition governments, among others, are integrally involved in decisions regarding the future use and protection of the Rocky Flats buffer zone. That's something the Coalition adamantly supports, for the seven local governments that comprise the Coalition want such decisions regarding future of the Site, including the buffer zone, to be made here and not in Washington, D.C. The Coalition, however, believes creating the proposed Open Space Advisory Council would unnecessarily duplicate our effort to work with other local governments and non-governmental entities in developing a vision for the buffer zone.

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 requests you work with the Coalition and Congressman Udall to modify the language to provide greater authority to local governments on an issue of such great importance.

Finally, the Coalition believes the Rocky Flats cleanup must be protective of human health and the environment. 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 Congressman Udall 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 legislation.

Sincerely yours,

/s/
Thomas Brunner
Chairman

/s/
David Abelson
Executive Director