

late in the evening. Having more opportunities can try to help prevent the problem of violence in our school before it starts.

What I would like to see happen from doing this speech is more funding in schools to try to have more clubs and groups for students which includes transportation.

## INTRODUCTION OF ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to designate Rocky Flats as a National Wildlife Refuge once that former nuclear-weapons site in Colorado is cleaned up and closed.

This bill, the "Rocky Flats National Wildlife Refuge Act of 2000," was developed through a process of collaboration with Senator ALLARD, who is today introducing corresponding legislation in the Senate, and is cosponsored by Representatives DEGETTE, TANCREDO, SCHAFFER, HEFLEY, and MCINNIS.

In shaping this legislation, Senator ALLARD and I consulted closely with local communities, State and Federal agencies, and interested members of the public. We received a great deal of very helpful input, including many detailed reactions to and comments on related legislation that I introduced last year and discussion drafts that Senator ALLARD and I circulated earlier this year.

Both Senator ALLARD and I recognize that introduction of legislation is only the beginning of the formal legislative process. We welcome and will consider any further comments that anyone may have regarding the bills we are introducing today. However, we believe that these bills address the points raised by the many parties in Colorado who are interested in this important matter.

Here is a brief outline of the main provisions of the bills Senator ALLARD and I are introducing today: The bill—Provides that the Federally-owned lands at Rocky Flats site will remain in federal ownership; that the Lindsay Ranch homestead facilities will be preserved; that no part of Rocky Flats can be annexed by a local government; that no through roads can be built through the site; and that some portion of the site can be used for transportation improvements along Indiana Street along the eastern boundary.

Requires DOE and the U.S. Fish and Wildlife Service to enter into a Memorandum of Understanding within 18 months after enactment to address administrative issues and make preparations regarding the future transfer of the site to the Fish and Wildlife Service and to divide responsibilities between the agencies until the transfer occurs; provides that the cleanup funds shall not be used for these activities.

Specifies when the transfer from DOE to the Fish and Wildlife Service will occur—namely when the cleanup is completed and the site is closed as a DOE facility.

Describes the land and facilities that will be transferred to the Fish and Wildlife Service (most of the site) and the facilities that will be excluded from transfer (any cleanup facilities or structures that the DOE must maintain and remain liable for); directs that the transfer will

not result in any costs to the Fish and Wildlife Service.

Directs that the DOE will continue to be required to clean up the site and that in the event of any conflicts, cleanup shall take priority; maintains DOE's continuing liability for cleanup.

Requires the DOE to continue to clean up and close the site under all existing laws, regulations and agreements.

Requires that establishment of the site as a National Wildlife Refuge shall not affect the level of cleanup required.

Requires the DOE to clean up the site to levels that are established in the Rocky Flats Cleanup Agreement as the agreement is revised based on input from the public, the regulators and the Rocky Flats Soil Action Level Oversight Panel.

Requires DOE to remain liable for any long-term cleanup obligations and requires DOE to pay for this long-term care.

Establishes the Rocky Flats site as a National Wildlife Refuge 30 days after transfer of the site to the Fish and Wildlife Service.

Provides that the refuge is to be managed in accordance with the National Wildlife Refuge System Administration Act.

Provides that the refuge's purposes are to be consistent with the National Wildlife Refuge System Administration Act, with specific reference to preserving wildlife, enhancing wildlife habitat, conserving threatened and endangered species, providing opportunities for education, scientific research and recreation.

Directs the Fish and Wildlife Service to convene a public process to develop management plans for the refuge; requires the Fish and Wildlife Service to consult with the local communities in the creation of this public process.

Provides that the public involvement process shall make recommendations to the Fish and Wildlife Service on management issues—specifically issues related to the operation of the refuge, any transportation improvements, leasing land to the National Renewable Energy Laboratory, any perimeter fences, development of a Rocky Flats museum and visitors center; requires that a report is to be submitted to Congress outlining the recommendations resulting from the public involvement process.

Recognizes the existence of other property rights on the Rocky Flats site, such as mineral rights, water rights and utility rights-of-way; preserves these rights and allows the rights holders access to their rights.

Allows the DOE and the Fish and Wildlife Service to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

Requires the federal government to seek to acquire the underlying mineral rights through agreement with the private owners.

Allows the Public Service Company of Colorado to provide an extension from their high-tension line on the site to serve the area around Rocky Flats.

Authorizes the establishment of a Rocky Flats museum to commemorate the history of the site, its operations and cleanup.

Requires the DOE and the Fish and Wildlife Service to inform Congress on the costs associated with implementing this Act.

Let me take a moment to address a few of the more important issues that were raised by the local communities and how they are addressed in this bill.

First, transportation issues. Rocky Flats is located in the midst of a growing area of the Denver metropolitan region. As this area continues to grow, pressure is being put on the existing transportation facilities just outside the borders of the site. In addition, the Denver-metropolitan region has been constructing a beltway around the city. The last segment of this beltway yet to be completed or approved for construction is to be in the northwest section of Denver, the same general areas where Rocky Flats is located. The communities that surround the site have been considering transportation improvements in this area for a number of years—including the potential completion of the beltway.

So, one of the questions on which Senator ALLARD and I sought comments was whether our bills should allow some use of Rocky Flats land to assist in addressing the transportation needs and future demands. We asked for and received the views of the public and the local communities. That input, along with the recent decision by the local communities to forego for now the construction of the beltway in the northwest region of Denver, overwhelmingly indicated that the bill should allow for possible availability of some land along Indiana Street along the eastern boundary of Rocky Flats for this purpose, but that the bills should not specifically provide for a more far-reaching availability of Rocky Flats land for a beltway. So the bills we are introducing reflects that position.

Second, the Rocky Flats Cold War Museum. This section of the bill authorizes the establishment of a museum to commemorate the Cold-War history of the work done at Rocky Flats. Rocky Flats has been a major facility of interest to the Denver area and the communities that surround it. Even though this facility will be cleaned up and closed down, we should not forget the hard work done here, what role it played in our national security and the mixed record of its economic, environmental and social impacts. The city of Arvada has been particularly interested in this idea, and took the lead in proposing inclusion of such a provision in the bill. However, a number of other communities have expressed interest in also being considered as a possible site for the museum. Accordingly, the bills being introduced today provide that Arvada will be the location for the museum unless the Secretary of Energy, after consultation with relevant communities, decides to select a different location after consideration of all appropriate factors such as cost, potential visitorship, and proximity to the Rocky Flats site.

Third, private property rights. Most of the land at Rocky Flats is owned by the federal government, but within its boundaries there are a number of pre-existing private property rights, including mineral rights, water rights, and utility rights-of-way. In response to comments from many of their owners, the bills acknowledge the existence of these rights, preserve the rights of their owners, including rights of access, and allow the Secretaries of Energy and Interior to address access issues to continue necessary activities related to cleanup and closure of the site and proper management of its resources.

With regard to water rights, the bills protect existing easements and allow water rights holders access to perfect and maintain their rights. With regard to mineral rights, the bills

urge the Secretaries of Energy and Interior to acquire these rights from existing owners—but ensure that no funds from cleanup and closure can be used to accomplish this goal. Finally, with regard to power lines and the proposal to extend a line from a high-tension line that currently crosses the site, the bills preserve the existing rights-of-way for these lines and allows the construction of one power line from an existing line to serve the growing region northeast of Rocky Flats.

Fourth, the National Renewable Energy Laboratory's (NREL) National Wind Technology Center. This research facility, which is located northwest of the site, has been conducting important research on wind energy technology. As many in the region know, this area of the Front Range is subjected to strong winds that spill out over the mountains and onto the plains. This creates ideal wind conditions to test new wind power turbines. I support this research and believe that the work done at this facility can help us be more energy secure as we find ways to make wind power more productive and economical. The bills we are introducing today preserve this facility. It is outside the boundaries of the new

wildlife refuge that the bill would create and thus would be allowed to continue at its present location. In addition, NREL has been considering expanding this facility onto the open lands of Rocky Flats. The bill allows NREL to pursue this proposal through the public involvement process.

Finally, cleanup levels. Over the last year, some concerns were expressed that the establishment of Rocky Flats as a wildlife refuge could result in a less extensive or thorough cleanup of contamination that has resulted from its prior mission. Of course, that was not the intention of the bill I introduced last year and it is definitely not the intention of the bills being introduced today. The language in these bills has been drafted to ensure that the cleanup is based on sound science, compliance with federal and state environmental laws and regulations, and public acceptability. The bills now tie the cleanup levels to the levels that will be established in the Rocky Flats Cleanup Agreement (RFCA) for soil, water and other media following a public process to review and reconsider the cleanup levels in the RFCA. In this way, the public will be involved in establishing cleanup levels and the Secretary of Energy will be required to conduct a thorough

cleanup based on that input. In addition, the bills require that the establishment of the site as a wildlife refuge cannot be used to affect the cleanup levels—removing any possibility of arriving at a lesser cleanup due to this ultimate land use.

Mr. Speaker, I want to express my thanks to Senator ALLARD for his outstanding cooperation in drafting this important legislation. I am very appreciative of his contributions and look forward to continuing to work closely with him and the other members of Colorado delegation in both the House and Senate to achieve enactment of this legislation.

In the past, Rocky Flats has been off-limits to development because it was a weapons plant. That era is over—and its legacy at Rocky Flats has been very mixed, to say the least. But it has left us with the opportunity to protect and maintain the outstanding natural, cultural, and open-space resources and value of this key part of Colorado's Front Range area. This bill would accomplish that end, would provide for appropriate future management of the lands, and would benefit not just the immediate area but all of Colorado and the nation as well.