

106TH CONGRESS  
1ST SESSION

# H. R. 2179

To provide for the management as open space of certain lands at the Rocky Flats Environmental Technology Site, Colorado, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1999

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the management as open space of certain lands at the Rocky Flats Environmental Technology Site, Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rocky Flats Open  
5 Space Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) The Federal Government, through the  
2 Atomic Energy Commission, acquired the Rocky  
3 Flats site in 1951 and began operations there in  
4 1952. Since 1992, the mission of the Rocky Flats  
5 site has changed from the production of nuclear  
6 weapons components to managing wastes and mate-  
7 rials and cleaning up and converting the site to ben-  
8 efiticial uses in a manner that is safe, environmentally  
9 and socially responsible, physically secure, and cost-  
10 effective.

11           (2) The buffer zone has generally remained un-  
12 disturbed since the acquisition of the Rocky Flats  
13 site. The buffer zone possesses an impressive diver-  
14 sity of plant and animal species and provides impor-  
15 tant wildlife habitat for a number of threatened and  
16 endangered species.

17           (3) The State of Colorado is experiencing in-  
18 creasing growth and development, especially in the  
19 metropolitan Denver Front Range area in the vicin-  
20 ity of the Rocky Flats site. This growth and develop-  
21 ment reduces the amount of open space and thereby  
22 diminishes for many metropolitan Denver commu-  
23 nities the vistas of the striking Front Range moun-  
24 tain backdrop.

1           (4) The national interest requires that the on-  
2           going cleanup and closure of the Rocky Flats site be  
3           completed without unnecessary delay and that the  
4           site thereafter be retained by the United States and  
5           managed so as to preserve its value for open space  
6           and wildlife habitat.

7           (b) PURPOSE.—The purpose of this Act is to provide  
8           for the management of the buffer zone at the Rocky Flats  
9           site as open space and to establish a process for deter-  
10          mining and implementing appropriate policies for the  
11          management of the Rocky Flats site after the ongoing  
12          cleanup and closure is completed.

13       **SEC. 3. FUTURE OWNERSHIP AND MANAGEMENT.**

14          (a) FEDERAL OWNERSHIP.—Unless Congress pro-  
15          vides otherwise in an Act enacted after the date of the  
16          enactment of this Act, all right, title, and interest of the  
17          United States, held on or acquired after the date of the  
18          enactment of this Act, to lands within the boundaries of  
19          the Rocky Flats site shall be retained by the United  
20          States.

21          (b) OPEN SPACE MANAGEMENT OF BUFFER  
22          ZONE.—(1) Except as provided in paragraph (2), the buff-  
23          er zone shall be managed as open space.

24               (2) The structures that comprise the former Lindsay  
25          Ranch homestead site within the Rock Creek Reserve area

1 of the buffer zone shall be preserved and maintained to  
2 protect their historic significance and provide appropriate  
3 enjoyment for visitors.

4 (c) MANAGEMENT OF INDUSTRIAL AREA.—Sub-  
5 section (b) shall not be construed to affect the manage-  
6 ment of the industrial area or to preclude the management  
7 of the industrial area as open space after cleanup and clo-  
8 sure is completed.

9 **SEC. 4. ROCKY FLATS OPEN SPACE ADVISORY COUNCIL.**

10 (a) ESTABLISHMENT.—Not later than 90 days after  
11 the date of enactment of this Act, the Secretary of Energy  
12 shall establish a council to be known as the Rocky Flats  
13 Open Space Advisory Council.

14 (b) PURPOSE.—The purpose of the Council shall be  
15 to examine the options for long-term oversight and man-  
16 agement of the Rocky Flats site and to make rec-  
17 ommendations for such oversight and management.

18 (c) DUTIES.—The Council shall—

19 (1) identify the Federal, State, and local agen-  
20 cies and other entities that could effectively manage  
21 the buffer zone to protect its wildlife, wildlife habi-  
22 tat, and open space resources;

23 (2) identify, with respect to the various portions  
24 of the buffer zone, the management policies that  
25 would be most appropriate, consistent with the pro-

1       tection of the wildlife, wildlife habitat, and open  
2       space resources;

3           (3) make recommendations regarding the man-  
4       agement of the buffer zone after completion of the  
5       cleanup and closure, including the appropriate entity  
6       or entities to carry out the management, the appro-  
7       priate management policies, any appropriate imple-  
8       menting legislation, and any other recommendations  
9       that the Council considers appropriate; and

10          (4) make any recommendations regarding the  
11       management of the industrial area that the Council  
12       considers appropriate.

13       (d) COMPOSITION.—The Secretary shall ensure that  
14       the membership of the Council includes representatives of  
15       appropriate Federal, State, and local entities, including  
16       the following:

17           (1) The offices of the Governor and the Attor-  
18       ney General of the State of Colorado.

19           (2) The counties in Colorado of Jefferson and  
20       Boulder.

21           (3) The cities in Colorado of Arvada, Boulder,  
22       Broomfield, Westminster, Superior, Thornton, Gold-  
23       en, and Northglenn.

1           (4) The Rocky Flats Citizens Advisory Board  
2           and the Rocky Flats Coalition of Local Govern-  
3           ments.

4           (5) The Department of Public Health and En-  
5           vironment and the Department of Natural Resources  
6           of the State of Colorado.

7           (6) The Department of Energy.

8           (7) The United States Fish and Wildlife Serv-  
9           ice.

10          (8) The Environmental Protection Agency.

11          (e) CHAIRPERSON.—The Chairperson of the Council  
12 shall be appointed by the Secretary and shall be a member  
13 of the Council who is a representative of the Department  
14 of Energy.

15          (f) PUBLIC INVOLVEMENT.—The Council shall be  
16 subject to the Federal Advisory Committee Act (5 U.S.C.  
17 App.). The Council’s deliberations shall be open to the  
18 public, and the Council shall endeavor to seek out and pro-  
19 vide opportunities for public input.

20          (g) REPORT.—Not later than 1 year after the estab-  
21 lishment of the Council, the Council shall submit a report  
22 to the Secretary, the Governor of the State of Colorado,  
23 and the Congress. The report shall contain the identifica-  
24 tions and recommendations of the Council under sub-  
25 section (c).

1 (h) IMPLEMENTATION OF COUNCIL RECOMMENDA-  
2 TIONS.—Subject to section 5(a) and any other provision  
3 of Federal law, the Secretary may, after the submission  
4 of the report by the Council under subsection (g), provide  
5 for the management of the buffer zone in accordance with  
6 the recommendations in that report.

7 **SEC. 5. CONTINUATION OF ENVIRONMENTAL CLEANUP**  
8 **AND CLOSURE.**

9 (a) ONGOING CLEANUP AND CLOSURE.—The Sec-  
10 retary shall continue to carry out to completion the clean-  
11 up and closure activities at the Rocky Flats site, including  
12 any such actions within the buffer zone that are necessary  
13 under applicable requirements of Federal or State laws  
14 and regulations.

15 (b) RULES OF CONSTRUCTION.—(1) Nothing in this  
16 Act, and no action taken under this Act, shall relieve the  
17 Secretary or any other person from any obligation or other  
18 liability with respect to the Rocky Flats site under the  
19 Comprehensive Environmental Response, Compensation,  
20 and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the  
21 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the  
22 Colorado Hazardous Waste Act (Colo. Rev. Stat. 25–15–  
23 301 et seq.), or any other applicable Federal or State law  
24 or regulation.

1           (2) This Act shall not be construed to restrict or less-  
2   en the degree of cleanup at the Rocky Flats site, including  
3   the buffer zone, required under the 1996 Rocky Flats  
4   Cleanup Agreement or any other applicable requirements.

5           (3) The level of cleanup at the Rocky Flats site shall  
6   not be affected by the requirements of this Act for open  
7   space management of the buffer zone, but rather shall be  
8   based on considerations of public health and safety.

9   **SEC. 6. DEFINITIONS.**

10          For purposes of this Act:

11               (1) The term “Rocky Flats” or “Rocky Flats  
12   site” means the Rocky Flats Environmental Tech-  
13   nology Site, Colorado.

14               (2) The term “Rocky Flats map” means the  
15   map of the Rocky Flats site titled “Rocky Flats En-  
16   vironmental Technology Site, Colorado” and dated  
17   June 1999.

18               (3) The term “open space” means an area free  
19   of new structures that is managed for its open space  
20   characteristics and for its wildlife, wildlife habitat,  
21   and potential recreational opportunities.

22               (4) The term “buffer zone” means the land  
23   within the Rocky Flats site between the industrial  
24   area and the boundary of Federal land at the Rocky

1 Flats site, comprising approximately 6,000 acres, as  
2 generally depicted on the Rocky Flats map.

3 (5) The term “industrial area” means the facili-  
4 ties and structures on the Rocky Flats site that  
5 comprise the former nuclear weapons production ac-  
6 tivities, comprising approximately 385 acres, as gen-  
7 erally depicted on the Rocky Flats map.

8 (6) The term “cleanup and closure” means the  
9 remedial actions and decommissioning activities  
10 being undertaken at the Rocky Flats site by the De-  
11 partment of Energy under the 1996 Rocky Flats  
12 Cleanup Agreement, the closure plans and baselines,  
13 and any other relevant documents.

14 (7) The term “Secretary” means the Secretary  
15 of Energy.

16 (8) The term “Council” means the Rocky Flats  
17 Open Space Advisory Council.

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