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CORRESPONDENCE CONTROL

Rocky Flats Coalition of Local Governments

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January 7,2005

Honorable Spencer Abraham
Secretary of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Honorable Gale Norton
Secretary of Interior
Interior Building
1849 C Street
Washington, D.C. 20240

Dear Secretaries Abraham and Norton,

The Board of Directors of the Rocky Flats Coalition of Local Governments remains troubled by the continued delay in issuing the Memorandum of Understanding (MOU) between the Department of Energy and the Department of the Interior for management of Rocky Flats following the closure of the Site. "The Rocky Flats National Wildlife Refuge Act of 2001" clearly provides that DOE and DOI must publish a draft in the Federal Register no later than one year after enactment of the Act, with the final being approved and implemented by summer 2003.

We understand that a draft has been held up in Washington, D.C. since summer 2002 and that the sole unresolved issue is the question of minerals management and, possibly, acquisition. With completion of active remediation expected to occur later this calendar year, we believe the outstanding issues must be resolved and that the draft be issued in the coming months.

The Coalition is made up of elected officials from the seven local governments that surround Rocky Flats, and collectively we represent approximately 800,000 people. We worked closely with Senator Allard and Representative Mark Udall to secure passage of the Refuge Act. *An* important element of the Coalition's support was the assurance that all outstanding questions concerning non-federal mineral rights at Rocky Flats would be fairly addressed. We believe acquisition of these rights is a critical element in protecting the wildlife resources at Rocky Flats and support federal ownership of these rights, preferably from a willing seller.

Because of this ongoing delay in addressing this issue, there is a serious risk that important lands for refuge purposes will not transfer to DOI after cleanup and closure. DOE will then be saddled with managing important natural resources and, more importantly, active mining operations, clearly activities beyond DOE's mandate.

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Delaying the MOU has broader ramifications. Specifically, one of the key elements in closing Rocky Flats and transferring jurisdiction for portions of the Site to DOI is clearly delineating the roles and responsibilities of each agency for the lands each agency will manage. The MOU, in its current draft, addresses critical issues such as DOE and DOI's response action responsibilities, identifies the roles and responsibilities for each agency in identifying lands to be transferred, describes DOE enforcement action responsibilities, and other important issues. In this regard, the MOU should also provide an important link to, and basis for, the Comprehensive Conservation Plan for the Rocky Flats National Wildlife Refuge.

Congress clearly intended that the MOU should be finalized well in advance of the issuance of the CCP. DOI is in the final stages for finalizing the CCP and yet there is no MOU. This situation must be remedied and the MOU must be issued. From a broader perspective, the MOU is a key document in delineating the long-term responsibilities at Rocky Flats. While the Coalition has not always been pleased with DOE's pace in addressing sitewide long-term stewardship issues, progress is being made. So, just as it remains imperative for DOE to finalize stewardship documents over the coming months, it is equally imperative that the MOU, a piece of the long-term stewardship strategy, also be finalized.

We are glad to know that DOE has tasked Matthew Duchesne with trying to reach agreement with DOI on the MOU. We are prepared to provide any help that he or any other DOE or DOI official may need.

Sincerely,

Karen Imbierowicz

Chairman

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Bob Beauprez
Fraze: Lockhart, DOE
Dean Rundle, UFWS
Rocky Flats Citizens Advisory Board
Matthew Duchesne, DOE