

# The Rocky Mountain Arsenal and the Northeast Greenway Corridor Project:

Contamination to Collaboration

*Presented by Howard Kenison*

# Overview of Presentation

## **Rocky Mountain Arsenal**

Contamination

Litigation, Settlement and NRD Funds

## **Northeast Greenway Corridor Project**

Collaboration

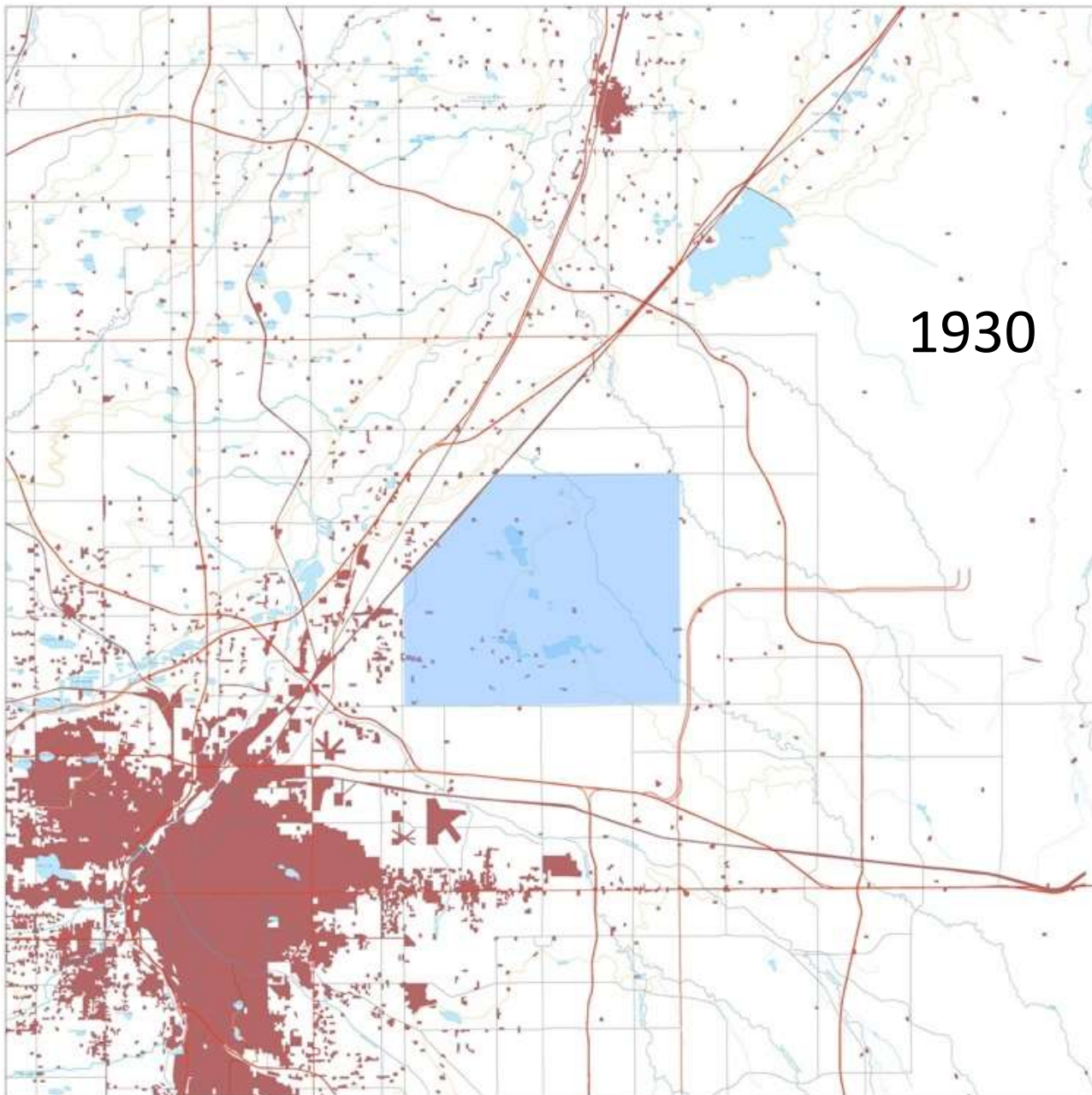
Key Lessons

## **Rocky Mountain Greenway Project**

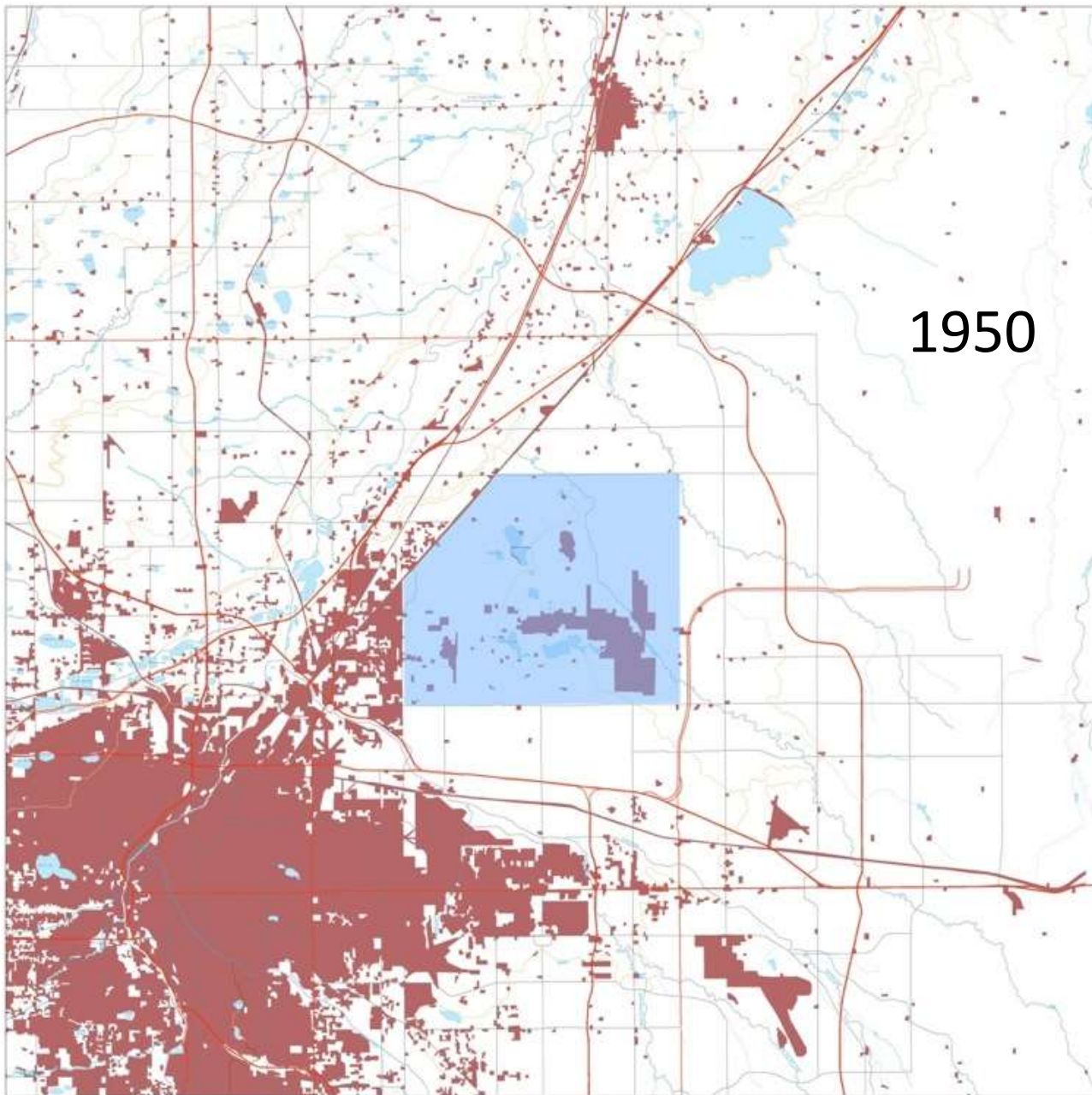
America's Great Outdoors Initiative

# Urbanization Trends

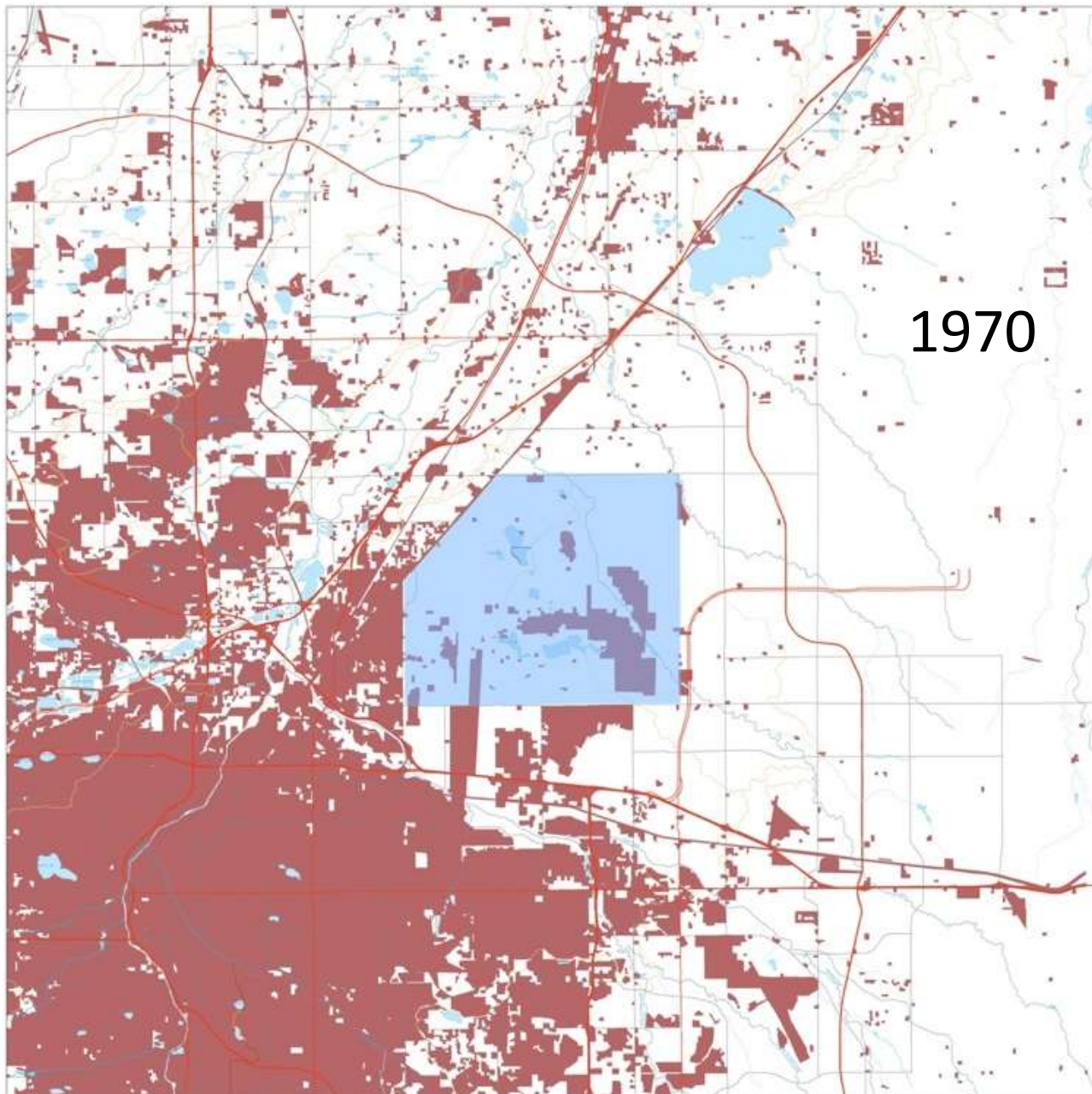
- Urban growth is a challenge for the protection of open spaces, natural areas, trail and greenway network.
- Following Slides highlight growth in Northeast Denver Metropolitan Area over last 70+ years.



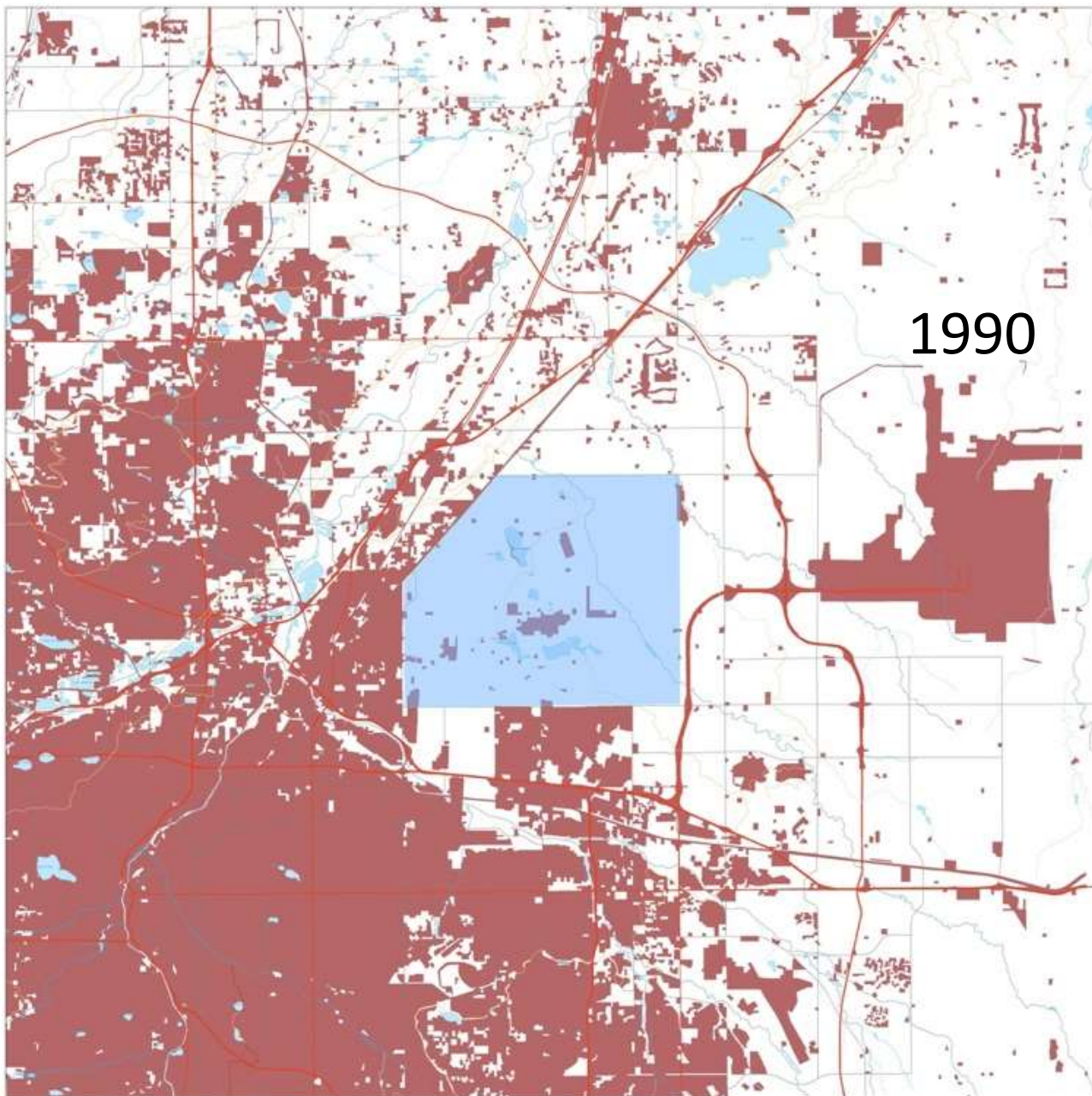
1930



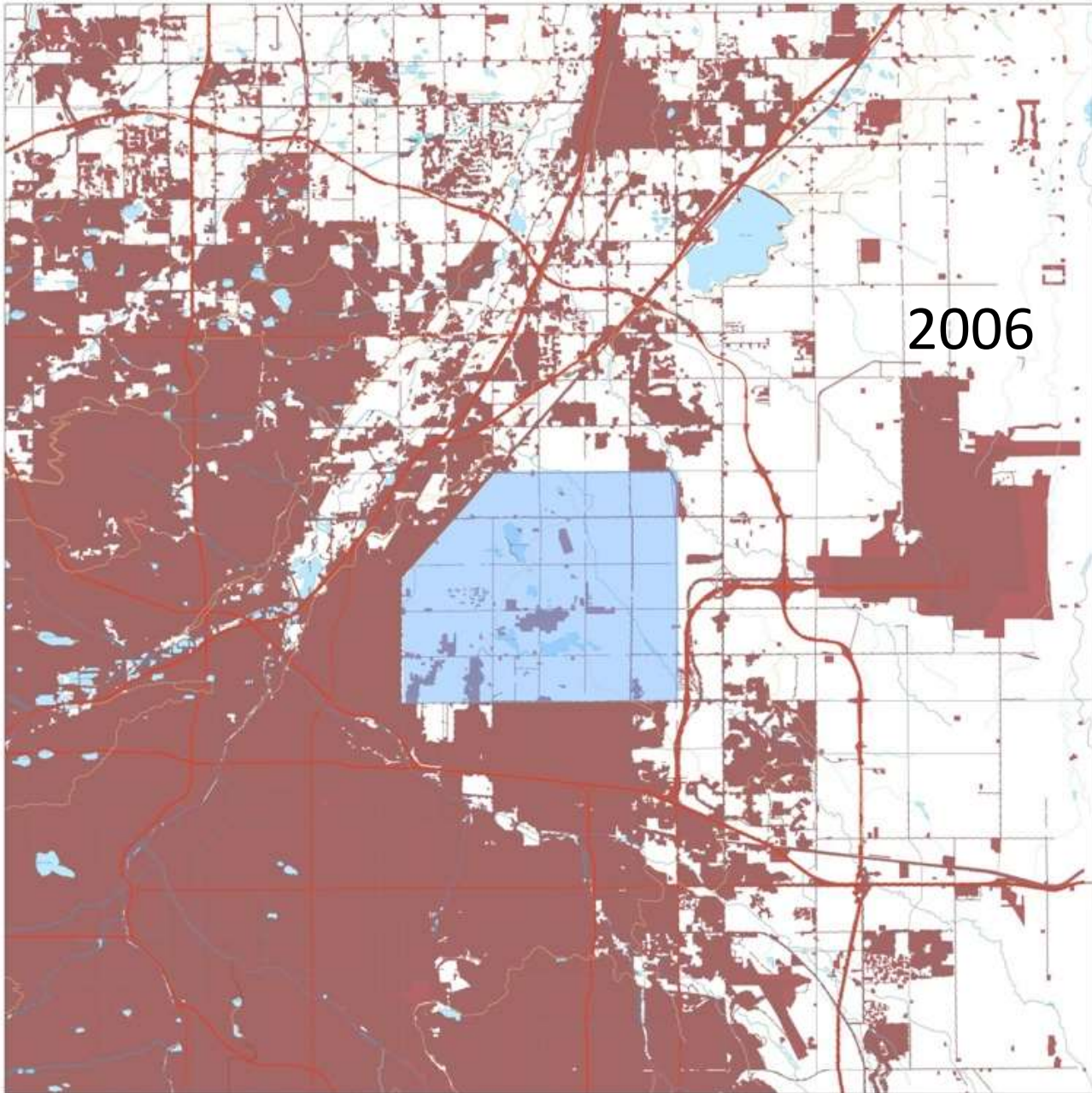
1950



1970

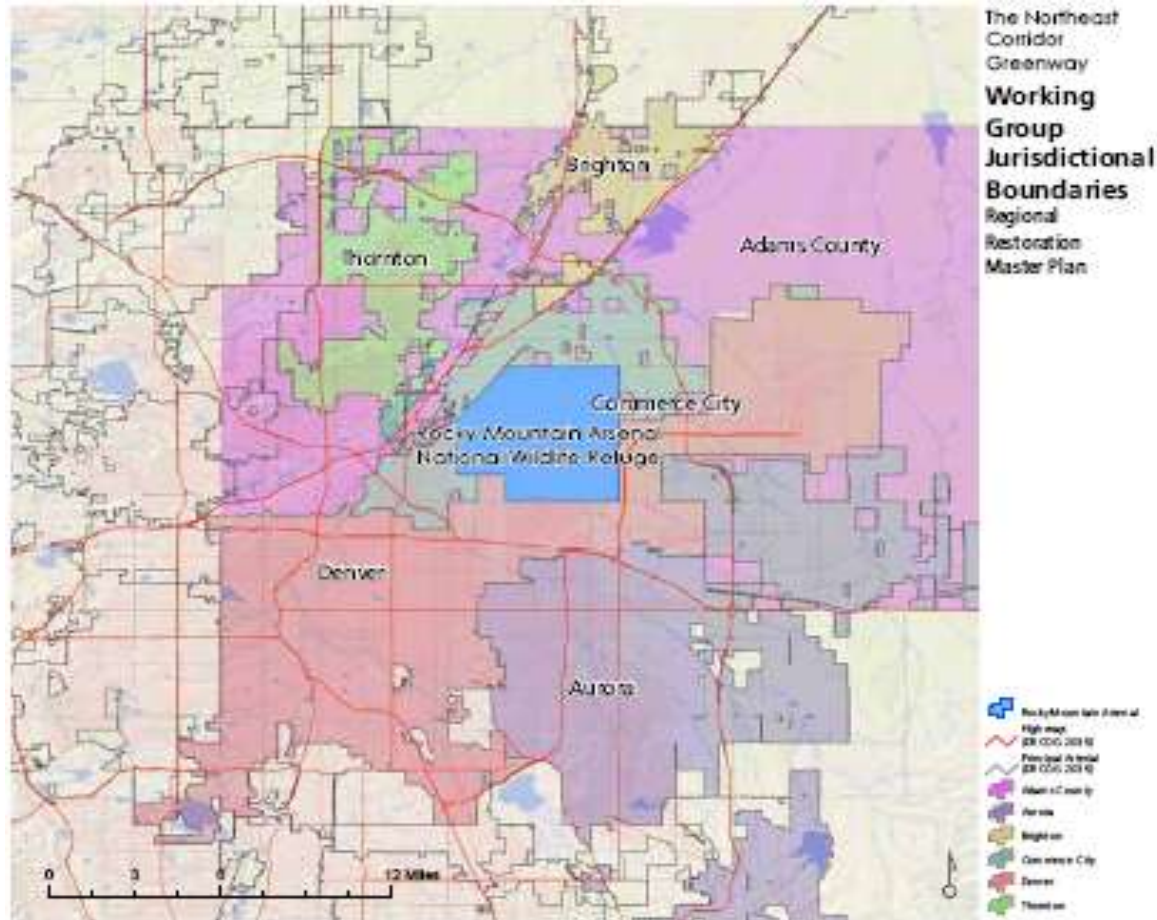


1990



2006

# Rocky Mountain Arsenal



27-square miles in Adams County, CO

# Rocky Mountain Arsenal Background

- US Army purchased the Arsenal lands in 1942.
  - Manufacture chemical warfare agents and incendiary munitions for World War II.
  - Location because of distance from coasts; not likely to be attacked.
- 1951 to 1953 the Army manufactured nerve agent GB (Sarin) at North Plants.



Gov. Edwin Johnson with 100 lb incendiary bombs.

# Rocky Mountain Arsenal Background

- Following WWII, Army leased parts of Arsenal to Shell Oil Co.
  - 1952 to 1982 Shell manufactured agricultural pesticides in South Plants
- Army continued to manufacture GB gas and incendiary munitions through the 1960s
- Over 600 chemicals used or manufactured at Arsenal
- Including DIMP (a nerve gas byproduct)

# Rocky Mountain Arsenal Background

- Solid and liquid wastes from Army and Shell operations were disposed in trenches, burn pits, and unlined basins.
- Waste disposal activities caused contamination to soil, surface water, sediment, ground water and buildings.

# Natural Resource Damage Litigation

- In December 1983, State of Colorado sued the United States Army and Shell Oil Company in federal court under Superfund law.
  - State asserted claims for compensation from the US and Shell for “injury to natural resources caused by releases of hazardous substances” in, on and under the Arsenal.

# Natural Resource Damage Litigation

- November, 1985, federal court determined Shell and Army liable for remediation and natural resource damages.
- Natural Resource Damage claims placed on judicial “hold” in late 1980's to complete \$2 Billion+ remediation and cleanup.

# North Plants



# North Plants – Remedy Completion



# Northeast Greenway Corridor Project

- In 2003 then-Attorney General Ken Salazar requested removal of judicial hold on Natural Resource Damage claims.
- Created two NGC groups: Leadership Committee and Working Group.
- Leadership Committee
  - Adams County Commissioners
  - Mayors of Denver, Aurora, Brighton, Commerce City and Thornton

# Northeast Greenway Corridor Project

- Working Group
  - Staff from Open Space, Parks and Recreation departments of six jurisdictions
  - Worked together from 2004 to 2008 even though NRD case not settled.
  - Outlined total number of projects - \$200 million
  - Joined together to obtain Great Outdoors Colorado funds and other monies

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 83-C-2386

STATE OF COLORADO

Plaintiff,

vs.

UNITED STATES OF AMERICA,  
SHELL OIL COMPANY, et al.,

Defendants.

---

**CONSENT DECREE BETWEEN SHELL OIL COMPANY  
AND THE STATE OF COLORADO**

---

Plaintiff State of Colorado (the "State") and Defendant Shell Oil Company ("Shell") (collectively, the "Parties") have agreed to the entry of this Consent Decree based upon the pleadings herein without any admission of liability or fault as to any allegation or matter arising out of the pleadings or otherwise.

The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith, resolves claims asserted by the State against Shell, and will avoid prolonged and complicated litigation. The Court further finds that this Consent Decree is fair, reasonable, consistent with the purposes of CERCLA and in the public interest.

# Shell Consent Decree – Foundation Fund

- Foundation Fund
  - Shell donates \$10 million to the Fund solely for use by the NGC jurisdictions.
  - Monies must be used for Projects that restore, replace, enhance, and acquire resources similar to those injured by historic operations at the Arsenal

# Shell Consent Decree - NGC

- Officially created the Northeast Greenway Corridor Advisory Committee
  - Political leaders of six jurisdictions
- Working Group
  - Staff of six jurisdictions and Sand Creek Regional Greenway Partnership

FEB 27 2009

GREGORY C. LANGHAM  
CLERK

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# Army Consent Decree – Recovery Fund

- \$17.4 million to the Colorado State Hazardous Substance Recovery Fund.
- Recovery Fund monies to be allocated for Projects that meet more stringent Natural Resource Damage requirements under Superfund law.
- NGC Working Group continues work to allocate \$17.4 million Recovery Fund among six jurisdictions and other natural area groups.

# NGC Collaboration

- After Shell settlement six jurisdictions worked collaboratively to allocate \$10 million Foundation Fund monies.
- Met bi-monthly for 4 years (2008-2012)
  - To develop vision
  - To define screening and evaluation criteria
  - To prepare Regional Restoration Master Plan
  - For approval by Colorado NRD Trustees

# NGC Collaboration

- NRD Trustees authorized NGC to develop Regional Restoration Master Plan for the Foundation Fund monies
- NRD Trustees authorization allowed cooperative, rather than competitive, approach to allocation of \$10 million in Foundation Fund monies.

# NGC Vision 2011

- To create and preserve first class habitat to complement the outstanding natural resources at the Rocky Mountain Arsenal Natural Wildlife Refuge.
- To work together to provide *an integrated greenway network across jurisdictional boundaries within the Denver Metropolitan region.*

# Project Screening and Evaluation Criteria

- Ecologically significant
- Benefit to natural resources that injured at Arsenal
- Technically feasible
- Implemented with certainty
- Sustainable over time
- Cost-effective
- Matching funds to leverage Foundation Fund.

# NGC Regional Master Plan

- Regional Restoration Master Plan:
  - 11 projects
  - \$10,150,000 from Foundation Fund
  - \$31,000,000 million additional funds
  - Total: \$41,250,000 in project investments.
  - Will cover over 800 acres and numerous riparian corridors



## FOUNDATION FUND PROJECTS

- |                             |                                    |
|-----------------------------|------------------------------------|
| <b>1</b> 88th Avenue        | <b>6</b> Heron Pond                |
| <b>2</b> Big Dry Creek      | <b>7</b> Invasive Species Removal* |
| <b>3</b> Eagle Preservation | <b>8</b> Montbello                 |
| <b>4</b> First Creek        | <b>9</b> Sand Creek 1              |
| <b>5</b> Grant Frontier     | <b>10</b> Sand Creek 2             |
|                             | <b>11</b> Triple Creek             |

## RECOVERY FUND SUBMITTALS

- |                                |                                |                                          |
|--------------------------------|--------------------------------|------------------------------------------|
| <b>1</b> Aquifer Storage*      | <b>6</b> Heron Pond Expansion  | <b>11</b> Second Creek Corridor          |
| <b>2</b> Bird Habitat*         | <b>7</b> Ken Mitchell          | <b>12</b> South Platte                   |
| <b>3</b> Bluff Lake Habitat    | <b>8</b> Montbello Open Space  | <b>13</b> Suburban Area Restoration*     |
| <b>4</b> Clear Creek Cleanup   | <b>9</b> Platte Farm           | <b>14</b> Triple Creek                   |
| <b>5</b> Community Initiative* | <b>10</b> Second Creek Cleanup | <b>15</b> Westerly/Sand Creek Confluence |

\*unmapped

**Table 1: Recommended Foundation Fund Projects**

	Project Name	Jurisdiction	Requested NRD Funding	Total Funding
1	88th Avenue	Adams	\$1,750,000	\$3,100,000
2	Big Dry Creek	Thornton	\$750,000	\$1,700,000
3	Eagle Preservation	Brighton	\$500,000	\$1,000,000
4	First Creek	Denver	\$500,000	\$6,500,000
5	Grant Frontier	Denver	\$1,000,000	\$6,100,000
6	Heron Pond	Denver	\$500,000	\$6,000,000
7	Invasive Species Removal	Sand Creek Regional Greenway Partnership	\$50,000	\$80,000
8	Montbello	Denver	\$500,000	\$1,450,000
9	Sand Creek 1	Commerce City	\$1,500,000	\$2,000,000
10	Sand Creek 2	Commerce City	\$1,100,000	\$1,750,000
11	Triple Creek	Aurora	\$2,000,000	\$11,578,820
Totals			\$10,150,000	\$41,258,820

# NGC Regional Master Plan Projects

- In the aggregate the 11 Projects
  - Enhance quality of surface and groundwater
  - Restore native habitat
  - Help protect the South Platte River and tributaries
  - Acquire threatened parcels of land
  - Protect ecological connectivity and wildlife migration routes
  - Build on local government initiatives and priorities

# NGC KEY LESSONS

- Political Leaders' "buy-in" important for Working Group staff
- Funding Source, with clear criteria for use, provided basis for the type of projects each jurisdiction brought to table.
- Time to work together, to build relationships and trust.

# NGC KEY LESSONS

- Facilitators and third-party chairperson provided conflict-free leadership for Working Group.
- These factors essentially guaranteed a beneficial project and outcome for each of the six jurisdictions.

# Rocky Mountain Greenway Project

- Steering Committee formed May 4, 2012 under a *General Agreement* signed by then-Secretary of Interior Ken Salazar and Colorado Governor John Hickenlooper
- Steering Committee includes members from federal, state and local governments, as well as representatives from NGO's and public/private partnerships.

# Rocky Mountain Greenway Project

- *General Agreement* describes RMG as follows:
- a coordinated, consensus-based, interconnected recreation trails and non-motorized transportation system linking existing area parks, open spaces, wildlife areas, river corridors, and the three urban national wildlife refuges in the Denver area, and Rocky Mountain National Park.

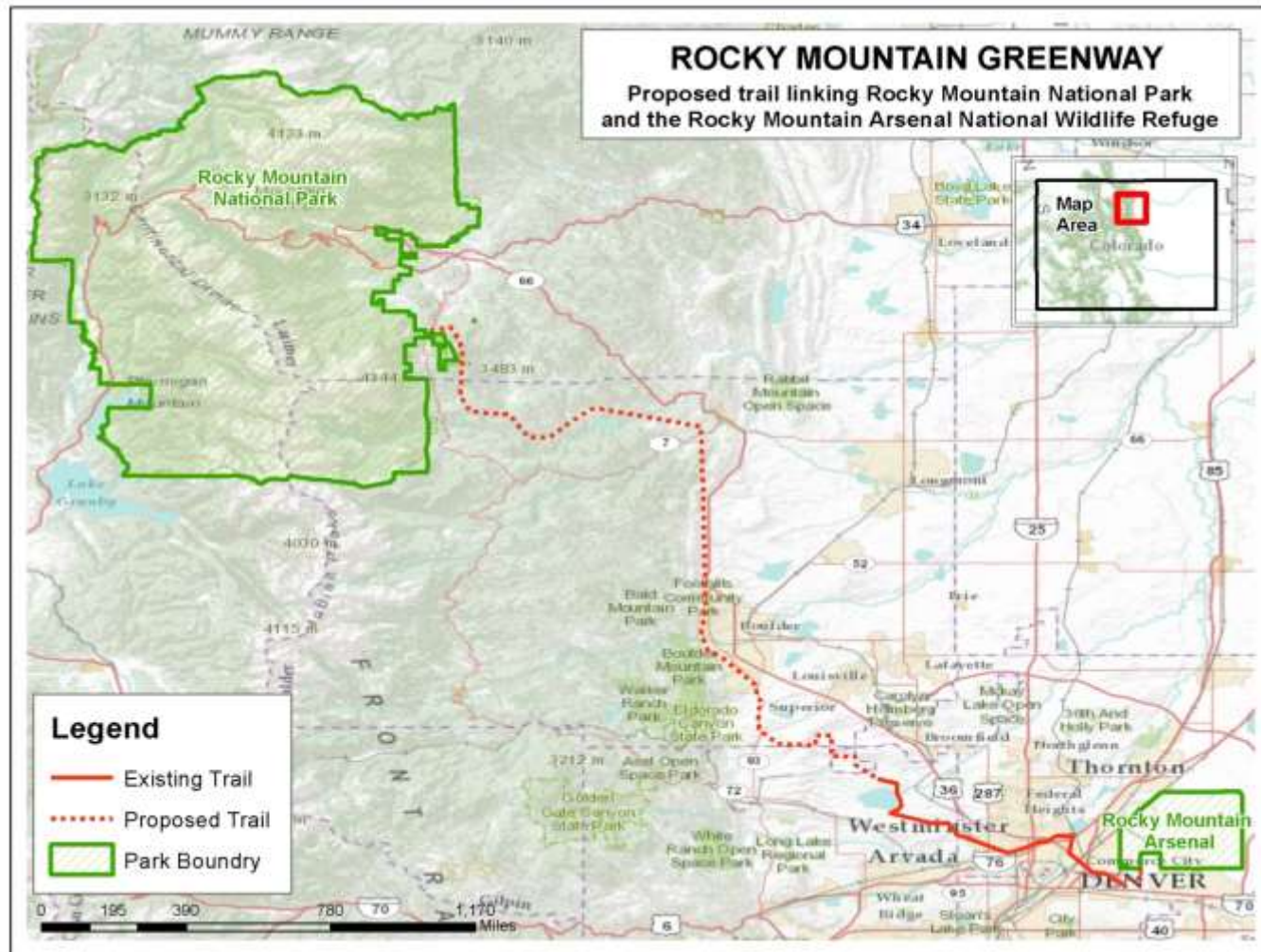
# RMG Project - Principal Focus

- (1) conservation and outdoor recreation opportunities throughout the South Platte river corridor;
- (2) linking the three Denver urban national wildlife refuges — and Rocky Mountain National Park — with conservation and outdoor recreation opportunities for all citizens in the Greater Denver urban area;

# RMG Project – Principal Focus

- (3) creating a lasting and cordial framework for the local communities and partnerships in the urban area to cooperate, to leverage and link their open space efforts and trails systems.
- Rocky Mountain Greenway is an example of a “*Great Urban Park*” project within the America’s Great Outdoors program.

# Rocky Mountain Greenway Project



# CONCLUSION

- Because of Regional Growth Pressures
- Regional and cross-jurisdictional collaborative efforts like the NGC and RMG are necessary to maintain quality of life in urban areas such as Metropolitan Denver.
- This "green infrastructure" must work together with economic development organizations in the region.