

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

TO: Colorado General Assembly

FROM: Rocky Flats Stewardship Council

SUBJECT: Rocky Flats Stewardship Council opposition position on HB 06-1389

DATE: April 21, 2006

The Rocky Flats Stewardship Council respectfully submits its position of **OPPOSE UNLESS AMENDED** on Representative Wes McKinley's bill HB 06-1389, concerning signage at Rocky Flats.

Who we are:

The Rocky Flats Stewardship Council (RFSC) includes elected officials from the municipal governments that surround Rocky Flats, including Jefferson and Boulder Counties, the City and County of Broomfield, City of Boulder, Superior, Arvada, Golden, Northglenn, and Westminster, and community members including representatives from the League of Women Voters, Rocky Flats Cold War Museum, Rocky Flats Homesteaders, and an individual community member. The Stewardship Council is recognized by the Department of Energy, the EPA, CDPHE, and the US Fish and Wildlife Service as the primary post-closure community organization for all issues related to Rocky Flats.

Our position:

We oppose HB 06-1389 unless amended to address our concerns, per the attached proposed amendments. While the Stewardship Council supports the general goals of Representative McKinley to inform future visitors to the Rocky Flats Wildlife Refuge of the history of the site and on-going management needs, we believe the bill as written:

- **Short-circuits existing public input plans** for Rocky Flats, and is
- **Premature** given current planning processes for signage, access restrictions, and other post-closure activities.

The bill is duplicative of current efforts that will provide much greater public input. The U.S. Department of Energy and the U.S. Fish and Wildlife Services are developing a plan with

significant public input this summer, addressing not only signage but also the larger issues of public access and other post-closure activities at the site. Rushing a bill through this year's legislative session not only inappropriately short-circuits this more widespread public input process, but also rigidly codifies language in statute that would not appropriately reflect either the needed comprehensive public input from communities and affected stakeholders, or the specific signage needs for different sections of the site.

The Rocky Flats Wildlife Refuge will not be open to the public for at least the next five years. The stakeholders and members of the public have time for thoughtful deliberation and input about what specific signage is most appropriate.

The Rocky Flats Stewardship Council strongly supports adequate and appropriate signage at the Rocky Flats Wildlife Refuge. It does not support the hasty, limited, premature, and duplicative process proposed in HB 1389.

We therefore respectfully **OPPOSE** the bill as currently written.

Oppose unless amended position:

We would remove our opposition with adoption of proposed amendments (attached) that require the CDPHE to submit a report to the General Assembly no later than January 1, 2007, that outlines the U.S. DOE and Fish and Wildlife public plan input process on signage as well as access and other post-closure activities, summarizes comments from community stakeholders and the public, and summarizes the recommendations from the U.S. Department of Energy and the U.S. Fish and Wildlife Service.

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

The Rocky Flats Stewardship Council opposes HB 06-1389 unless amended as follows:

Do a strike-below the enacting clause to read:

SECTION 1. Legislative declaration. (1) The general assembly finds, determines, and declares that:

- (a) The State of Colorado will be welcoming many visitors to this state who may decide to visit the Rocky Flats National Wildlife Refuge (refuge), and citizens of Colorado may also choose to do so.
- (b) It is in the public interest and in furtherance of well-known public health goals to fully inform visitors to the refuge about the history of the former Rocky Flats nuclear weapons plant, its transition to the Rocky Flats Wildlife Refuge, and related issues.
- (c) The U.S. Department of Energy (DOE) will continue to own and manage all areas where contamination remains, and the U.S. Fish and Wildlife Service will own and manage the remainder of the site.
- (d) The DOE and the Fish and Wildlife Service are currently preparing plans for signage and access restrictions, and anticipate completing the planning process, including widespread involvement of stakeholders and the public through public meetings and public hearings, by January 1, 2007. This process is required by the Rocky Flats Cleanup Agreement of which the Colorado Department of Public Health and Environment is a Party. They anticipate releasing their plan for signage and access controls to the public for comment in May or June of 2006. In addition to signage and access controls, the DOE portion of the plan will contain a comprehensive proposal for post-closure activities on the portion of Rocky Flats Wildlife Refuge that will be retained by DOE, to ensure that the remedy is protective of human health and the environment.

- (e) Neither the DOE nor the Fish and Wildlife Service anticipate that any part of the Rocky Flats Wildlife Refuge will be open to the public for at least another five years, allowing sufficient time for input and deliberation by stakeholders and the public into this planning process.

SECTION 2. 25-11-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

25-11-103. Radiation control agency – powers and duties – advisories concerning Rocky Flats. (9) THE DEPARTMENT SHALL PREPARE A REPORT TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 1, 2007, INCLUDING THE FOLLOWING:

- (a) THE PROCEDURE USED BY THE U.S. DEPARTMENT OF ENERGY AND U.S. FISH AND WILDLIFE SERVICE FOR SOLICITING AND INCORPORATING STAKEHOLDER AND PUBLIC COMMENTS INTO THEIR PLAN FOR SIGNAGE AND ACCESS, AND OTHER POST-CLOSURE ACTIVITIES;
- (b) SUMMARY OF THE PLAN FOR SIGNAGE AND ACCESS, AND OTHER POST-CLOSURE ACTIVITIES;
- (c) SUMMARY OF STAKEHOLDER AND PUBLIC COMMENTS AND RECOMMENDATIONS RECEIVED, AND RATIONALE FOR DECISIONS ON FINAL RECOMMENDATIONS.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.