

Rocky Flats Stewardship Council Board Meeting Minutes
Monday, November 7, 2006
8:30 a.m. – 11:30 a.m.
Jefferson County Airport, Broomfield

Board members in attendance: Clark Johnson (Alternate, Arvada), Matt Jones (Alternate, Boulder), Jane Uitti (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Chuck Baroch (Director, Golden), Kate Newman (Alternate, Jefferson County), David Allen (Alternate, Northglenn), Karen Imbierowicz (Director, Superior), Martin Toth (Alternate, Superior), Jo Ann Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Ken Foelske (Director), Jeannette Hillery (Director, League of Women Voters), Marjory Beal (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders).

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

Attendees: Marion Galant (CDPHE), Carl Spreng (CDPHE), Mark Aguilar (EPA), Rob Henneke (EPA), Larry Kimmel (EPA), Dean Rundle (USFWS), Mark Sattleberg (USFWS), Amy Thornburgh (USFWS), Susan Vaughan (League of Women Voters), Shirley Garcia (Broomfield/Westminster), Jane Greenfield (Westminster), Ann Lockhart (Rocky Flats Cold War Museum), Linda Kaiser (Stoller), John Rampe (DOE), Frazer Lockhart (DOE), Scott Surovchak (DOE-LM), Bob Darr (Stoller/DOE-LM), Jennifer Bohn (Stewardship Council accountant).

Convene/Agenda Review

Vice Chair Karen Imbierowicz convened the meeting at 8:40 a.m. and announced that the agenda needed to be modified. Since some of the Board may have to leave the meeting early, they decided to move all items requiring a Board vote to the beginning of the meeting. Therefore, the first item was a brief Executive Session.

At 8:45 a.m. Jeannette Hillery made a motion to move into Executive Session for the purpose of discussing personnel issues, and to receive legal advice on such issues, as authorized under Sections 24-6-402(4)(b) and (f), C.R.S. Lori Cox seconded the motion. The motion passed 11-0. (Golden was not in attendance.)

The Board reconvened from Executive Session at 8:50 a.m. and affirmed that no actions had been taken during Executive Session. Jeannette Hillery moved to approve the personnel contract with Crescent Strategies, LLC. The motion was seconded by Roman Kohler. The motion passed 11-0. (Golden was not in attendance.)

Business Items

- 1) **Consent Agenda** – Prior to approving the consent agenda, a few minor changes to the minutes from last month’s meeting were mentioned. Also, Barb Vander Wall reported that at the end of the last meeting, the Board reconvened following an Executive Session. She offered the following language for inclusion in the final meeting minutes:

Following discussion, the Board determined not to do an RFP for Executive Director services for 2007, and to proceed with a new contract with David Abelson and his company, Crescent Strategies, subject to approval of a new agreement to be drafted by legal counsel.

Mr. Getty announced that the airport board meeting room would be available for a special meeting scheduled for December 11, 2006.

Lori Cox moved to approve the consent agenda including the suggested changes to the October 2nd minutes. The motion was seconded by Jeannette Hillery. The motion passed 11-0. (Golden was not in attendance.)

- 2) **Executive Director’s Report** - David Abelson reported on the following items:

- In order to simplify the distribution process, David emailed the Stewardship Council’s quarterly financial reports to Board members instead of bringing hard copies to the meeting. He is available to answer any questions on the reports.
- David was invited to present at an annual intergovernmental meeting after Thanksgiving, which includes ECA and other organizations. David and Lorraine have attended this meeting in the past. ECA will cover the hotel and air costs. The Executive Committee approved David’s request to attend this event. The topic on the panel David will serve on is long-term stewardship.
- David received an email from Jane Uitti asking for a status report on the USFWS plans to post entrance signs at Rocky Flats. The Stewardship Council provided comments on this issue in June. David reported that the USFWS in the process of making some changes to the proposed sign language. This should be available in a few weeks. David has also talked with Dean Rundle regarding interpretive signs at the perimeter of the DOE-retained lands, and how to communicate the history and ongoing management needs at site. David noted that it is time to start collaboratively looking at how to best use the signs for this purpose. He also mentioned to Dean that the planned Rocky Flats Cold War Museum and the Stewardship Council can participate and help facilitate community dialogue.
- At the last meeting, Karen Imbierowicz raised the question of how the Stewardship Council could support the interests of downstream communities. Following the meeting, David sent an email to Shirley Garcia on this topic in order to identify issues and needs. They narrowed the list down to four main issues. David drafted a letter incorporating these issues that is to be sent from the Stewardship Council to DOE and the regulators. He circulated it to the Stewardship Council’s mailing list. The four issues are already established Board policy, so the letter is just reinforcing the Stewardship Council’s positions. David prefaced the Board’s discussion of the letter by noting that some

changes have been made in a draft #2. David believes the agencies are committed to engaging the Board on a number of the unresolved issues. He opened this topic for Board discussion.

Lori Cox first thanked Karen for her offer to assist the downstream communities with their concerns. She noted that while all Stewardship Council members have an interest in site issues and activities, none more so than the downstream communities. These members have unique concerns because water coming off the site ends up in their water supplies. Therefore, they have concerns that some others might not have. She said she appreciated the Board's support on this letter. She added that she understood the reluctance of some members of the Board to specify that this letter is being sent on behalf of the downstream communities, but pointed out that that was reason for this letter. Lori shared a matrix that Broomfield has developed concerning their recommended post-closure communication process. The intent is to inform DOE of the method of communication Broomfield would like to see, such as notification of releases, discharges, and weed treatment. She concluded by saying that they were not asking for anything new, just a commitment that these processes continue.

Karen Imbierowicz asked Lori if she was requesting that the Board to approve this letter as written. Lori responded that ideally, she would like to remove the paragraph on page 5 which lists the actions requiring notification and instead provide Broomfield's matrix. The matrix also provides the rationale for the notifications, which she believes DOE-LM will request eventually anyway.

Clark Johnson asked Lori if this draft was acceptable to her with that one change. Lori said it was not. Her preference would be draft 2 of the letter, but with changes that Shirley Garcia submitted. She reiterated that this letter was intended to create a mechanism of support for the downstream communities specifically, and that without the Stewardship Council's help, they have difficulty getting responses from the agencies. They need the Stewardship Council's clout to address these concerns. She acknowledged that everyone has concerns, and she did not want to minimize any other concerns while pressing for this letter. Clark noted that he thought that the letter as written created a strong position by putting the entire Stewardship Council behind the concerns, and not singling out the downstream communities. He added that he thinks most of the Stewardship Council members are developing more of a focus on water quality issues since so many of the other issues have been addressed. He said the Stewardship Council is supporting the downstream communities by taking this position.

Jo Ann Price also stated that the downstream communities do appreciate the support, and do not want to minimize the issues concerning other entities. She asked other members to imagine how they would react if their staff was forced to work through another organization to communicate with the agencies, and whether they would like to be able to directly communicate about important issues.

Karen Imbierowicz noted that the draft letter does call out downstream communities, and suggested that before the group added something cumbersome like a 3-page grid, they should look at what the draft letter does say.

David Abelson pointed out that all four of the issues the Stewardship Council was asked to discuss are in letter. The intention was to reinforce that the Stewardship Council supports direct communication with downstream communities and to provide examples of what the Board means by this. These communities are noted by city name, not grouped as 'downstream communities'.

Jeannette Hillery noted that one of the big issues that she decided to focus on when she started working with this group was ensuring long-term water quality. She referenced an underlined paragraph on page five and pointed out that this section asks the agencies to provide information about what they see their roles are in the communication process. It does not downplay the concerns of downstream communities. She said she has not seen Broomfield's communication matrix, so she was not sure about including it, but that perhaps it could be used as an addendum. She concluded by saying that the League of Women Voters is very concerned about water quality monitoring.

Jane Uitti stated that she did not understand what the problem was with the letter. She proposed changing the subhead of that portion of the letter to 'Communication with the Rocky Flats Stewardship Council Regarding Downstream Water Issues'. She also suggested changing 'nevertheless' to 'additionally' in the fourth paragraph on page five. She added that if the group did decide to attach Broomfield's communication matrix, it would be supporting the adoption of the notification process.

Ken Foelske noted that this matrix might be too limiting. He pointed to possible new discoveries or technologies in the future. There may be issues that require ongoing communication that are not covered by this matrix.

Clark Johnson stated that he did not mean to complicate the discussion by bringing up the matrix earlier, and added that the Stewardship Council may want to discuss it separately at future time.

Karen Imbierowicz said she had not yet reviewed the matrix and could not comment on it. However, in the draft letter, the Stewardship Council is requesting that the agencies explain how they intend to communicate in the future. She suggested that the Stewardship Council see how the agencies respond and then look at what kind of follow-up may be required. She said the Stewardship Council needed a motion to move forward.

David Abelson pointed out that Jane's suggested subhead change would serve to limit the overall point of that paragraph, which was to bring up communication needs outside of the Stewardship Council.

Clark Johnson moved that the Stewardship Council approve the letter, incorporating Jane's one change which replaces 'additionally' with 'nevertheless' on page five. The motion was seconded by Jeannette Hillery. The motion passed 11-0. (Golden was not in attendance.)

Public Comment

There were no comments.

Fiscal Year 2007 Budget Hearing

The Stewardship Council's draft 2007 budget was initially reviewed at the October meeting. Prior to finalizing the budget, the Stewardship Council is required to hold budget hearings and allow public comment. Following the public hearing, the Board must approve a budget resolution.

There was no public comment on budget so the public hearing was officially closed. Jane Uitti asked about the travel budget on page one. She said she believed that David was planning on two trips to Washington, D.C. during the year and asked why four trips were budgeted. David responded that other meetings or conferences may come up during the year that the Stewardship Council would like to attend, and this budget allowed for that.

Barb Vander Wall noted that budget approval is required by the end of year. Lori Cox moved that the Stewardship Council approve this budget. The motion was seconded by Roman Kohler. The motion passed 11-0. (Golden was not in attendance.)

Initial Review of 2007 Work Plan

David Abelson introduced this review of the Stewardship Council's 2007 work plan by pointing out that the biggest changes from the earlier draft can be found under 'DOE Management Responsibilities'. Also, the mineral rights topic on page 4 could also have been put in the DOE category, but David said he hopes this issue will be settled by the time the work plan goes into effect. He also pointed out that the reference to post-closure public communication in the 'Background' section was amended because all communication now is 'post-closure'.

The work plan is scheduled for formal approval at the December 11 meeting. Karen Imbierowicz asked if the Board would be able approve it at this time, since there were no changes suggested. Barb Vander Wall advised the Board to wait because they had already advertised the December date for finalizing the work plan.

DOE Briefing on Rocky Flats Legacy Management Agreement (RFLMA)

David Abelson set the stage for this presentation by noting that long-term stewardship is a critical issue. In the board packet is a list of issues that the Rocky Flats Coalition of Local Governments (Coalition) asked DOE to resolve during the cleanup process. It is important to understand how many issues have already been resolved. The Coalition strongly supported State oversight, and this has been secured. It also wanted to ensure adequate funding for stewardship, which now has line-item in the budget, making funding much more secure. The Coalition requested that DOE assign personnel to the site after closure. This is being done now, although we cannot know if it will always continue that way. The group also asked DOE to explain how access to DOE-retained lands would be restricted, which is being worked out currently. The Coalition asked for enduring public oversight, which is ensured by the existence of the Stewardship Council. Another request was that controls be layered. David thinks this is being addressed, however in some areas they could go further. The group wanted a prohibition on

residential development and that is in place. There is also the issue of post-closure DOE communication, which is being addressed right now through a productive dialogue. Finally, David pointed out that an overwhelming majority of the post-closure monitoring plans came about through public dialogue.

Scott Surovchak updated the Stewardship Council on the status of the RFLMA, which is the post-closure regulatory agreement for Rocky Flats. The Stewardship Council was briefed on the body of the document at the October meeting. At this meeting, the focus will be on Attachment 2, which contains the detailed surveillance and maintenance requirements.

Scott noted that the agencies worked very hard and long on this agreement, and they are very close to completing it. Attachment 2 is really the meat of the agreement. It contains the ‘what, where and when’, but leaves the decisions about ‘how’ to accomplish the requirements to DOE in order to allow for flexibility.

Throughout the closure process, each document has been feeding into and flowing down from the one before it.

- RI/FS – investigate and evaluate conditions, identify remedial options and recommend and alternative.
- CAD/ROD – specify requirements for the remedy.
- RFLMA – specify actions to implement remedy; monitoring, operation and maintenance; review and termination processes; public involvement.
- Site Operations Guide – Site specific plans and procedures (health and safety, pond operations, ecology, notifications, records management).

The signatories on the RFLMA will be DOE-LM, CDPHE and EPA. Like the Rocky Flats Cleanup Agreement, this document will be a CERCLA/RCRA/CHWA agreement. Once signed, it will supersede RFCA.

Scott presented a slide showing the Table of Contents of the document. The RFLMA contains 17 Parts, 3 Attachments and 2 Appendices.

The next slide was a site map, showing the post-closure water monitoring locations. Only a few of the monitoring sites are outside of the DOE-retained Central OU. Ron Hellbusch asked if the south boundary line has been re-aligned. Scott said that it had been changed in order to have less impact on wetlands in the area. DOE personnel walked the area with USFWS and determined that this would be a wise change. Ron asked where the south boundary is located in relation to Woman Creek. Scott said it crosses the creek just downstream of GS5.

Table 2 in the document contains ‘Water Monitoring Locations and Sampling Criteria’. It is several pages long. It shows the ‘what, where and when’. Rik Getty said he had been looking in the document for surface water monitoring at the Solar Ponds discharge gallery and that he could not find it. Scott responded that it is not a regulatory point, so it is not there. DOE uses that monitoring location for performance evaluation.

Institutional controls are also included in the RFLMA and are the same as have been previously discussed. The signs should be completed soon. Some issues have been encountered with regard to easements on the McKay ditch. DOE is trying to avoid institutional control issues related to fence line placement and ditch maintenance.

The next step will be for the agencies to reach agreement on the draft, which will then be released for preliminary review. This will be followed by a formal public comment process. The agencies will most likely not sign the document until mid- to late-January 2007 at the earliest. Agencies representatives are meeting tomorrow and will try to come up with a schedule for these activities. As it stands, there will be a longer informal review period than previously anticipated.

Scott added, in reference to the Board's earlier discussion of the letter regarding communication issues, that he does not understand why some believe that communication problems exist. He said he has told people many times that they can contact him directly, but that has not happened. He reiterated that he is available if anyone has any questions or concerns.

Jane Uitti asked how long the formal comment period will be. Scott said it will be 45 days, and it will probably start in about a week.

Scott shared with the group that the agencies are having some problems working on this document within their own organizations primarily from people that have not been involved at Rocky Flats before. These people are not used to the collaborative process that has been in place at the site and are not aware that it is not a confrontational environment here. Rik Getty pointed out that he does communicate with Scott and DOE a lot and has not had problems with accessibility.

Matt Jones asked for clarification of the reporting requirements in Attachment 2. Scott said annual and quarterly reports are required, as well as a 5-year CERCLA report. Matt asked about the statement that reports "may be" combined. Scott said that one of the quarterly reports may be combined with the annual report. This is mostly a logistics issue so that there is one annual report and only three quarterly reports, instead of having to print both an annual and quarterly report simultaneously.

David Abelson said that the Board will look at wells and monitoring locations. The group is already addressing the communication process as it relates to surface water issues. They will also be looking at the communication process regarding groundwater and public involvement in general. He said the interface between Attachment 2 and Appendix 2 is very important. David also raised the issue of the need for dialogue in between the quarterly meetings. Staff is planning to thoroughly discuss these issues with the agencies as soon as the public draft is released. David also reviewed the necessary timetable for ensuring that the Board is able to approve RFLMA comments at the December 11 meeting.

Scott noted that he tried to steer away from too much content in his presentation. Pre-discharge notification was not a requirement in RFCA, but it is in this agreement. He asked the group to make sure they reviewed the flow charts, as many hours were spent on them. He said to call him if there are questions. The flow charts came out of the IMP, and were combined by like issues,

which resulted in fewer, and hopefully less complex, flow charts. Rik Getty agreed that they are more readable, but noted that it is still hard to put this kind of content into flow diagram. Scott said they are open for suggestions, as they want to make them as user-friendly if possible.

Briefing on Rocky Flats Cold War Museum

Kim Grant thanked the group for the opportunity to update them on the status of the Rocky Flats Cold War Museum. He said he would speak about the mission and vision, and what is happening around the complex regarding heritage preservation.

The Museum project was initiated by the City of Arvada in 1999, and the Board was incorporated as a nonprofit in 2003. Feasibility and scoping were also completed in 2003. To date, the Museum has raised about \$300,000 in grants and donations for the planning effort. None of this funding, however, is for construction or operations. So far, about 90 oral histories with plant workers and officials have been filmed, transcribed and archived. 60 of these histories are accessible online through Boulder Public Library. Also, four cargo containers of site artifacts have been collected and stored. Recently, the Museum received a 1.4 acre conditional donation of land.

The Museum's mission is to document the historical, environmental and scientific legacy of Rocky Flats. The vision is a 15,000 square foot facility with exhibits, programs, interpretive signage, a possible trailhead and future refuge tours. They also hope to include interactive hands-on displays. There are plans for a 'technology trail' including the Museum with NOAA, NIST, NREL, NCAR, and the Colorado School of Mines. The museum plans a balanced approach to Rocky Flats history and its local, national and international significance.

Some of the issues facing the Museum as it moves forward include rezoning (they are currently working with Jefferson County and do not expect any problems), water and sewer, fire protection, building parking and access.

Kim showed some photos of what the Museum building could look like, including photos of similar museums in Las Vegas and Albuquerque. Some museums are patterned after their subject or their location. Kim also showed 10 models developed by students at CU-Boulder representing possible museum designs. The Museum board would like to incorporate outdoor elements, such as kiosks, as well.

Kim noted that there is a lot of activity going on around complex regarding the development of museums. Some are operated by DOE and some are nonprofit. Recently DOE convened a meeting which resulted in the formation of Museum, Science and Visitor Center Network to advise DOE on heritage preservation issues.

The Museum has acquired some pro bono architectural services. They are currently estimating construction costs at approximately \$3-4 million. For this, they need the help of the community and government entities.

Ken Foelske noted that the Museum received good press coverage of their recent teepee donation event and encouraged them to continue using the press. Kim said that the Museum had been lacking artifacts from the protester side, which led to this event last week and the acquisition of the teepee used during site protests. Karen Imbierowicz asked if they knew what their operating costs will be. Kim said they are not able to estimate those costs yet, but they envision minimal staffing, with many volunteers. She also asked if they are conducting active fundraising at this point. Kim said they are first working to pin down costs and designs, and then they will begin to actively seek capital costs. He added that this should happen pretty soon.

Jeannette Hillery asked about water service on this parcel. Kim said it is on a private water system.

David Abelson raised the issue of the ways in which the Stewardship Council can help support these efforts. He said the Museum can serve an important role in ongoing legacy management communication and that there is a strong connection between the work of the Stewardship Council and that of the Museum. Some possibilities could include information distribution, support for grants, or help with legislative contacts.

Chuck Baroch said he thought that the construction costs were being underestimated. He made a comparison to the American Mountaineering Center in Golden, which cost \$12 million for upgrades and additions to an existing building. He said that interactive displays alone cost \$3 million. He said that he fully supports the Museum and he did not want to discourage their work, but simply felt the need to caution the Board about potential under-estimation of costs.

David Abelson will work with the Kim to decide how and when to add relevant discussions to future Stewardship Council agendas.

Begin Discussing Outreach Plan

The 2006 Stewardship Council work plan identifies the need to develop and implement mechanisms to keep the general public informed about the Stewardship Council's work and site activities. Options identified in the work plan include periodic newsletters and/or annual reports and email updates.

David reported that the Stewardship Council currently has in place various mechanisms to communicate organizational policies and Rocky Flats issues, including:

- Board meeting packets
- Monthly reports
- Staff communication
- Members' communication with membership/constituencies
- Email list
- Website

The Stewardship Council's email list currently includes 54 recipients, such as DOE, EPA, CDPHE, Congress, press, and community groups. The website includes links to information produced by the Coalition and the Rocky Flats Citizens Advisory Board, current Stewardship

Council information, and also links to agency sites. David asked the Stewardship Council for input on whether these activities constitute an appropriate level of communication with the public.

David and Jeannette Hillery met to discuss these issues and came up with some conclusions. They identified needs for both high-level information (fact sheets) and more detailed information (board policy and technical information). They believe that the Stewardship Council has plenty of the detailed information available, but needs to develop more of the high-level, general information.

Some of this higher-level information might include a fact sheet to post on the web and make available to members/constituents. This would identify what the Stewardship Council is, what its priorities are, what has happened at Rocky Flats, and what will happen in the future. The Stewardship Council could also produce an annual update (approximately 2-4 pages long), which would supplement the longer monthly updates. At this time, David and Jeannette do not recommend a speakers bureau.

David and Jeannette would like to know if there are other ideas for outreach and how the Stewardship Council can help facilitate communication with membership groups and their constituencies. They also asked if any changes should be made to the website.

In conclusion, David said that they did not want to presume that anything else must be done, but that now is the time to start a dialogue on these issues. Jeannette said she would like to hear input from the Board. She thinks it is important to identify the audience and to make it comfortable for them to get the information they need. She is also interested in identifying the kind of information that people are accessing on the Stewardship Council's website so that this can help inform future efforts.

Ken Foelske said that he thinks that developing a fact sheet is very important and that it would also be helpful in addressing the press. This type of information could be distributed at notable events at the site.

Jeannette asked if it would be helpful to send out periodic updates that member groups could print in newsletters or other communication pieces. Karen Imbierowicz said she would like to see a sample of such an update and that she was also interested in website tracking.

Kim Grant said that he reports monthly to the Museum Board on Rocky Flats issues and that the Museum speaker's bureau could use a fact sheet if developed.

Chuck Baroch said an update approximately 3-4 paragraphs in length could be run in the *Golden Informer*, maybe twice a year.

Public Comment

Sue Vaughan encouraged the Stewardship Council to really look at their audience. She suggested a FAQ section on the website that posed questions that average citizen might ask. She also said that the many acronyms used in Rocky Flats issues will bog down many readers.

Dean Rundle announced that USFWS has some personnel changes coming up soon. He and Mark Sattleberg will be moving on to other jobs in next couple of months. Mark will be relocating to Arkansas at the end of the month. Dean will be moving to the regional office to supervise refuges a number of states. Amy Thornburg will continue to be the onsite refuge manager for Rocky Flats. Dean offered his appreciation to this group and noted that he will still be around. He looks forward to continuing to work with the Rocky Flats community. David Abelson stated that Dean, Mark and Amy exemplify what good government is all about, and that they have always been committed to really engaging community. He thanked them for their work on behalf of the Stewardship Council.

Updates/Big Picture

Upcoming meeting topics for the Stewardship Council include:

December 11 - Comments on the RFLMA will be the primary focus. There may be a draft fact sheet for review. The Stewardship Council will also approve the 2007 Work Plan. There may be discussion regarding communication with state legislators, depending on the results of the election. David will have a draft letter ready for review if Representative McKinley is re-elected, since he would likely revisit the issue of signage at Rocky Flats.

February 5, 2007 – As planned, this will be a pretty full meeting. These following topics are currently scheduled:

- Annual review of Stewardship Council activities
- Host DOE-LM quarterly public meeting
- Briefing on EPA delisting
- USFWS update on Rocky Flats refuge
- DC briefing packets

David suggested moving the USFWS briefing up to the December meeting.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted by Erin Rogers.