

**Rocky Flats Citizens Advisory Board
Meeting Minutes
December 2, 2004
6 to 9 p.m.
Broomfield Senior/Recreation Center, Lakeshore Room 1
Broomfield, Colorado**

Board Chair Victor Holm called the meeting to order at 6:05 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Suzanne Allen, Jerry DePoorter, Joe Downey, Earl Gunia, Erin Hamby, Victor Holm, Bill Kossack, Mary Mattson, Mike Maus, Bill McNeill, Andrew Ross, Phil Tomlinson / Rich Schassburger (DOE), Steve Gunderson (CDPHE), Dean Rundle (USFWS), Scott Surovchak (DOE-LM),

BOARD / EX-OFFICIO MEMBERS ABSENT: none / John Rampe (DOE-RFPO), Mark Aguilar (EPA).

PUBLIC / OBSERVERS PRESENT: Mark Sattelberg (USFWS), Laurie Shannon (USFWS), Alan Trenary (Westminster resident), Ted Auker (CLTC), Kim McGuire (Denver Post), Todd Neff (Boulder Daily Camera), Roman Kohler (RF Homesteaders) / Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

PUBLIC COMMENT / NEW BUSINESS:

Public Comment: none

New Business:

Outgoing Chair Victor Holm turned the meeting over to newly elected Chair Jerry DePoorter. Jerry thanked Victor for his years of service to the Board in a variety of offices.

Phil Tomlinson provided an update on his review of materials related to the independent validation and verification (IVV) of Rocky Flats cleanup. He has collected and reviewed a variety of documents provided by the site and is developing a list of questions and comments. He will set up a conference call with site officials to discuss his questions. One area of particular interest for him is whether a pre-award survey or audit was done by DOE before it awarded the contract for the IVV to ORISE.

Phil also stated that he and Jerry DePoorter are considering the merits of the two traveling to Oak Ridge to interact directly with ORISE personnel and to review materials they might have. Erin Hamby questioned what exactly they would do and Phil replied that he is still making that determination. He asked the Board to approve the expenditure for travel based on the contingency that it may or may not be necessary depending on his review of materials available locally and discussions with local site officials. The Board approved a limit of \$2,500 for the trip expense based on the understanding that Phil and Jerry will provide further justification should they decide the trip is necessary.

PRESENTATION AND DISCUSSION ON THE FINAL COMPREHENSIVE CONSERVATION PLAN AND ENVIRONMENTAL IMPACT STATEMENT FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE:

U.S. Fish and Wildlife Service Refuge Planner Laurie Shannon gave a presentation on the final Comprehensive Conservation Plan/Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge.

Laurie cautioned that distribution of the final document is awaiting publication of a notice of availability (NOA) in the Federal Register. She said final refuge plans could be changed by higher-ups at FWS HQ in Washington, D.C., before the NOA is published. However, she said, she did not expect the plan to change significantly. Refuge Manager Dean Rundle said he expected the NOA to be published soon.

The CCP provides a blueprint for management of the refuge. The EIS examines environmental impacts for alternatives presented in the CCP. Laurie said that no sooner than 30 days after the publication of the Federal Register notice, the FWS Regional Director will issue a Record of Decision (ROD). Following the ROD, the management plan for the preferred alternative will be pulled from the CCP/EIS and published as a separate document.

The draft CCP/EIS examined four alternatives, labeled "A," "B," "C," and "D." The "A" alternative called for no management actions at the refuge. "B" examined a mixed-used scenario of habitat and ecological restoration and public use. "C" would have allowed more restoration than "B." "D" called for more public use than "B."

In its final decision, the Service chose "B" with minor modifications. Laurie said "B" best fits the mission of the Service and the National Wildlife Refuge System and the legislation that created the refuge. (Note: The Mission of the Wildlife Refuge System is to "To administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats in the United States for the benefit of present and future generations of Americans." Special purposes for the refuge written into the legislation are: (1) restoring and preserving native ecosystems; (2) providing habitat for and population management of native plants and migratory and resident wildlife; (3) conserving threatened and endangered species, including candidates for listing; and (4) providing opportunities for *compatible* scientific research (emphasis added).)

Laurie said the preferred alternative balances wildlife habitat with public use. Under this plan, the Service intends to improve habitat for a number of species, including the Preble's Meadow Jumping Mouse (PMJM), which is a federally threatened species. Laurie said FWS would use a variety of management tools for improving habitat, including burning and grazing. The Service plans to remove and revegetate roads and to remove some stream crossings. To control weeds, FWS staff will use an Integrated Pest Management approach.

The agency plans on working with the state Division of Wildlife for species management and to re-introduce the sharp-tailed grouse, among other species. She said there has been a significant increase in elk populations at the site. She said elk have the potential to destroy sensitive habitat and the elk may have to be culled.

Limited hunting with shotguns and bows and arrows will be allowed at the refuge for youth and the disabled two weekends a year. In the draft CCP, muzzleloaders would have been allowed but that idea has been nixed. Laurie said there was a concern that black-powder weapons might be unsafe because they have too much power. Hunting will be used to help manage the deer and elk populations.

Also included in the plan is a limited environmental education program for high-school and college students. Laurie said older students do not have the environmental education opportunities afforded to younger students. Service staff will develop the program. The Service does not want to duplicate K-8 programs that already exist at the Rocky Mountain Arsenal.

The final CCP calls for 13 miles of multi-use trails, down from the 16 miles in the draft. Laurie said there are some trails that will be used for pedestrians only. Some will be opened only on a seasonal basis. Horses and bikes will be allowed on some, but not all, trails.

A seasonally staffed visitor contact station is planned. It would be located above the turnoff to the Lindsay Ranch. Laurie said that does not preclude the Service from potentially collaborating with the Rocky Flats Museum to co-locate in a building near the site.

Laurie said Alternative A was not chosen because it was too limited in public access and in restoration of the site. She said it would contribute to long-term negative impacts to habitat and ecosystems. Alternative C, focusing primarily on restoration, would not have provided enough public use, and the cost would have been prohibitive. Alternative D was not chosen because the Service might not be able to support that level of public use. It, too, would have been expensive.

There was an extensive public involvement process in choosing the alternative, Laurie said. Controversial issues identified during the public hearings included the residual contamination at the site. Some people felt the site would be too contaminated to allow public access. Laurie said contamination has been addressed more thoroughly in the final CCP than in the draft. There were also concerns that public access would negatively impact the restoration effort, but Laurie said less than 1 percent of the land would be affected by public use.

Another controversial issue was hunting, but Laurie said that hunting was identified by Congress as one of the six priority public uses of national wildlife refuges. (The others are: fishing, wildlife observation, wildlife photography and environmental education and interpretation. In the legislation establishing the Rocky Flats refuge, Congress asked the Secretary of the Interior to establish wildlife-dependent recreation and environmental education and interpretation as the priority public uses.) Laurie said hunting will be limited to short-range weaponry. She also said that testing of deer tissue showed very little evidence of radionuclide contamination.

In answer to a question, Laurie said the trail to the Lindsay Ranch would be opened fairly quickly, but would be the only public access for the first five years.

In answer to a question about fencing, Laurie said the stock fence now existing on the perimeter of the site would be maintained. With regard to the boundary between land to be retained by the Department of Energy and the refuge, Dean has written a letter to DOE asking that a fence be constructed to delineate

the DOE –retained land. He also asked for warning signs and monuments to be erected.

Member Earl Gunia reminded the Board that DOE in its response to a recommendation the Board had sent asking DOE to adopt the Fish and Wildlife Service position regarding fencing had stated that it wished to further discuss this matter with the Board. Earl asked that this topic be placed on the agenda for a future meeting.

A Board Member asked about mineral rights. Dean said the FWS is resistant to taking lands into the refuge that are being or have the potential to be strip-mined for sand and gravel. However, he said that issue is being decided by DOE and FWS in Washington, and not at the local level. He said the Memorandum of Understanding between the two agencies is expected to be made final in the next couple of months. The MOU will delineate who will be responsible for that land.

Laurie said the differences are minor between the draft Alternative B and the final proposal. Originally, there were 16 miles of trails, but the final calls for 12.8 miles. She said they “tweaked” some trails to realign them. She said the final had also been changed to contain more information about contamination, cleanup, and risk.

In addition to reintroduction of the sharp-tailed grouse, Laurie said they may reintroduce small fish called “darters.”

In response to a query, Laurie said the Service had received about 5,000 comments from 1,300-1,500 people. 900 of these comments were form letters addressing various positions. All the comments are included as volume 2 of the final document. Copies of the final document will be sent to those who requested the earlier draft version. Other persons sending in comments will be sent a letter letting them know of the document’s availability. There will be no “official” public meeting regarding the release of the document.

DISCUSSION AND APPROVAL OF COMMENTS ON THE DRAFT REPORT TO CONGRESS: ROCKY FLATS MUSEUM OPTIONS:

The Board considered a set of draft comments on the Report to Congress that were developed at the November 18 Committee Night. Some minor edits were made to the draft after which it was approved unanimously.

A summary of the comments are as follows:

- The Board expressed concern about the initial short public comment period, but thanked DOE for extending the time. They also asked DOE to work with the community in the future in developing more acceptable public comment opportunities.
- The Board asked DOE to remove statements in the report indicating DOE does not want to fund the museum. The Board also noted that DOE provides funding for museums at other sites.
- The Board reiterated points made in a previous recommendation about the museum. These included the desirability of using Buildings 60 and 61 to house the museum; a suggestion that the museum focus more than just on Cold War activities at the site; a suggestion that the museum and other amenities such as the reading room, community meeting rooms, refuge facilities, and

ongoing research studies geared toward long-term stewardship of the site could be combined into Buildings 60 and 61.

RECOMMENATION FOR PUBLIC INVOLVEMENT DURING THE INDEPENDENT VALIDATION AND VERIFICATION (IVV) OF ROCKY FLATS CLEANUP:

The Board reviewed a proposal prepared by Executive Director Ken Korkia for public involvement during the upcoming IVV of site cleanup. DOE has hired a contractor, the Oak Ridge Institute for Science and Education (ORISE), to conduct the IVV during 2005.

The proposal outlines three concurrent levels of public participation based on the interests and needs of the community. One level is geared toward the general public and would feature at least two evening meetings, one at the beginning to explain the IVV process and one at the end to provide the results. Additional meetings could be scheduled depending on the duration of the project and the desire of the community. The Board asks DOE to advertise these meetings through paid newspaper notices, community advisories and press releases. Besides sponsoring meetings, the proposal also asks DOE to establish public information tools. These tools include IVV information posted on the Rocky Flats website, the naming of a public contact person, maintaining a mailing list, and developing fact sheets.

A second level of public participation would be geared toward those with a more active interest in the conduct of the IVV. The Board proposal recommends that DOE conduct availability sessions with the ORISE personnel for the community. These sessions would be held during the day, preferably in the late afternoon. Participants would hear project updates and have an opportunity to interact directly with the ORISE personnel.

A third level of participation would include the reviewers either appointed or hired by both the Board and the Rocky Flats Coalition of Local Governments. DOE would assure that ORISE personnel are made available to these reviewers. The reviewers would serve as liaisons to their respective organizations and would provide their findings and comments through a variety of means including written reports and oral presentations at the first and second level public meetings.

In discussing the proposal, the Board determined it would be best to send it as a formal recommendation to DOE, with a copy to the Coalition of Local Governments. After some minor edits, the Board approved the recommendation unanimously.

DISCUSSION AND APPROVAL OF THOUGHTS ON THE ESTABLISHMENT OF A LOCAL STAKEHOLDER ORGANIZATION (LSO) FOR ROCKY FLATS:

At its November 18 Committee Night, the Board spent considerable time discussing the future LSO. They were joined at Committee Night by David Abelson, Executive Director of the Rocky Flats Coalition of Local Governments. Based on the discussion at Committee Night, the Board asked staff to prepare a summary and also to include points raised in other sources, including the summary of the Community Workshop on Future Public Participation the Board sponsored in June.

Before considering the summary, a request was made for an update on funding for the LSO. Congress approved the omnibus appropriations bill that included \$500,000 to fund the local LSO in 2005.

The Board spent considerable time examining points related to membership issues for the future LSO. The Board's greatest concern is that the current federal legislation establishing the LSO does not provide a clear mechanism for direct and equal participation by both elected representatives of local governments and non-elected members of the community. Sentiments were expressed by a number of members that membership on the LSO must be more than just elected officials from the Coalition because other local governments are currently not represented. Concerns were raised that because of term limits placed on elected officials, their turnover could lead to a loss of institutional memory. Also, elected officials only represent those in their immediate jurisdiction. Points were also raised that there is a long history of citizen involvement at Rocky Flats and that those long-standing interests must be represented.

After making changes to the draft summary prepared by staff, the Board approved sending it to DOE with copies to the Coalition of Local Governments and the local congressional representatives.

In summary, the Board's recommendation contains the following points:

- It opens with a direct statement that the Board believes that the current federal legislation establishing the LSO does not meet the needs of the community because it excludes direct and equal participation by the wide range of local stakeholders.
- To establish an LSO the Board recommends:
 - The LSO must be formed at least six months before regulatory closure at the site, which is defined as completion and approval of the Corrective Action Decision/Record of Decision. Establishment of the LSO before this time would be acceptable.
 - As an Environmental Management (EM) Advisory Board, the Rocky Flats Citizens Advisory Board (RFCAB) should be kept in operation until the EM mission at the site is complete.
 - Overlap of membership on the LSO and RFCAB would prove beneficial to assist in the transition from Environmental Management to Legacy Management.
 - The LSO should be adequately funded and should meet at least quarterly, although more frequent meetings may be necessary at first.
- With respect to membership on the LSO the Board recommends:
 - Membership should be open to a broad range of community stakeholders that would include both elected and non-elected officials who would serve on an equal basis.
 - Membership selection on the LSO should follow the model used in establishing RFCAB in 1993.
 - Membership terms should be staggered to allow for fresh voices while retaining institutional knowledge.
 - Ex-officio representatives from DOE, the Fish and Wildlife Service, and the regulators should be included.
 - The tenets of the Federal Advisory Committee Act that call for membership diversity and open meetings should be implemented regardless of whether the LSO is formed as an Advisory Committee.
- The Board outlines these points regarding the purpose, responsibilities and objectives of the LSO:
 - The entire site should fall under the LSO's responsibility including both DOE-retained portions and those under Fish and Wildlife jurisdiction.
 - Activities should include providing a forum for community oversight of the site; providing a

forum for addressing needs of former site workers; maintaining public knowledge about the site; providing an interface with the Rocky Flats Museum; reviewing long-term stewardship effectiveness; monitoring the development and operation of the Rocky Flats National Wildlife Refuge; identifying issues of concern post-closure, developing alternatives to address them, and then making recommendations to site managers.

PLANNING FOR UPCOMING MEETINGS:

During December, Rocky Flats may release two documents for public review. One is the Groundwater Interim Measure/Interim Remedial Action; the other is the Original Landfill Interim Measure/Interim Remedial Action. If either or both of the documents are available in time for the scheduled December 16 Committee Night, they will be included on the agenda. If the documents are not available, the Board will cancel its Committee Night and schedule presentations for these documents at the January 6 monthly meeting.

NEXT MEETING:

Date: January 6, 2004 6 to 9:00 p.m.

Location: College Hill Library, Room L-211

Agenda:

- *TBD based on availability of the Groundwater Interim Measure / Interim Remedial Action and the Original Landfill Interim Measure / Interim Remedial documents for public comment*

MEETING ADJOURNED AT 9:00 p.m. *

(* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Bill Kossack, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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