

# ROCKY FLATS STEWARDSHIP COUNCIL

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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  
Karen Imbierowicz

## **Board of Directors Meeting – Agenda**

**Monday, February 2, 2009, 8:30 – 11:45 AM**

**Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)  
Terminal Building  
11755 Airport Way, Broomfield, Colorado**

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items (briefing memo attached)
1. Election of Stewardship Council 2009 Officers
- Action Item: Elect officers**
2. Consent Agenda
    - o Approval of meeting minutes and checks
  3. Approval of Resolution Re: 2009 Meeting Dates and Notice Provisions
- Action item: Adopt resolution and meeting notice provisions.**
4. Ratify approval of letter to new members of the Colorado Congressional delegation
- Action item: Ratify approval of letter to new members of Colorado Congressional delegation**
5. Executive Director's Report
- 9:05 AM Public Comment
- 9:15 AM Review Draft Washington, D.C. Talking Points (briefing memo attached)
- o In the coming months Board members and staff will meet in Washington, D.C. with Congress and DOE.

- To ensure that the message these members and staff will carry reflect the position and policies of the Stewardship Council Board, the Board will approve talking points for their meetings.

**Action Item: Approve talking points**

9:35 AM Approve Recommendation Regarding Natural Resource Damage (NRD) Fund Grants (briefing memo attached)

- Local government staff and community members have developed a joint grant to be funded through the NRD Fund.
- The Board has discussed and reviewed the framework of these proposals.
- At this meeting the Board will be briefed on the final proposal and will (hopefully) approve a motion in support of the grant request.

**Action Item: Motion in support of grant proposal**

10:05 AM Discuss Interpretative Signage for Rocky Flats (memo attached)

- The USFWS' site conservation plan includes commitments to place interpretative signage at various locations in the Rocky Flats National Wildlife Refuge.
- Those signs will include information about the history of the site as a nuclear weapons facility, the remediation project and ongoing management requirements.
- The conversation will focus on identifying the types of information regarding history of the site, remediation project, etc., that the Stewardship Council believes USFWS should include in their signs.

10:50 AM Host DOE Quarterly Meeting (briefing memo attached)

- DOE will brief the Stewardship Council on site activities for July -- September, 2008.
- DOE has posted the report on their website and will provide a summary of its activities to the Stewardship Council.
- Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

11:35 AM Public comment

11:40 AM Updates/Big Picture Review

1. Executive Director
2. Member Updates
3. Review Big Picture

Adjourn

Next Meetings: TBD  
(Proposed next meetings: April 6, 2009; June 1, 2009)

## **Business Items**

- Cover memo
- November 3, 2008, draft board meeting minutes
- List of Stewardship Council checks
- 2009 Meeting Schedule Resolution
- Letter to New Members of the Colorado Congressional Delegation

## **Washington DC Talking Points**

- Cover memo
- Draft Talking Points

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## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** Business Items  
**DATE:** January 22, 2009

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In addition to approving the consent agenda (approval of minutes and checks), the Board will need to elect officers for 2009, approve a resolution regarding 2009 meeting dates and notice provisions, and ratify the letter to new members of the Colorado Congressional delegation.

### **Election of officers**

The first order of business will be to elect the officers for 2009. In accordance with the Stewardship Council bylaws, "the Chair, Vice Chair, and Secretary/Treasurer shall be elected annually by the Board of Directors. The terms shall commence at the first meeting of the Board held on or after February 1 of each year." There are no limitations as to the number of terms one can serve.

As of the drafting of this memo, Jeannette Hillery, Lori Cox and Bob Briggs have expressed their interest in serving on the executive committee. Jeannette stated her interest in serving is Chairman. If you are interested in serving as an officer and have not yet let me know of your interest, please email or call me ASAP. That way I can notify your fellow Board members of your interest.

### **Action Item: Elect officers**

### **Resolution Re: 2009 Meeting Dates and Notice Provisions**

Each year the Board is required to adopt a resolution establishing the meeting dates for the given year. For the past two years the Board has met the second month of each quarter (February, May, August and November). Additional meetings have been held on an as-needed basis. In 2008 the Board met six times.

As we discussed at the November meeting, I am recommending a change in schedule for 2009. The idea behind the change is to not hold meetings in either July or August as they are sparsely attended. The schedule I am therefore proposing is to hold meetings in February, April, June, September and November. The draft 2010 budget and work plan would be presented at the

September meeting with formal approval at the November meeting. Board members seemed to support that decision, but a formal resolution is needed.

The notice provisions that the Board will adopt track the Stewardship Council's bylaws.

**Action item: Adopt resolution and meeting notice provisions.**

**Letter to New Members of Colorado Congressional Delegation**

At the November meeting the Board directed staff to draft letters to the new members of the Colorado Congressional Delegation congratulating them on their election and informing them about Rocky Flats and the Stewardship Council. The attached was vetted with the Board and was mailed in January 13, 2009. Formal approval is needed at the meeting.

**Action item: Ratify approval of letter to new members of Colorado Congressional delegation**

Please let me know what questions you have.

**Rocky Flats Stewardship Council**  
**Monday, November 3, 2008, 8:30 – 11:45 AM**  
**Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)**  
**Terminal Building**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, Boulder), Carl Castillo (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Bill Fisher (Director, Golden), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Shari Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Matt Magley (Alternate, Superior), Bob Briggs (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Karen Imbierowicz (citizen).

**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:** Andrew and Margaret Patten (citizens), Bill Carpenter (citizen), Dale Eberharter (citizen), Hillary Merritt (Trust for Public Lands), Bob Fiehweg (Fiehweg Environmental Consultants.), Vera Moritz (EPA), John Dalton (EPA), Carl Spreng (CDPHE), Juanita Dominguez (Superior), Kristan Pritz (Broomfield), Pete Dunlaevy (Broomfield), Cathy Shugarts (Westminster), Heather Cronenberg (City of Westminster), David Allen (Broomfield), Steve Berendzen (USFWS), Scott Surovchak (DOE-LM), John Boylan (Stoller), Linda Kaiser, (Stoller), Rick DiSalvo (Stoller), Bob Darr (Stoller), Jennifer Bohn (RFSC accountant).

**Convene/Agenda Review**

Vice Chair Jeannette Hillery convened the meeting at 8:35 a.m. There were no changes to the agenda.

**Business Items**

Bob Briggs moved to approve the October meeting minutes. The motion was seconded by Lisa Morzel. The motion passed 12-0.

Karen Imbierowicz moved to approve the October checks. The motion was seconded by Lisa Morzel. The motion passed 12-0.

## **Executive Director's Report**

David Abelson provided an update on a recent Energy Communities Alliance meeting at which he and Lorraine Anderson presented the community involvement models of the Rocky Flats Coalition of Local Governments and the Stewardship Council. From this meeting, David came away with the belief that the local community should not take this forum for granted, as other communities around the country are struggling to develop a framework for engaging DOE on site-wide issues. Also, he noted that the Stewardship Council is the only group in the country that is currently looking at post-closure management, with continued local government and community oversight.

The NRD Request for Proposals will be discussed later this morning. David has asked those who are not part of the Stewardship Council to present their proposals to the Board. He observed that the dialogue appears to be working quite well.

The Board will also talk more about DOE's request to change the uranium standard at Rocky Flats at today's meeting. David noted that Rik Getty has taken the lead on communicating with the agencies about this issue.

David announced that Jefferson County and Superior have approved resolutions renewing their participation in the Stewardship Council Intergovernmental Agreement. Boulder and Broomfield have scheduled their discussions. This topic will be discussed later in the meeting. David noted his appreciation of the governments keeping the Stewardship Council staff informed throughout the process. He also noted that the Stewardship Council's quarterly financial statements were emailed on October 18 and that if anyone has questions, they should feel free to call him. He noted that the Board's expenses have been coming in well below budget, as expected.

David pointed out that the Board will need to adopt a resolution setting the meetings for 2009 at the February 2nd meeting. He noted that August is always a tough month to schedule a meeting. Therefore, he will propose meetings in February, April, June, September and November for 2009.

Lisa Morzel asked David to elaborate about some of the problems he mentioned with community involvement at other sites. David said that many communities have difficulty developing a group. There have been issues with local government officials thinking broader than their own boundaries, and how to do this without divesting their responsibility. There is even more of an issue regarding the inclusion of non-governmental members. Many simply do not recognize the potential additional power of working together.

Lisa also mentioned that she would like the Stewardship Council to prepare an introductory letter about this group and Rocky Flats issues for any newly elected representatives after the November 4 election. David offered to put this together, and the Board agreed this was appropriate.

Bob Briggs noted that the first Monday in September is Labor Day. David said that when there are conflicts with holidays, the Board's meetings are scheduled for the second Monday of the month.

Jim Congrove asked if there have ever been any landowners around Rocky Flats that have found pollutants on their properties that affected values. David said that there used to be an area around the site where realtors were required to inform prospective purchasers of the proximity to Rocky Flats, but this is no longer required. Jim asked why this had been discontinued. David explained that sampling was done and based on the sampling state regulators deemed it no longer necessary. There was also a class action lawsuit involving people living east of Rocky Flats. The jury awarded large sum based on a nuisance claim, but the medical monitoring cause of action was thrown out by the judge. Basically, it was not actual contamination that caused decreased values; it was more about fears of the unknown.

### **Public Comment**

There was none.

### **Fiscal Year 2009 Budget Hearings**

The draft FY09 Stewardship Council budget was initially reviewed by the Board at the October meeting. Official notice of this budget hearing was provided in the *Denver Post*. Prior to finalizing the budget, the Stewardship Council must hold budget hearings and allow time for public comment. Following the public hearing, the Board must approve the budget resolution.

Jeannette Hillery opened the public hearing. There were no comments. Jeannette then closed the hearing. Kim Grant opened the Board discussion by asking if the Board is obligated to spend the carryover finding from RFCLOG in the coming budget year. David said the Board is not obligated to spend that money first. The Stewardship Council budget draws from local government contributions and the DOE grant. Local government funds pay for non-LSO activities and things DOE will not pay for, such as food at meetings. Shelley Stanley asked how much longer DOE is funding the Stewardship Council. David said that the Stewardship Council has just enough money to continue to operate through the new three-year IGA period. By then, the Board will have had discussions about whether or not to continue, and also whether there is funding available to continue. The DOE grant period ends in late 2010, but if there is still funding available, they may grant an extension.

Lori Cox moved to approve the FY09 Stewardship Council Budget. The motion was seconded by Roman Kohler. The motion passed 12-0.

### **Approve Fiscal Year 2009 Work Plan**

The Board reviewed the draft work plan at the October 6<sup>th</sup> meeting. Changes from that draft are noted in redline strikeouts in the meeting packet. David pointed to page 4, bullet 10 for changes



in the language regarding the Cold War museum. Ann Lockhart provided wording after the last meeting, which is now in this draft.

The Board had also asked David to incorporate a 'bucket list' of potential future work plan items, such as access restrictions, into the draft. David said he was unable to identify any other similar items, so he added language regarding future access restrictions to the 'Background' section of the Work Plan.

Lisa Morzel moved to approve the FY09 Stewardship Council Work Plan. The motion was seconded by Roman Kohler. The motion passed 12-0.

### **Discuss and Approve Policies Regarding DOE's Uranium Standards Petition**

At its October meeting, the Board expressed support for opposing DOE's petition to the Colorado Water Quality Control Commission (WQCC) to change the site-specific uranium standard. Staff recommended that the Board approve two letters – one to the Colorado Water Quality Control Commission (WQCC) and a second to DOE and CDPHE. The Board expressed initial support for this approach at the October meeting.

With these two letters, the Board would express its full support for the efforts of Broomfield, Westminster and Northglenn as participants in the WQCC process in opposing DOE. The second letter is offered as a way to proceed if the WQCC adopts DOE's petition. It states that if the standard is changed, the Board would like the site to still analyze what the monitoring results can tell them about how the remedies are performing. It also points out that, although the standard is based on risk, the Board knows that contamination levels are reflective of the effectiveness of the remedies onsite, and that there should be ongoing attention and tracking of any changes. David noted that at the last meeting, the Board did not engage in dialogue with DOE and the regulators on this issue, therefore they have been invited to respond to questions and concerns.

Shelley Stanley noted that the City of Thornton has now become a party to this effort. She passed along their request to be added to the letter. Sue Vaughan referred to the draft letter to DOE and the regulatory agencies. She said she would like to see more definition of the word 'benefits' in the second paragraph.

Shelley Stanley referred to the letter to the WQCC. On the second page, it refers to the current standard as 'hard to meet'. She asked how often this is a problem. David Abelson said that there were always questions about uranium at GS10 during cleanup, which is the reason that the treatment systems are in place. There is also a high level of natural background uranium, which is included when determining compliance with the standard. Shelley asked what the problem is if they have been meeting the current standard. David explained that the levels are much higher upstream, even though the site is mostly meeting the Point of Compliance standard. Scott Surovchak pointed out that the biggest problem has been the decrease in the volume of water onsite. They now have to depend on natural precipitation. When asked for any statement from DOE, Scott pointed out that they are simply following the WQCC process. Carl Spreng noted

that CDPHE's water quality control division will likely provide a response to DOE's submittal. He also pointed out that the site specific standard was set at a time when uranium was diluted in much more water and that the basis for the standard no longer exists. Vera Moritz with EPA pointed out that the MCL is the national EPA standard. She also pointed out that the WQCC is a fully authorized, independent body and EPA does not have role in this decision.

Jeannette Hillery paused to review the progress to this point in the discussion. First, she asked Shelley to see if Thornton would relay its request to be included in the letter directly to Stewardship Council. Second, she asked the Board for permission to add Thornton if this request is received. The Board agreed. She then asked if it was acceptable to have David draft examples of the 'benefits' in the second paragraph of the second letter, and email to the Board for review. The Board also agreed with this.

Shelley Stanley conveyed Northglenn's request that the second letter not be sent, and that the Board simply support the downstream communities actions. Karen Imbierowicz questioned whether the two letters should be sent at same time. David said that it would be a gamble either way. The Board does not want to give the WQCC an out, but also would not want to miss the window to influence DOE as their advisory group. He said that it is probably better to be on record ahead of time. Shelley stated that, if the downstream communities stay in communication with the Board, the second letter could still have impact if sent after the decision. Lori Cox suggested adding language to the first letter to the effect of, 'should the WQCC not accept our position, please allow us to comment further'. David said that this would be beyond the bounds of the WQCC. Lisa Morzel asked if the cities have a contingency plan in case the ruling goes against them. Shelley said they may reach a compromise in advance, or the commissioners may come up with compromise in their ruling. She also said that she liked Lori's suggestion about adding something to the letter. Kim Grant said he thought the WQCC will only be looking at DOE's petition and not crafting any sort of compromise. Jeannette Hillery said, based on her experience, she agrees with this. She said she also thinks it is best to notify DOE and the regulatory agencies of any positions in order to make sure they are all informed.

Lori Cox proposed that the Stewardship Council only send the first letter, and allow the downstream communities to decide at the hearing whether they would like to offer a compromise in light of how things are going at that time. Jeannette said that Commission Chair Paul Frohart will not want to be blindsided with changes at the last minute. Lori added that tipping their hand with the second letter is more info than they would care to give them, and that they would like to have the opportunity to make oral arguments at the hearing. Ron Hellbusch said he also thinks it would probably better to do one letter that is thorough and strong, and not give commission an out with the second letter.

Jeannette asked the Board if there was agreement on holding off on the second letter. Meagan David said that an option would be to remove the contingency from the second letter. David said that if this is what the Board wants, he will make the necessary edits. He added that the Board can always revisit this contingency at a later date pending communication from the downstream communities.

Lori Cox moved to approve the letter to the Colorado Water Quality Control Commission and add Thornton to the letter upon receipt of a request. The motion was seconded by Bob Briggs. The motion passed 12-0.

Lori Cox moved that the Stewardship Council not send the draft letter to DOE and the regulatory agencies. The motion was seconded by Bob Briggs. Karen asked what if there was a downside of not sending the second letter. David said that they would miss an opportunity to inform the agencies of their position, but they could be added as carbon copy recipients to the WQCC letter. He also cautioned the downstream communities not to wait too long to offer their contingency. The motion passed 12-0. Jeannette asked if the group would agree to carbon copy this letter to DOE, EPA and CDPHE. The Board agreed.

### **Update on NRD Fund Proposals**

This conversation is in follow up to the Board's discussion at the October meeting. Local government staff and community members have been meeting to develop a joint proposal and to address questions about State Land Board Section 16 adjacent to the southwest corner of Rocky Flats. Local government staff members were present to update the Board on those conversations.

Kristin Pritz from Broomfield presented the first update. In September, six communities, a nonprofit organization and a nonprofit consulting group submitted a total of eight sketch proposals to the Natural Resource Trustees. In response, the Trustees provided a detailed letter explaining how to make the proposals more attractive, including a suggestion that the groups work together to better coordinate their proposals, and bring down the total funding requests. At that time, the combined proposals were \$3.3 million above the available amount of funding. Since this time, the groups have toured Section 16, and engaged in discussions with GOCO and others. Based on the Trustees' feedback and the continuing research, there are now seven proposals and the combined amount has been reduced to \$4.7 million. The next round of proposals is due on November 17. There will be public presentations on December 4. Final proposals are due January 11, with a final decision scheduled for spring 2009.

Heather Cronenberg from Westminster discussed the proposals involving land acquisitions and highlighted the locations on a map for the group. Meagan Davis provided an update on the continued research into the options available for Section 16. She said it is a complicated situation and the parties are working to gather more information on existing encumbrances on this land. There is a 105-acre section of xeric tallgrass prairie that is of great interest to those involved in crafting proposals. Recently, a group including plant ecologists visited this area. Upon inspection, they confirmed that it is a very valuable piece of land. It is the oldest xeric tallgrass prairie terrace along the Front Range, and includes a long-term, stable plant community. The parties are now looking specifically at that area, along with additional acreage on north side (about 100 acres) for a possible conservation easement, and also as wildlife corridor. They are also working with Lafarge on suspending mining for fifteen years, which would allow time to negotiate a possible mineral exchange, or to turn over the property to federal management.

Next, Hillary Merritt from Trust for Public Lands discussed their proposal to acquire mineral estates under the NREL wind site to the northwest of Rocky Flats. Much of this 314 acre parcel is permitted for mineral extraction, but is not being mined at present. NREL has committed \$600,000 for the purchase of the mineral rights. This process is accelerated over some of the other NRD proposals because the NREL funding needs to be spent by September 2009.

The parties will keep David informed about upcoming public presentations. At the February Board meeting, the Stewardship Council will have an opportunity to weigh in on the final proposals being submitted to the Trustees. Kim Grant asked if the proposers plan to request \$4.7 million, or cut some of the proposals to match the \$4.5 million that is available. Kristin said that they are staying at this amount for now, but there will be tweaking before the final submittal. Roman Kohler asked about oil rights and Section 16. Meagan said that they are working on this, as it is a big issue that affects whole parcel. Kristin added that there are also two groups working together on proposals involving restoration.

### **Host DOE Quarterly Meeting**

DOE briefed the Stewardship Council on site activities for April – June, 2008. DOE has posted the report on their website and will provide a summary of activities to the Stewardship Council. Activities included surface water monitoring, groundwater monitoring, air monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.)

John Boylan with Stoller began by discussing Surface Water Monitoring and Operations. There were no terminal pond discharges during the quarter. Average pond levels were at 16%. There was 3.4 inches of precipitation, which was 62% of the 1993-2007 average. Flow rates ranged from 0-8% of the average. Plutonium and americium levels were well below applicable standards. Water quality at all Points of Evaluation, except GS10, was below applicable standards. Reportable values for total uranium at GS10 continue to be observed and are likely caused by groundwater contributions of naturally-occurring uranium to South Walnut Creek.

At both the Original (OLF) and Present (PLF) Landfills, surface-water quality results triggered monthly sampling for selenium. Selenium was not detected in the third monthly samples at either locations and monthly sampling was discontinued.

Karen Imbierowicz asked for more information about the higher levels of selenium, and why there was no investigation done. John Boylan explained that monthly sampling was conducted for three months, and if there had been continuing high levels, this would have triggered an investigation. In this case, there were no higher levels detected.

Kim Grant asked why the site was conducting the dam breach activities. John said it was to return the site to a more natural condition, and to reduce unnecessary long-term surveillance and monitoring costs. Shelley asked which dams have already been breached. John said that C1 was breached in 2004, and A1 and A2 are in progress now.

John next discussed Groundwater Monitoring and Operations. All RFLMA wells and groundwater-related locations were monitored, including RCRA wells (quarterly), AOC wells (semiannually), Surface Water Support (semiannually), Sentinel wells (semiannually), Treatment systems (semiannually), Boundary wells (annually), and Evaluation wells (biennially). Results will be evaluated in the 2008 Annual Report.

At the Solar Ponds Treatment System (SPTS), Phase I upgrades are complete. Water intercepted by the Interceptor Trench System is now routed to a collection sump, and then pumped to the SPPTS for treatment. The treated effluent is discharged via a separate, non-perforated line. It still exits at the Discharge Gallery. There is a new metering vault for influent and a new discharge monitoring system to monitor treated effluent.

Rick DiSalvo next discussed the Colorado WQCC rulemaking. DOE prepared its first submittal, a prehearing statement. When the site-specific standard was enacted, there was not a statewide uranium standard. Natural uranium in groundwater is now a higher proportion of surface water than man-made uranium. In order to determine whether the uranium is natural or man-made, LANL sampling was completed in 2007 and 2008. Some of the analysis is still pending. The results to date show predominantly natural uranium, except at the SPTS Discharge Gallery. Final results will be posted on the Rocky Flats website.

Other issues being addressed by the WQCC include a review hearing for the Rocky Flats expiring Temporary Modifications (TMs), which is scheduled for December. DOE is recommending no changes until the Triennial review. The Triennial Review of the South Platte River Basin, for which a Rulemaking Hearing is scheduled for June 2009, may also address a new statewide basic arsenic standard which is below the site-specific standard.

The update on Site Operations was next. At the OLF, inspections were completed on April 30, May 29, and June 24. A vegetation inspection was completed on May 19. Seep #7 was dry throughout the 2nd quarter. Seeps #4 and #8 showed active groundwater seepage throughout the 2nd quarter. Slumping areas at the OLF continued to be monitored and no significant changes were seen. Settlement monuments were surveyed on June 26. Data was within expected range per the OLF Monitoring and Maintenance Plan. Consolidation monitors were surveyed on April 4, May 2, and June 5. There was no significant movement. Inclinerometers (set into bedrock 28-30 feet deep, measured in hundredths of inches) were measured from April 2 through 23, May 8 through 12, and on June 17.

The Present Landfill (PLF) is monitored quarterly. The quarterly inspection was completed May 29, the vegetation inspection was completed May 21, and the settlement monument surveys were completed June 21.

An Annual Site (Central OU) Inspection was conducted on April 14. This involved inspection and monitoring for evidence of significant erosion by conducting a visual observation for precursors of significant erosion and evaluating the proximity of any significant erosion to subsurface features. This project also involved evaluating the effectiveness of institutional controls (ICs) by looking for any evidence of violations, determining whether required signs are

in place and verifying that Environmental Covenant is in the Administrative Record and on file with Jefferson County (verified 4/8/08). Finally, they looked for evidence of any adverse biological conditions observed during inspection.

As part of this inspection, a team of Stoller and DOE employees divided the site into five areas, and walked the entire surface. No significant erosion was noted. They found some minor holes, small animal evidence, and depressions. These holes were filled in, and debris and trash was collected or flagged for pick up. No adverse biological conditions were noted. Also, there was no evidence of IC violations, and all signs were in place.

Lisa Morzel asked whether analyses were done when holes were found to look at material that may have been brought up by animals, called bioturbation. Rick said the holes were very minor, and that locations are logged and filled in, but they do not test any of the material. Lisa said she would feel better if at least some were analyzed. Rick added that one of the reasons that there is not significant concern is that the soil cleanup for plutonium and uranium was conducted to a depth of at least three feet.

Rick moved on to an update on the OLF investigation and path forward. Field work was completed in April and the Geotechnical Investigation Report was completed in June. CDPHE found the report acceptable and there was consultation on the path forward. The report was posted to the Rocky Flats website along with the Contact Record. Construction is taking place in the 4th quarter FY08 and the 1<sup>st</sup> quarter FY09.

The path forward includes several activities.

- Repair localized slumping/differential settlement by filling/grading.
- Fill/regrade west perimeter channel (east side slope) to reduce slope and improve stability.
- Two-foot berm height difficult – adjust height along length based on sub-basin model. (approximately 23% of berm lengths need several inches of soil)
- Conduct routine maintenance for observed ponding in berm channels – regrade high and low spots.
- Install extension to Seep #7 drain to direct water to buttress drain.

Shelley Stanley asked if they are using Rocky Flats soil as fill. Rick said the fill is Rocky Flats alluvium from the Hall–Irwin pit on the southwest part of the site, which is the same soil they used to construct the landfill covers. She also asked what ratio the west perimeter channel slope was reduced to. He said it was 4 to 1, and that the bottom of the channel will be raised.

### **Public comment**

There were none.

### **Updates/Big Picture Review**

## February 2, 2009

### *Potential Business Items*

- Elect 2009 Officers
- Adopt resolution re: 2009 Meeting Dates

### *Potential Briefing Items*

- Host LM quarterly public meeting
- Begin discussing interpretive signage for Rocky Flats
- Approve Washington D.C. talking points

## May 4, 2009

### *Potential Briefing Items*

- Host LM quarterly public meeting
- Continue discussing interpretive signage for Rocky Flats
- Colorado WQCC triennial review of site water quality standards

Lori Cox asked if the budget process would start earlier in 2009, due to the proposed changes in the meeting calendar. David said it would. Kim asked about the procedure for determining Directors and Alternates for next year. David said this information will be handed out at the February meeting. Bill Fisher asked when the WQCC will be ruling. Jeannette said that she believes that the Commission offers its rulings at the time of the hearing. Bob Darr said he also thinks this is the case. Bill said, given that information, the Board will probably want to discuss the hearing results at the February meeting. David will add this to the agenda.

Kim Grant announced that the Rocky Flats Cold War Museum is close to finding storage space which they will use to work with collections, artifacts, photographs and papers, to begin to itemize and catalogue, and plan exhibits. They also have just received a commitment from the Arvada Center to do a major exhibition in the summer of 2010 for three months. This may be used in the future as a traveling exhibit, or a potential permanent exhibit.

At 11:10 a.m. Lisa Morzel 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. Bill Fisher seconded the motion. The motion passed 12-0.

The Board reconvened from Executive Session at 11:30 a.m. and affirmed that no actions had been taken during Executive Session.

The meeting was adjourned at 11:30 a.m.  
*Respectfully submitted by Erin Rogers.*

9:40 PM  
01/19/09

## Rocky Flats Stewardship Council Check Detail

October 15, 2008 through January 19, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
<b>Check</b>		<b>10/31/2008</b>		<b>CASH-Wells Fargo-Operating</b>		<b>-2.00</b>
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
<b>Check</b>		<b>11/30/2008</b>		<b>CASH-Wells Fargo-Operating</b>		<b>-2.00</b>
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
<b>Check</b>		<b>12/31/2008</b>		<b>CASH-Wells Fargo-Operating</b>		<b>-2.00</b>
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
<b>Bill Pmt...</b>	<b>1306</b>	<b>11/1/2008</b>	<b>Seter &amp; Vander Wall, P.C.</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-804.50</b>
Bill	54543	9/30/2008		Attorney Fees	-804.50	804.50
TOTAL					-804.50	804.50
<b>Bill Pmt...</b>	<b>1307</b>	<b>11/1/2008</b>	<b>Jennifer A. Bohn</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-620.50</b>
Bill	7008	10/31/2008		Accounting Fees	-620.50	620.50
TOTAL					-620.50	620.50
<b>Bill Pmt...</b>	<b>1308</b>	<b>11/1/2008</b>	<b>Excel Micro</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-10.75</b>
Bill	0041...	10/8/2008		Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
<b>Bill Pmt...</b>	<b>1309</b>	<b>11/1/2008</b>	<b>Erin Rogers</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-387.50</b>
Bill	10/26...	10/26/2008		Personnel - Contract	-387.50	387.50
TOTAL					-387.50	387.50
<b>Bill Pmt...</b>	<b>1310</b>	<b>11/1/2008</b>	<b>Crescent Strategies, LLC</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-7,722.09</b>
Bill	10/31...	10/31/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-148.38	148.38
				TRAVEL-Local	-61.43	61.43
				Postage	-161.60	161.60
				Printing	-154.35	154.35
				Supplies	-120.22	120.22
				TRAVEL-Out of State	-226.11	226.11
TOTAL					-7,722.09	7,722.09
<b>Bill Pmt...</b>	<b>1311</b>	<b>11/1/2008</b>	<b>Blue Sky Bistro</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-255.00</b>
Bill	1555	10/7/2008		Misc Expense-Local Government	-255.00	255.00
TOTAL					-255.00	255.00
<b>Check</b>	<b>1312</b>	<b>11/1/2008</b>	<b>Qwest</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-72.06</b>
				Telecommunications	-72.06	72.06
TOTAL					-72.06	72.06



9:40 PM  
01/19/09

## Rocky Flats Stewardship Council Check Detail

October 15, 2008 through January 19, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check	1313	11/1/2008	Qwest	CASH-Wells Fargo-Operating		-27.28
				Telecommunications	-27.28	27.28
TOTAL					-27.28	27.28
Check	1314	12/4/2008	Qwest	CASH-Wells Fargo-Operating		-27.06
				Telecommunications	-27.06	27.06
TOTAL					-27.06	27.06
Check	1315	12/4/2008	Qwest	CASH-Wells Fargo-Operating		-72.46
				Telecommunications	-72.46	72.46
TOTAL					-72.46	72.46
Bill Pmt...	1316	12/4/2008	Blue Sky Bistro	CASH-Wells Fargo-Operating		-255.00
Bill	1582	11/4/2008		Misc Expense-Local Government	-255.00	255.00
TOTAL					-255.00	255.00
Bill Pmt...	1317	12/4/2008	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,043.76
Bill	11/30...	11/30/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-137.40	137.40
				TRAVEL-Local	-40.37	40.37
				Postage	-15.99	15.99
TOTAL					-7,043.76	7,043.76
Bill Pmt...	1318	12/4/2008	Excel Micro	CASH-Wells Fargo-Operating		-10.75
Bill	0043...	11/8/2008		Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1319	12/4/2008	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-493.00
Bill	8408	11/30/2008		Accounting Fees	-493.00	493.00
TOTAL					-493.00	493.00
Check	1320	12/4/2008	VOID	CASH-Wells Fargo-Operating		
TOTAL					0.00	0.00
Check	1321	12/4/2008	VOID	CASH-Wells Fargo-Operating		
TOTAL					0.00	0.00
Bill Pmt...	1322	12/4/2008	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-2,757.52
Bill	54685	10/31/2008		Attorney Fees	-1,976.51	1,976.51
Bill	54931	11/30/2008		Attorney Fees	-781.01	781.01
TOTAL					-2,757.52	2,757.52
Bill Pmt...	1323	12/4/2008	Tricia Marsh	CASH-Wells Fargo-Operating		-240.00
Bill	1176	11/21/2008		Website	-240.00	240.00
TOTAL					-240.00	240.00

9:40 PM  
01/19/09

**Rocky Flats Stewardship Council**  
**Check Detail**  
October 15, 2008 through January 19, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check	1324	1/7/2009	Qwest	CASH-Wells Fargo-Operating		-70.66
				Telecommunications	-70.66	70.66
TOTAL					-70.66	70.66
Check	1325	1/7/2009	Qwest	CASH-Wells Fargo-Operating		-26.72
				Telecommunications	-26.72	26.72
TOTAL					-26.72	26.72
Bill Pmt...	1326	1/7/2009	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,741.79
Bill	12/31...	12/31/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-146.38	146.38
				TRAVEL-Local	-85.42	85.42
				Postage	-223.99	223.99
				TRAVEL-Out of State	-218.00	218.00
				TRAVEL-Out of State	-218.00	218.00
TOTAL					-7,741.79	7,741.79
Bill Pmt...	1327	1/7/2009	Erin Rogers	CASH-Wells Fargo-Operating		-500.00
Bill	1/5/0...	12/31/2008		Personnel - Contract	-500.00	500.00
TOTAL					-500.00	500.00
Bill Pmt...	1328	1/7/2009	Excel Micro	CASH-Wells Fargo-Operating		-10.75
Bill	0045...	12/8/2008		Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1329	1/7/2009	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-204.00
Bill	9208	12/31/2008		Accounting Fees	-204.00	204.00
TOTAL					-204.00	204.00
Bill Pmt...	1330	1/7/2009	Setzer & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-803.76
Bill	55127	12/31/2008		Attorney Fees	-803.76	803.76
TOTAL					-803.76	803.76
Check	1331	1/9/2009	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF  
ROCKY FLATS STEWARDSHIP COUNCIL**

**regarding**

**2009 MEETING SCHEDULE AND NOTICE PROVISIONS**

WHEREAS, pursuant to an Intergovernmental Agreement dated as of February 13, 2006, and as amended thereafter, (the "IGA"), the Rocky Flats Stewardship Council ("Stewardship Council") was established; and

WHEREAS, the Stewardship Council was created to allow local governments to work together on the continuing local oversight of the activities occurring on the Rocky Flats site to ensure that government and community interests are met with regards to long term stewardship of residual contamination and refuge management; and

WHEREAS, the Board of Directors of the Stewardship Council has a duty to perform certain obligations in order to assure the efficient operation of the Stewardship Council; and

WHEREAS, on March 6, 2006, the Board of Directors of the Stewardship Council adopted Bylaws regarding the operations of the Stewardship Council, governing, *inter alia*, meeting and notice requirements; and

WHEREAS, § 24-6-402, C.R.S., of the Colorado Sunshine Law, specifies the duty of the Board of Directors at its first regular meeting of the calendar year to designate a public posting place within the boundaries of the Stewardship Council for notices of meetings, in addition to any other means of notice; and

WHEREAS, pursuant to its Bylaws and Colorado laws, the Stewardship Council desires to establish its regular meeting schedule and location, and to designate its public posting place(s) for 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ROCKY FLATS STEWARDSHIP COUNCIL THAT:

1. Meeting Schedule/Location. The Board of Directors determines to hold regular meetings the **first Monday of February, April, June, and November at 8:30 AM** at the Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield, Colorado and the **second Monday of September** at the same location and time; and to hold special meetings as may be necessary, in accordance with the Bylaws of the Stewardship Council.

2. Regular Meeting Notice. The Board of Directors determines to annually post its regular meeting schedule at the Clerk and Recorder's office of the following counties: Jefferson, Boulder, Broomfield, Adams and Weld; and at the City or Town Clerk's Office of the following cities and/or towns: Arvada, Boulder, Broomfield, Westminster, Golden, Superior and Northglenn, for posting in a public place. In addition, the Board shall post its regular meeting schedule on the website established for the Stewardship Council. These notices shall remain posted throughout the year. At least seven (7) days advance notice of the regular meeting time, place and date shall be provided to the directors and

alternate directors, and to those members of the public who so request. The general nature of the business proposed to be transacted or the purpose of any meeting of the Board of Directors shall be specified in the notices of such meeting where possible.

3. Special Meeting Notice. In the event of a special meeting, a notice of such special meeting shall be posted at least seventy-two hours in advance at the clerks' offices of the counties, cities and towns indicated above, for posting in a public place. At least 72 hours advance notice of the special meeting time, place and date shall be provided to the directors and alternate directors, and to those members of the public who so request. The general nature of the business proposed to be transacted at or the purpose of any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

4. Emergency Meeting Notice. Should the Board of Directors determine an emergency special meeting necessary, a notice of such emergency meeting shall be posted at least twenty-four hours in advance at the clerks' offices of the counties, cities and towns indicated above in accordance with the Colorado Open Meetings Act. The general nature of the business proposed to be transacted at, or the purpose of, any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

5. Written Notice Requirements. Written notice of each meeting of the Board of Directors shall be given by telefax or electronic mail; provided, however, that in the instance of any Director who in writing requests that such notice not be given by telefax or electronic mail, the notice shall be by hand delivery to an address within the boundaries of the Parties designated in writing.

6. Additional Notification. The Stewardship Council shall maintain a list of persons who, within the previous two years, have requested notification of all meetings, or of meetings with discussions of certain specified policies, and shall provide reasonable advance notification of such meetings to the individuals.

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

(SEAL)

ROCKY FLATS STEWARDSHIP COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

By: \_\_\_\_\_

# ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670  
Boulder, CO 80308-0670  
www.rockyflatssc.org

(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  
Karen Imbierowicz

January 13, 2009

Dear Representative [INSERT NAME],

On behalf of the Board of Directors of the Rocky Flats Stewardship Council, congratulations on your election to Congress.

While I am aware that you will tackle many challenging issues during your first term, I would like to inform you of our work involving Rocky Flats, the former weapons plant northwest of Denver. I would also request a meeting with you in Washington, D.C. on February 10<sup>th</sup> or 11<sup>th</sup> when some of our members are in town for the annual Energy Communities Alliance conference.

The Rocky Flats Stewardship Council was formed in February 2006 to provide ongoing local government and community oversight of the post-closure management of Rocky Flats. The nearly \$7 billion cleanup project was completed in October 2005 and represents an important legacy for our communities. Cleanup significantly reduced the many risks posed by the former weapons site. There are, however, ongoing management needs that remain vital to ensuring long-term protection of human health and the environment. Those responsibilities principally lie with the Department of Energy (DOE).

Our work also includes supporting the efforts of former site workers seeking compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). The EEOICPA was intended to provide assistance to those workers who have become ill as a result of employment at atomic weapon facilities or other weapons facilities. The General Accountability Office is investigating mismanagement of the program and expects to issue a preliminary report in spring 2009.

The Stewardship Council also works with the United States Fish and Wildlife Service on issues related to the management of the Rocky Flats National Wildlife Refuge. In June 2007, DOE transferred 3953 acres of the former site buffer zone to the Department of the Interior to manage as the Rocky Flats National Wildlife Refuge. Additional lands will likely be transferred in 2009. However, with current budget allocations, the Refuge has not been opened to the public.

The Stewardship Council's mandate is found in federal law. In late 2004, Congress, working with DOE and our predecessor organization, the Rocky Flats Coalition of Local Governments, approved legislation creating a new organization to focus on the post-closure care and management of Rocky Flats. This organization, the Rocky Flats Stewardship Council, includes elected officials from nine municipal governments neighboring Rocky Flats, three community organizations and one individual.

Our executive director, David Abelson, will be in contact with your office to see if there is a time that would be convenient for us to meet with you. Mr. Abelson is also available to provide further information about our organization to you or your staff. Information can also be found at [www.rockyflatssc.org](http://www.rockyflatssc.org).

Once again, congratulations on your election.

Regards,

Lorraine Anderson  
Chairman

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Karen Imbierowicz

## MEMORANDUM

**TO:** Board

**FROM:** David Abelson

**SUBJECT:** Washington, D.C. talking points

**DATE:** January 21, 2009

---

I have scheduled 15 minutes for the Board to discuss and approve (as modified) the attached talking points for meetings with Congress and DOE. In the coming months Board members and staff will participate in various meetings in Washington, D.C. To ensure that the message these members and staff carry reflects the Stewardship Council's positions and policies, it is important for the Board to approve talking points.

Please let me know what questions and/or concerns you have and any issues that you believe should be added or deleted. I have focused on broad-reaching issues, recognizing that as was the case last year, Stewardship Council members will supplement these messages when they meet with their representatives.

**Action Item: Approve DC Talking Points**

# **Rocky Flats Stewardship Council**

## **Washington, D.C. – Talking Points**

*February 2009*

### Background – General:

1. The Rocky Flats Stewardship Council is starting its fourth year of operations. We formed to provide ongoing local government and community oversight of the post-closure management of Rocky Flats, the former nuclear weapons plant northwest of Denver.
2. The nearly \$7 billion cleanup project was completed in October 2005 and represents an important legacy for our communities. Cleanup significantly reduced the many risks posed by the former weapons site, but ongoing management remains vital to ensuring long-term protection of human health and the environment. Those responsibilities lie with the Department of Energy (DOE).
3. We are the DOE-designated Local Stakeholder Organization (LSO) for Rocky Flats and thus serve to advise DOE on management issues.
4. The Board is comprised of elected officials from nine local governments, three community groups (including one representing former workers) and one individual.
5. We meet 5-6 times per year. All meetings are open to the public.

### Background – Funding:

1. Member governments contribute annually, but the Stewardship Council relies on federal funds. Congress appropriated initial funding in 2005 –\$100,000 was provided to our predecessor organization, the Rocky Flats Coalition of Local Governments; \$395,000 was given to the Stewardship Council in 2006.
2. Last year DOE provided the Stewardship Council with an additional \$240,000. These funds, with remaining funding from Congress, should carry us through calendar year 2010.
3. We believe this additional support from DOE highlights the ongoing value local government and community members bring to the post-closure management of the site.

### Site Conditions:

1. In large measure the cleanup remedies are performing as designed.
2. There are a few areas that bear watching, including the groundwater treatment systems and slumping on the cover of the Original Landfill.

### **Congressional need:**

- 3. It will be important for DOE to retain the funds necessary to carry out its responsibilities at Rocky Flats. That requires making sure make sure the Administration continues to ask for the necessary funds – and Congress needs to provide sufficient funding.**



DOE's Office of Legacy Management (LM):

1. We continue to support DOE and Congress' decision in 2004 to create LM.
2. LM is charged with managing sites where remediation has been completed, including Rocky Flats.

**Congressional need:**

- 3. It is imperative as the new administration reviews DOE's structure to gauge LMs effectiveness and efficiency that a program office with budget authority focused on the post-closure management of sites remains within DOE.**
- 4. Whether that office remains as LM or some other formulation is not as important as a stand-alone office with budget authority.**

Budget: (background information is for both the Congressional need above and below)

1. Of the many challenges facing the Obama Administration and Congress, the budget and appropriations rank amongst the top challenges.
2. DOE's budget is essentially divided into three competing parts – (a) nuclear weapons (b) cleanup (c) science, which includes development of new energy technologies.
3. The cleanup budgets have been dropping – FY 09 was well below monies needed to meet minimum regulatory commitments and we hope Congress does not look to decrease funding for LM in order to meet those obligations.

**Congressional need:**

- 4. It is imperative as DOE and Congress work to define budgetary policies that they remain aware of the commitment made to communities to not only cleanup up Rocky Flats and other sites but to maintain the sites following completion of active remediation.**
- 5. DOE and Congress cannot let budgetary decisions negatively impact monies for Rocky Flats and other former weapons sites.**

[Note: Rocky Flats funding is approximately \$3.5 million/year]

Workers:

1. The Stewardship Council remains concerned about the Bush Administration's handling of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), a federal compensation claims for former DOE workers.
2. The Board is hopeful that the bi-partisan group of Senators and Representatives will find a partner in the Obama Administration to correct the inherent problems with management of the program.
3. The GAO is investigating implementation of the EEOIPCA. The draft report should be issued in spring 2009.
4. We continue to support expanding coverage for all former workers who have become ill from workplace exposures.

**Congressional need:**

**5. Congressional oversight of the program remains vital.**

Rocky Flats National Wildlife Refuge:

1. In July 2007 DOE transferred to the USFWS approximately 4000 acres. With this move, the Rocky Flats National Wildlife Refuge now exists.
2. We are concerned about funding for the USFWS.
3. For FY 2008 Congress provided \$434M for the refuge system – the continuing resolution maintained this funding level in 2009.
4. It is not unusual for new refuges to not have an operating budget for first 3-5 years. Without a budget, however, the USFWS will not be able to implement most of the Comprehensive Conservation Plan (CCP).
5. Until such time that funds become available the Rocky Flats Refuge will remain in caretaker status.

**Congressional need:**

- 6. Congress needs to start providing funding for USFWS to implement the CCP to help ensure the site is an asset.**

## **NRD Grant Funds**

- Cover memo
- November 2008 grant proposal summary

## **Rocky Flats Interpretative Signs**

- Cover memo

## **DOE Quarterly Update**

- Cover memo

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Karen Imbierowicz

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** NRD Funding – Support for Final Grant Proposals  
**DATE:** January 22, 2009

---

Local government staff and community members have continued to partner on a joint grant proposal from the NRD Fund. The final proposal will be submitted this coming Monday, January 26, 2009. I've scheduled 30 minutes to update you on their proposal, focusing on changes made to the final proposal, and to secure your support for their collaborative effort.

The end goal of this briefing is to secure a Board motion in support of this proposal.

### **Overview of the Proposal**

The attached background information sheet and map were prepared as part of the draft proposal that the governments and groups submitted last fall. Since that time three changes have been made. They are, in short, as follows:

1. Broomfield withdrew their project due to negotiations breaking down with the landowner
2. Based on feedback from the NRD Trustees on the draft proposals, the groups are modifying the restoration activities to better integrate that part of the proposal
3. Section 16 scope has been modified

Accordingly, the total cost of the combined project has been slightly modified. Otherwise, the attached information remains accurate.

At the meeting local government staff will update you on the joint proposal. Stewardship Council staff will then recommend the Board approve a motion supporting this joint proposal. Should the Board take this action staff will recommend the Board send a letter to the NRD Trustees expressing such support.

Please let me know what questions you have.

**Action Item: Approve motion supporting NRD proposal**

## Introduction to the Seven Rocky Flats Natural Resources Damages Fund Requests

After the sketch plan presentations in late September, the Rocky Flats Natural Resource Trustee Council (Trustees) requested that the Offerors work together to coordinate their Natural Resources Damages Fund proposals and to try to bring the projects closer to the \$4.5 million available funding level. In response to the Trustees' direction, the seven Offerors have met four times during October to develop an overall strategy for the grant requests while keeping at the forefront the Trustees' key objective to compensate for damaged resources at the Rocky Flats site. The following table provides a brief description of each project:

### Summary of Natural Resources Damages Fund Requests

<b>Agency</b>	<b>Amount of NRD Grant Request</b>	<b>Match from Agency and Other Grant Sources</b>	<b>Project Description</b>
Boulder County, City of Boulder	\$75,000	\$25,000 (Match split between Boulder County and City of Boulder)	Native seed collection and increase for xeric tallgrass prairie and Preble's habitat
Boulder County, City of Boulder, Town of Superior	\$1,500,000	\$1,500,000 (\$500,000 from each partner)	Acquisition of the north and west portions of Section 16, approximately 211 acres
City and County of Broomfield	\$980,000	\$806,290 (\$316,000 CCOB; \$51,690 In-Kind CCOB; \$438,600 GOCO)	Open Space- purchase of 1 30-acre parcel northeast of Rocky Flats
City of Westminster	\$400,000	\$1,200,000 (\$400,000 Westminster; \$400,000 Jeff Co; GOCO \$400,000)	Open Space-purchase of 1 26-acre parcel east of Rocky Flats
Jefferson County Nature Association	\$169,070	\$130,200	Coordination of weed control program on adjacent properties and collection of native seeds
Town of Superior	\$1,000,000	\$5,000,000 (\$4,500,000 Superior; \$500,000 GOCO)	Open Space- purchase of Level 3 property north of Highway 128; 182 acres
Trust for Public Land	\$650,000	\$910,000 (TPL \$30,000; In Kind \$230,000; \$650,000 Dept. of Energy)	Purchase of mineral rights on 314 acres adjacent to Rocky Flats
<b>Total</b>	<b>\$4,774,070</b>	<b>\$9,571,490</b>	

The locations of the combined acquisition proposals are identified on the attached map.

### **Funding Strategy**

The grant requests were revised so that the total grant request is only slightly over the \$4.5 million amount by \$274,070. Through numerous discussions and give and take, the Offerors made adjustments to the proposals in a manner that was agreeable to all participants.

Although the Trust for Public Land and Jefferson County Nature Association grant proposals are on a separate track from the other five proposals, the requested grant amounts for these two proposals have been included in the total grant request in the table above.

The Offerors also met with the Rocky Flats Stewardship Council (“Stewardship Council”) on November 3<sup>rd</sup>. The Stewardship Council requested that the Offerors provide an update on the status of each of the grant requests. At the conclusion of the presentation, the Stewardship Council agreed to discuss a potential letter of support for the combined grant proposal at their upcoming February 2<sup>nd</sup> meeting.

The Offerors also met with Great Outdoors Colorado (“GOCO”) staff in October to develop a better understanding of how the proposed match amounts could be obtained using the GOCO open space and legacy grant programs. The proposals from the various Offerors above include an amount in matching funds that would come from GOCO’s open space grant funding. These amounts are anticipated to be applied for during GOCO’s annual open space grant application cycles during the spring and summer of 2009. If grant funding is not obtained during these GOCO open space rounds, the Offerors have discussed applying for a GOCO Legacy funding cycle that may be available during winter 2009, with funding occurring in late spring 2010, depending upon GOCO’s budgeting process. GOCO will announce in June 2009 if they will offer a legacy cycle. If the Offerors apply for legacy funding, the scope and depth of the projects above could broaden to include additional open space preservation, expanded habitat restoration, wildlife improvement opportunities, planning opportunities (for example- Section 16 or trails planning), and trail opportunities. Based on typical GOCO legacy funding parameters, the NRD projects could be leveraged to obtain:

Current Project Types	NRD Funding	Offeror Match (No GOCO Funding)	Potential GOCO Legacy Funding
Open Space Preservation	\$3,880,000	\$7,167,690	\$11,047,690
Habitat Restoration	\$75,000	\$25,000	\$100,000
Total:	\$3,955,000	\$7,192,690	\$11,147,690

The Beyond the Fences group could potentially turn a proposed \$14-million dollar project into a \$25-million dollar project to further improve the border of the Rocky Flats Wildlife National Refuge (“Refuge”) with additional open space preservation and other habitat improvement projects. Assuming that the majority of this funding is used for

open space preservation, approximately 250 more acres could be preserved, or habitat restoration projects could double in size, and additional wildlife improvement projects, such as wildlife friendly fencing or underpasses along Highway 93 or Highway 128 could be included in the expanded project.

While additional legacy funding is not a guarantee, our combined project is a perfect fit for a GOCO legacy grant, and would be an attractive opportunity for GOCO to be involved in a high-publicity project in the Denver metro area. The importance of the Refuge to this area is significant- the creation of the Refuge resulted in over 6,000 acres of open space added to a highly urbanized area. There is a collaborative effort among the communities surrounding the Refuge to be involved in the planning, preservation and furthered improvement of surrounding habitat, another important component that GOCO looks for in funding large-scale projects.

### **Description of How the Open Space Acquisitions Correlate and Support Each Other**

The majority of our combined proposal focuses on open space preservation, which will preserve natural resource values around the Refuge. Our combined proposal will preserve nearly 450 acres of land that is in close proximity to the Refuge. Open space preservation is the best opportunity to prevent additional natural resource damage to land. By ensuring that this land will be preserved in perpetuity, and properly managed, these natural resources will be allowed to thrive. The targeted open space in this combined proposal includes lands that have been identified by the various partners to fill in corridors and gaps adjacent to existing open space holdings by the partners. Section 16 is directly adjacent to the Refuge and to the City of Boulder's open space holdings to the west. Superior's Level 3 acquisition is directly across to the north of the Refuge and is adjacent to Boulder County's and the City of Boulder's open space holdings. The City of Broomfield's acquisition is adjacent to Broomfield's Great Western Reservoir open space that is east of the Refuge. The City of Westminster's proposed acquisition targets an area that is east of Woman's Creek and will preserve important habitat that will also provide a continued corridor for wildlife.

Specifically, these open space purchases will bring:

*City of Boulder, Boulder County, and Town of Superior-Section 16 (211 acres):* The preservation of this portion of Section 16 will create a wildlife habitat movement corridor for wildlife to be able to move from open space west of Section 16 to the Refuge. It will also allow for habitat movement from Section 16, through the Refuge, and north to Boulder County open space, northeast to Broomfield and Superior open spaces, and southeast to Westminster open space. This acquisition preserves an important and rare section of xeric tallgrass prairie that is directly east of the xeric tallgrass prairie managed by Boulder's open space program and Jefferson County's open space program. Boulder's management focus is on sustaining this unique prairie plant community. The preservation of the area will also support groundwater recharge for Woman Creek, which is depended upon by communities to the east.

*City and County of Broomfield-Open Space Acquisition (30 acres):*

This parcel along with the town of Superior's acquisition creates a green buffer to protect the immediate northeast corner of the Refuge from surrounding development. Moreover, the Broomfield, Superior and Westminster proposals when viewed together preserve an expansive block of open space and wildlife habitat on the eastern and northern edges of the Refuge by preserving key missing pieces of property.

*Town of Superior-Level (3) Property Acquisition (182 acres):*

Not only is the Level 3 property contiguous to Rocky Flats to the south, the property is contiguous to Broomfield's potential acquisition to the south and City of Boulder and Boulder County open space properties to the west. Together these parcels represent preservation of natural resources on a grand scale. Using the Level 3 property as a vantage point, visitors will experience the vast amounts of open space to the west as well as to the south that will be forever preserved.

*City of Westminster-Open Space Acquisition (26 acres):*

Acquiring the Sisters property will protect an in-holding in the larger Westminster Hills Open Space area. This large open space area located directly east of Rocky Flats serves as a continuation of the wildlife corridor that begins in the foothills with Boulder and Jefferson County open space. Broomfield's open space is located directly to the north of the Westminster Hills Open Space area and the purchase of the parcel by Broomfield and the Level 3 tract by the Town of Superior will serve to buffer this large expanse of open space.

**Description of How the Habitat Improvement Strategy Correlates and Supports the Refuge and Combined Acquisition Proposals**

The second focus of our combined proposal emphasizes habitat improvement. Boulder County, the City of Boulder and Wildlands Restoration Volunteers will spearhead a native plant propagation program specific to Rocky Flats and its surrounding open space, including contiguous prairie and riparian ecosystems owned by Boulder County Parks and Open Space, City of Boulder Open Space and Mountain Parks, the City and County of Broomfield's open space program, the Town of Superior's open space program, and the City of Westminster's open space program. This project's objective will be to conserve and promote the unique native plants for ecological restoration. Species selection will focus on the Xeric Tallgrass Prairie, a rare plant community found on Rocky Flats and surrounding properties, and riparian species that would particularly benefit Preble's Meadow Jumping Mouse habitat. This project is expected to benefit a variety of wildlife species, and will directly benefit all of the open space lands in this area.

The project partners will form an interagency group to collect and raise native plant species that are locally native and unavailable commercially for purchase. The native seeds that are collected and increased would be available to any agency in the Rocky Flats area on a per needs basis. The project partners will be approaching other agencies to join in this restoration effort and include the Colorado Division of Wildlife (CDOW), Natural Resources Conservation Service, the US Fish and Wildlife Service,



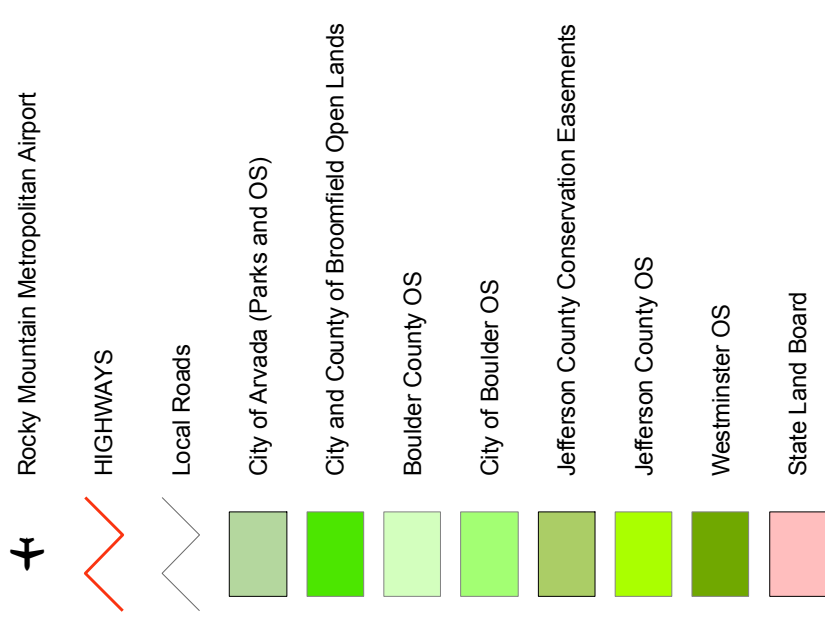
and Jefferson County Open Space. Jefferson County Nature Association's NRD project may be able to complement this project in the future. This habitat improvement project will be an excellent model of multiple agency collaboration for the Beyond the Fences group to use for future Refuge border improvement projects.

### **Conclusion**

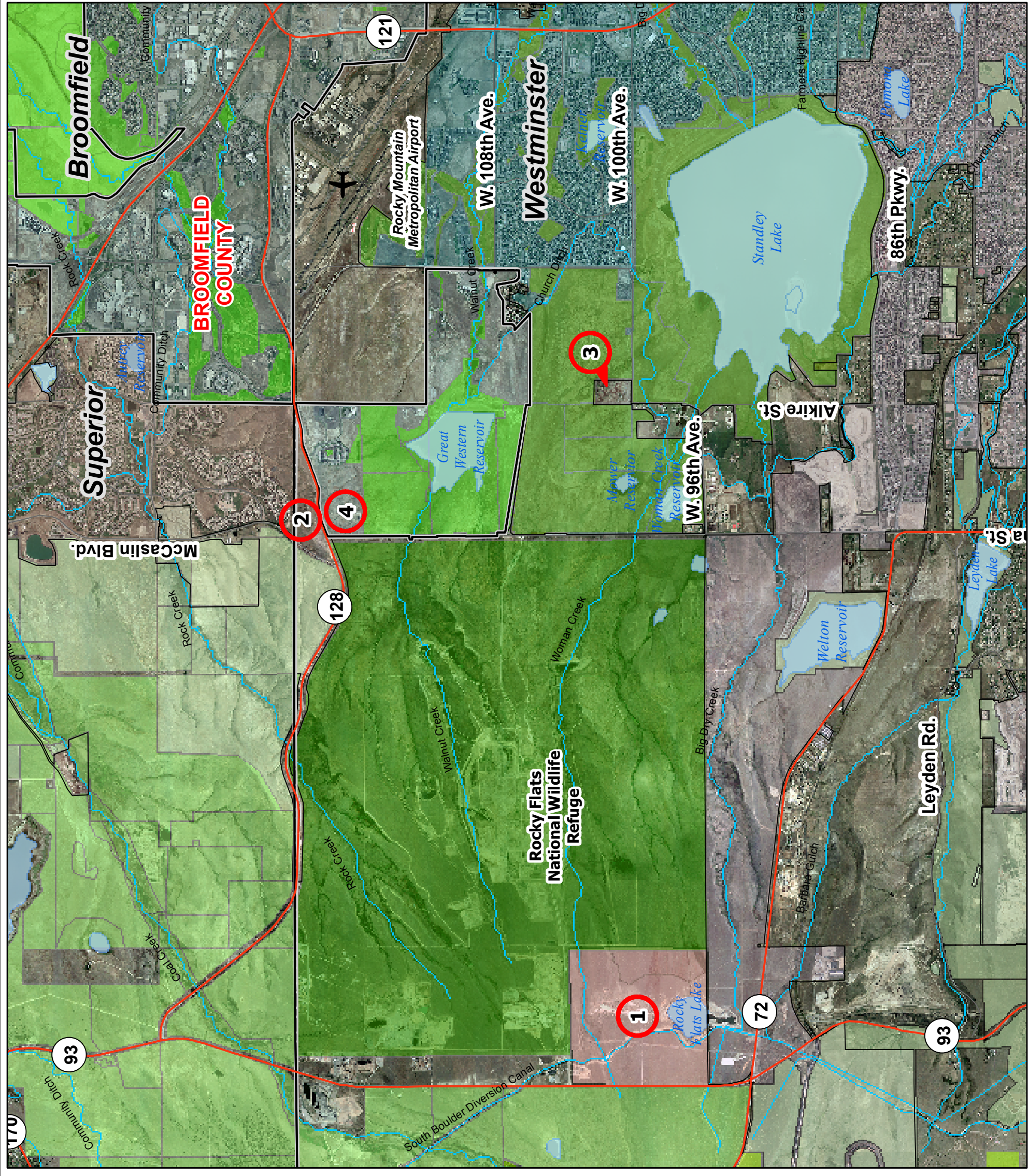
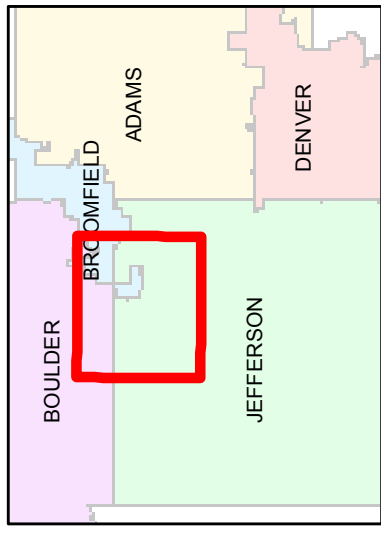
In summary, we are very pleased to submit a combination of our projects for NRD funding. We feel that we have worked hard in investigating and discussing the merits that each project brings to the Refuge, and feel that what each Offeror has proposed will bring significant value to the borders of the Refuge. Per the direction of the Trustees, we have coordinated our overall budget amounts to reach a close proximity to the \$4.5 million funding level offered by the Trustees. Due to size constraints and logistics, each individual project that is included in our joint proposal will be submitted and presented separately by the Offerors.

On behalf of the agencies that are proposing projects, we thank you for this opportunity to be involved in the planning of the Beyond the Fences work that will in the future, make such a positive contribution to the communities that surround the Refuge.

# Rocky Flats Natural Resources Damages Open Space Aquisition Proposals



1. Boulder County, City of Boulder, Town of Superior Section 16 Preservation
2. Town of Superior, Level (3) Property Acquisition
3. City of Westminster Open Space Acquisition
4. City and County of Broomfield 30 Acre Open Space Acquisition and Prairie Restoration



# ROCKY FLATS STEWARDSHIP COUNCIL

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City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Karen Imbierowicz

## MEMORANDUM

**TO:** Board

**FROM:** David Abelson

**SUBJECT:** Discussion of Signage for Rocky Flats

**DATE:** January 22, 2009

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I have scheduled 45 minutes for the board to discuss signage for the Rocky Flats National Wildlife Refuge. The Board last addressed signage in Fall 2006 when discussing USFWS' entrance signs. The conversation at this meeting will focus on the types of information that should be provided to visitors at the entrance and throughout the Refuge.

At this meeting we will not develop specific language for signs. Instead, we will focus on categories of information that should be conveyed and the Board's vision for how best to convey that information (e.g., kiosks, all weather signs, text, photographs). Importantly, the conversation will focus on DOE-related activities (i.e., history of the site, ongoing management needs, etc) and not USFWS habitat conservation, permissible activities and related issues.

### **Background**

The USFWS' Comprehensive Conservation Plan (CCP), which was approved in April 2005, provides the following regarding interpretative facilities:

Signage/Displays: Signs and displays varying in design will help illustrate the historical and natural stories of the Refuge. Listed below are the types of signage a visitor will find upon entering and exploring the Refuge:

- Roadside and Boundary Signs: Signage is needed to notify people of the Refuge's location and direct visitors to the Refuge. A refuge entrance sign will be placed outside the main entrance along Highway 93, and the exterior boundary will be posted with standard NWR boundary signs.

- Interpretive Signs: Located at all trailheads and in selected spots along trails, small signs will display a map and/or interpretive facts about a specific location or topic. Trailhead signs will include information about the site's history, clean up and access restrictions.
- Interpretive Sign Panels: Larger signs at the Rock Creek overlook, the contact station, and Lindsay Ranch will display interpretive information about the Refuge's resources and/or visitor orientation information.
- Directional Signs: Located at select trail intersections, signs will provide visitors direction and announce trail rules and regulations.
- Visitor Kiosk: Located outside the contact station, the kiosk will consist of three panels fastened to a wooden structure. The kiosk will provide orientation, regulatory and interpretive information for visitors entering the Refuge.
- Interpretive Displays: Permanent and changing displays that highlight the Refuge's natural resources will be showcased in the contact station.

Regarding the history of the site, the CCP further provides:

Plutonium Trigger Production: DOE's development and management of a nuclear weapons production site and the cold war history. The Service will work in collaboration with the Cold War Museum to tell the story of the site as a nuclear production site.

A Renewed Purpose: DOE's cleanup and closure of the production site and the Service's ongoing efforts to restore and conserve the prairie in order to provide habitat for wildlife and wildlife-dependent public uses.

Towards this end, in January 2007 following a public process USFWS adopted entrance signs for the Refuge. The text reads as follows:

“What Happened Here?”

“The land you are about to enter, Rocky Flats National Wildlife Refuge, is an historic Cold War site. Refuge lands are part of the buffer zone of the old Rocky Flats Plant that operated from 1951 until 1989, when it was closed. For nearly four decades, thousands of women and men worked here, building nuclear components for the United States' deterrent weapons throughout the Cold War.

“Weapons components production at the plant involved plutonium and other radioactive and hazardous materials. The work was dangerous and secret. Over the course of decades, there were accidents. Some of those accidents and some of the waste handling practices of the early decades resulted in releases of plutonium and other contaminants into the environment.

“Beginning in 1995, many of the same Cold War veterans who had built weapons components at Rocky Flats assisted with an unprecedented and enormously complex cleanup project to remove contaminated buildings and soil on the site. They accomplished that difficult job in 2005, leaving the land as an asset for future generations of Americans. The Rocky Flats National Wildlife Refuge Act passed by Congress in 2001 designated a portion of these lands as a national wildlife refuge.

“Is there residual contamination?”

“An extensive evaluation of contamination at Rocky Flats was conducted by the U. S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE). The levels of contamination on refuge land are low, meet conservative state and federal cleanup standards, and are similar to adjacent lands. Both EPA and CDPHE have determined the Refuge is safe for public recreation, refuge workers, and resident wildlife. The Refuge workers, the people most exposed to this environment, have a maximum life-time increased cancer risk of about 2 in a million due to residual contaminants. Environmental health risks to Refuge visitors, including children, are far lower than that.

“There are hazards involved in any form of wildland recreation. Hazards at Rocky Flats include inclement or extreme weather conditions, the potential for trips, slips and falls; poisonous snakes; and unreasonable or illegal acts by other persons.

“The refuge is open daily during daylight hours. Unless otherwise posted, stay on trails. Public access is not allowed on the central portion of Rocky Flats retained by DOE. Please observe “Area “Closed” signs. Pets are not allowed on the Refuge.

“Still have questions?”

“For more information about the history, contamination, cleanup, or site safety issues at Rocky Flats, please call EPA at (XXX) XXX-XXXX or CDPHE at (XXX) XXX-XXXX . For more information about the refuge contact (XXX) XXX-XXXX.”

### **Ideas to Consider**

Potential topics for the signs include:

1. History of the cleanup
2. Ongoing management
3. Monitoring activities
4. Groundwater treatment

Additionally, we need to consider how information one gains on-site relates to off-site information (i.e., on-line resources, Cold War Museum, etc). Layering of information will be critical.

Please let me know what questions you have.

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Karen Imbierowicz

## MEMORANDUM

**TO:** Stewardship Council Board  
**FROM:** Rik Getty  
**SUBJECT:** DOE Quarterly Report Briefing  
**DATE:** January 20, 2009

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We have scheduled 45 minutes for DOE to present its quarterly update for the site. The update is for the third quarter of 2008 (July through September). DOE has posted the quarterly report (102 pages) on their website:

[http://www.lm.doe.gov/documents/sites/co/rocky\\_flats/quarterly\\_reports/3rdqtr08.pdf](http://www.lm.doe.gov/documents/sites/co/rocky_flats/quarterly_reports/3rdqtr08.pdf)

I have attached the executive summary of the report to this memo, although it provides very little summary.

DOE will brief on the following topics in a similar format to past quarterly report updates:

- surface water monitoring;
- groundwater monitoring;
- ecological monitoring; and,
- site operations (inspections, pond operations, security, general maintenance, etc.).

Highlights for this quarter included:

- There were no surface water quality violations at the east site boundary Points of Compliance where Walnut and Woman Creeks flow under Indiana Street.
- There were no terminal pond discharges during this quarter.
- The following is an excerpt from the third quarter report concerning activities at the Original Landfill: “The *Rocky Flats Original Landfill Geotechnical Investigation Report* was discussed in the second quarterly report for 2008. DOE, CDPHE, and EPA agreed on the path forward for regrading the berm channels, adjusting berm heights based on a subdrainage model for each berm area, installing an extension to the Seep #7 drain, and filling the West Perimeter Channel in places to reduce the channel slopes and depths to improve side slope stability. The path forward is documented in RFLMA Contact Record 2008-07, which was approved on September 2, 2008. The design of the Seep #7 drain extension and the diversion berm minimum height profile was approved by CDPHE on September 2, 2008, and construction was completed on September 24, 2008. Design for the



West Perimeter Channel slope stabilization work began during third quarter CY 2008, and construction will begin after CDPHE approves the final design; its approval is expected in fourth quarter CY 2008.”

- DOE is using a phased process to modify the Solar Ponds Plume Treatment System (SPPTS) in order to re-route groundwater which in the past has bypassed the treatment system resulting in higher levels of nitrate at the discharge gallery in North Walnut Creek. By re-routing the affected groundwater to the treatment system it is hoped that nitrate levels will drop dramatically below the water quality standard as has been demonstrated in the past. Phase 1 upgrades began in September and are expected to be completed in October.
- The first phase of dam notching began in September. The first phase includes the notching of dams A-1, A-2, B-1, B-2, B-3, and B-4. The remaining dams will be notched in 2 phases with the last phase (terminal dams) being notched in about 2017.
- DOE continues to collect additional water samples in its study on the percentage of natural versus anthropogenic uranium impacting surface water quality.
- All routine inspections including landfills, treatment systems, vegetation surveys, erosion control and general site inspections were completed. There were no significant concerns to report.

In addition to the third quarter activities DOE is planning update the Board on the following two items:

- Latest data resulting from the Phase 1 upgrades to the SPPTS (nitrate treatment media is not adequately performing and will need to be replaced).
- January 12, 2009, hearing before the Colorado Water Quality Control Commission (WQCC) regarding changes to the uranium surface water standard.
- June 2009 WQCC meeting focusing on the Big Dry Creek watershed which includes Rocky Flats.

Please contact me if you have any questions.

## **Quarterly Report Executive Summary** *(quoting from the report)*

The U.S. Department of Energy (DOE) Office of Legacy Management is responsible for implementing the final response action selected in the Final Corrective Action Decision/Record of Decision (CAD/ROD) issued September 29, 2006, for the Rocky Flats Site. Prior to the CAD/ROD, cleanup and closure activities were completed in accordance with requirements of the *Rocky Flats Cleanup Agreement* (RFCA). Under the CAD/ROD, two Operable Units were established within the boundaries of the Rocky Flats property: the Peripheral Operable Unit (POU) and the Central Operable Unit (COU). The COU consolidates all areas of the Rocky Flats Site that require additional remedial or corrective actions, while also incorporating practicalities of future land management. The POU includes the remaining, generally unimpacted, portions of the Site and surrounds the COU. The response action in the Final CAD/ROD is no action for the POU, and institutional and physical controls with continued monitoring for the COU. The CAD/ROD determined that conditions in the POU were suitable for unrestricted use. The U.S.

Environmental Protection Agency (EPA) subsequently published a Notice of Partial Deletion from the National Priorities List for the POU on May 25, 2007.

The *Rocky Flats Legacy Management Agreement* (RFLMA), signed March 14, 2007, superseded RFCA. RFLMA is a Federal Facility Agreement and Consent Order under the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act; and the Colorado Hazardous Waste Act. It is between DOE, EPA Region 8, and the Colorado Department of Public Health and Environment. The purpose of RFLMA is to establish the regulatory framework for implementing the CAD/ROD final response action in the COU and ensuring that the COU t remains protective of human health and the environment. The monitoring, surveillance, and maintenance activities for which quarterly, annual, and 5-year review reports are issued are included in RFLMA Attachment 2, “Legacy Management Requirements.”

This report describes surveillance, environmental monitoring, maintenance, and associated operations that were conducted from July 1 through September 30, 2008 (third quarter calendar year 2008), under the CAD/ROD and RFLMA.