

# 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, May 5, 2008, 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. Consent Agenda
  - o Approval of February 4<sup>th</sup> and April 7<sup>th</sup> meeting minutes and checks
2. Executive Director's Report

8:55 AM Public Comment

9:00 AM Receive Stewardship Council 2007 Financial Audit (briefing memo attached)

- o At this meeting the Board will be briefed on the results of the audit.
- o No material problems were found and the Stewardship Council was found to be in compliance with all applicable law and regulations.

### **Action item: Accept Stewardship Council 2007 Financial Audit**

9:15 AM Discuss DOE Documents (briefing memo attached)

- o The Stewardship Council has expressed strong interest in preserving Rocky Flats-related documents that were once housed at Front Range Community College Library.
- o Because personal information was found in one or more documents, DOE wants to destroy the entire collection.
- o The collection provides an important accounting of the history of the site and cleanup activities, and contains documents not found elsewhere in the DOE system.

- Representatives Udall and Perlmutter wrote DOE expressing support for maintaining this collection; Senator Allard has also expressed interest in maintaining the collection.

**Action Item: Approve Stewardship Council Policy**

- 9:45 AM Review and Approve Briefing Materials for Newly Elected Officials (briefing memo attached)
- The Stewardship Council Board identified the need to prepare briefing materials for newly-elected officials.
  - The Board reviewed the first drafts of the documents at the October 2007 meeting and later reviewed these drafts via email. No changes were proposed to these revised drafts.
  - The Board will review and approve, as modified, these documents.

**Action Item: Approve Stewardship Council Briefing Materials**

- 10:05 AM Continue Discussing Use of NRD Funds (briefing memo attached)
- The Board will start identifying its priorities for use of the NRD funds.
  - The Board and those organizations that have proposed projects will also start to identify additional funds that can be used to support their proposed project(s), and identify additional information needed to evaluate these proposals.

- 10:45 AM Host DOE Annual Meeting (briefing memo attached)
- DOE will brief the Stewardship Council on site activities for the calendar year 2007.
  - 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.).

11:30 AM Public comment

- 11:40 AM Updates/Big Picture Review
1. Executive Director
  2. Member Updates
  3. Review Big Picture

Adjourn

Next Meetings: August 4, 2008  
October 6, 2008

## **Business Items**

- February 4, 2008, draft board meeting minutes
- April 7, 2008, draft board meeting minutes
- List of Stewardship Council checks

**Rocky Flats Stewardship Council Meeting**  
**Monday, February 4, 2008**  
**8:30 – 11:45 AM**  
**Rocky Mountain Metropolitan Airport Terminal Building**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, Boulder) Matt Jones (Alternate, Boulder), Megan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Todd Schumacher (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Kate Newman (Alternate, Jefferson County), Shelley Stanley (Alternate, Northglenn), David Allen (Alternate, Northglenn), Andrew Muckle (Director, 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), Karen Imbierowicz (Director).

**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:** Simon Lipstein (DOE), Hillary Merritt (The Trust for Public Land), D. Jean Tate (Jefferson County Nature Association), Paul Kilburn (Jefferson County Nature Association), Mark Aguilar (EPA), John Dalton (EPA), Ron Cattany (Colorado Department of Natural Resources), Carl Spreng (CDPHE), Gary Baughman (CDPHE), Dan Miller (Colorado Attorney General's office), Jason King (Colorado Attorney General's office), Jeanette Alberg (Sen. Allard's office), Bob Darr (Stoller/DOE-LM), Jeremiah McLaughlin (Stoller), Steve Berendzen (USFWS), Bruce Hastings (USFWS), Larry Gamble (USFWS), Shirley Garcia (Broomfield), Alan King (Broomfield), Tim Wohlgenant (The Trust for Public Land), Dale Eberharter (citizen), Ken Foelske (citizen), Dean De Santis (citizen), Jennifer Bohn (RFSC accountant).

**Convene/Agenda Review**

Chair Lori Cox convened the meeting at 8:40 a.m. She asked if there were any suggested changes to the agenda. There were none.

**Election of Stewardship Council 2008 Officers**

Lori began by asking the new members of the Stewardship Council to introduce themselves.

The Board's Bylaws call for election of officers each year. The term for new officers will begin at this meeting and continue through the first meeting of 2009. Lori Cox, Jeannette Hillery, and Lorraine Anderson have volunteered to serve as officers. David Abelson spent a few minutes explaining the roles and duties of each position. He said that the Chair probably has the most conversation with David, but none of the positions entail a large time commitment. Also,

officers must be a Director, not an Alternate member. Lori asked if anyone else was interested. No one volunteered. She then asked Jeannette and Lorraine which position most interested each. Jeannette said she would be happy to either continue as Vice Chair or become Treasurer, believing one of the local government members should Chair the organization. Lorraine said she had been planning to nominate Jeannette as Chair. Karen Imbierowicz nominated Lorraine as Chair. Andrew Muckle moved to approve Lorraine Anderson as Chair, Jeannette Hillery as Secretary/Treasurer, and Lori Cox as Vice Chair. The motion was seconded by Lisa Morzel. The motion passed 9-0. (Jefferson County, Golden and the Rocky Flats Homesteaders were absent.)

David Abelson noted that per the Stewardship Council's Rotating Parties agreement, Golden will be the voting party and Northglenn will be the non-voting party.

### **Consent Agenda**

Lorraine Anderson took over as Chair of the meeting.

Lisa Morzel moved to approve the November, 2007 minutes and the checks. The motion was seconded by Kim Grant. The motion passed 9-0. (Jefferson County, Golden and the Rocky Flats Homesteaders were absent.)

### **Approval of Resolution Re: 2008 Meeting Dates and Notice Provisions**

Barb Vander Wall noted that the proposed meeting schedule tracks the schedule from last year. Board approval of this schedule is required under statute because of the Stewardship Council; is a public entity. The meetings will be scheduled for the first Monday of February, May, August and November. The Stewardship Council will follow the same routine regarding publication of meeting notices. If additional meetings are scheduled, they will be subject to special meeting notification requirements. David Abelson pointed out that the Stewardship Council usually schedules another meeting during the fall in order to meet the requirements for budget approval. Lori Cox moved to approve the Resolution Regarding 2008 Meeting Dates and Notice Provisions. The motion was seconded by Jeannette Hillery. The motion passed 9-0. (Jefferson County, Golden and the Rocky Flats Homesteaders were absent.)

### **Executive Director's Report**

David conveyed his own welcome to the new board members. He said that staff will be trying to sit down with everyone during the next few weeks to go over some of the basics of the Stewardship Council, including the work plan and budget. He explained how the Board uses the Big Picture schedule as a tool for planning the next few meetings. David also explained how the staff works as independent contractors without a dedicated office space. He clarified how Northglenn and Golden rotate annually as voting members, and that the voting party is the one responsible for paying the \$1000 per year dues required of the local government participants. He also noted that annual dues statements will be distributed soon. In a recent email, David updated the members on Stewardship Council funding issues. He said that it is unusual how this organization has been able to maintain federal funding. He sees this as a reflection of the

commitment that board members put in, and how this organization helps DOE carry out its mission. Recently, DOE decided to provide an additional \$240,000 to Stewardship Council, obviating the need for a Congressional appropriation. This funding will carry the Stewardship Council at least through the end of calendar year 2010.

Next, David reported that he and Lorraine Anderson will be attending the annual Energy Communities Alliance conference/board meeting in Washington, D.C. During this time Lorraine, Kim Grant and David will be meeting with DOE and members of Congress. The Board will be approving talking points for them to us during their DC meetings.

David updated the Board on the status of documents which were formerly housed in the Rocky Flats Reading Room at Front Range Community College. The documents were moved to the local DOE office, and were to be provided to the library at the University of Colorado. However, DOE discovered that there was some personal information within several of the documents, so they shut down access. Source One, DOE's contractor, will go through the collection to clear all of the personal information. However, DOE wants to destroy many of these documents, even those without personal information. DOE plans to scan documents that are part of the Administrative Record, put them online, and house the physical documents in Morgantown, West Virginia. David is concerned about the destruction of documents. DOE has committed to hold off on taking any action until Scott Surovchak is able to address the Board on this issue. Kim Grant said the Rocky Flats Cold War Museum Board is also concerned. He said there is a subset of documents that were promised to the Museum.

Shelley Stanley asked if DOE planned to black out the personal information in documents. Bob Darr said that DOE has instructed its contractor to shred copies of all documents. They immediately shut down online access to the Administrative Record. Access is now being restored. DOE has added an index, so that users may request copies of particular documents. Source One contractors will then review every page, redact as necessary, and make the information available. The personal information that was found was in the form of Social Security numbers on monitoring documents, primarily from the 1980's. At that time, this was how employees were identified. Bob said that nothing will happen until after the Board's May meeting, and that this decision came from DOE-HQ. Bob said he plans to look through all documents prior to shredding and keep things he thinks are important for his office. David suggested that the Board empower the Executive Committee to work with him between meetings to follow up on this issue. David said that keeping copies locally would not be intended as a replacement for DOE's Administrative Record, but rather would provide additional, local access to those interested in the history of Rocky Flats. Since the documents will already be publicly available, this would make it easier for those in Colorado. Jeannette Hillery said she totally agreed with David and would look for any suggestions from Kim Grant and Ann Lockhart on how to go about this. David Allen said he would like to have a recommendation put together by our next meeting. Lorraine asked for volunteers to work with the Executive Committee. Kim Grant said he will help. Andrew Muckle pointed out that this would be a good message to share with ECA.

David Allen asked David Abelson about the \$90,000 remaining under the DOE budget. David responded these funds are left from the Stewardship Council's original appropriation. David will distribute a complete budget report for 2007 soon.

Barb Vander Wall noted that she had passed out oaths of office for Board members to sign and return to her.

### **Public Comment**

Jeanette Alberg (Senator Allard) said that Rocky Flats workers have filed an appeal regarding the denial of their petition for benefits under the Energy Employees Occupational Illness Compensation Program Act. The Secretary of Health and Human Services has appointed a Board to review the appeal, but the names will not be made public until their decision is made. There is no timeline on their decision. This is only the second appeal of its kind. Jeanette will keep the Stewardship Council updated as this issue proceeds.

### **Natural Resource Trustees Briefing**

The Rocky Flats Natural Resource Trustees are exploring ideas for how best to spend \$4.5 million remaining from acquisition of mineral rights. Purchasing these mineral rights and spending the \$4.5 million settles Natural Resource Damage (NRD) claims for Rocky Flats. The Trustees wish to begin discussing candidate projects with the Stewardship Council.

Dan Miller from the Colorado Attorney General's office explained that the Federal Trustees for Rocky Flats are DOE and USFWS, while the State Trustees are the Attorney General, the Executive Director of CDPHE, and the Director of Reclamation, Mining & Safety (within the Colorado Department of Natural Resources).

Dan next explained the two faces of CERCLA. First, remediation is required to prevent harm to people and the environment through treating, removing or containing contamination, plus other strategies such as use restrictions. Second, Natural Resource Damages make the public whole for injuries to its natural resources caused by contamination by restoring or replacing injured natural resources. In the case of CERCLA, 'injury' means an adverse impact to a natural resource caused by a release of a hazardous substance. 'Damages' is defined as monetary compensation for an injury to a natural resource (land, fish, biota, air, water, groundwater, drinking water supplies, and other such resources owned, managed or controlled by the state or federal government). Injured resources at Rocky Flats include groundwater, surface water, and biota (prairie, riparian and wetland habitats).

The FY2006 National Defense Authorization Act (NDAA) extinguished NRD claims at Rocky Flats for \$10 million. DOE was required to purchase 'essential mineral rights' for \$10 million or less, pay \$10 million to the natural resource Trustees, or a combination of the two. Three out of four parcels have been purchased for \$5.5 million (the owner of the fourth parcel has been unwilling to sell), leaving about \$4.5 million in NRD funds.

In determining how to spend this remaining money, the Trustees must use the funds to ‘restore, replace or acquire the equivalent of’ the injured resources. The law further clarifies that ‘restoration’ means actions taken to return an injured resource to its baseline condition. ‘Replace or acquire the equivalent’ means substitution for an injured resource with one that provides the same or substantially similar services. Dan pointed out that projects such as construction or maintenance of recreational projects (e.g., bike or hiking paths), or funding a park ranger position are not options for the Rocky Flats NRD funds under these guidelines.

The NDAA specified that restoration at Rocky Flats may include additional mineral rights acquisition and habitat restoration. The funds may be used either on or off-site. Specific decisions will be made jointly by the State and Federal Trustees.

Dan reviewed some previous NRD project examples. At the Summitville Mine near Leadville, acid mine drainage killed fish and invertebrates in the river. Restoration involved enhancing riparian habitat through removal of exotic invasive species, re-planting native vegetation and stream bank stabilization and re-contouring. At Uravan, damage from mine waste piles was restored with revegetation and regrading. Also at this site, the Trustees cooperated with other parties in order to better leverage the NRD funding with other funding sources, and were able to resolve an open mine safety hazard.

The first phase of the NRD planning process is for the Trustees to develop a restoration plan. This plan will include project screening and selection criteria, development of alternatives, and evaluation and selection of alternatives. There will be public involvement throughout the process, but it has not been structured yet.

DOI regulations provide the following criteria for use of NRD funds – technical feasibility, cost-benefit, cost-effectiveness, consider response action effect, consistency with federal and state policies, compliance with applicable laws, and other relevant considerations.

There are some additional selection criteria for Rocky Flats. As agreed in the Rocky Flats Trustees MOU, the Trustees will also look for consistency with the Rocky Flats Refuge Comprehensive Conservation Plan. State NRD Guidelines prefer projects located on or near the site, leveraging NRD funds with matching funds or integrating NRD restoration with compatible related projects, and projects with low operations and maintenance costs (must have outside O&M funding).

Dan next talked about the Trustees ‘challenge’ to the community. The Trustees believe they can significantly increase natural resource restoration opportunities by combining the NRD funds with funds from local, state, federal and other sources. They hope to double or even triple the \$4.5 million in NRD funds by supporting the restoration aspects of projects that also offer benefits other than resource restoration. He gave examples of other projects in which the Trustees were able to accomplish this goal, including the Cotter Mill site and with the Northeast Greenway Corridor Project. Sites have used different models to develop these projects. One way is a cooperative approach where local jurisdictions developed a consolidated plan. The other model is a competitive approach where proposals were accepted and each was partially funded.



Dan provided several options for potential Rocky Flats NRD projects, including the purchase of additional mineral rights, a Highway 93 wildlife migration corridor, Preble's Mouse habitat restoration in lower Rock Creek, funding for open space acquisition or restoration, and introduction of the Plains Sharp-tailed Grouse. However, he emphasized that the Trustees are not tied to these options and are looking for input from this group and others.

In conclusion, Dan said that the Trustees would be interested in the Stewardship Council's consideration and response to today's presentation. The Trustees will continue preparing the Restoration plan, including the development of alternatives and will seek public input on the proposed alternatives. Also, additional NRD training is available if there is an interest.

Jeannette Hillery asked where the Trustees are in the process of developing criteria, and what kind of public involvement they hope to receive. Dan said that Trustee staff came up with first-cut of criteria. They plan to conduct public involvement only in the vicinity of Rocky Flats.

Ron Hellbusch asked what features of the CCP plan can be incorporated. Dan said that whatever is chosen must be consistent with the plan, such as a possible wildlife migration corridor.

Ron Cattany (Colorado Department of Natural Resources) highlighted the two different project models they have used at other sites. In some instances, there may be one project, coordinated by a single entity or several projects which are not even related.

Lorraine Anderson said that this is an opportunity for the Stewardship Council to work with the Trustees. She asked for ideas on how this group can go forward to work on this issue. David Abelson suggested that the Board could hold a special meeting, perhaps in April, to develop and discuss ideas. Any municipality or group that has plans they have been wanting to implement along these lines should come prepared to discuss how they may be able to partner with the Trustees. He also suggested that the municipalities bring their Open Space staffs to this meeting. One way to move forward may be to develop a statement of principles. David said the Board could do this at the May meeting, but it may be good to have more time to brainstorm. He said it would be worth at least trying for a collaborative model and see if it can work for this project.

Ron Cattany said it is essential that the local government representatives people to go back to their colleagues and find out how serious they are about pursuing a leveraging scenario. He said political buy-in will be critical.

Lisa Morzel said she would love to see some rough cost estimates on possible alternatives. She also asked the size of the parcel for which mineral rights were not acquired. Dan said it is about 320 acres (½ section). David Abelson clarified that 'essential' minerals do not include all mineral rights. It may make sense to make additional purchases in the future.

Ron Cattany told the group to not be encumbered by the preliminary list of possible alternatives. He said to look at wish lists and possibilities, and then work backwards to see if they may work.

Clark Johnson said that when the Refuge was being developed, Coalition members did put together some ideas with Open Space people, and that it might be useful to have separate meetings. Kim Grant said he liked the idea of scheduling a brainstorm meeting in April that would include staff and open space personnel, and then follow up with a Stewardship Council working group to bring something back to full Board.

Matt Jones said he liked Clark's idea. He would suggest that open space staffs meet prior to the workshop. Jeannette mentioned that the open space/parks personnel will have a good sense of the costs of each project, what challenges may exist, and ideas for leveraging additional dollars. David Allen suggested having a staff level meeting, an update at the May Stewardship Council meeting, and then if there is a need to hold a separate meeting, do it after that.

Andrew Muckle recommended that the Board have a point person (David Abelson), and also keep the Trustees involved.

David asked for a clarification on the process being suggested. Lorraine Anderson said she would prefer that the staffs meet first and then schedule a special Board meeting. David said he would be able to schedule an hour at the May meeting for this topic. Karen asked how much notice the Board needs for a meeting. It is 72 hours. Jeannette said it would be most helpful and productive for the Board to meet with staff people in April.

Jeannette moved to schedule a meeting in April with Stewardship Council members and open space/parks staff present to discuss alternatives to leverage Rocky Flats NRD funding. The motion was seconded by Karen Imbierowicz. David Allen interjected to clarify if staff people should meet prior to this joint meeting. Jeannette said either way would be fine. The motion passed 9-0. (Jefferson County, Golden and the Rocky Flats Homesteaders were absent.)

Andrew Muckle emphasized that communication is the key. He recommended that all Board members talk with their governments. He also suggested issuing a press release on this issue.

David reported that Rik was able to reserve the Airport conference room for April 7. David will confer with Barb on public notice plans for this meeting.

### **Meet with USFWS**

Next was an opportunity for the Board to meet with Rocky Flats Refuge manager, Steve Berendzen. The central topic to discuss is current and future funding for the Refuge and resulting impacts on implementation of the site conservation plan. David pointed out that the President's budget just released, so there is more that can be discussed in public now than there was prior to today.

Steve Berendzen stated the Rocky Flats National Wildlife Refuge is the 548<sup>th</sup> refuge in the nation. Refuge lands are managed first and foremost for wildlife and habitat. However, there are some public uses, such as wildlife viewing, photography, hunting, fishing, and environmental education and interpretation. At Rocky Flats, hiking trails are in the plan. This refuge was officially established last July, and was brought in as part of the Rocky Mountain Arsenal refuge

complex, which also includes Two Ponds in Arvada. Operational funding is not appropriated along with the addition of a new refuge in a system. USFWS funding is going deeper in a hole. Over the past five years, their budgets have been static or decreasing.

Currently, the USFWS priority at Rocky Flats is managing invasive weeds. They also seek to maintain a presence onsite in order to avoid poaching or other illegal activities. Without any funding, they have to make do with borrowing staff from the Arsenal refuge. The budget and staffing for the Arsenal refuge being reduced as well. The 8-state region, of which Colorado is a part, will get nothing significant in this next budget. Steve says they expect to maintain Rocky Flats in a custodial status for at least a few years, maybe significantly longer.

David Abelson asked if the Administration is requesting the budget it needs to be able to fund the Rocky Flats refuge. Steve said he could say that the Administration requested well below what Congress requested. The Administration has not been asking for increases in USFWS funding. David noted that the Stewardship Council plan calls for this group to begin working with the agencies on wording for signage. However, since there are not funds to devote to this, he asked if this is something the USFWS can work on. Steve said historical interpretation is a significant component to their programs and signage throughout the refuge complex, and that in the future visitor's center, there would be displays and exhibits, and there could also be interpretive kiosks at trailheads. Clark Johnson asked Steve about initial plans for the Refuge. Steve said some roads have been removed. The trail to Lindsey ranch is the first priority, but this cannot be started until they have staff/funding.

Jeanette Alberg (Senator Allard) clarified that Colorado's congressional delegation is aware of the funding issues, and have met with the USFWS. Senator Allard is retiring this year, but will try to do what he can to get some funding, since he is well-positioned on the appropriate committee.

Ron Cattany also noted that the State trails fund and Historical Society could also be funding sources for signs.

### **Review Draft Washington, D.C. Talking Points**

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.

David pointed out two primary messages to convey – background on the group and what we need. This will include worker compensation issues and Refuge funding concerns. Another issue to bring to their attention will be records management and preservation.

Karen Imbierowicz asked about the wording in #3 under Site Conditions and whether the group will go into detail about costs at Rocky Flats. David responded that the DOE-LM budget is in much better shape than the DOE-LM budget. Sue Vaughan asked about an additional 800 workers that were added recently to the compensation cohort group. David said that the

committee did not change the class of workers that were eligible for compensation, but rather added another building, which increased the number of workers included in the group. There are efforts underway to add even more buildings.

Kim Grant pointed out that there are no talking points about the Cold War Museum, but expressed his appreciation to the delegation for their support.

David will make a few changes to this draft and send a final version to the Board.

### **Host DOE Quarterly Meeting**

DOE began a briefing on site activities for July-September, 2007. 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.).

#### *Surface Water*

George Squibb (Stoller) began by reviewing Surface Water Monitoring for the Third Quarter 2007. There were no real changes to overall monitoring network. There were average levels of precipitation during the quarter. Flow rates were about what they expect to see. All five Point of Compliance (POC) continue to show low levels. At the three Points of Evaluation (POE) upstream of the ponds, all were well below applicable standards, with the exception of ongoing problems at GS10 with uranium.

At the Original Landfill, surface-water quality results indicate that the remedy is functioning properly. At the Present Landfill, surface-water quality results triggered monthly sampling for vinyl chloride. Three consecutive months of vinyl chloride above the standard triggered sampling of the Landfill Pond. Vinyl chloride was not detected in this sample on 9/6/07. The Site continues to consult with the regulators on this issue.

Pond Operations during the quarter included two Terminal Pond Discharges (Pond B-5 to Walnut Creek and Pond A-4 to Walnut Creek). Pond levels are approximately 15.9% of capacity.

#### *Site Uranium Standards*

George next discussed the Water Quality Control Commission (WQCC) rulemaking and DOE's petition to get the WQCC to adopt the statewide basic uranium standard at Rocky Flats. A hearing is scheduled for January 2009. Also ongoing is the Triennial Review South Platte River Basin. An issues scoping hearing took place in October 2007. Many issues will be addressed as part of this process. Rocky Flats' temporary modifications are set to expire at the end of 2009. There is a new statewide basic standard for arsenic which is below the Rocky Flats site-specific standard. Also, EPA has developed a new method for copper and other metals and CDPHE may adopt this new method. An issues formulation hearing will take place in November 2008, with a rulemaking hearing to follow in June 2009. Progress for each rulemaking will be summarized in the 2007 Annual Report.

### *Groundwater*

The first and third quarters are traditionally light in terms of required monitoring. Routine monitoring is limited to 10 RCRA wells at the landfills. Third quarter results were generally consistent with previous data. The site also collected some additional performance-check samples at the Mound and East Trenches treatment systems to determine whether changes to upflow configuration affected the treatment efficiency.

Samples at the Solar Ponds treatment system were collected to continue evaluating repairs which were performed in late 2006. Effluent water quality indicates treatment of water fed through the system is adequate. This led to the conclusion that repairs were successful

Non-RFLMA monitoring also included the collection of several samples to support negotiations with the WQCC regarding the site uranium standard. Samples were collected for determination of natural vs. anthropogenic uranium. High-res uranium samples from six locations (three surface locations and three wells) were sent to LANL in September. All had been previously characterized for uranium signature, with the exception the OLF, which was found to contain 100% natural uranium. The Solar Ponds discharge gallery showed some variation. In 2002, the uranium here came back as 2/3 natural. This time is showed only 1/2 natural. However, the average remains predominantly natural. DOE suggests that dominant reasons for this change likely relate to natural physical variations in the system (climate, hydrology, activities conducted at the Site, etc.).

Shelley Stanley asked about whether the well in the slump area had been replaced yet. It has not, but should be done in the next month. She asked if it will be in the same general location. George said it will only be about 10 feet away from previous location.

### *Ecological Monitoring*

Jody Nelson reported that the third quarter is one of the busiest for ecological programs at the site. Regulatory project support included work on the roads project, an excavation/fill project at former B371, 991 slump repairs, and the annual dam mowing and riprap spraying project. Regulatory monitoring and maintenance activities included monthly landfill vegetation surveys, monthly weed surveys in mitigation wetlands, Preble's mouse mitigation monitoring, wetland mitigation monitoring, weekly PMJM erosion control surveys, mapping of existing erosion controls, herbicide applications on 441 acres of native grassland and revegetation areas (including some Refuge lands to assist USFWS), spraying to remove vegetation on riprap areas on dams, and mapping of diffuse knapweed in the COU.

Best Management Practices activities included Phase 3 revegetation in several areas, fill material around wells, planning for slump repair, planting of 275 donated wetlands plants, revegetation monitoring, and photopoint monitoring.

Matt Jones asked Jody where they found tamarisk growing. Jody said they are not sure how it is getting there, but they have found it in the DOE lands around seeps. Shelley Stanley asked if the OLF slump was addressed. It has not been. She added that downstream communities still have a concern that they are not being notified about large-scale pesticide spraying. Jody said Scott Surovchak needs to make that decision. Karen Imbierowicz added that Scott said he would look

into it, but the governments have not yet heard anything. David Abelson pointed out that there is a distinction between small hand-spraying and larger aerial spraying. David will follow up with Scott, and Jody will also mention these concerns to him.

### *Site Operations*

Monthly inspections and monthly vegetative cover inspections were performed on both landfills (OLF and PLF) during the quarter. They followed prescribed checklist in Monitoring and Maintenance Plan (May 2006). There were no significant concerns identified. Quarterly surveys of settlement monuments at both landfills were completed in during the quarter. Movement was within calculated settlement data per the M&M Plan.

There were two seeps at the Original Landfill. Seep #4 continues to show areas of active groundwater seepage. Seep #7 dried out in July, but flowed temporarily after precipitation events. Berm #1 Slump Phase 1 Repairs, also at the OLF, were completed in August. The site imported and compacted 227 tons of Rocky Flats alluvium and smoothed and compacted cracks between Berms #1 and #3.

Twenty consolidation monitors were installed at the OLF on September 19. The first monthly survey was conducted on September 28. Their purpose is to evaluate movement in the Berm #1 slump area.

The Roads III Upgrade Project was started August 20 and completed September 28. They imported road base and constructed water management structures. The site also inspected the 991 Slump Area with engineering and surveying subcontractors in July. A conceptual design for the re-grading project was issued to CDPHE in September for consultation.

As part of site access and security measures, there were continued patrols on internally approved routes as well as outer perimeter routes. No significant concerns were found during the quarter.

Shelley Stanley asked if the alluvium was tested prior to use. Jeremiah said it was.

Ron Hellbusch asked for an update on the geotechnical work previously discussed with the Stewardship Council. Jeremiah said there will be two phases. This week they will dig test pits, and then bid out for a subcontractor to do boreholes. Shelley asked what the final slope on the 991 slump was. Jeremiah said it was 14%. Rik Getty noted that there is a great deal of helpful information about these issues on the Rocky Flats website.

### **Public comment**

There was none.

### **Big Picture Review**

The next Stewardship Council Meetings are scheduled for:

- April 7: (Special Meeting) – Discuss possible Rocky Flats NRD projects.

- May 5: Topics include – Host LM quarterly public meeting; Stewardship Council briefing materials for newly-elected officials; Continue discussing use of NRD funds; Records Management; Board audit (possibly)
- August 4: Topics include - Host LM quarterly public meeting; DOE Petition to change site Uranium standard; Continue discussing use of NRD funds.
- October 6: Topics include – Initial review of 2009 budget; Annual review of Stewardship Council activities; Begin discussing 2009 work plan.

### **Member Updates**

Lorraine Anderson reported on some of her observations resulting from a recent trip to Yucca Mountain in Nevada. Energy communities will all become interim storage sites until Yucca Mountain is sorted out. DOE has spent \$17 billion on this site so far and it now has fences around it. She commented on how this shows how very lucky we are at Rocky Flats. She is not sure the kind of cleanup we had here will happen again at other sites.

The meeting was adjourned at 11:35 a.m.

*Respectfully submitted by Erin Rogers.*

**Rocky Flats Stewardship Council**  
**Special Meeting – Natural Resource Damages Fund**  
**Monday, April 7, 2008**  
**8:30 – 11:30 AM**  
**Rocky Mountain Metropolitan Airport Terminal Building**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Boulder), Carl Castillo (Alternate, Boulder), Matt Jones (Alternate, Boulder), Megan Davis (Alternate, Boulder County) Mike Bartleson (Alternate, Broomfield), Kate Newman (Alternate, Jefferson County), Shelley Stanley (Alternate, Northglenn), David Allen (Alternate, Northglenn), Bob Briggs (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Rocky Flats Homesteaders), Karen Imbierowicz (Director).

**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:** Hillary Merritt (The Trust for Public Land), Paul Kilburn (Jefferson County Nature Association), Mark Aguilar (EPA), John Dalton (EPA), Vera Moritz (EPA), Carl Spreng (CDPHE), Ken Lane (U.S. Senator Salazar), Dan Miller (Colorado Attorney General's office), Jason King (Colorado Attorney General's office), Steve Berendzen (USFWS), Mark Davis (State Land Board), Jeri Leingang (State Land Board), Matt Pollart State Land Board), Shirley Garcia (Broomfield), Kristan Pritz (Broomfield), Heather Cronenberg (Westminster), Claire DeLeo (Boulder County Parks and Open Space), Joy Lucisano (Jefferson County Open Space), Frank Kunze (Jefferson County Open Space), Scott Surovchak (DOE-LM), Jack Seader (citizen), Dale Eberharter (citizen).

**Convene/Agenda Review**

Chair Lorraine Anderson convened the meeting at 8:35 a.m. She asked Clark Johnson to briefly discuss a public hearing that Arvada was holding that evening about proposed development south of Rocky Flats. Arvada is in the very early stages of considering a 2,200-acre proposal for mixed use development on the south boundary of Rocky Flats. As part of this planning process, the City has identified trail corridors and trailheads, open space and park development requirements. For additional information, development packets are available online at Arvada.org. Karen Imbierowicz asked to see the area on a map. It is located north of Highway 72, between Indiana Street and Highway 93. Clark added that the first parts of the development are closer to Indiana and Highway 72. Karen also requested a future update on the outline development plan. Clark explained that right now the development plans are very preliminary, and will be much more specific in the future.

**Natural Resource Damage Fund Discussion: Setting the Stage**



David Abelson began by noting all regular Board business will be conducted at the May meeting.

On March 10, 2008, there was a working group meeting at which the attendees began preliminary discussions about plans for the Rocky Flats NRD funds. At this meeting, several items came up requiring follow-up. At a March 25 meeting with Congressmen Udall and Perlmutter and Senator Salazar the attendees discussed ways to leverage resources, and possibilities for making integrated plans.

At today's meeting, the group will hear more about (1) status of other minerals at Rocky Flats, (2) status of land ownership on lands surrounding Rocky Flats, (3) development plans for lands directly south of Rocky Flats, and (4) migration corridors on east side of Rocky Flats. David said that the group is looking to create single map with information about all of the current ownership, uses and plans for the site. David said some other issues, such as the proposed Northwest Parkway and wildlife corridors on the east side of the site, will be discussed at future meetings.

David Allen interjected that it would be helpful for him to understand Stewardship Council's role in these projects. David Abelson responded that, if there is agreement within the Board on a path forward, then it will need to figure out a role. Lorraine Anderson said the Board may become an advocate for a particular issue when there is an agreement among the members. David Allen followed up that he is concerned about putting time and resources into something if the Board cannot accomplish anything in the end. Lorraine said that the final product will be something that the group supports.

Dan Miller (Colorado Attorney General's office) updated the group on NRD funds and Trustees' evaluation criteria and decision-making process. He explained that the Trustees approached the Stewardship Council for input because of its involvement in and knowledge of Rocky Flats issues. They see this group as a valuable forum for discussion, input and ideas. At other NRD sites in the state, the Trustees have observed situations in which communities have come together and were able to leverage resources that would not have been available if the entities were working separately.

Dan gave a quick review of the criteria which the Trustees will use in their evaluation of projects for using NRD funds. Also, the Trustees have contracted with Stratus Consulting to assist in evaluation of any proposals. The key criterion is that the proposed action will restore, replace or acquire the equivalent of the injured natural resources. Other criteria include compliance with applicable laws; consistency with the Rocky Flats Refuge conservation plan; attainment of a reasonable degree of public acceptance; and consistency with other policies. Also, the funds are not to be used for operations and maintenance work.

The next phase of the decision process will be to gather more information about the proposals. Dan said the most of the proposals are still very conceptual, and do not yet have estimated costs. He also noted that there is a fair amount of overlap among the proposals. Common areas of interest include the State Land Board parcel and plans for wildlife corridors. The Trustees do not have a specific schedule in place. They will try to figure out next steps at their meeting this

week. Matt Jones asked to see the decision criteria specified for future discussions. Dan added that the Trustees are under no obligation to spend all of the NRD funds now, and that it would be possible to do additional project solicitations in the future. However, the Trustees have an informal goal of making decisions in about a year.

Hillary Merritt (Trust for Public Lands) worked with DOE to obtain mineral rights that were deemed 'essential'. She provided an overview of areas for which the mineral rights have been purchased, and where those parcels are located. Most are in the northwest portion of the Rocky Flats site. She also mentioned the areas which have unwilling sellers, and therefore were not purchased. Other areas do have willing sellers and may be purchased in the future. Lisa Morzel asked if the Trust for Public Lands or DOE had estimated costs for the areas that are believed to have willing sellers. Hillary said this will be discussed later in the meeting. Mike Bartleson asked if there was just one unwilling seller. Hillary said there was just the one, and that this owner wishes to continue leasing the mineral rights. Trust for Public Lands will continue to negotiate with those potential sellers who are willing to work with them.

At this point, Chair Lorraine Anderson asked the members of the audience to introduce themselves.

### **Briefing from State Land Board**

Various parties have expressed interest in evaluating using NRD funds for restoring and/or acquiring Section 16, the State Land Board's property neighboring Rocky Flats on the southwest. Matt Pollart, Front Range District Manager for the State Land Board, briefed the Board on this parcel.

Matt noted that the State Land Board manages three million acres of surface land, and four million acres of mineral rights. The State Land Board dates back to the Enabling Act of 1876. The Act granted Colorado statehood, and granted sections 16 and 36 of every township to the State Land Board to be used as a school trust. There was also land set aside for public buildings, penitentiaries, and universities. The Colorado Constitution set out how the lands were to be managed. In 1996, Amendment 16 changed the goals of land trust from generating maximum profit to generating 'reasonable and consistent interest over time'. This amendment also established a 'Stewardship Trust' of lands for the purpose of providing long-term financial benefits to the State. During the first round of nominations in 1998, the public nominated 620,000 acres, and the Board designated 217,943 acres. In December 2000, after a public nomination process that included more than 200,000 acres, the Board completed the designation process by bringing the total acres in the Stewardship Trust to 295,672. Once land is in the Stewardship Trust, it can be removed only by a vote of four out of five of the Land Board Commissioners.

The State Land Board owns Section 16, which is located on the eastern section of Rocky Flats' southern boundary. Approximately 100 acres of this parcel along Woman Creek are included in the Stewardship Trust. The State has generated revenue from Section 16 through grazing, oil and gas, gravel, open space, and recreational leases. Previous leases included coal and clay mines. The land is heavily encumbered by right of ways across the parcel. These include

Denver Water, Public Service, railroad, and others. The Land Board is prohibited from selling mineral estates in this area.

Joy Lucisano asked what uses are included in a recreational lease. Matt answered that this type of lease typically includes such activities as horseback riding, hiking, and wildlife watching. Shirley Garcia asked for the attendees to receive copies of this presentation. Joy Lucisano asked if the Land Board records their leases. Matt said leases are recorded in their Headquarters office in Denver, but that a public information request is required in order to access them. Lisa Morzel asked how the State Land Board handles the mineral rights on these properties. Matt responded that they are leased in order to collect royalties to be used for K-12 schools. He noted that the revenue last year was \$40 million. David Abelson asked who replaces properties that have been disposed from the system. Matt said that the State Land Board does this themselves. Shirley Garcia asked about the value of Section 16. Matt said that they have not done an appraisal, so they do not know at this point. David Abelson asked what factors are considered in an appraisal. Matt said that properties are appraised at their highest and best use. Joy Lucisano asked whether the State Land Board has any non-development leases. Matt said that they do. David Abelson asked if there was any other information that Matt could get the Board about Section 16 such as current leases, scope, value, and long-term plans. Matt said he can do this if the Board submits an Open Records request, and added that the turnaround time is about three days.

### **Presentation of Proposed Projects**

Eight parties presented their initial ideas for use of NRD funds.

*City of Arvada proposal* – Kim Grant discussed Arvada’s proposal to restore the Lindsey Ranch and surrounding areas. Arvada believes that their proposal offers an opportunity to use Natural Resource Damage (NRD) funds for restoration of native prairie habitat and wildlife, while at the same time leveraging a potential State Historical Fund grant for restoration of the historic barn and outbuildings on the site. Jefferson County Open Space (JCOS) and Great Outdoors Colorado (GOCO) funding could also potentially be used for internal soft surface trail enhancements within the refuge and to provide external linkages to local and regional trail systems. Kim passed around a recently-performed assessment of this historic property. The assessment found that the barn is the most significant structure on the property. There is also some Preble’s habitat on the boundary of the ranch, as well as some tallgrass prairie. Full restoration of the property and its features, including the natural landscape, could exceed \$1 million. The project could be undertaken in phases, with initial efforts focusing on native prairie grassland restoration and preservation of the unique wooden barn on the site. They look at this project as a way to jump-start other activities on site. Also, these actions do not benefit any one entity, but the area as a whole.

Lisa Morzel suggested that the Lindsey Ranch could be listed as state or national landmark. David Allen asked how the project fits in with long-term plans for the Refuge. Kim said he thinks it would complement USFWS plans. He said Lindsey Ranch preservation is mentioned in the Refuge CCP, and that it is considered a historically-significant project onsite. Steve Berendzen (USFWS) said that the Lindsey Ranch barn is designated as a historic structure, but that USFWS has not committed to saving the house. They are definitely focused on restoring

habitat. Karen Imbierowicz responded that she would be reluctant to advocate spending the limited NRD funds on restoring prairie/habitat if this project will already happen. Clark Johnson pointed out that this planning is really a balancing act. Although USFWS has stated that this restoration is a priority, it has no funding. Therefore, it is possible to look at NRD funding as possibly jump-starting what USFWS wants to do. David Abelson noted a broader question about prioritizing restoration vs. acquisition. He encouraged the Board to explicitly discuss this issue at the May meeting.

*City of Boulder proposal* – Matt Jones presented the City of Boulder’s proposals for land acquisitions as well as habitat restoration. This proposal would conserve the habitat block and viewshed leveraging off USFWS, Jefferson and Boulder County and City of Boulder open space lands. He pointed out that such an opportunity is rare along the urbanizing mountain front. Potential partners include Jefferson County, Boulder County, State Land Board, GOCO and conservation organizations such as The Nature Conservancy. Potential acquisitions include: Section 16/State Land Board property; McKay properties just west of the Rocky Flats Refuge; parcels immediately west of open space lands to the west of Rocky Flats (Lippencott and Reynolds Morris); and the parcel on the southwest corner of Highways 93 and 72.

Boulder’s other proposals are restoration-focused. They would be looking to improve wildlife connectivity; enhance riparian habitat critical to diverse wildlife including federally threatened species such as Preble’s meadow jumping mouse, northern leopard frog and neotropical migratory birds; and potentially decrease auto-wildlife collisions on state highways. Potential partners include Jefferson County, Boulder County, Superior, Broomfield, Colorado Department of Transportation, Colorado Division of Wildlife, GOCO and conservation organizations such as Terra Foundation.

Dan Miller asked about the differing cost estimates between Boulder City and County for the same projects. Matt noted that the figures presented so far are just rough estimates. Jeannette Hillery asked Boulder to consider whether overpasses may be better than underpasses. Matt said that they are open to discuss this idea.

*Boulder County proposal* - Meagan Davis noted that Boulder County shares similar priorities with the City of Boulder. Their first priority is the acquisition of fee interest or conservation easements on part or all of Section 16. Second-tier priorities are acquisitions on the east side along Highway 93. Claire DeLeo discussed the County’s proposed wildlife corridors along Rock Creek and Coal Creek, on the north and northeast boundaries of the site. Barriers to wildlife movement are currently in place. Boulder County would also like to focus on propagating tall grass species to use for restoration. In summary, acquisition is highest priority for Boulder County, but they also believe various restoration projects can also be funded.

Karen Imbierowicz asked why there is need for fencing along creeks. Claire said it was to manage livestock grazing. Matt Jones added that it is a way to protect the Preble’s mouse habitat from cattle. Claire also noted that the County has funding available to match NRD funds.

*City and County of Broomfield proposal* – Mike Bartleson began by noting that, although Broomfield also supports the restoration of Section 16 and enhancement of wildlife corridors, it

is proposing two additional projects. First, Broomfield proposes the acquisition of two open space parcels (totaling 80 acres) adjacent to the northeast corner of Rocky Flats, situated just south of Highway 128 and east of Indiana Street. These parcels are also adjacent to Broomfield's Great Western Reservoir Open Space site that is approximately 755 acres in size. These two Proposed Open Space sites are listed in Broomfield's Open Space, Parks, Recreation, and Trails Master Plan as priority sites for acquisition because of the close proximity to larger open space areas such as the Rocky Flats Wildlife Refuge and the Great Western Reservoir Open Space site. The cost for these acquisitions would be approximately \$4 million and Broomfield would be interested in exploring cost sharing.

A second, smaller project would involve weed management and restoration/planting in parcels across Indiana along Woman Creek and Great Western Reservoir Open Space. The budget for these projects would be approximately \$30,000.

David Abelson asked how Broomfield's proposed acquisitions would be affected by the proposed Northwest Parkway, and whether there were any plans for the road authority to obtain open space as part of their planning. Mike said he was not aware of any such plans. Kristin Pritz, Broomfield Open Spaced director, added that they would not purchase these parcels and then build a road through them. If, in the future, a road went through existing open space, they would have to compensate for the taking of this land.

*Jefferson County proposal* – Kate Newman presented three project proposals from Jefferson County. The first project would consist of developing one or more wildlife underpasses/overpasses along Indiana Street on the eastern boundary of Rocky Flats. Jefferson County sees this as a valuable project because Indiana Street fragments the habitat and movement of wildlife from the Refuge on the west to open space areas to the east.

The second proposal is to make improvements that would develop a wildlife underpass for State Highway 93, improve the riparian vegetation along Women Creek and provide a crossing over the Boulder Diversion Ditch. It would also consist of acquiring long term property rights that would preserve the 105 acres that the State Land Board set aside in their Stewardship Trust Program.

Jefferson County's final proposal consists of acquiring the surface rights of approximately 106 acres from the State Land Board, through a long term lease or purchase. In addition, the project would also acquire a long term lease for the mineral rights since the State Land Board cannot sell these rights. This is needed to protect the surface rights. This parcel is located in the southwestern corner of Section 16 approximately ¼ mile north of the intersection of State Highways 93 and 72. This parcel contains one of the few areas of the xeric tall-grass prairie grassland community and some of the oldest soil types found in Jefferson County. This grassland type is rare and if disturbed, it is unlikely that it could be reestablished to its original condition. The acquisition of this parcel would serve to replace similar grassland areas on the Rocky Flats National Wildlife Refuge that have been disturbed by mining in the past and preserve one of the few remaining remnants of this rare grassland community.

*City of Westminster proposal* – Heather Cronenberg reiterated the City’s support for using Natural Resource Damage (NRD) funds for acquisition of lands surrounding Rocky Flats to protect wildlife corridors and provide a buffer for the refuge. In particular, the City proposes using NRD funds to acquire properties located on the east side of Indiana Street within unincorporated Jefferson County. Preservation of these parcels will help to create a continuous wildlife corridor from Rocky Flats to Standley Lake Regional Park. The City is planning to conduct an assessment of these areas and will update the Board on the results. They are willing to use their open space funds to leverage NRD funding.

Westminster also supports enhancing wildlife crossings along Highway 93, Indiana Street, and also as part of the design of the Northwest Parkway, as well as restoration of the xeric tallgrass prairie community in Section 16.

David Abelson noted that the Rocky Flats National Wildlife Refuge Act includes a 300-foot right-of-way for a future road, such as the Northwest Parkway.

*Jefferson County Nature Association proposal* – Paul Killburn noted that JCNA is not seeking to spend any funds, but that they have a particular interest in preserving those portions of Section 16 that have been minimally disturbed and that support unique xeric tallgrass prairie or riparian habitat for Preble's meadow jumping mouse and for an elk migration corridor. They are proposing that the surface and mineral rights in the northern and western portions of Section 16 be acquired or otherwise protected from disturbance.

*Trust for Public Lands proposal* – Hillary Merritt presented TPL’s proposal for the acquisition of mineral rights on approximately 314 acres buffering the northwest boundary of the Rocky Flats National Wildlife Refuge. Acquisition of these minerals will prevent future sand and gravel mining on the NREL wind technology site and provide an additional buffer to the Wildlife Refuge. The estimated value of the mineral estate is \$1.5 to \$2 million, and TPL will seek half of the acquisition funds from NREL.

Lisa Morzel asked if NREL wind operations would continue. Hillary said that she assumes they would. David Abelson asked if there any plans for DOE to fund acquisition of these mineral rights. Hillary said there are not.

Scott Surovchak noted the difference between permitted vs. non-permitted areas for mineral extraction. Also, in some areas, there are not even minerals there. Most of the minerals are on the west side. Oil and gas may be present in other areas, but this extraction is not as disruptive.

### **Review Presentations and Discuss Next Steps**

David Abelson opened the floor to allow for dialogue among the Board about any consistent or compatible themes in the proposals. He also asked the Board to identify areas for additional information, such as Section 16, GOCO legacy grants, and Board goals and priorities for evaluating these projects.

Lorraine Anderson suggested that, since there seems to be agreement on Section 16, staff should find out more information about what can be done there. David Allen noted that there is also a consensus about enhancing wildlife crossings, but that the difficulty will be in creating a framework for agreements. Jeannette Hillery said that she thinks prairie restoration is something that can be done, as are the wildlife corridors. She does not see a lot of necessity for acquisition as part of these projects. She is not as sure that the acquisition of Section 16 is as doable, although it is a priority. Matt Jones noted that \$4.5 million does not go very far. Lisa Morzel stated that it is difficult to discuss moving forward without knowing the costs for each proposal. She also expressed her support for prairie restoration and wildlife corridors. Matt Jones stated that GOCO Legacy grants average between \$1 and \$10 million. Hillary Merritt pointed out that the next round of Legacy grants will not be available for another three to four years. Kim Grant added that multi-jurisdictional cooperation and connectivity are key elements for Legacy grants.

David Abelson suggested that the Board create a list of priorities. This list can be used to start trying to leverage NRD funding and also other funding that may come up in future. He added that it would be helpful between now and the next meeting for the entities with proposals to have some discussions on how these projects relate to each other and begin to try to define this as an integrated project if possible. At the next meeting, the Stewardship Council will continue discussing and piecing together ideas.

Bob Briggs suggested that Adams County be included in discussions, since connectivity issues are involved. Westminster's Open Space staff will make this contact. Lisa Morzel said she would like the Board to be able to refer to a larger-area map, possibly encompassing connections with the Rocky Mountain Arsenal.

The May 5 Stewardship Council Meeting will include:

- Continue discussing use of NRD funds; Host LM quarterly public meeting; Stewardship Council briefing materials for newly-elected officials; Records Management; Board audit.

The meeting was adjourned at 11:15 a.m.

*Respectfully submitted by Erin Rogers.*

11:58 AM

04/18/08

**Rocky Flats Stewardship Council**  
**Check Detail**  
 January 19 through April 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		1/29/2008		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		2/29/2008		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check	1239	2/1/2008	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1240	2/1/2008	Arrowhead Awards	CASH-Wells Fargo-Operating		-63.55
Bill	17962	1/31/2008		Supplies	-63.55	63.55
TOTAL					-63.55	63.55
Bill Pmt...	1241	2/1/2008	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,547.89
Bill	01/31...	1/31/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-144.63	144.63
				TRAVEL-Local	-68.39	68.39
				Supplies	-117.47	117.47
				Postage	-261.56	261.56
				Printing	-105.84	105.84
TOTAL					-7,547.89	7,547.89
Bill Pmt...	1242	2/1/2008	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-1,232.50
Bill	608	1/31/2008		Accounting Fees	-1,232.50	1,232.50
TOTAL					-1,232.50	1,232.50
Bill Pmt...	1243	2/1/2008	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-405.33
Bill	52844	12/31/2007		Attorney Fees	-405.33	405.33
TOTAL					-405.33	405.33
Check	1244	2/7/2008	Qwest	CASH-Wells Fargo-Operating		-77.53
				Telecommunications	-77.53	77.53
TOTAL					-77.53	77.53
Check	1245	2/7/2008	Qwest	CASH-Wells Fargo-Operating		-26.99
				Telecommunications	-26.99	26.99
TOTAL					-26.99	26.99
Bill Pmt...	1246	3/5/2008	Blue Sky Bistro	CASH-Wells Fargo-Operating		-212.50
Bill	1289	2/2/2008		Misc Expense-Local Government	-212.50	212.50
TOTAL					-212.50	212.50



11:58 AM

04/18/08

**Rocky Flats Stewardship Council**  
**Check Detail**  
 January 19 through April 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
<b>Bill Pmt...</b>	<b>1247</b>	<b>3/5/2008</b>	<b>Crescent Strategies, LLC</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-8,813.16</b>
Bill	2/29/...	2/29/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-136.66	136.66
				TRAVEL-Local	-90.21	90.21
				Supplies	-144.98	144.98
				TRAVEL-Out of State	-1,531.20	1,531.20
				Misc Expense-Local Government	-60.11	60.11
TOTAL					-8,813.16	8,813.16
<b>Bill Pmt...</b>	<b>1248</b>	<b>3/5/2008</b>	<b>Erin Rogers</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-550.00</b>
Bill	2/27/...	2/27/2008		Personnel - Contract	-550.00	550.00
TOTAL					-550.00	550.00
<b>Bill Pmt...</b>	<b>1249</b>	<b>3/5/2008</b>	<b>Jennifer A. Bohn</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-926.50</b>
Bill	1308	2/29/2008		Accounting Fees	-926.50	926.50
TOTAL					-926.50	926.50
<b>Bill Pmt...</b>	<b>1250</b>	<b>3/5/2008</b>	<b>Seter &amp; Vander Wall, P.C.</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-1,267.20</b>
Bill	53045	1/31/2008		Attorney Fees	-1,267.20	1,267.20
TOTAL					-1,267.20	1,267.20
<b>Check</b>	<b>1251</b>	<b>3/5/2008</b>	<b>Excel Micro</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-10.75</b>
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
<b>Check</b>	<b>1252</b>	<b>3/5/2008</b>	<b>Tricia Marsh</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-210.00</b>
				Website	-210.00	210.00
TOTAL					-210.00	210.00
<b>Check</b>	<b>1253</b>	<b>3/5/2008</b>	<b>Qwest</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-27.00</b>
				Telecommunications	-27.00	27.00
TOTAL					-27.00	27.00
<b>Check</b>	<b>1254</b>	<b>3/5/2008</b>	<b>Qwest</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-75.15</b>
				Telecommunications	-75.15	75.15
TOTAL					-75.15	75.15
<b>Bill Pmt...</b>	<b>1255</b>	<b>4/6/2008</b>	<b>Qwest</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-26.69</b>
Bill	(303) ...	4/1/2008		Telecommunications	-26.69	26.69
TOTAL					-26.69	26.69
<b>Bill Pmt...</b>	<b>1256</b>	<b>4/6/2008</b>	<b>Qwest</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-73.56</b>
Bill	(303) ...	4/1/2008		Telecommunications	-73.56	73.56
TOTAL					-73.56	73.56

11:58 AM

04/18/08

**Rocky Flats Stewardship Council**  
**Check Detail**  
 January 19 through April 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
<b>Bill Pmt...</b>	<b>1257</b>	<b>4/6/2008</b>	<b>Crescent Strategies, LLC</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-7,910.54</b>
Bill	3/31/...	3/31/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-139.48	139.48
				TRAVEL-Local	-78.26	78.26
				Subscriptions/Memberships	-618.88	618.88
				Printing	-223.92	223.92
TOTAL					-7,910.54	7,910.54
<b>Bill Pmt...</b>	<b>1258</b>	<b>4/6/2008</b>	<b>Jennifer A. Bohn</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-297.50</b>
Bill	1408	3/31/2008		Accounting Fees	-297.50	297.50
TOTAL					-297.50	297.50
<b>Bill Pmt...</b>	<b>1259</b>	<b>4/6/2008</b>	<b>Seter &amp; Vander Wall, P.C.</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-1,695.64</b>
Bill	53233	2/29/2008		Attorney Fees	-1,493.52	1,493.52
Bill	53408	3/31/2008		Attorney Fees	-202.12	202.12
TOTAL					-1,695.64	1,695.64

## **2007 Stewardship Council Audit**

- Cover memo
- Draft 2007 Audit

## **DOE Documents**

- Cover memo
- Draft letter to DOE
- Reps. Udall and Perlmutter Letter to DOE
- CU Archives Letter
- Front Range Community College Library Letter

# ROCKY FLATS STEWARDSHIP COUNCIL

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

(303) 412-1200  
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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

## MEMORANDUM

**TO:** Board

**FROM:** David Abelson

**SUBJECT:** Rocky Flats Stewardship Council's 2007 Financial Audit

**DATE:** April 25, 2008

---

Attached for your review is Wagner, Burke and Barnes' draft 2007 financial audit of the Rocky Flats Stewardship Council. Eric Barnes will discuss the audit at the meeting and will be prepared to answer any questions. If you have any questions for the auditor prior to the meeting please email me your questions and I will forward them to him.

The auditor did not find any material deficiencies and has issued a clean audit. The Stewardship Council will need to formally accept the audit at the meeting.

**Action Item: Approve motion accepting Stewardship Council's 2007 audit.**

**Rocky Flats Stewardship Council**  
**BASIC FINANCIAL STATEMENTS**  
**With Independent Auditors' Report**  
**December 31, 2007**

**DRAFT**

**Rocky Flats Stewardship Council**  
**BASIC FINANCIAL STATEMENTS**

**December 31, 2007**

**Independent auditors' report** ..... 1

**Basic financial statements:**

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**DRAFT**

## Independent Auditors' Report

Board of Directors  
Rocky Flats Stewardship Council  
Boulder, Colorado

# DRAFT

We have audited the accompanying financial statements of the governmental activities and the general fund of Rocky Flats Stewardship Council, as of December 31, 2007, which collectively comprise the Council's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the general fund of Rocky Flats Stewardship Council, as of December 31, 2007, and the respective changes in financial position thereof, and the respective budgetary comparison for the general fund for the period ending December 31, 2007 in conformity with accounting principles generally accepted in the United States of America.

The council has not presented management's discussion and analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of, the basic financial statements.

Golden, Colorado  
March 20, 2008

Rocky Flats Stewardship Council

STATEMENT OF NET ASSETS

December 31, 2007

Governmental  
Activities

**DRAFT**

**Assets**

Cash and cash equivalents	\$ 115,137
Capital assets, net	
Property, plant, & equipment	<u>2,420</u>
<b>Total assets</b>	<u>117,557</u>

**Liabilities**

Accounts payable	9,191
Deferred grant revenue	<u>2,569</u>
<b>Total liabilities</b>	<u>11,760</u>

**Net assets**

Invested in capital assets	2,420
Unrestricted-designated	<u>103,377</u>
<b>Total net assets</b>	<u>\$ 105,797</u>

*The accompanying Notes to Financial Statements are an integral part of these statements.*



Rocky Flats Stewardship Council

STATEMENT OF ACTIVITIES

For the year ended December 31, 2007

**DRAFT**

	<u>Program Revenues</u>				<u>Net (Expense) Revenue and Changes in Net Assets</u>
	<u>Expenses</u>	<u>Net</u>	<u>Operating</u>	<u>Capital</u>	
		<u>Charges for</u>	<u>Grants and</u>	<u>Grants and</u>	
<b>Functions/Programs:</b>					
Primary government	\$ (126,168)	\$ -	\$ 130,808	\$ -	\$ 4,640
<b>Total primary government</b>	<u>\$ (126,168)</u>	<u>\$ -</u>	<u>\$ 130,808</u>	<u>\$ -</u>	<u>4,640</u>
		<b>General revenues:</b>			
		Interest Income			1,929
		Other income			90
		<b>Total general revenues</b>			<u>2,019</u>
		<b>Change in net assets</b>			6,659
		<b>Net assets - beginning</b>			<u>99,138</u>
		<b>Net assets - ending</b>			<u>\$ 105,797</u>

*The accompanying Notes to Financial Statements are an integral part of these statements.*

**Rocky Flats Stewardship Council**

**BALANCE SHEET - GOVERNMENTAL FUNDS**

December 31, 2007

**DRAFT**

	<b>General</b>	<b>Total Governmental Funds</b>
<b>Assets</b>		
Cash and cash equivalents	\$ 115,137	\$ 115,137
<b>Total assets</b>	\$ 115,137	\$ 115,137
<b>Liabilities</b>		
Accounts payable	\$ 9,191	\$ 9,191
Deferred grant revenue	2,569	2,569
<b>Total liabilities</b>	11,760	11,760
<b>Fund balance</b>		
Designated	103,377	103,377
<b>Total fund balance</b>	103,377	103,377
<b>Total liabilities and fund balance</b>	\$ 115,137	

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets, net of accumulated depreciation used in governmental activities are not financial resources and, therefore, are not reported in the funds:

	2,420
Net assets of governmental activities	\$ 105,797

*The accompanying Notes to Financial Statements are an integral part of these statements.*

**Rocky Flats Stewardship Council**  
**STATEMENT OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS**

For the year ended December 31, 2007

**DRAFT**

	<b>Total General Fund and Governmental Funds</b>
<b>Revenues</b>	
Grants	\$ 122,808
Contributions from local governments	8,000
Interest Income	1,929
Other income	90
<b>Total revenues</b>	132,827
<b>Expenditures</b>	
General government	
Annual Audit	4,030
Accounting Fees	7,043
Attorney Fees	10,369
Administrative Service - Miscellaneous	1,082
Insurance	3,170
Miscellaneous Expense- Local Government	1,509
Personnel- contract	85,875
Postage	1,537
Printing	449
Subscriptions/Membership Dues	1,859
Supplies	827
Telecommunications	3,042
Website	945
Travel - Local	866
Travel - Out of State	2,780
<b>Total expenditures</b>	125,383
<b>Net change in fund balance</b>	7,444
<b>Fund balances - beginning</b>	95,933
<b>Fund balances - ending</b>	\$ 103,377

*The accompanying Notes to Financial Statements are an integral part of these statements.*

**Rocky Flats Stewardship Council**

**RECONCILIATION OF THE STATEMENT OF REVENUES,  
EXPENDITURES, AND CHANGES IN FUND BALANCES OF  
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

**For the year ended December 31, 2007**

**DRAFT**

Amounts reported for governmental activities in the statement of activities  
(page 3) are different because:

Net change in fund balances - total governmental funds (page 5)	\$	7,444
---	----	-------

Some expenses reported in the statement of activities do not require the use of  
current financial resources and therefore, are not reported as expenditures in  
governmental funds.

Depreciation expense		<u>(785)</u>
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Change in net assets of governmental activities (page 3)	\$	<u>6,659</u>
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*The accompanying Notes to Financial Statements are an integral part of these statements.*

**Rocky Flats Stewardship Council**

**STATEMENT OF REVENUES, EXPENDITURES, AND  
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL -  
GENERAL FUND**

For the year ending December 31, 2007

**DRAFT**

	<u>Original and Final Budgeted Amounts</u>	<u>Actual</u>	<u>Variance with Final Budget - Favorable (Unfavorable)</u>
<b>Revenues</b>			
Donated Funds - Rocky Flats Coalition of Local Government	\$ -	\$ -	\$ -
U.S. Department of Energy - Office of Legacy Management	181,605	122,808	(58,797)
Contributions from local governments	8,000	8,000	-
Investment Earnings	-	1,929	1,929
Miscellaneous/Investment Earnings	-	90	90
<b>Total revenues</b>	<u>189,605</u>	<u>132,827</u>	<u>(56,778)</u>
<b>Expenditures</b>			
General government			
Personnel	108,000	85,875	22,125
Travel- Local	1,200	866	334
Travel- Out of State	4,800	2,780	2,020
Computer Equipment	1,000	-	1,000
Supplies	1,800	827	973
Contractual	54,080	24,033	30,047
Insurance	3,900	3,170	730
Postage	1,800	1,537	263
Printing	3,500	449	3,051
Subscriptions/Membership Dues	2,025	1,859	166
Telecommunications	3,000	3,042	(42)
Website	4,500	945	3,555
<b>Total expenditures</b>	<u>189,605</u>	<u>125,383</u>	<u>64,222</u>
<b>Net change in fund balance</b>	-	7,444	7,444
<b>Fund balances - beginning</b>	<u>93,022</u>	<u>95,933</u>	<u>2,911</u>
<b>Fund balances - ending</b>	<u>\$ 93,022</u>	<u>\$ 103,377</u>	<u>\$ 10,355</u>
<b>Funds available at December 31, 2007 is computed as follows:</b>			
Current assets		\$ 115,137	
Current liabilities		<u>(11,760)</u>	
		<u>\$ 103,377</u>	

*The accompanying Notes to Financial Statements are an integral part of these statements.*

## Rocky Flats Stewardship Council

### NOTES TO FINANCIAL STATEMENTS

December 31, 2007

Note 1 – Summary of significant accounting policies

**DRAFT**

#### A. Reporting entity

The Rocky Flats Stewardship Council (Council) was organized on February 13, 2006 through an Intergovernmental Agreement (IGA) by and among the following governments: the City and County of Broomfield, the Counties of Jefferson and Boulder, the Cities of Arvada, Boulder, Golden, Northglenn and Westminster, and the Town of Superior. All jurisdictions are located adjacent to or near the U.S. Department of Energy's Rocky Flats weapons plant. The Cities of Golden and Northglenn are rotating parties, and annually alternate representation on the Council's Board of Directors. All other jurisdictions are permanent parties, with continuous representation on the Board of Directors. The Council was organized as the successor organization to the Rocky Flats Coalition of Local Governments (Coalition), also formed through an IGA, which concluded its existence shortly following the organization of the Council, having fulfilled its purpose in connection with the closure of the Rocky Flats Site.

The Council was formed for the purpose of overseeing all post-closure Rocky Flats activities. The legislative and administrative power of the Council is vested with a Board of Directors not to exceed twelve in number, one representing each of the seven Permanent Parties, one representing one of the Rotating Parties, and one representing up to four Members, each with one equal vote. Members are community stakeholder representatives, selected by the remaining Board of Directors upon application, and have a right to appoint a Director to the Board.

Under the terms of the IGA, the status of the Council is to be reviewed periodically by the local governments which are parties to the agreements to determine whether the Council will continue in existence. Also under the terms of the IGA, the Council is established as an "enterprise", as defined by Article X, Section 20 of the Colorado constitution, commonly referred to as the Taxpayer's Bill of Rights, or Tabor (Note 5).

The Council follows the Governmental Accounting Standards Board (GASB) accounting pronouncements which provide guidance for determining which governmental activities, organizations and functions should be included within the financial reporting entity. GASB pronouncements set forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is

## Rocky Flats Stewardship Council

### NOTES TO FINANCIAL STATEMENTS (continued) December 31, 2007

# DRAFT

not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, a potential for the organization to provide specific financial benefits or burdens and fiscal dependency.

As of December 31, 2007, no component unit has been identified as reportable to the Council, nor is the Council a component unit of any other primary governmental entity.

#### **B. Government-wide and fund financial statements**

The government-wide financial statements include the statement of net assets and the statement of activities. These financial statements include all of the activities of the Council. Both statements distinguish between governmental activities, which normally are supported by taxes and intergovernmental revenues, and business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net assets reports all financial and capital resources of the Council. The difference between the assets and liabilities of the Council is reported as net assets.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds and proprietary funds.

#### **C. Measurement focus, basis of accounting and financial statement presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

## Rocky Flats Stewardship Council

### NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2007

# DRAFT

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Eligible grant receipts and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Other revenue items are considered to be measurable and available only when the Council receives cash.

The government reports the following major governmental fund:

*The general fund* is the Council's primary operating fund.  
It accounts for all financial resources of the general government.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

#### **D. Use of estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires Council management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

#### **E. Assets, liabilities, and net assets**

##### **1. Deposits and investments**

The Council's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with maturities of three months or less.

Investments for the government are reported at fair value.



**Rocky Flats Stewardship Council**

**NOTES TO FINANCIAL STATEMENTS  
(continued)  
December 31, 2007**

**DRAFT**

**2. Capital assets**

Capital assets, which include furniture and equipment, are reported in the government-wide financial statements. Capital assets are defined by the Council as assets with an initial, individual cost of more than \$250. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Depreciation expense has been computed using the straight-line method for all assets, based on the estimated useful lives of the assets, estimated at 5 years. Depreciation expense was \$785 for the year ended December 31, 2007.

**3. Fund equity/Reserved fund balances**

In the fund financial statements, the governmental fund reports reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Designations of fund balance represent tentative management plans that are subject to change. At December 31, 2007, the Council's entire fund balance has been designated by management for future expenditures.

**F. Budgetary information**

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. In accordance with the Colorado State Budget Law, the Council's Board of Directors follows these procedures in establishing the budgetary data reflected in the financial statements:

1. On or before October 15, the Board prepares a proposed operating budget for each fund, based on their respective basis of accounting, for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
2. After considering comments received, the Board approves the budget. The budget is formally adopted by resolution, published, and filed with the state.

**Rocky Flats Stewardship Council**

**NOTES TO FINANCIAL STATEMENTS  
(continued)  
December 31, 2007**

3. Before December 31, the expenditures are appropriated for the ensuing year. The appropriation is at the total fund level and lapses at year-end.

**Note 2 – Cash and Investments**

**DRAFT**

Cash and investments as of December 31, 2007 are classified in the accompanying statements as follows:

Statement of net assets:

Cash and cash equivalents \$ 115,137

Deposits with Financial Institutions

Colorado statutes require that the Council use eligible public depositories as defined by the Colorado Public Deposit Protection Act (the Act). Under the Act, amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the Act and allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to the aggregate uninsured deposits.

The State Regulatory Commissions for banks and financial services are required by Statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

At December 31, 2007, all of the Council's deposits were covered by insurance provided by the federal government. The Council was not subject to custodial credit risk at December 31, 2007.

The Council's cash deposits at December 31, 2007 are as follows:

	<u>Carrying Balance</u>	<u>Bank Balance</u>
Deposits with financial institutions	<u>\$ 115,137</u>	<u>\$ 116,212</u>
Total cash and cash equivalents	<u>\$ 115,137</u>	<u>\$ 116,212</u>

**Rocky Flats Stewardship Council**

**NOTES TO FINANCIAL STATEMENTS  
(continued)  
December 31, 2007**

**DRAFT**

Investments

The Council has not adopted a formal investment policy, however, the Council follows state statutes regarding investments. Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- Obligations of the United States and certain U.S. government agencies securities
- Certain international agency securities
- General obligation and revenue bonds of U.S. local government entities
- Bankers' acceptance of certain banks
- Commercial paper
- Local government investment pools
- Guaranteed investment contracts
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds

As of December 31, 2007, the Council had the following investment, fully insured by the federal government. No interest rate risk is associated with this investment.

<b>Investment</b>	<b>Maturity</b>	<b>Fair Value</b>
Wells Fargo Public Fund	Less than 1 year	<u>\$89,935</u>
Total Investments		<u>\$89,935</u>

**Rocky Flats Stewardship Council**

**NOTES TO FINANCIAL STATEMENTS  
(continued)  
December 31, 2007**

**DRAFT**

**Note 3 – Capital Assets**

An analysis of the changes in capital assets for the year ended December 31, 2007 follows:

	<u>Balance 12/31/06</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 12/31/07</u>
Capital assets being depreciated:				
Furniture and equipment	\$ 3,925	\$ -	\$ -	\$ 3,925
Total capital assets	3,925	-	-	3,925
Accumulated depreciation	(720)	(785)	-	(1,505)
Capital assets, net	<u>\$ 3,205</u>	<u>\$ (785)</u>	<u>\$ -</u>	<u>\$ 2,420</u>

**Note 4 - Risk management**

The Council is exposed to various risks of loss related to torts, thefts of, damage to, or destruction of assets, errors or omissions, injuries to personnel, or natural disasters. The Council maintains commercial insurance for all risks of loss. Settled claims have not exceeded the commercial insurance coverage limits in any of the past three years.

**Note 5 - Tax, spending and debt limitation**

Article X, Section 20 of the Colorado Constitution, referred to as the Taxpayer's Bill of Rights (TABOR), contains tax, spending, revenue, and debt limitations which apply to the State of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

As an enterprise (Note 1), management believes that the Council is exempt from the provisions of TABOR. However, TABOR is complex and subject to interpretation. Ultimate implementation may depend upon litigation and legislative guidance.

\*\*\*\*\*

# ROCKY FLATS STEWARDSHIP COUNCIL

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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:** Rocky Flats Documents

**DATE:** April 24, 2008

---

At the February meeting the board directed me to work with the executive committee to develop the Stewardship Council's draft policy re: Rocky Flats-related documents. Attached for your review and approval is a letter to DOE re: these documents.

As I communicated with you via email, on April 16<sup>th</sup> Representatives Udall and Perlmutter wrote Mike Owen, Director, DOE's Office of Legacy Management, expressing concern about DOE's plan to destroy these documents and advocating for maintaining them in Colorado. Their letter is attached. Also attached to this memo are the letters from the CU Archives and Front Range Community College Library that I previously shared with you advocating for retention of these documents. Senator Allard has also expressed interest in preserving these documents.

DOE maintains only those records DOE must retain under the law are valuable. Those records, called the Administrative Record, represent a portion of the documents that were once housed at the Front Range Community College Library. DOE further believes electronic copies of the records are sufficient and there is no benefit (or need) to maintain hard copies in Colorado. Representatives Udall and Perlmutter, the CU Archives and the Front Range Community College librarian challenge and/or refute these arguments.

As background, in February Kim Grant and I met with Mike Owen and his senior staff to discuss retention of these documents. Mike pledged to work with us, recognizing that we might not easily find common ground. Since then, my communications with his staff has either been strained or has been met with silence. For that reason it is imperative that the board codify its position in writing. The attached letter is the same one I shared with you last week.

At the meeting Scott Surovchak, DOE's site manager, will brief the board on his agency's position and will answer any questions. Should the meeting with Scott not yield any substantive agreement on preserving these important documents, I urge the board to approve the letter with any modifications the board identifies.

Please let me know what questions you have. Thanks.

**Action Item: Approve Policy Regarding DOE Documents**

# ROCKY FLATS STEWARDSHIP COUNCIL

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Karen Imbierowicz

May \_\_\_\_, 2008

Mr. Michael Owen  
Director, Office of Legacy Management  
Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Director Owen,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council I am writing to express our deep concern regarding the Department of Energy's decision to destroy documents that were once housed at the Front Range Community College Library in Westminster, Colorado. The Stewardship Council had hoped to be able to resolve our differences with your staff but we have been unable to reach agreement on preserving these important documents.

As the DOE-designated Local Stakeholder Organization (LSO) for Rocky Flats one of our primary missions is to work with DOE to ensure information is publicly available. The attached letters from the University of Colorado Archives and Front Range Community College Library make clear that these documents have been and remain critical to understanding the history of the site. According to the CU Archives, these documents "not only have an abiding historical value, they are also a vital resource for future environmental research."

While some of these documents will be preserved as part of the official Administrative Record, many others are not part of the Record. Some documents in the collection we are seeking to preserve are the only copies in the DOE system, so in destroying these documents DOE would be deleting from the public record information that was once readily available to the public. In addition, this collection provides a broader understanding of Rocky Flats than the records that comprise the Administrative Record. The Administrative Record – a collection of documents which form the basis for an agency's decision – is an important accounting of the cleanup, but it is not comprehensive. This collection of documents, which include community-directed studies, Colorado health department records, engineering data, municipal monitoring data, extends well beyond the narrow bounds of the Administrative Record. Accordingly, these documents provide information that is central to the history of the site, not just the environmental remediation project.

DOE is also seeking to destroy documents at a time when former workers are struggling to show a direct link between their illnesses and exposures received while working at Rocky Flats. It is unknown whether any of these documents could help workers prove their case. Taking this step without first providing workers and their families with the opportunity to review the documents might increase the workers' burden.

Maintaining these documents in Colorado is of great importance. Providing access to electronic copies on the web and maintaining hard copies at a storage facility in West Virginia is valuable but does not obviate the need to maintain hard copies in Colorado. Among other things, electronic formats change which may make electronic copies largely unavailable. Federal regulations do not ensure these documents will not one day be destroyed and history is replete with many documents vital to our country's history being destroyed. Destroying these documents, especially those which are the only copies in the DOE system, would be unconscionable.

We understand DOE's reason for destroying the documents is that personal information was found in one or more documents. Clearly, personal information should not be made public. Yet, the decision to destroy these documents is not the proper response to what may be a limited problem. Gary Morrell, the Front Range Community College Library librarian who managed these documents for DOE, believes the documents that contain personal information is rather limited and can be easily narrowed. By using the Library's list of documents to identify potentially problematic documents makes it easier and less costly for DOE to remove the personal information prior to making these documents once again public.

Despite repeated requests by our staff, DOE has yet to specify in writing the legal and regulatory basis for destroying these documents. DOE has likewise not explained how directives the Administration has issued are reconciled with federal regulations requiring documents be maintained. As the LSO for Rocky Flats we request you make this important information publicly available and provide a full accounting to the Stewardship Council.

DOE should move forward with its initial plan to give these documents to the CU Archives, while working with the Archives to ensure no personal information is transferred to CU or that CU otherwise does not make documents public until it verifies that personal information will not be released. The CU Archives has pledged to work to make sure no personal information is made public and is experienced in handling sensitive information.

We look forward to working with you to resolve these important issues.

Sincerely,

Lorraine Anderson  
Chairman

Cc: Senator Wayne Allard  
Senator Ken Salazar  
Representative Mark Udall  
Representative Ed Perlmutter





# Congress of the United States

House of Representatives

Washington, DC 20515

April 16, 2008

Mr. Michael Owen  
Director, Office of Legacy Management  
US Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Director Owen,

The Department of Energy's plan to destroy Rocky-Flats related documents that were once housed at Front Range Community College in Westminster, Colorado is extremely troubling. These documents, which have been part of the public record for years, are critical to understanding the history of Rocky Flats and cleanup activities, and should be preserved.

As the attached letters from the University of Colorado Archives and Front Range Community College make clear, these documents are vital links to understanding Rocky Flats. Some of these documents are the only known copies in DOE's collection, so in destroying them DOE would permanently delete that information from the public record. These documents might also be critical for former workers who are struggling to gather the information needed to link their illnesses with exposures received while working at Rocky Flats. By destroying them, DOE might be making an otherwise difficult task insurmountable.

DOE's belief that the formal Administrative Record provides the complete story of Rocky Flats, thereby obviating the need to maintain these documents, is unfounded. The Administrative Record is an important accounting of DOE's basis for the many decisions which comprise the cleanup. Nevertheless, the Administrative Record is more limited in scope than the documents in question and thus offers a narrower view of the site history. Both must be maintained.

In addition, retaining these documents in Colorado is of great importance. While electronic copies will be available on the web and hard copies will be stored in West Virginia, neither supplants the importance of keeping hard copies in Colorado. Among other things, electronic formats change and so now-accessible electronic copies may in the future be largely not available. Likewise, federal regulations do not ensure these documents will not one day be destroyed. History shows regulations change, which has resulted in the destruction of documents vital to our country's history.

We understand DOE's concern about these documents – and thus the decision to destroy them – is rooted in the fact that social security numbers and other personal information were found in a few of the records. Clearly, such information should not be made public, but the decision to destroy all of these documents is not the proper response. We understand that Gary Morrell, who was once under contract with DOE to manage these documents, believes the documents that contain this information can be narrowed, thereby making it easier and less costly for DOE to remove the personal information prior to making these documents once again public.

For fiscal year 2008 Congress appropriated \$500,000 to help maintain the history of Rocky Flats. While these funds were directed to the Rocky Flats Cold War Museum, this commitment by Congress is an important indicator of the value we place on preserving the history of this site for future generations. These documents are vital to meeting that goal. We urge you to reconsider this decision and to work with us to ensure the documents remain public while ensuring private information is appropriately protected.

Sincerely,



Mark Udall  
Member of Congress



Ed Perlmutter  
Member of Congress



Archives  
184 UCB  
Boulder, Colorado 80309-0184  
303-492-7242  
Fax: 303-492-3960

March 25, 2008

Ms. Lorraine Anderson  
Chairman  
Rocky Flats Stewardship Council  
PO Box 17670  
Boulder, CO 80308

Dear Ms. Anderson:

The Archives, University of Colorado at Boulder Libraries is very interested in acquiring the entire holdings of the Rocky Flats Reading Room. We have been in contact with Bob Darr, Rocky Flats Public Affairs, at the Department of Energy, since September 2007, attempting to acquire these materials.

The Rocky Flats Reading Room materials would provide a vital public record component to the already voluminous holdings held by the Archives on the Rocky Flats Nuclear Weapons Plant. The Archives seeks to acquire, preserve and make available materials that include all views and constituencies regarding Rocky Flats. We already hold the records and papers of a number activist organizations, watchdog groups, unions, public officials, as well as individual workers, researchers and officials. The amassing of these papers in one location will render future research far more convenient to scholars, students, public officials and the public at large.

The maintenance of these records in a convenient place in Colorado is of great importance to the State of Colorado, to the local governments and constituents that were affected by Rocky Flats, and to the local academic community. The Rocky Flats Nuclear Weapons Plant was of vital importance to the Cold War and to the economy of the region during the last half of the 20<sup>th</sup> century. Rocky Flats also became a political issue that excited considerable activism and activity at all political levels in Colorado. However, these records do not only have an abiding historical value, they also are a vital resource for future environmental research to all downstream citizens, and the municipal and county governments and State that serves them. These records should be permanently available to the public.

While the Federal Government houses many of these records in an assortment of places in the National Archives, their permanent availability may not be certain. The National Archives must periodically dispose of federal records in accordance with a wide array of considerations. Many researchers have discovered to their dismay that the National Archives routinely disposes of entire record groups with notification that can escape notice. Hundreds of linear feet of the US Navy Research Laboratory's World War II files were destroyed by the National Archives in the 1990s. Many captured records held by the National Archives of Imperial Japan were controversially returned to Japan. Beyond mistakes and disputes, federal records management regulations are not eternal. Standards may change over time, altering the status of records once thought to be permanent. Materials in the National Archives are not necessarily permanently held.

Paper files, while space-consuming, are permanent records, while scanned and computer read materials may not necessarily be permanent. The upgrading and shifting of computer platforms can render long-term availability of such scans and databases problematical. Secondly, the cost of

scanning documents requires selectivity, which the storage of the entire collection will not. Thirdly, researchers can look at all of the papers in a file and leaf through a book or report much more quickly than they can through scanned material on a computer screen.

If the copied papers of the Rocky Flats Reading Room were destroyed the records they represented would need to be sought out, if available, from a wide array of agencies and government departments, located throughout the country and research in these materials would be stymied.

At this point in time, the Department of Energy is concerned about the possibility that personal information may be present in a small number of files. This concern is placing the collection in jeopardy. We would like to allay such security concerns. The Archives, University of Colorado at Boulder Libraries, has long-term experience in a wide variety of restricted records. In the past, the Archives has established security protocols with the US Senators and Representatives, University Administrators, Social Scientists, and human rights organizations, each requiring a number of different types of restrictions. The Archives Staff are wholly conversant, and capable of administering Privacy Act material. We are willing to work with DOE to set up proper security protocols to ensure documents will not be made available until DOE can clear them.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. P. Montgomery', with a stylized flourish at the end.

Bruce P. Montgomery  
Associate Professor and Faculty Director of Archives

**Westminster Campus**

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April 3, 2008  
11245 Wyandot St.  
Westminster, CO 80234

Lorraine Anderson  
Chairman  
Rocky Flats Stewardship Council  
PO Box 17670  
Boulder, CO 80308

Dear Ms. Anderson:

As I discussed with David Abelson on the phone last Tuesday morning, I am concerned about the possible destruction of the documents formerly housed in the Rocky Flats Reading Room. I believe that many of these documents cannot be found elsewhere, so their destruction would be an irreparable loss. Even if other copies exist, they would not be as conveniently accessible for anyone doing research on Rocky Flats. Researchers might have to comb through the collections of various government departments and agencies to find the same materials.

I was the Rocky Flats Reading Room librarian from February 2000 until the Reading Room closed in the Fall of 2007. While I worked in this position, other Rocky Flats reading rooms in the Denver area were being closed down. Although I had been told that each of the reading rooms contained the same documents, I discovered this was not the case. As the other reading rooms closed, I collected and consolidated these collections into Front Range's. I found that many of the documents were not duplicates, and that individual reading rooms contained materials not available in other reading rooms. These reading rooms included the ones at the Standley Lake Library of Jefferson County Public Library, the Colorado Dept. of Public Health and Environment, and the Rocky Flats Citizens Advisory Board; and in addition I accepted discarded documents from the Mamie Doud Eisenhower (Broomfield) Public Library's Rocky Flats collection.

Although some of the documents formerly housed in the Reading Room are available electronically and/or in the CERCLA Administrative Record (which used provide access to the full text of documents online), there are also many that are not. These include studies done by agencies other than the DOE, such as the Colorado Dept. of Public Health and Environment, the Army Corps of Engineers, Radiological (now Risk) Assessments Corp.; Roy F. Weston, Inc.; Wright Water Engineers, and others.

There are various reasons why I suspect that not all pertinent information is available in the CERCLA Administrative Record (AR) or on the DOE's Information Bridge ([www.osti.gov](http://www.osti.gov)), and some unique or important information is contained in the documents which are not included in

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the AR. The legal department at Rocky Flats routinely used the Reading Room because it contained documents and information not available to them at Rocky Flats. Also, I consolidated documents from other reading rooms, which were not duplicates of what was in the Front Range Reading Room's collection. (In other words, the process of making sure that each reading room received the same documents was imperfect—some documents reached certain reading rooms but not others.) Although other copies of these documents might exist with their originating agency, they will not be as readily accessible or conveniently collected in one location. Some of them may be available in the Rocky Flats Cold War Museum collection (donated by the Colorado Dept. of Public Health and Environment), however this collection is not currently available, and unless the museum is able to procure funding, might never be publicly available.

In addition to the documents which the DOE is legally obligated to maintain and which are (or were) available electronically, there are other kinds of documents which might not be particularly important from the DOE's standpoint but which could be valuable to researchers, for historical, sociological, scientific, and environmental information. These include:

Geologic and seismologic investigations for Rocky Flats Plant for U.S. D.O.E. by Dames and Moore Call No.: QE92.J4 G4 1981 (Two instructors at the Colorado School of Mines came to consult this a few years ago because they said it was the only study they could find which substantiated a fault line running beneath the former Rocky Flats Plant site.)

Sitewide Geoscience Characterization Study QE92 .R624 S584 1995

TRAC (Terrain-responsive Atmospheric Code) Reports QC996 .T477

An Archaeological and historical survey of selected parcels with the Dept. of Energy Rocky Flats Plant, northern Jefferson County, Colorado Jan. 1, 1989 Call No.: E78 .C6 A734 1989

Aerial radiological survey(s) of the United States Dept. of Energy's Rocky Flats Plant (1981, 1989) Call No. G70.4 R624

Historic American Engineering Record No. CO-83 for the Rocky Flats Historic District Sept. 1998 Call no.: F777 .H478 R635 1998

Engineering Survey and Report for Santa Fe Operations Office of the United States Atomic Energy Commission on the location and site for Project Apple Call No.: HD9744. R624 E545 1951

Environmental Surveillance Report on the U.S. Dept. of Energy Rocky Flats Plant Colorado Dept. of Public Health and Environment Call No.: TD181 .C62 G64

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Great Western Reservoir sediment core data and graphs Call No.: TD427 .R3 G743 1985

U.S. Army Corps of Engineers review of pre-feasibility study Great Western Reservoir surface water interceptor system Call no.: TD427 .R3 G744 1989

City of Broomfield Environmental Monitoring Reports 1989-1993 Call No.: TD181 .C62 R335

Radiation Data Monthly Report (City of Westminster) 1988-1997 Call no.: TD181 .C62 R337

Data Quality Assessment Reports Rocky Flats Environmental Technology Site Call No.: TD178.3 .R624 D383

Blue Ribbon Citizen's Committee reports Call Nos. HD9744 .N83 B48 1983 and HD9744 .N833 L67 1983

Final Report of the Governor's Rocky Flats Scientific Panel on Monitoring Systems October 1990 Call No.: TD181 .R624 F55 1990

Standley Lake fish toxics monitoring report January 1990 Call No.: TD427 .R3 S8 1990

Standley Lake Cities' responses to public comments for the Standley Lake diversion project draft environmental assessment Call No.: GB1798.9 .C6 S75 1994

RAC (Radiological Assessments Corp.) reports (preliminary and final reports)

Ecological reports, habitat studies, plant and animal inventories

COMRAD/MERCO reports (air monitoring reports)

RFPs (reports on various projects and tests conducted at Rocky Flats—although the Reading Room did not contain the complete set of these reports, it did have almost 350 out of 5500 reports)

Public scoping meetings videos

Occurrence Reports (reports of various accidents and incidents by dept.)

Draft Environmental Impact Statements

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Unclassified versions of the investigations of 1957 and 1969 fires

Plant newspapers [Horizon, En(d)vision, and others]

Rocky Flats dictionaries and thesaurus of subject descriptors

Chemical inventories

Newspaper clipping files (news stories pertaining to Rocky Flats from Jan. 1989 through the Fall of 2007)

I did a sampling of both OSTI (DOE Information Bridge) and the finding aid for the Rocky Flats CERCLA Administrative Record, and didn't find any of the documents I searched for available at either location.

The College Hill Library still has catalog records for these documents on its online catalog. They have not yet been purged. However, the IT staff says that these records could be copied or burned to a CD-ROM.

Not all of these documents are likely to contain personal information. I think the list of potential documents containing personal information is rather small, and could be narrowed down—these would be primarily legal and medical files. One that I can think of immediately which contains such information is Various documents provided by EG &G Legal Records Management as part of the Reading Room's holdings. Call number: HD9744 .N83 L443 1994

The City and County of Broomfield and the City of Westminster often voiced concerns that if the Reading Room closed, the documents it contained would no longer be publicly available, and the DOE might permanently dispose of them. It seems their fears were well founded. Since I worked closely with these documents for several years, and know from personal experience that they are useful to local citizens and researchers, I would hate to see them disposed of rather than archived.

Sincerely,

Gary Morell  
(303) 404-5133



## **Stewardship Council Briefing Materials**

- Cover memo
- Draft briefing materials
  1. Overview of Rocky Flats Stewardship Council
  2. Rocky Flats History, Cleanup and Ongoing Management
  3. How Clean Is Clean
  4. Off-Site Lands
  5. Rocky Flats National Wildlife Refuge
  6. Rocky Flats Timeline
  7. Map of Rocky Flats and surrounding jurisdictions
  8. Rep. Udall's statement on the cleanup and closure of Rocky Flats (from 10/05)
  9. Sen. Allard's statement on the cleanup and closure of Rocky Flats (from 10/05)

## **NRD Funds**

- Cover memo

## **DOE Quarterly Update**

- Cover memo
- Annual Report Executive Summary

# 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:** Briefing Materials for Newly-Elected Officials and Others  
**DATE:** April 23, 2008

---

I have scheduled 20 minutes for the board to review and approve, as modified, the attached briefing papers.

For those new to the Stewardship Council, the board reviewed the first draft of these papers at its October 2007 meeting. These revised drafts, which I shared with you via email on March 7, 2008, incorporate the board's discussion and direction at the October meeting. Since I sent that March 7<sup>th</sup> email, I also drafted an overview of the Stewardship Council.

The briefing papers are as follows:

1. Overview of Rocky Flats Stewardship Council
2. Rocky Flats History, Cleanup and Ongoing Management
3. How Clean Is Clean
4. Off-Site Lands
5. Rocky Flats National Wildlife Refuge
6. Rocky Flats Timeline

In addition, I have also attached the following documents:

1. Map of Rocky Flats and surrounding jurisdictions
2. Rep. Udall's statement on the cleanup and closure of Rocky Flats (from 10/05)
3. Sen. Allard's statement on the cleanup and closure of Rocky Flats (from 10/05)

Once the papers are approved, we will then develop an executive summary of the entire briefing packet.

Please let me know what questions you have. Thanks.

**Action Item: Approve Briefing Materials**

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Karen Imbierowicz

## **ORGANIZATIONAL OVERVIEW**

### **Background**

The Rocky Flats Stewardship Council formed in February 2006 to provide ongoing local government and community oversight of the post-closure management of Rocky Flats, the former nuclear weapons plant northwest of Denver.

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 lie with the Department of Energy (DOE). 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.

The Stewardship Council's mandate is found in federal law. In late 2004, the United States Congress, working with the Department of Energy 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.

In addition to working with DOE, the Environmental Protection Agency and the Colorado Department of Public Health and Environment, 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.

### **Mission**

The mission of the Rocky Flats Stewardship Council is:

1. To provide continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management;
2. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;

3. To provide an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and
4. To provide an ongoing forum to address all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

## **Meetings**

The Board of Directors meets no less than four times per year, with regular meeting scheduled for the first Monday in February, May, August and November. Additional meetings are scheduled on an as needed basis.

Board meetings are open to the public. Meetings are held at the Rocky Mountain Metropolitan Airport (formerly the Jefferson County Airport), 11755 Airport Way, Broomfield, Colorado, in the Mount Evans Room in the airport terminal building. Meetings start at 8:30 am and generally last 3 hours. Each meeting includes an opportunity for the public to address the Board and to comment on all matters affecting the management of Rocky Flats and former site workers.

If you would like to be added to the meeting information email distribution list, please email us at: [info@rockyflatsssc.org](mailto:info@rockyflatsssc.org)

For additional information about prior Board meetings, including Board membership, meeting packets, meeting minutes and Board policies, please go to: [http://www.rockyflatsssc.org/rocky\\_flats\\_stewardship\\_council.html](http://www.rockyflatsssc.org/rocky_flats_stewardship_council.html)

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Karen Imbierowicz

## **Rocky Flats History, Cleanup and Ongoing Management**

*February 2008, Draft #2*

### **The History of Rocky Flats and the Cleanup (1995 – 2005)**

Rocky Flats operated from 1951 until 1989 and served as the nation's primary nuclear weapons trigger production facility. Production of triggers (known as pits) and other classified work resulted in widespread contamination within the buildings and throughout portions of the 6,200-acre site, with the greatest contamination and thus hazards within the 384-acre core industrial area. Site operations and fires in the production buildings also spread contamination to off-site lands and into off-site water supplies.

Production ceased in 1989 after the FBI and Environmental Protection Agency (EPA) raid on the site, yet DOE did not announce an end to the nuclear weapons production mission until 1993. Cleanup, which began in earnest in 1995 and was closely regulated by both the EPA and the Colorado Department of Public Health and Environment (CDPHE), took 10 years and cost \$7 billion. Local governments and community organizations closely tracked site issues and engaged on numerous issues, including cleanup levels and future use determinations.

The cleanup focused on four principal activities:

1. Stabilizing materials
2. Decontaminating and demolishing buildings
3. Shipping all waste to off-site receiver sites (note: the two landfills that were used during production were capped in place)
4. Remediating contaminated soils and contaminated groundwater, and protecting surface water quality

The overarching goals for the cleanup project included:

1. Ensuring waters leaving the site are available for any and all uses – at Rocky Flats the surface water standard for plutonium is 100 times cleaner than the federal drinking water standard
2. Demolishing all buildings and removing foundations to 6' below grade
3. Remediating soils to levels that support a wildlife refuge – in fact, most of the site is clean enough to support residential and/or industrial use
4. Developing and implementing a comprehensive post-closure stewardship plan

DOE, EPA and CDPHE determined off-site lands were not contaminated to levels that warranted remediation. Cleanup activities ended in October 2005, and in late 2006 and early 2007, DOE, EPA and the CDPHE declared the cleanup complete. The former buffer zone and off-site lands were removed from the Superfund list and 4000 acres of the former buffer zone were transferred to the Department of the Interior to be protected as the Rocky Flats National Wildlife Refuge.

### **Ongoing Management**

Cleanup, however, did not eliminate all risk. The core production areas, settling ponds and two landfills hold the greatest hazards and thus remain under DOE's jurisdiction. Contamination is found along old building foundations, in pond sediments, in old underground process waste lines, in two landfills, and in other areas. This contamination, which is at or, in nearly all cases, below all federal and state regulatory standards, includes radioactive materials, chemical solvent wastes and heavy metal wastes. DOE's responsibility is to ensure the cleanup remedies are working as designed and to protect the remedies from human intrusion.

This remaining contamination poses no immediate threat to human health and the environment, but it does require ongoing management by DOE and regulatory oversight by CDPHE and EPA. Accordingly, DOE, CDPHE and EPA entered into a post-closure regulatory agreement, the Rocky Flats Legacy Management Agreement (RFLMA). The RFLMA identifies each party's management/oversight responsibilities. DOE's responsibilities include:

1. Monitoring and maintaining the two landfills and four groundwater treatment systems.
2. Conducting environmental monitoring, including surface water and groundwater monitoring, and repairing systems as necessary.
3. Maintaining legal and physical controls, including but not limited to:
  - a. Prohibiting excavation, drilling, tilling and other such intrusive activities except for remedy-related purposes and in conjunction with plans approved by CDPHE and EPA.
  - b. Ensuring surface water and groundwater on-site is not used for drinking water or for agricultural purposes.
  - c. Maintaining groundwater wells and surface water monitoring stations.
  - d. Prohibiting activities that may damage or impair the proper functioning of any engineered control, including treatment systems, monitor wells, landfill caps and/or surveyed benchmarks.
  - e. Maintaining signs and fencing demarcating the Rocky Flats National Wildlife Refuge lands from the DOE-retained lands.

Perhaps the best barometer to gauge whether the remedies are performing as designed is water quality, both surface water and groundwater. Per the RFLMA, water leaving the site must meet stringent standards, which in the case of plutonium is 100 times below the federal standard for drinking water. The current standard for uranium is two times more stringent than the state standard, although the site specific standard will likely be changed in 2009 to conform with state standards.

To determine whether water standards are being met, DOE uses an extensive water quality monitoring network. This network, which is found throughout both the DOE lands and the Rocky Flats National Wildlife Refuge, includes approximately 20 surface water monitoring

stations and nearly 100 groundwater monitoring wells. Changes to the network require approval by the state of Colorado. Water in the terminal pond system (two terminal ponds on Walnut Creek; one on Woman Creek) is tested by both DOE and CDPHE prior to releasing the water. That data is also shared with downstream communities prior to the releases.

**The RFLMA can be found at:**

[http://www.lm.doe.gov/documents/sites/co/rocky\\_flats/rflma/RFLMA\\_200702.pdf](http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/RFLMA_200702.pdf)

DRAFT

# ROCKY FLATS STEWARDSHIP COUNCIL

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Karen Imbierowicz

## How Clean is Clean

*February 2008, Draft #1*

Often one of the most pressing questions people have about Rocky Flats is “Is it safe?” The best way to answer this question is to present objective facts and let each decide whether the risks are reasonable and thus worth taking.

The cleanup of Rocky Flats was extensive. Cleanup actions included:

1. Demolishing 800+ buildings and facilities
2. Consolidating 21 metric tons of weapons-grade nuclear materials and 100 metric tons of plutonium residues
3. Excavating and/or consolidating 275,000 cubic meters of radioactive wastes
4. Analyzing and remediating as necessary 360 individual hazardous substance sites
5. Shipping these wastes and other materials to off-site locations

Following are a few benchmarks in determining “how clean is clean”:

1. Cleanup meets or exceeds federal and state standards.
2. Water leaving the site meets all applicable standards. In the case of plutonium, the standard is 100 times cleaner (more protective) than the federal drinking water standard.
3. The vast majority of the site can support residential and/or industrial use. The reason the DOE lands are not part of the Refuge and thus not open to the public is to protect the remedies from humans; access is not restricted to protect humans from residual risk.
4. One of the key drivers for designating Rocky Flats as a national wildlife refuge was to protect this important resource from future development.
5. DOE calculates the greatest risk from residual contamination is to a refuge worker with an increased cancer risk estimated to be  $2 \times 10^{-6}$ , or 2 in one million.
6. A refuge worker’s annual dose would be less than 1 mrem/year. The dose visitors to the Refuge would receive would be significantly less. 1 mrem compares to other doses as follows:

Average dose to US public from all sources: 360 mrem/year  
Average dose to US public from natural sources: 300 mrem/year  
Average dose to US public from medical sources: 53 mrem/year  
Average dose to US public from nuclear power: < 0.1 mrem/year  
Average US terrestrial radiation: 28 mrem/year  
Terrestrial background (Atlantic coast): 16 mrem/year



Terrestrial background (Rocky Mountains): 40 mrem/year  
Cosmic radiation (Sea level): 26 mrem/year  
Cosmic radiation (Denver): 50 mrem/year  
Radionuclides in the body (e.g., potassium): 39 mrem/year  
Building materials (concrete): 3 mrem/year  
Drinking water: 5 mrem/year  
Pocket watch (radium dial): 6 mrem/year  
Eyeglasses (containing thorium): 6 - 11 mrem/year  
Coast-to-coast airplane (roundtrip): 5 mrem  
Chest x-ray: 8 mrem  
Dental x-ray: 10 mrem

*(source: Idaho State University, Radiation Information Network)*

For more information about the cleanup and residual contamination, please go to:

[http://www.lm.doe.gov/land/sites/co/rocky\\_flats/rocky.htm](http://www.lm.doe.gov/land/sites/co/rocky_flats/rocky.htm)

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Karen Imbierowicz

## Off-Site Lands

*February 2008, Draft #1*

To the extent people are concerned about on-site contamination they are equally if not more concerned about off-site contamination. This paper addresses the latter issue.

### Contamination Spreads Off-Site

Throughout site operations, and especially during the 1950s through the early 1970s, radioactive and other hazardous materials were released into the environment which, in a few instances, migrated onto off-site lands neighboring Rocky Flats. Contamination included plutonium, tritium, organic solvents (e.g. carbon tetrachloride), and heavy metals. The greatest concentrations are east and south-east of the site, including lands within the municipal boundaries of Arvada, Broomfield and Westminster.

The two primary pathways contaminants moved off site were high winds and surface water flows. Some of the major events which led to the off-site dispersion were:

- During the 1950s and 1960s leaking drums of plutonium-contaminated liquid wastes were stored outside in an area known as the 903 pad. When the Atomic Energy Commission (AEC; a precursor to the Department of Energy) tried to remediate this area in the early 1960s, high winds dispersed the contamination eastwards. While much of it and the highest concentrations remained on-site, low levels spread beyond the site boundary.
- A fire in Building 771 in 1957 released plutonium into the air.
- A fire in Building 776 in 1969 released plutonium into the air.
- Various releases contaminated Walnut and Woman Creeks as they run through Rocky Flats. Some contaminated water moved off-site. As part of the plan to address this problem, in the mid-1970s the AEC built water settling and holding ponds.

Radioactive contamination that migrated off-site by high winds and surface water is found in surface soils, stream bed sediments (Walnut and Woman Creeks), and in lake sediments (Standley Lake, Great Western Reservoir and Mower Reservoir).

### How Do We Know What Is There?

Starting in the 1970s as public interest over the extent of off-site contamination and potential threats to public health and the environment rose, the federal government, health regulators and independent scientists began exploring the extent of off-site contamination and potential health impacts.

The Colorado Department of Public Health and Environment (CDPHE) monitored the air to identify any potential airborne contamination coming from the site. CDPHE also collected soil and water samples from areas surrounding Rocky Flats. Local governments, who were likewise concerned about the extent of off-site contamination, began collecting water and soil samples. Independent citizen groups and university research scientists also played a role in determining the extent of off-site contamination. The Department of Energy (DOE) also embarked on an effort to better understand the extent of contamination on off-site lands, as did the Environmental Protection Agency (EPA).

### **Extent of Off-Site Radioactive Contamination and Associated Risk**

In order to assess the risk to human health and the environment it is vital to know how much contamination there is. Throughout the Denver-metro area, the background level for plutonium in soils is approximately 0.06 picoCuries per gram of soil (pCi/g), a measure of radioactivity. Background is above 0.0 pCi/g as a result of radioactive fall-out from atmospheric testing of nuclear weapons; background, however, does not include a contribution from Rocky Flats contamination.

Most of the soil samples taken by CDPHE and others were either at background or slightly higher. However, a few samples were greater. The highest concentration, which was found 1,800 feet east of Indiana Street near the site's east entrance, was 6.5 pCi/g. This level of radioactivity corresponds to approximately 0.12 millirem/year, another measure of radioactive dose.

To help understand what this level means, it is helpful to compare it to other doses of radiation we experience:

- Average dose from all sources = 360 mrem/year
- Terrestrial background (Rocky Mountains) = 40 mrem/year
- Cosmic radiation (Denver) = 50 mrem/year
- Drinking water = 5 mrem/year
- Chest X-ray = 8 mrem
- Dental X-ray = 10 mrem
- Coast-to-coast airplane (roundtrip) = 5 mrem
- Eating one banana per day per year = 5 mrem/year (source is potassium)

Based on this data, in 1997 DOE, CDPHE and EPA determined that there was no need to perform environmental remediation of any off-site lands. Their findings and conclusions were subsequently submitted to the Agency for Toxic Substances and Disease Registry (ATSDR), a division within the Federal Centers for Disease Control. ATSDR evaluated whether the risk posed to residents was adequately calculated. They also evaluated whether DOE, EPA and CDPHE's determination to not remediate off-site lands was supportable. ATSDR affirmed DOE's data and conclusions – no additional cleanup activities were needed to protect public health and the environment.

## **Independent Analyses and an Enormous Lawsuit**

From the mid-1990s onwards, Rocky Flats was the subject of many independent reviews. Some of those reviews included assessments of contamination on off-site lands and potential impacts to surrounding communities.

### *Health Advisory Panel – Potential Impacts to Neighboring Communities*

In 1990 Governor Roy Romer directed CDPHE to conduct an in-depth study on historical public exposures from off-site contamination. Gov. Romer also appointed an independent panel, the Health Advisory Panel (HAP), to oversee CDPHE's work.

In order to determine the extent of contamination, CDPHE took extensive soil, water and air samples. CDPHE also reviewed historical information. With this data, the researchers determined that the two most prevalent types of off-site contamination are radioactive (primarily plutonium and americium) and carbon tetrachloride. CDPHE and the HAP then undertook a risk assessment to determine the effects (potential of increased cancer risk due to exposures) these two forms of contamination would have on public health. The researchers concluded, in short, the risk of developing cancer due to off-site contamination was extremely low and did not pose a significant threat to human health or the environment. The risk ranges associated with off-site exposure to plutonium and carbon tetrachloride were very similar to the risks discussed above.

For more information about this study please go to: <http://www.cdphe.state.co.us/rf/index.htm>

### *Community Independent Review*

This aforementioned risk posed to residents living on lands adjacent to Rocky Flats also tracks an independent, community led study undertaken in the late 1990s. This study, led by Dr. John Till with the Risk Assessment Corporation, established a cleanup range that would be protective of a family with children living at Rocky Flats. Under Dr. Till's scenario, which was developed in partnership with a community oversight board, the family would live in the most contaminated part of the site and get all of its food and water from within Rocky Flats.

As a result of this work, a few years later, DOE, EPA and CDPHE adopted cleanup levels that fell within Dr. Till's cleanup range. Importantly, though, most of Rocky Flats, including all of the lands that comprise the Rocky Flats National Wildlife Refuge, are significantly cleaner than the range established by Dr. Till.

### *Cook vs. Rockwell—Neighbors Sue*

In the early 1990's, property owners within a certain radius of Rocky Flats filed a class action lawsuit against the first two site contractors, Dow Chemical (site operator from 1952 to 1975) and Rockwell International (site operator from 1975 to 1990). The lawsuit alleged that the contractors released off-site contamination that resulted in a diminution of property values. In 2006, the jury awarded the plaintiffs \$553.9 million based on trespass and nuisance resulting from contamination spreading to off-site lands.

Importantly, Cook vs. Rockwell concerned off-site contamination and did not speak to the cleanup. The reason is that the class of property owners closed in the early 1990s so they were

compensated for their loss in property value up to the early 1990s. The case also did not address the health risks associated with off-site contamination.

Dow and Rockwell have appealed.

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

## **Rocky Flats National Wildlife Refuge Briefing Paper**

*February 2008, DRAFT #2*

### **SUMMARY**

“The Rocky Flats National Wildlife Refuge Act of 2001” provides that following completion of the cleanup project, the vast majority of Rocky Flats would be protected as a national wildlife refuge. Cleanup was completed in October 2005 and on July 12, 2007, the Department of Energy transferred jurisdiction over 3953 acres of the former Rocky Flats buffer zone to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge.

The purpose of the Rocky Flats National Wildlife Refuge is to restore and preserve native ecosystems, provide habitat for plants and wildlife, conserve threatened and endangered species, and provide opportunities for scientific research. Importantly, the Refuge Act prohibits reindustrialization of the site and annexation by local governments. The Comprehensive Conservation Plan guides site management.

### **National Wildlife Refuge System Mission**

The first national wildlife refuge was established in 1903. The refuge system, which has grown to more than 92 million acres, now includes 500 refuges (at least one in every state) and over 3000 waterfowl production areas. The Rocky Flats National Wildlife Refuge is one of three refuges in the Denver-metro area; the other two are The Rocky Mountain Arsenal NWR (Commerce City) and Two Ponds NWR (Arvada).

The refuge system mission is:

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 within the United States for the benefit of present and future generations of Americans.

### **Rocky Flats National Wildlife Refuge Act of 2001**

“The Rocky Flats National Wildlife Refuge Act of 2001” (Refuge Act) was championed by Senator Wayne Allard and Representative Mark Udall, and was broadly supported by local governments and community members surrounding the plant.

The Refuge Act identifies four uses for the Refuge:

1. Restore and preserve native ecosystems
2. Provide habitat for and populations management of native plants and migratory and resident wildlife
3. Conserve threatened and endangered species
4. Provide opportunities for compatible scientific research.

The Refuge Act also provides wildlife-dependent uses and environmental education and interpretation are priority public uses, and prohibits future development and annexation by local governments.

### **USFWS Planning and Management Goals**

The U.S. Fish and Wildlife Service (USFWS), a program office within the Department of the Interior, manages the Rocky Flats Refuge. In 2004 USFWS developed the following goals to guide refuge planning and management:

1. Wildlife and Habitat Management: Provide a riparian community representative of historic flora and fauna in a high valley of the southern Rocky Mountains to provide habitat for migratory birds, mammals, and river-dependent species.
2. Public Use, Education and Interpretation: Provide visitors and students high quality recreational, educational and interpretive opportunities and foster an understanding and appreciation of the Refuge's xeric tallgrass prairie, upland shrub and wetland habitats; native wildlife; the history of the site; and the National Wildlife Refuge System (NWRS).
3. Safety: Conduct operations and manage public access in accordance with the final Rocky Flats' cleanup decision documents to ensure the safety of the Refuge visitors, staff and neighbors.
4. Effective and Open Communication: Conduct communication outreach efforts to raise public awareness about the Refuge programs, management decisions and the mission of the USFWS and the NWRS among visitors, students and nearby residents.
5. Working with Others: Foster beneficial partnerships with individuals, government agencies, non-governmental organizations, and others to promote resource conservation, compatible wildlife-related research, public use, site history and infrastructure.
6. Refuge Operations: Based on available funds, provide facilities and staff to fulfill the Refuge vision and purpose.

### **Comprehensive Conservation Plan (CCP)**

The Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan (CCP) outlines the management direction and strategies for refuge operations, habitat restoration and visitor services. The CCP "balances wildlife and habitat management needs, compatible wildlife-dependent public uses and budgetary constraints." It was approved in April 2005 and is effective for 15 years.

Habitat Management: Habitat management will include prescribed fire, mowing and grazing to simulate and maintain native grassland communities.

Wildlife Management: USFWS will work with the Colorado Division of Wildlife to manage deer and elk populations. Management options include public hunting, culling and other means. Hunting will be limited to two weekends per year and will be solely for youth and the disabled. USFWS will also evaluate the suitability of reintroducing native species, such as the sharp-tailed grouse.

Public Use: Public use programs will include environmental education programs for high-school and college students, as well as interpretative programs. Visitor use facilities will include 12.8 miles of multi-use trails, 3.8 miles of hiking-only trails, a visitor contact station, interpretative overlooks, viewing blinds, and parking facilities.

### **Detailed Management Plans**

The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. In the coming years, USFWS will conduct additional, more detailed planning for vegetation and wildlife management, fire management, visitor services (which includes interpretation, environmental education, hunting and research protocols), health and safety, and historic preservation. These plans are in addition to the 2007 plan that addressed entrance signs for the Refuge.

### **USFWS Priorities**

USFWS has identified the following funding priorities:

- Prevent habitat degradation
- Maintain law enforcement presence
- Continue Wildlife monitoring
- Maintain migration corridors for wildlife
- Develop trails

### **Trails Opening**

The CCP anticipates the Refuge would be open for public use starting in 5 years. USFWS also planned to have the trail to the Lindsay Ranch open within the first year after the transfer. However, there are no funds available to staff the Refuge or place safety fencing around the Lindsey house to keep visitors out of an unsafe building. USFWS now says it will likely be several years before any of the trails are open to the public.

### **Department of Energy at Rocky Flats**

The Refuge Act provides DOE shall retain jurisdiction over lands that require ongoing management to ensure the cleanup remedies remain protective of human health and the environment. Subsequent legislation addressed active mining claims. Accordingly, DOE retained jurisdiction of the vast majority of the former Industrial Area and the settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

Importantly, should contamination be found on Refuge lands that requires remediation, the Refuge Act provides cleanup trumps Refuge management.

**For more information about the Refuge please go to: <http://www.fws.gov/rockyflats/>**



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Karen Imbierowicz

## Rocky Flats History – Timeline of Key events

(adapted from The Politics of Cleanup, Energy Communities Alliance, 2007)

- 1951 On March 23<sup>rd</sup>, *The Denver Post* reports “There Is Good News Today: U.S. To Build \$45 Million A-Plant Near Denver.” Dow Chemical becomes the initial operating contractor.
- 1957 A major fire occurs in Building 771, later deemed the most dangerous building in the complex. Community is not told about fire until 1970 despite the spread of contamination to off-site lands.
- 1969 A major fire in a glove box in Building 776 – later declared the second-most dangerous building in the complex – results in the costliest industrial accident in the nation at the time; cleanup took two years.
- 1970 After independent scientists find plutonium on off-site lands, the Atomic Energy Commission (AEC) announces the contamination is the result of the 1957 fire, the first the community had heard about the fire, and leaking waste drums containing radioactive and hazardous materials.
- 1972 AEC determines it needs to expand the buffer zone around the production buildings; Congress agrees to spend \$6 million to buy an additional 4,600 acres, bringing the total site acreage to approximately 6400 acres.
- 1973 In April, the Colorado Health Department finds tritium in downstream drinking water supplies but does not alert local officials for five months; the AEC initially denies the presence of tritium at Rocky Flats but later admits to its presence.
- 1974 Gov. Richard Lamm and Rep. Timothy Wirth establish the Lamm-Wirth Task Force on Rocky Flats. The group, which includes site workers and anti-nuclear activists, is charged with making recommendations regarding the future of the site.
- 1975 Rockwell International replaces Dow Chemical as managing contractor.
- 1978 In April, large-scale protests begin at Rocky Flats when 5,000 people turn out for a rally at the west gate; protestors begin camping on railroad tracks leading into the Plant site and occupy the tracks until January 1979 when plans are made for a large-scale protest.

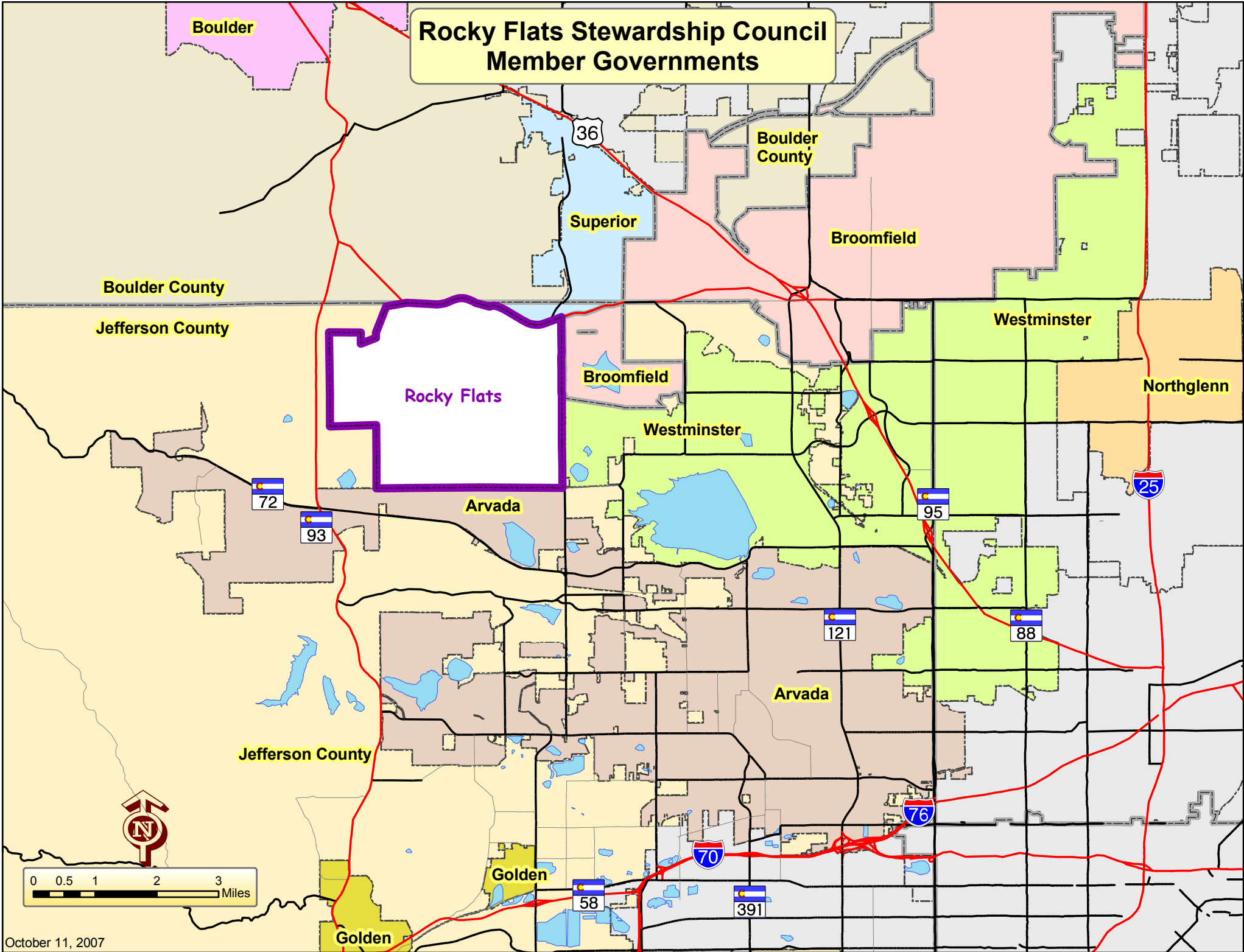
- 1979 In April, 9,000 protestors rally outside of Rocky Flats; 300 are arrested, including Pentagon Papers whistle-blower Daniel Ellsberg; in August the United Steelworkers of America, the main site union, holds a counter demonstration that draws 16,000.
- 1983 On October 15, 15,000 protestors nearly encircle the 17-mile perimeter of the Rocky Flats site.
- 1986 DOE, the Colorado Department of Health, and the Environmental Protection Agency sign an agreement to allow regulation of radioactive/hazardous waste at Rocky Flats.
- 1987 Rocky Flats Environmental Monitoring Council forms, a community oversight organization. It is replaced in 1993 by the Rocky Flats Citizens Advisory Board.
- 1989 On June 6, as part of Operation Desert Glow, 80 armed federal agents raid the site to investigate allegations of environmental violations; contractor Rockwell International later agrees to pay an \$18.5 million fine, the largest in the nation as of that date.
- 1990 EG&G takes over operation of Rocky Flats from Rockwell International.
- 1991 An interagency agreement among DOE, the Colorado Department of Health and EPA is signed, outlining multiyear schedules for environmental restoration studies and remediation activities fully integrated with anticipated National Environmental Policy Act documentation requirements. The approach stymies progress leading the parties five years later to sign the Rocky Flats Cleanup Agreement, which provides the regulatory basis to accelerate cleanup.
- 1992 In the State of the Union address, President George H.W. Bush announces the end of the W-88 warhead program, effectively ending the mission at Rocky Flats.
- 1993 Gov. Roy Romer and Rep. David Skaggs form a 29-member Citizens Advisory Board to provide advice on technical and policy decisions related to cleanup and waste management activities at Rocky Flats.
- 1995 In July, Kaiser-Hill LLC signs contract to clean up site with a target completion date of 2010 for an estimated cost of \$7.3 billion.
- 1995 In July, the Future Site Use Working Group issues a comprehensive report of the future use of the site, which includes protecting the 6,000-acre buffer zone as open space, but leaving open the questions regarding the future use of the 384-acre core production area (the Industrial Area).
- 1997 DOE and the regulatory agencies agree to no on-site burial of Rocky Flats waste.
- 1998 The Industrial Area Transition Task Force issues a report listing six alternatives for use of the Industrial Area. Final determinations about use of the Industrial Area are made in 2001 with the passage of “The Rocky Flats National Wildlife Refuge Act of 2001.”
- 1999 In February, seven surrounding local government form the Rocky Flats Coalition of Local Governments (RFCLOG) to give affected governments greater leverage over cleanup and future use decisions.
- 2001 Rocky Flats National Wildlife Refuge Act signed into law, as part of the 2002 National Defense Authorization Act (P.L. 107-107); it directs protection of the entire site as

national wildlife refuge following completion of cleanup activities and expressly prohibits reindustrialization of the site or local government annexation of the property.

- 2003 DOE, EPA and CDPHE agree to site-wide cleanup levels for soils contaminated with radioactive materials.
- 2005 On October 13, Kaiser-Hill announces physical completion of Rocky Flats cleanup, more than 14 months ahead of schedule.
- 2006 In September, EPA and CDPHE grant regulatory approval of the cleanup.
- 2007 Rocky Flats buffer zone and off-site lands are deleted from superfund list.
- 2007 On July 12<sup>th</sup> jurisdiction over 4000 acres of the former buffer zone is transferred to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge. DOE retains jurisdiction of the vast majority of the former core production area and settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

DRAFT

# Rocky Flats Stewardship Council Member Governments





10/13/2005

## UDALL APPLAUDS FINAL CLEANUP OF ROCKY FLATS

Westminster, CO—Congressman Mark Udall (D-Eldorado Springs) released the following statement regarding Kaiser Hill's announcement that it has completed the physical work to clean up and close Rocky Flats:

"The cleanup of Rocky Flats is a major achievement for which we can all be proud. I want to especially note the efforts of the workers and their dedication not only the security of this country, but their dedication to performing a safe and extensive demolition and decommissioning. This was very complicated and difficult work involving dangerous and toxic materials. The fact that it was done decades ahead of predictions and at a cost vastly less than expected is a testament to all those involved.

"Getting to this day has been long and fraught with obstacles. But the Colorado congressional delegation worked hand-in-glove with the local communities, DOE and the contractors to work through those obstacles. This nation continues to face daunting cleanup challenges at other sites in South Carolina, Tennessee, and Washington. The success here at Rocky Flats stands as a hopeful symbol that we can tackle the challenges at those facilities and turn bombs to birds, weapons to wildlife, and liabilities into community assets.

"There is still more to do here at Rocky Flats and we must remain vigilant to make sure this site is secure and that any residual contamination is contained and controlled. We have an obligation to make sure that workers' benefits are carried forward and that they are compensated for any work-related health problems. Although that is not insignificant, the fact that all buildings, wastes and infrastructure are down means that we can return this landscape to the wildlife of the open, high prairie environment and how it might have appeared to our ancestors and Native Americans.

"Walking through this site provides a remarkable view. You have the feeling of big, western skies. This is where the prairie meets the mountains.

"I look forward to the next major chapter--the future opening of the Rocky Flats National Wildlife Refuge--so that people can enjoy the open spaces and abundant wildlife at this site."

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October 13th, 2005

Contact:

Contact:

### SENATOR ALLARD PRAISES OUTSTANDING PERFORMANCE OF WORKERS AS ROCKY FLATS CLEANUP PROJECT DECLARED COMPLETE

WASHINGTON, D.C. — U.S. Senator Wayne Allard (R-Colorado) on Wednesday had words of praise for workers at the U.S. Department of Energy's Rocky Flats cleanup project following notification from the contractor, CH2MHill, that remediation of all contamination at the site, including the hot spots discovered last summer, has been completed.

"Rocky Flats is the best example of a nuclear cleanup success story ever," Senator Allard said.

"Words can not completely describe the transformation that has taken place at Rocky Flats. The workers at Rocky Flats have gone far above and beyond their assignment, and accomplished this cleanup under budget and ahead of schedule," Senator Allard continued. "I also want to commend the contractor, CH2MHill, for their painstaking, efficient management of this massive project."

"Eight years ago when we began this journey, I was one of only a few individuals who believed it would be possible to accomplish so much so fast, and stay within budget as well," Senator Allard added. "These workers labored tirelessly to cleanup and close one of the most dangerous sites in America, demonstrating that the impossible is possible when people cooperate in order to meet a common goal."

According to the cleanup contract, the Department of Energy (DOE) has 90 days to formally accept the cleanup work. If necessary, DOE can provide a list of items that must be addressed by the contractor during this time to help ensure DOE's acceptance of the cleanup declaration. After DOE accepts the cleanup, the EPA and the State of Colorado begin the process of verifying that the cleanup is in accordance with federal cleanup laws and the Rocky Flats Cleanup Agreement.

Since his election to the U.S. Senate in 1996, Senator Allard has worked successfully to roll back the target date for the cleanup to be completed from 2070 to 2005. In 2001, Congress passed legislation by Senator Allard to make Rocky Flats upon cleanup and closure a National Wildlife Refuge. The legislation requires the Department of Energy to transfer most of the Rocky Flats Environmental Technology Site to the Department of Interior for the purpose of creating a wildlife refuge to preserve Colorado's unique Front Range habitat once cleanup of the site is complete.

Rocky Flats manufactured components for nuclear weapons for the nation's defense until 1992. The mission of the plant was to complete the environmental and waste management cleanup, and decommissioning by December 2006. The industrial complex of more than 100 buildings was located in the center of about nine square miles of undeveloped land 16 miles northwest of downtown Denver.

###

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Karen Imbierowicz

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** NRD Funds – Continuing the Conversation  
**DATE:** April 23, 2008

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I have scheduled 40 minutes for the Board to continue discussing use of the NRD funds. The conversation will focus on developing the Board's priorities and identifying questions and issues that warrant further examination and/or information.

In preparation for the meeting I encourage you to review the proposals that were presented at the April meeting. Those briefing materials can be found at:  
<http://www.rockyflatssc.org/agendas.html> (click on "Meeting Packet April 7, 2008").

One of the challenges the Board and the Trustees face in evaluating these proposals is that many of the costs of these projects remain unknown. I encourage those who have not attached costs to their projects to start to define the costs.

There are a few key questions I recommend the Board address at the meeting:

1. What are your priorities for use of these funds?
2. Two primary types of projects have been proposed – restoration and acquisition. Do you prioritize one approach over the other? If so, why?
3. Can your government or organization contribute funds to this project? If so, how much and are there any restrictions (e.g., can only use funds on lands within your jurisdiction)?
4. What additional information do you need to evaluate these proposals?

### **Section 16**

Since the last meeting Rik secured additional information about leases on Section 16. Due to its size, that information has not been included in the meeting packet but was emailed separately. If you would like a copy and did not receive one, please email me at: [dabelson@rockyflatssc.org](mailto:dabelson@rockyflatssc.org)

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Karen Imbierowicz

## MEMORANDUM

**TO:** Stewardship Council Board  
**FROM:** Rik Getty  
**SUBJECT:** DOE Annual Report Briefing  
**DATE:** April 24, 2008

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We have scheduled 45 minutes for DOE to present its annual report on monitoring and maintenance for 2007. The briefing also serves as the fourth quarter DOE site update for 2007.

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

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

### **DOE Annual Report Highlights**

DOE will post the annual report on its website on or around April 30<sup>th</sup>. I will review the document and update this memo, as necessary, prior to the meeting. In the interim, attached to this memo is the Executive Summary.

Each quarter DOE provides updates “in arrears” for the previous quarter. The annual report includes updates for the 4<sup>th</sup> quarter (October – December 2007), as well as the other three quarters which have previously been reported. Some of the annual highlights include:

- In July nearly 4,000 acres of the site’s “buffer zone” was officially transferred to the Department of Interior for the Rocky Flats National Wildlife Refuge.
- In March DOE completed fencing and signage separating the DOE-retained land from the future refuge lands.
- Remediation work on the large slump area near the former location of Building 991 was completed in November. The area was re-graded and re-vegetated. Over 5,000 cubic yards of soil was removed from this area and spread over the former 903 Pad area to hopefully improve soil conditions for re-vegetation.



- Parts of the soil cap (two foot cover) at the Original Landfill have slumped. Repairs to several sections have been made using several hundred tons of soil. In addition, a three phase geotechnical evaluation of the slumping commenced in 2007 and has carried over into 2008. The evaluation will determine what is causing the slumping and if any additional remediation will be performed.
- DOE collected and analyzed water samples at several locations to better understand the presence of uranium in surface water. Current and past results indicate the uranium is largely naturally-occurring. DOE hoped to have the site uranium standard for surface water changed to the state-wide standard. For this to happen, the Colorado Water Quality Control Commission would have to agree to the change. DOE had hoped to make their case before the Commission in a January 2008 hearing but the Commission opted to wait until January 2009 to formally hear DOE's request.
- Over the course of 2007 DOE repaired damaged erosion control measures, primarily due to wind and water damage, within the DOE-retained lands.
- Re-vegetation efforts at various site locations continued throughout much of 2007.
- Terminal ponds A-4 and B-5 were each discharged in April and July. All water quality samples measured by DOE and CDPHE met appropriate standards.
- DOE released the Site Operations Guide in March which codified how, when, and where work will be performed at the site.
- The second CERCLA (Superfund) 5-year review was completed by DOE in July and submitted to EPA for review. After reviewing the draft, EPA approved the review in September.

### **Final Thoughts**

DOE, CDPHE, and EPA have learned a great deal in 2007 of what it will take to maintain environmental stewardship of the DOE-retained lands. Just as in 2006, the site required a great deal more effort than perhaps originally anticipated. Many of the 2007 activities just like 2006 were "front-end loaded" – that is to say in subsequent years many of these activities will not be required. However, there will always be at least a minimum level of effort required to maintain the DOE-retained land for many years to come.

Please contact me if you have any questions.

## Executive Summary

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) 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 (Site).

Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the Rocky Flats property: the Peripheral OU (POU) and the Central OU (COU). The COU consolidates all areas of the Site that require additional remedial/corrective actions, while also considering 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.

DOE, EPA, and the Colorado Department of Public Health and Environment (CDPHE) have chosen to implement the monitoring and maintenance requirements of the CAD/ROD under, and as described in, the *Rocky Flats Legacy Management Agreement* (RFLMA), executed March 14, 2007. RFLMA Attachment 2 defines the COU remedy surveillance and maintenance requirements. The requirements include environmental monitoring; maintenance of the erosion controls, access controls (signs), landfill covers, and groundwater treatment systems; and operation of the groundwater treatment systems.

The *Rocky Flats Site Operations Guide* was prepared by DOE-LM to serve as the primary internal document to guide work to satisfy the requirements of RFLMA and implement best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during Calendar Year 2007 (January 1 through December 31). Highlights of the surveillance and maintenance activities are as follows:

- RFLMA references the use of contact records to document CDPHE approvals of field modifications to implement approved response actions. RFLMA Attachment 2 also references the use of contact records to document the outcome of consultation related to addressing any reportable conditions. This report discusses the RFLMA contact records issued in 2007 and their status as of December 31, 2007. Because the status of RFLMA contact records issued in 2006 has not previously been reported, these are also included in the discussion.
- The second Comprehensive Environmental Response, Compensation, and Liability Act 5-year review of remedial actions implemented at Rocky Flats was performed, and concluded that the COU remedy continues to be protective of human health and the environment.

- In July 2007 DOE transferred approximately 4,000 acres of Rocky Flats POU land to the U.S. Department of Interior for management by the U.S. Fish and Wildlife Service as the Rocky Flats National Wildlife Refuge.
- Several Colorado Water Quality Control Commission (WQCC) proceedings related to Rocky Flats surface water standards occurred in 2007. The WQCC accepted DOE's petition for a rulemaking hearing, set for January 2009, to eliminate the site-specific uranium surface water standard and allow the statewide surface water standard, which is the drinking water standard, to apply to the Site. The WQCC also ruled in December 2007 that the current surface water temporary modifications did not require change or elimination and the current expiration date of December 31, 2009, remains in effect. DOE also submitted information at the WQCC's October 2008 issues identification hearing for the triennial review of the South Platte River Basin surface water standards, set for June 2009.
- A fence was constructed around the DOE-retained COU and RFLMA-required signage was posted.
- A geophysical study was begun at the Original Landfill (OLF) to gather information for a stability analysis to evaluate causes for and appropriate responses to surface conditions at the OLF including slumping and the formation of depressions.
- A slump that had formed on a hillside south of former Building 991 was regraded and excess soil was spread over the 903 Pad/Lip areas to aid in revegetation. An area near former Building 371 was also regraded to improve surface water drainage.
- Access roads through the COU were maintained and in some locations improved, and several areas were revegetated.
- Surface water flow volumes show expected reductions resulting from land configuration changes and removal of impervious surfaces.
- All surface-water Points of Compliance showed acceptable water quality for the entire year.
- Point of Evaluation (POE) location GS10 continued to show reportable values for total uranium. Evaluation has suggested that these reportable values are due to changes in hydrologic conditions resulting in groundwater with naturally occurring uranium making up a larger proportion of streamflow at GS10. All other POEs and all other analytes at GS10 showed acceptable water quality for the entire year.
- Surface-water monitoring at the Present Landfill Treatment System showed two analytes as periodically above applicable standards. RFLMA party consultation regarding these results was conducted and additional monitoring was performed as documented in contact records.
- All other surface-water monitoring showed acceptable water quality.
- The groundwater treatment systems at the Site continued to successfully remove contaminant loading to surface water from groundwater plumes.

- Groundwater quality and flow at the Site were generally consistent with previous years. Several groundwater flow models that were constructed prior to Site closure were updated and indicated groundwater flow conditions are consistent with the general predictions that had been made.
- A reportable condition was encountered at Area of Concern (AOC) well B206989 due to elevated concentrations of nitrate in groundwater samples. Concentrations were consistent with previous data, but upon implementation of RFLMA this well was reclassified from a Sentinel well to an AOC well, with the associated reporting requirements. RFLMA party consultation regarding these results was conducted as documented in contact records. A decreasing trend in nitrate concentrations is suggested by the data.
- All RFLMA-required ecological data collection, analysis, and reporting were completed as scheduled.
- The annual data quality assessment showed that the Site continues to collect high-quality data sufficient for decision making.