

ROCKY FLATS STEWARDSHIP COUNCIL
Monday, April 1, 2019, 8:30 – 11:30 a.m.
Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room
11755 Airport Way, Broomfield, Colorado

Board members: Matt Jones (Director, Boulder County), Summer Laws (Alternate, Boulder County), Lisa Morzel (Director, Boulder), Mike Shelton (Director, Broomfield), David Allen (Alternate, Broomfield), Jim Dale (Director, Golden), Libby Szabo (Director, Jefferson County), Pat O'Connell (Alternate, Jefferson County), Joyce Downing (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Sophie Porcelli (Alternate, Northglenn), Mark Lacis (Director, Superior), Ken Lish (Alternate, Superior), Jan Kulmann (Director, Thornton), James Boswell (Alternate, Thornton), Kathryn Skulley (Director, Westminster), David DeMott (Alternate, Westminster), Lindie Aragon (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Linda Porter (Alternate, League of Women Voters), Murph Widdowfield (Director, Rocky Flats Cold War Museum), Ken Freiberg (Alternate, Rocky Flats Cold War Museum), Kathleen Bacheller (Alternate, Rocky Flats Homesteaders), Kim Griffiths

Stewardship Council staff and consultants: David Abelson (Executive Director), Barb Vander Wall (Seter & Vander Wall, P.C.), Melissa Weakley (Technical Program Manager), Sandy Thomas

Attendees: Ryan Hanson (Sen. Gardner), Scott Surovchak (DOE-LM), Andy Keim (DOE-LM), Vera Moritz (EPA), Lindsay Masters (CDPHE), Bob Darr (Navarro), Laura Hubbard (Broomfield), Cathy Shugarts (Westminster), Christine Hawley (WCRA), Trae Nance (WCRA), Bonnie Graham-Reed, Ted Ziegler, Heather Sparr-Hoornaert, Mickey Harlow, June LeCrone, Terri Urbanowski, Jane Cates, Lynn Segal, Mary Lonergan, Deborah Gard, Robert Hada, Carl Spreng, Pat Killian, Rod Killian, Mike Holden, Max Dodson, Linda Hladik, Bob Fiehweg, James Duncan.

Convene/Agenda Review: Chair Joyce Downing opened the meeting at 8:30 a.m.

Public comment on Consent Agenda and Non-Agenda Items: June LeCrone, representing the League of Women Voters of Jefferson County, read a letter supporting the Leyden Rock Homeowners Association in addressing the Association's concerns regarding the Jefferson Parkway construction activities. The League supports the homeowners' request for prior independent soil sampling, dust control, air monitoring before and during construction, and a plan to stop construction during high wind conditions and requests that the Stewardship Council support this request. Bonnie Graham-Reed commented that her concern is that there is no air monitoring at Rocky Flats, that the risk is plutonium in the sediment. She also voiced support for prohibition of fracking because of plutonium at the buildings in place at Rocky Flats. Ted Ziegler informed the Stewardship Council that he continues to request independent testing for all contaminants that may be at the plant site. He also voiced his support of the prohibition of fracking on the site. Lynn Segal stated that she is concerned that the Standley Lake sediment may contain particulates that will enter the atmosphere and expose the population to hot particles, which may have multi-generational effects. She also voiced opposition to the Jefferson Parkway.

Mike Shelton stated that the concerns may be taken back to each member's government. Lisa Morzel stated that the Stewardship Council is not involved with the Jefferson Parkway and that it is a separate entity. Libby Szabo encouraged concerned citizens to attend the Parkway Authority meetings held the third Thursday of the month.

David Abelson asked the public to email their comments and he will post them on the Stewardship Council website.

Business Items:

Consent Agenda: Approval of Minutes and Checks: Mark Lacin said his name was wrong on page 5. Matt Jones said the word “no” should be struck from his comment on page 5. Libby Szabo’s comment about the 2018 election was attributed to 2016. Jim Dale said his name was missing from the list of attendees. Jeannette Hillary motioned to accept the minutes with those changes noted; Lisa Morzel seconded the motion. The motion was approved 13-0.

Executive Director’s Report: David Abelson started by welcoming the new Board members: Kathryn Skulley (Westminster), David DeMott (Westminster), James Boswell (Thornton), Lindie Aragon (Westminster) and Ken Freiberg (Rocky Flats Cold War Museum).

David next noted that the 2018 audit will be presented at the June 3rd meeting. He said that while an audit is not required by the DOE grant or state law, annually the Stewardship Council contracts for an audit to ensure that the finances are being conducted in accordance with the applicable laws and regulations. David next mentioned the annual local government dues, noting most had been received.

Regarding the petition to unseal the Rocky Flats Grand Jury documents, David mentioned that the state of Colorado weighed in with the Department of Justice in support of the release of the documents.

Finally, David turned to the Jefferson Parkway. As background, David said that in 2007, the Board agreed that the Stewardship Council would not be the venue to debate whether or not to build the Jefferson Parkway. Questions about contaminant levels along the 300’ right-of-way could be examined here, just as the Board has examined questions about contamination on off-site lands. That information, the Board members felt, could be used when discussing the Parkway in the appropriate venues. Importantly, the 300’ right-of-way along Indiana was transferred after the Board agreed to those ground rules so the land is no longer federal property. Superior and Golden sued to stop the transfer but lost in the 10th Circuit. David said that given the 12 years that has passed since the agreement was adopted, he wants to make sure that this Board agrees with this process moving forward. He also asked whether there was an interest in a Board briefing on contamination along that part of the Refuge.

Lisa Morzel and Libby Szabo voiced support for maintaining that agreement. Others agreed. Libby mentioned that the RFP for the Parkway will include a requirement for additional testing along the 300’ right-of-way. After additional discussion, David noted that the additional testing obviated for now any briefing on contamination along the right-of-way.

Briefing on the FLAP Grant Soil Monitoring: Pat O’Connell with Jefferson County briefed the Board on the status of the Sampling and Analysis Plan (SAP) for soil sampling of the areas north and east of the Rocky Flats Refuge to be adopted by six local governments. This plan will be funded by the federal DOT Federal Land Access Program (FLAP). Pat stated that the last update on the SAP plan was December 18, 2018, and can be found on Jefferson County’s Open Space web page. Approximately 17 soil samples will be taken at the two crossings at Indiana and 8 samples will be taken on 1 - 2 acres surrounding the area. The soil samples will be from 0" - 2" and would take 1 - 2 days to collect. The analyses will take about 1 - 2 months, and when the analytics are complete, the results will be provided to the six participating

governments. He stated that Broomfield and Jefferson County will be giving a presentation on the SAP, and that the fieldwork should be completed by May 19th.

Matt Jones asked if the sampling is big enough to be representative. Lisa Morzel commented that the soil sample depth should be deeper, and that there are not enough sampled acres for confirmation that there are no radionuclides. She wants the public to trust the results.

Libby Szabo stated that when residents of Jefferson County came and requested testing two years ago, and Jefferson County agreed, the group stated that it would accept the results. Jeanette Hillery and Mark Lacin echoed Lisa Morzel's concerns that the soil sampling was not deep enough to be sufficient.

Responding to a question about the US Fish and Wildlife Service testing along the trails, David Abelson stated that there was initial testing on the trails; as the trails are moved, there will be testing of the new trails. There will be comparisons of the previous sampling, the present samples, and the samples of the new trails. Mark Lacin asked if the results would be available to the public, and David thought they would be.

Mark Lacin stated that the DOE did soil sampling from 1991 - 2005, and has not done soil sampling since. David Abelson said Mark's understanding is correct, and noted that USFWS sampled prior to acquiring the lands that now comprise the Refuge. Mark Lacin suggested that it would be good to have a map to superimpose the testing done over the years and compare the results.

Ken Lish stated that he read the plan and the soil samples were to be consistent with past data collected. The Board continued to discuss the concern that the sampling did not go deep enough. Pat O'Connell stated that the group wanted to compare apples to apples, and that was the depth of the last soil testing.

David Allen stated that Indiana Street is a windblown area, and there is no data to suggest deeper contamination. The testing is to make sure the results are consistent. Libby Szabo stated that if the results come back differently than the initial testing, then sampling should go deeper, but presently she supports the apples to apples concept.

Lisa Morzel commented on the staff materials. She stated that Section 16 Boulder be included on the map as it is part of Rocky Flats. David Abelson stated that the old maps do not show Section 16 as that property was not part of the federal site. Adding to the challenge is DOE will not provide the coordinates of some of the key components of Rocky Flats, making it difficult for the member governments to merge old and new data on maps. Lindsay Masters told the group that they have a map of the site on the CDPHE website.

Board Discussion of Oil and Gas Development at Rocky Flats: David Abelson began the discussion by explaining that the executive committee agreed to structure the conversation in a step-wise process:

1. Discuss the Board's interests and identify areas of agreement
2. Review, edit as necessary, and approve the questions to DOE, CDPHE, EPA and USFWS
3. Review the proposed motion submitted by the Town of Superior, and the depth of support of this motion
4. If there is support for the motion, then take up the motion (as is or as modified) and vote

Mike Shelton opened the discussion by stating that Broomfield City Council is reticent to move a fracking resolution forward now. He questions why we are looking at conclusions when there are still so many unanswered questions, and that after we get the answers, we can move forward with the motion. He is concerned that the public may think that Stewardship Council has authority when it is just symbolic.

Lisa Morzel stated that if the Stewardship Council is not unanimous, it should not move forward. She suggested that the Stewardship Council look at its mission statement, and discuss whether the mission statement needs to be changed. Ken Lish agreed with Lisa. Jan Kulmann stated that Thornton is also not ready to take a position. She thinks that the questions have to be answered first. She does agree that professionally it makes sense for no drilling under the COU. Ken Lish also stated that it should include no drilling under the COU.

Lisa Morzel said that according to a peer review paper there are many fault structures on the site. Boulder continues to request that all mineral rights be acquired and permanently removed. Boulder supports the motion. David DeMott stated that Westminster is not ready to take a position. Jim Dale stated that Golden is also opposed to mineral exploration on and under Rocky Flats. Jeanette Hillery stated that the concern is public health and safety and that all mineral rights around the site be retired.

The group reviewed the proposed questions to the various governmental entities. Lisa Morzel requested that the definition of drilling, No. 3., include seismic testing. Mark Lacin stated that questions about vibrations dust impact and the remedy protection include dust generated by traffic and trucks.

Lisa Morzel stated that she is concerned about the North Walnut Creek slump as it relates to question 14. David Abelson suggested that the questions include ownership, the purchase of the minerals, and an additional act by Congress as part of settling the claims. He sees these as a separate set of questions. Lisa Morzel stated that the first question should be what does the government own. What else is under the surface, how are the minerals to be identified, and who owns them.

Matt Jones stated that the Stewardship Council should pursue the questions, and give a time frame for answers. Matt wanted to make it crystal clear and add the word "under" to No. 3. Mark Lacin stated that the words "on or under lands in close proximity" needs to be added. Libby Szabo stated that there are many questions, and that the Stewardship Council should get the answers before making any conclusions.

Stewardship Council then discussed who the letter should be sent to. They agreed to include COGCC and CDPHE in the letter. David Demott wants to let all agencies know that the questions are important to them. David Abelson told the Board that they tried to sort the questions out for the separate agencies, but there was overlap, and the Executive Board decided to send all questions to all agencies.

It was agreed that the Executive Committee would take today's discussion and work on the questions.

Mark Lacin then discussed his motion with the Board. He stated that he hoped the members would take the motion to individual groups for discussion; that he received no comments about his proposed motion; that the motion was site specific and only pertains to Rocky Flats, that the information in the motion was sourced from the Rocky Flats fact sheet and history, and that paragraphs 1 - 4 of the motion are verbatim from the site. He discussed that he believes that there is an urgency to approve the

motion because it may take a while to get answers to the Board's questions. He stated that the motion is narrow and reasonable in scope.

Lisa Morzel stated that she thinks the motion should be passed, and that the questions are separate from the motion. She stated that the Board can pass a motion with a super majority, agrees to table the motion for now, but believes it needs to be passed in two months.

David DeMott stated that he wants authority from his council to pass the motion. Jim Dale stated that he thinks the motion is very reasonable. Mike Shelton stated that passing the motion is a symbolic act, and he would rather be proactive about getting answers to the questions first. He does not believe that the motion needs to be passed quickly. If the state bill is passed, the Stewardship Council does not need to act. SB 181 gives authority to the local governments. He stated that they cannot force agencies to answer the questions, but that a respectful relationship with the agencies will help to get the questions answered.

Libby Szabo stated that the Board was being negligent if it did not try to get answers to the questions. Mark Lacin said that he is not suggesting that they do not get answers, but that it is a good time to pass the motion. He agreed that the Board's decisions are symbolic, but that they do carry weight. Mike Shelton said he did not see any questions in the motion, that the motion will not alleviate concerns.

The Board continued to discuss whether to get answers to the questions before passing the motion. The Board agreed to table the motion until the June meeting, and to approve the questions to the agencies with the changes. It was agreed that the Colorado federal delegation would be cc'd as well as the state legislators and governor.

The Board then continued to discuss the questions to the agencies. Matt Jones stated there are too many questions. Mike Shelton suggested combining questions. Ken Lish said that the letter should ask the agencies to address all questions instead of passing them on. There was agreement that the agencies should be a given deadline to respond. Lisa Morzel stated that she would like to see answers by May 15th.

Matt Jones moved to go with the questions as discussed -- bold the sentence "answer the questions you can," and provide a deadline of May 15, cc the federal legislators, state legislators, governor and COGC. Jim Dale seconded Matt's comments.

The Board agreed to table the motion until June 3rd, and for board members to bring back to the executive committee what changes their governments would like to see made to the motion. David Abelson stated he would work on the revisions to the questions, and get a redline to all by April 22nd.

Big Picture: Mike Shelton reminded everyone of the April 23rd meeting on the Parkway. Murph Widdowfield stated they are raising money to put artifacts in storage and are looking at receiving private funds.

Board Roundtable: David Abelson reviewed the proposed topics for the June 3 meeting. The Board agreed to continue discussing oil and gas development, as well as receive the 2018 financial audit and hear from DOE about its quarterly report.

The meeting was adjourned at 11:30 a.m.

Prepared by Sandy Thomas