

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, April 4, 2022

8:30 – 10:35 AM

Virtual Meeting via WebEx

Board members in attendance: Randy Moorman (Director, Arvada), Jacob Moyer (Alternate, Arvada), Claire Levy (Director, Boulder County), Summer Laws (Alternate, Boulder County), Tara Winer (Director, City of Boulder), Marni Ratzel (Alternate, City of Boulder), Deven Shaff (Director, Broomfield), Bill Fisher (Director, Golden), Andy Kerr (Director, Jefferson County), Pat O'Connell (Alternate, Jefferson County), Ashley Witkovich (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Mark Lacis (Director, Superior), Jan Kulmann (Director, Thornton), Caleb Owen (Alternate, Thornton), Emily Hunt (Alternate, Thornton), Bruce Baker (Alternate, Westminster), Trea Nance (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Linda Porter (Alternate, League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders), Murph Widdowfield (Director, Rocky Flats Cold War Museum), Kim Griffiths (Director/Citizen)

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Melissa Weakley (Technical Program Manager), Barb Vander Wall (Setter & Vander Wall, P.C)

Attendees: Andy Keim (DOE-LM), Padraic Benson (DOE-LM), Cliff Carpenter (DOE-LM), Alison Kuhlman (DOE-LM), Lisa Bade (RSI Entech), Nicole Lachance (RSI Entech), Dana Santi (RSI Entech), John Boylan (RSI Entech), George Squibb (RSI Entech), Chris Stewart (RSI Entech), Kirk Briscoe (RSI Entech), Ryan Wisniewski (RSI Entech), David Lucas (USFWS), Lindsey Murl (CDPHE), Lindsey Archibald (CDPHE), Jesse Aviles (EPA), Cathy Shugarts (Westminster), Laura Hubbard (Broomfield), Nancy Ford, Shirley Garcia, Lynn Segal, Chris Allred, Joan Seeman, Giselle Herzfeld

Convene/Agenda Review: Jan Kulmann convened the meeting at 8:30 am.

Public Comment

Lynn Segal: Lynn said that she does not believe people should be allowed at Rocky Flats. She said there is too much contamination, and it puts people in danger.

Joan Seeman: Joan said she did not understand why the Stewardship Council could not provide recommendations to DOE. She also mentioned that a fact sheet about Rocky Flats from the US Fish and Wildlife Service did not contain any references or contact information. She said she had been trying to get a copy of the fire plan at Rocky Flats. She was also concerned that she does not see DOE responding to citizen comments. She wants to see the 3rd or 4th Quarter reports that will be part of the CERCLA Five Year Review.

Giselle Herzfeld: Giselle said she is a resident of Boulder. She mentioned concerns about potential wildfires at Rocky Flats. She pointed out existing soil contamination studies showing that plants can uptake contamination buried in the soil, and the existence of high winds at the site. She discussed the effects of inhaled plutonium on the human body. Giselle referred to and supported comments by members of the Stewardship Council requesting air monitoring at the site. She also called for evacuation plans and additional training for firefighters regarding the dangers of radioactive contamination.

Consent Agenda: The consent agenda included approval of the minutes from the February 7, 2022, meeting and checks written since that meeting.

Kim Griffiths moved to approve consent agenda. The motion was seconded by Roman Kohler. The motion to accept the minutes and checks passed 14-0.

Executive Director's Report: David spoke to three items.

Audit: The auditor, Eric Barnes, has provided the draft 2021 financial audit. David, Jennifer Bohn (RFSC accountant), and Barb Vander Wall (attorney) have reviewed it. Once again, the Stewardship Council received a clean report. The results of the audit will be presented at the June meeting.

Post COVID: At the May 2021 meeting David reported that with vaccinations becoming widely available in Colorado, it is time we start considering returning to in-person meetings starting in Fall 2021. Obviously, that did not happen. The executive committee is now targeting the June 6, 2022, meeting to resume in-person meetings. They will be closely watching what the local governments do, trusting they will follow the direction established by the state of Colorado.

DOE Quarterly Reports: David has been examining ways to improve how the quarterly reports are presented. Currently – and it has been the pattern for many years – DOE develops a presentation that seeks to bridge the gap between those who want the Bottom-Line Up Front (BLUF) and those who want to go into the details. Put another way, DOE is seeking to bridge the gap between those who want a 10-minute presentation and those who want a 60-minute conversation – and it has become clear during COVID that a new approach is needed. Starting at the June 6, 2022, meeting the Stewardship Council will begin implementing a new approach. The presentation and conversation will be broken into two parts. The first part will focus on the BLUF. With that information, for instance, elected officials will have the information they need to brief their councils and commissions. Next, once the board has completed its meeting, there will be a second, more in-depth conversation. That second conversation will be a round table discussion – it will not be limited to members of the Board. That means, for instance, technical staff from the local governments who are not board members will be able to engage in the conversation. Also, members of the public who want to engage the technical details will be invited to participate. David will facilitate the conversation. This portion of the meeting will remain part of the Stewardship Council meeting, but we will not need a quorum of the Board. David has discussed this approach with the executive committee and with DOE and CDPHE.

Overview of the Rocky Flats Stewardship Council: David Abelson provided this briefing with the goal of explaining the overall purpose and scope of the organization.

Background: The cleanup of Rocky Flats, which was officially completed in 2006, significantly reduced the many risks on the site. However, there are ongoing management needs that remain vital to ensuring long-term protection of human health and the environment. Those management responsibilities lie with the Department of Energy (DOE), with regulatory oversight by Colorado Department of Public Health and Environment (CDPHE) and the Environmental Protection Agency (EPA).

The Rocky Flats Stewardship Council is an independent entity organized in 2006 under Colorado laws and regulations. The purpose of the Stewardship Council is to provide ongoing local government and

community engagement on post-closure management of Rocky Flats. The organization is established by an intergovernmental agreement (IGA), as amended, entered into by ten member governments. The IGA is the governing document which sets forth the organization's mission, purposes, powers, and authority.

In late 2005, as the Stewardship Council was being formed, DOE designated the organization as the Local Stakeholder Organization (LSO) for Rocky Flats. In authorizing the establishment of LSOs, Congress was seeking a means to formalize ongoing local government engagement following the completion of cleanup. As the LSO, the Stewardship Council receives grant funds from DOE. The Stewardship Council is governed by a Board of Directors made up of elected officials designated by each of the ten government parties to the IGA, and representatives from up to four community stakeholders

By design, the LSO is not a federal advisory board, so the Federal Advisory Committee Act (known as "FACA") does not apply. Accordingly, the Stewardship Council does not issue recommendations but is charged with forwarding recommendations offered by local governments and others, at their request.

The Stewardship Council's central purpose is to bring the parties together to learn about the cleanup and ongoing management of Rocky Flats, and to provide a forum to regularly engage DOE, CDPHE and EPA. By focusing the board membership on local governments (as provided in the LSO legislation), local elected officials are best prepared to respond to their constituents' concerns, to address questions and concerns of their councils/commissions, and to respond as needed.

The Stewardship Council is organized under Colorado laws and regulations. As an independent organization, the Stewardship Council is allowed to engage any questions that fall under the IGA. However, as the LSO for Rocky Flats—and under the terms of the grant from DOE—only specific activities can be charged to the grant. Unless otherwise indicated on the meeting agenda, all Board meetings are LSO-focused.

The mission of the Stewardship Council is --

- To provide continuing local engagement on activities occurring at the Rocky Flats site regarding long-term stewardship of residual contamination and refuge management;
- To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
- To provide an ongoing mechanism to help maintain public knowledge of Rocky Flats and the ongoing needs and responsibilities regarding contaminant management and refuge management; and
- To provide an ongoing forum to engage on all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors

LSO activities include work related to (1) the historic use of Rocky Flats, (2) ongoing management of Rocky Flats, and (3) contamination from Rocky Flats, regardless of where it is found. Non-LSO activities focus on United States Fish and Wildlife Service's (USFWS) refuge management.

Bruce Baker said he thinks it is a problem that the Stewardship Council cannot provide recommendations to DOE and that it can appear that the Stewardship Council does not do anything of importance. David noted that the local governments are very engaged in understanding the issues and

ensuring that their communities' best interests are served, but some of this activity is not widely seen. He provided some examples of how local governments have taken steps over the years to influence decisions at Rocky Flats. He added that the Stewardship Council does have the ability to serve as a conduit to forward the opinions or recommendations of the local governments to DOE.

Big Picture/Additional Questions/Issue Identification: David mentioned that one topic that will be coming up in future meetings is a discussion of potential wildfire at Rocky Flats. He will discuss this with the Executive Committee and schedule it as appropriate.

June 6, 2022

Potential Business Items

- Accept 2021 Financial Audit

Potential Briefing Items

- DOE Quarterly Update
- TBD

September 19

Potential Business Items

- Initial review of the 2023 work plan
- Initial review of the 2023 budget

Potential Briefing Items

- DOE Quarterly Update
- Update on Multi-Purpose Facility

October 31

Potential Business Items

- Adopt 2023 work plan
- Adopt 2023 budget
- New Member Interviews

Potential Briefing Items

- DOE Quarterly Update

End of the LSO portion of the meeting.

Start of the non-LSO portion of the meeting.

USFWS Briefing: David Lucas, the manager of the Rocky Flats National Wildlife Refuge, provided an update on the Refuge.

He began by speaking about xeric tallgrass management on the site, which is a high priority. This type of grass is 20,000–30,000 years old, and the Rocky Flats/Boulder area is the last remaining tract in the world. In 2019, USFWS completed surveys and prepared a report. Links to these reports will be shared

with the group. The first report was about basic plant distribution in the xeric tallgrass, trying to determine the invasive plant load is at the site compared to previous studies. Another study is planned for later this year. Together, these two reports will inform the development of a xeric tallgrass management plan. USFWS is already planning certain protective steps such as the use of biocontrols in order to reduce dalmatian toadflax and knapweed species, and continuation of early detection and rapid response for noxious weeds.

David Lucas next moved on to a discussion of a planned multi-use facility at the Refuge. Initial work was completed on design and location, followed by a pause due to many other issues going on. It is a high priority to proceed with this planning, which will provide information and interpretation of the history of this site going back to Indigenous people, through homesteading, the Cold War and cleanup. USFWS is working to re-invigorate the process, including updating a Memorandum of Understanding (MOU) with DOE.

The next topic was the monitoring of the elk herd onsite. USFWS began collaring elk cows to get a better understanding of movement of the herd. This tracking showed that the herd primarily stays on the Rocky Flats lands, as well as areas just to the north of Highway 128. There have routinely been about 200 in the herd, but the number rose to 344 in February 2022. It is thought that this increase can be attributed to the Marshall fire. USFWS looks at the carrying capacity of the land to allow for a healthy population and has determined that this is about 250 animals. Because of this, in 2023 they will begin reducing this population.

David Abelson asked David Lucas to discuss issues related to trail development and connectivity. David Lucas noted that USFWS did another Environmental Assessment about two years ago and work is ongoing on the Rocky Mountain Greenway and other related projects. They are at 30% design on trails with construction beginning late 2022 or early 2023. David also mentioned that NREL is moving forward with final environmental compliance in order to put in a water line along the western side of Rocky Flats. USFWS also needs to update their grazing permit for Section 16 on the site.

Kim Griffiths asked whether the elk could be relocated. David Lucas said that it is possible, but he does not know of areas where these animals would be wanted. The prevalence of Chronic Wasting Disease along the Front Range also makes these animals less desirable. Jeannette Hillery asked how many more trails are being considered. David Lucas said this round would likely be the last of the trail development and that they will mainly serve as connections to other trails. The new trails add up to just a few miles of new construction.

Murph Widdowfield asked if funding for the multi-use facility had been requested. David Lucas said his understanding is that it had been requested from DOE. David Abelson concurred. Shelley Stanley asked where the facility would be located. David Lucas said the possible locations are on the north side of the site along Highway 128. The reason behind this is the proximity to existing utilities and access points, as well as suitable habitat conditions. She asked if the partial design was available on the website. David said he will look into this. Shelley asked when ground-breaking would take place. David Lucas said this was not yet determined. David Abelson noted that there will be public processes associated with further planning for the building and the related historical interpretation.

Nancy Ford asked what would happen to the animals that are culled. David said this was yet to be determined, but typically they will be euthanized and left for other animals to consume. He hopes to eventually cooperate with surrounding municipalities to develop an integrated elk management plan.

Lynn Segal asked how they keep the elk in a particular area to prevent them from roaming offsite because she believes they spread plutonium through feces, and that it will become airborne. David Lucas noted the challenges with managing large animals in urban areas. He said there will be high fences, as well as crossings to protect the animals on transportation corridors. He noted that the collaring studies provides information about the movement of the herd. Ultimately, he said the number of animals needs to be reduced because predators no longer exist. He added that he was unaware of any evidence regarding Lynn's concern about these animals spreading any contamination, but would defer to DOE, CDPHE and EPA on the details of this question.

Chris Allred said he thought there was a missing piece in David Lucas's updates due to everything taking place on contaminated land. He asked if USFWS had any plans to monitor contamination in animals. He said previous studies on animals at Rocky Flats found plutonium, uranium and americium in bone samples and other tissues. He also asked for an update on the role of the Mile High Youth Corps at the site. David Lucas said USFWS remains interested in looking at potential contaminants in animals and possibly re-creating some of the work that was done in previous studies. He added that the Mile High Youth Corps is partner at all of their locations, and they were used to do some weed work in the Rock Creek drainage in the northwest corner of the Refuge in 2020 and 2021. He said that they were provided with information about the history of the site.

Joan Seeman asked what the USFWS' role would be in the event of a fire in the COU. She also asked whether the MOU between USFWS and DOE that David mentioned was available for public review. David said the MOU would be available for review. David said that according to the USFWS fire management plan, they do not suppress wildfires in the COU. This is the responsibility of DOE. He went on to explain that there is, however, a great deal of communication and collaboration between the agencies during active events. Joan thanked David for his prompt answering of questions.

Board Roundtable:

The meeting was adjourned at 10:35 am.

Respectfully submitted by Erin Rogers.