

3. Responses to Individual Comments

This section includes general responses to individual comments, listed by the comment number in the following table. Each individual's comments are characterized in the following table (*Individual Comments on the Draft CCP/EIS*). Responses to substantive comments or comments that asked for specific clarification on the CCP/EIS begin on page 140. While the Service appreciates comments supporting the Refuge or individual components of the CCP/EIS, these comments are not substantive and are not included in the responses.

HOW TO FIND RESPONSES TO INDIVIDUAL COMMENTS

- # Comments are organized by topic in the following table. Find the appropriate number for the comment.
- # Numbers identified with a "*" are considered to be substantive. Only substantive comments have responses.
- # Look up the numerical code for the substantive comment/issue of interest, beginning on page 140, to find the comment and the Service's response.

PUBLIC COMMENTS BY ISSUE

Substantive comments are indicated with an "*" and are responded to in the following pages. The number of comments received does not include petitions and form letters, which are addressed in Chapter 4.

Comment	Number of Comments	
1000 Purpose and Need		
1000 Purpose and Need		
1005 Requests additional information regarding why Refuge is needed	2	<1%
1006 Supports Refuge designation	11	4%
1007 Does not support Refuge designation	9	3%
1010 Comment about legal and policy guidance	8	3%
1011 Comment that the Service should amend national policies to manage contaminated sites	2	<1%
1020 Comment about Refuge Vision and Goals	3	<1%
2000 Alternatives		
2000 Alternatives		
2001 General comment about alternatives	1	<1%
2002* Specific comment about alternatives	4	1%
2100 Alternative Preference		
2101 Comment in support of Alternative A	37	12%

	2102	Comment in support of Alternative A, with modifications	2	<1%
	2104	Comment in support of Alternative B <i>(See also Form Letters)</i>	68	22%
	2105	Comment in support of Alternative B, with modifications	16	5%
	2107	Comment in support of Alternative C	18	6%
	2108	Comment in support of Alternative C, with modifications	4	1%
	2110	Comment in support of Alternative D	3	<1%
	2111	Comment in support of Alternative D, with modifications	1	<1%
2150		Public Use Objectives		
	2151	General comment about public use programs <i>(See also Form Letters)</i>	1	<1%
	2152*	Specific public use comment	19	6%
	2153*	Specific comment: "Keep Rocky Flats closed" <i>(See also Form Letters)</i>	11	4%
	2154*	Comment opposed to public access/use <i>(See also Form Letters)</i>	102	33%
	2155	Comment supporting public use	33	11%
	2156*	Comment suggesting longer time frame for public use	15	5%
	2157*	Comment suggesting shorter time frame for public use	3	<1%
	2158*	Comment opposing hunting program <i>(See also Form Letters)</i>	24	8%
	2159	Comment supporting hunting program	21	7%
	2160*	Comment proposing model glider use on Refuge	6	2%
	2161	Comment about types of permitted access/uses	9	3%
	2162*	Suggested revisions to public use programs	1	<1%
	2163*	General comment about trail and facility configuration	7	2%
	2165*	Comment suggesting north-south trail on east side of Refuge	7	2%
	2166	Comment suggesting north-south trail along west access road	3	<1%
	2167*	Comment suggesting north trail connection to City of Boulder/Boulder County trails	5	2%
	2168*	Other suggested revisions to trail and facility configuration	7	2%
	2169	Comment supporting equestrian access and facilities	11	4%
	2170	Comment supporting regional trail connectivity	10	3%
	2171*	Comment that visitors should be required to sign informed consent statement	3	<1%
	2172*	Comment opposed to use as a playground/play area for children	2	<1%
	2173	General comment about Visitor Center	1	<1%
	2174	Comment supporting Visitor Center at Refuge	8	3%
	2175*	Comment opposing equestrian access to Refuge	5	2%
	2176*	Comment opposed to off-trail use	2	<1%
2200		Education and Interpretation Objectives		
	2201	General comment about education and interpretation programs	1	<1%
	2202*	Specific comment about education and interpretation programs	1	<1%
	2203	Comment supporting proposed education and interpretation programs	3	<1%
	2204*	Comment opposing proposed education and interpretation programs	1	<1%
	2205*	Comment supporting signs or other means of conveying history of Rocky Flats	13	4%
	2206*	Suggested revisions to education and interpretation programs	1	<1%
	2207*	Comment suggesting/supporting expanded education programs	5	2%
2210		Habitat Management Objectives		
	2211	General comment about habitat management	5	2%

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2212*	Specific comment about habitat management	4	1%
2213*	Comment about habitat restoration	18	6%
2214*	Comment opposing the use of prescribed fire	11	4%
2215	Comment supporting the use of prescribed fire	11	4%
2216*	Comment opposing the use of managed grazing	5	2%
2217	Comment supporting the use of managed grazing	6	2%
2218	Comment about weed management	16	5%
2221*	Comment advocating for minimal habitat fragmentation	2	<1%
2226	Comment supporting revegetation of unused roads	5	2%
2230	Wildlife/T&E Species Objectives		
2231	Comment about wildlife management	8	3%
2232*	Specific comment about wildlife or T&E management	4	1%
2233	Comment about Preble's habitat management	1	<1%
2235	Comment about prairie dog management	6	2%
2236*	Comment questioning the need to restrict prairie dog expansion	2	<1%
2237*	Comment supporting prairie dog relocation from off site	6	2%
2238*	Comment opposing prairie dog relocation from off site	2	<1%
2239*	Comment that all living things, including wildlife, should be excluded from site	6	2%
2240	General comment about species reintroduction	2	<1%
2242	Question the need for culling	2	<1%
2250	Safety Objectives		
2251	General comment about safety objectives	1	<1%
2254*	Concern about safety signage	2	<1%
2260	Communication, Partnerships, and Research Objectives		
2261	General comment about communication, partnerships, and research	1	<1%
2263*	Comment suggesting a shared-use facility with Cold War Museum	6	2%
2264	Comment supporting coordination with local jurisdictions/agencies	6	2%
2265	Comment supporting ongoing research on Refuge	1	<1%
2266	Comment about partnerships	1	<1%
2280	Cultural Resource Objectives		
2282*	Specific comment about cultural resource objectives	3	<1%
2284	Comment supporting removal of Lindsay Ranch structures	2	<1%
2285*	Comment opposing removal of Lindsay Ranch structures	2	<1%
2286*	Comment requesting Native American reburial access	1	<1%
2290	Fencing		
2291*	General comment about fencing	1	<1%
2293	Comment in support of proposed barbed wire boundary fence	1	<1%
2294*	Comment proposing security fence at Refuge boundary (See also Form Letters)	19	6%
2300	Staffing and Budgets		
2301	General comment about staffing and budgets	1	<1%
2302*	Specific comment about staffing and budgets	2	<1%
2310	Comment supports proposed staffing and budget	1	<1%

	2320* Comment that proposed staffing and budget are insufficient	6	2%
2400	Reasonably Foreseeable Activities		
	2402* Specific comment about reasonably foreseeable activities	6	2%
	2410* Comment about adjacent urban development	6	2%
	2431* General comment about mineral rights and mining	1	<1%
	2432* Comment about the recognition of private rights to minerals	2	<1%
	2433* Comment supporting federal acquisition of private mineral rights	3	<1%
	2434* Comment about reclamation of mined lands	1	<1%
	2435* Comment about private utility, ditch, and pond access	3	<1%
	2443 Comment about other open space and trails	6	2%
	2444* Comment about regional open space conservation	8	3%
	2450 General comment about Cold War Museum	2	<1%
	2451* Comment suggesting the protection of wildlife corridors	4	1%
3000	Affected Environment and Environmental Consequences		
3050	Soils		
	3052* Specific comment about soils	1	<1%
	3053 Relevant comment about residual soil contamination levels	3	<1%
	3054* Concern that recreational activities could re-suspend residual soil contamination	9	3
	3055* Concern that prescribed fire could re-suspend residual soil contamination	1	<1%
	3060* Concern about the effect of prairie dogs or other burrowing animals on contaminated soils	12	4%
3100	Water Resources		
	3102* Specific comment about water resources	1	<1%
	3110* Concern about surface water quality	2	<1%
3200	Vegetation Communities		
	3201 General comment about vegetation communities	2	<1%
	3202* Specific comment about impacts to vegetation communities	4	1%
	3240* Concern about weed management	3	<1%
	3260* Concern about impacts of public use/facilities on vegetation	3	<1%
	3261* Concerned that trails will excessively impact riparian habitat	1	<1%
	3262* Concern about the impacts of off-trail use	2	<1%
	3263* Concern about habitat fragmentation due to trails	1	<1%
3300	Wildlife		
	3302* Specific comment about wildlife	3	<1%
	3303* Comment about the effects of residual soil contamination on wildlife	3	<1
	3304* Comment about the analysis of deer tissue	1	<1%
	3311* Concern about impacts to mule deer	1	<1%
	3312* Concern about impacts to raptors	1	<1%
	3330* Concern about impact of trails and facilities on wildlife	6	2%
	3340 Concern about cumulative impacts on wildlife	1	<1%
	3341 Comment about deer tissue analysis	1	<1%

Responses to Individual Comments

3500	Cultural Resources		
	3501	General concern about cultural resources	1 <1%
3600	Recreation and Trails		
	3610*	Concern about public use risk from prairie dog diseases	1 <1%
4000	Draft Compatibility Determinations		
4000	Compatibility Determinations		
	4002*	Specific comment about compatibility determinations	1 <1%
	4010*	General comment about hunting CD	3 <1%
	4011*	Believes that hunting is not compatible at the Refuge	2 <1%
5000	Issues outside of Scope of EIS		
	5010	Memorandum of Understanding	2 <1%
	5020	DOE Retained Area	42 14%
	5030	Site Characterization <i>(See also Form Letters)</i>	71 23%
	5031	Comment about the uptake of contamination by plants	1 <1%
	5040	Cleanup Standards/Risk Assessment <i>(See also Form Letters)</i>	60 19%
	5050	General Cleanup <i>(See also Form Letters)</i>	90 29%
	5051	Comment that the entire site should be fenced off and paved over or capped	5 2%
	5060	Long-term Monitoring and Stewardship	19 6%
	5061	Comment supporting additional research on effects of contamination on wildlife and plants <i>(See also Form Letters)</i>	12 4%
	5062	Comment favoring ongoing research on cleanup technologies <i>(See also Form Letters)</i>	3 <1%
	5070	Potential Health Effects <i>(See also Form Letters)</i>	31 10%
	5080	Cleanup principles/approach <i>(See also Form Letters)</i>	30 10%
	5090	Contamination History	55 18%
6000	Comments about process		
6000	CCP/EIS process		
	6011	General comment about CCP/EIS process	3 <1%
	6012*	Specific comment about CCP/EIS process	2 <1%
	6020*	Comment about NEPA process	7 2%
	6030	Comment about agency consultation and coordination	1 <1%
	6040	Comment about public process	11 4%
	6302*	Specific comment about CCP/EIS	5 2%
	6303*	Comment that the Service appears to have already made its decision	10 3%
	6304*	Suggested changes to maps	2 <1%
6100	Scoping Process		
	6110	Comment on the format of public scoping meetings	3 <1%
6300	Draft CCP/EIS		
	6301	Comment about Draft CCP/EIS document	8 3%
	6303	Comment that the CCP/EIS appears to be pre-decisional	10 3%
	6310	Comment about public hearings on Draft CCP/EIS	3 <1%

1000 – PURPOSE AND NEED

Some of the comments addressed issues about the general purpose of National Wildlife Refuges, the designation of this particular Refuge, and Service policies governing Refuge management. None of these comments were deemed substantive because they did not specifically address the Draft CCP/EIS and dealt with issues that are outside of the scope of this CCP/EIS. Other comments about the vision and goals for the Refuge were noted, but are not responded to because they supported rather than questioned the vision and goals for the Refuge.

2000 – ALTERNATIVES

COMMENT 2002: SPECIFIC COMMENT ABOUT ALTERNATIVES

2002a: Only Alternatives A and C will enable the preservation of the rare and imperiled species and biological communities that have made the land worthy of Wildlife Refuge status.

Response 2002a: The Service believes that Alternatives B and D also would facilitate the protection of rare and imperiled species. Public use facilities were designed to avoid and minimize impacts to sensitive habitat areas. Due to a lack of pro-active management capacity, the Service believes that Alternative A provides the least protection to sensitive biological communities on the Refuge.

2002b: Please come up with a 5th alternative that reflects no public access.

Response 2002b: As described in Section 2.9 – *Alternative Considered But Eliminated*, a “custodial management” alternative, with no access by the public, was considered during the planning process, but was eliminated. Alternative A, the No Action Alternative, would not change the existing public uses, which is public access by pre-arranged, guided tours only.

2002c: Use the less pre-disturbed land as a complete wildlife refuge with no public access, while you use about 5% of the land for educational purposes, and a ranger station.

Response 2002c: All of the public use facilities would have minimal environmental impacts, and existing roads and disturbed areas would be used to the greatest extent possible. Public use facilities in Alternative B would encompass less than 1% of the total Refuge area.

2150 – PUBLIC USE OBJECTIVES

COMMENT 2152: SPECIFIC PUBLIC USE COMMENT

2152a: Voice control access for dogs would be nice, or off-leash dog areas.

Response 2152a: Dogs would not be permitted on the Refuge in any alternative.

2152b: Dogs should be on leash.

Response 2152b: Dogs would not be permitted on the Refuge in any alternative.

2152c: Considering the extent of groundwater contamination at the Flats, fishing is probably not a wise idea.

Response 2152c: DOE would retain most of the ponds at Rocky Flats for long-term monitoring. The Lindsay Ponds on Rock Creek are not contaminated, and would be managed for native fish restoration. Recreational fishing would not be permitted anywhere on the Refuge.

2152d: Since the biodiversity of the site is very sensitive to disturbance, public uses are not compatible with the mission of the National Wildlife System Administration Act, and should be denied.

Response 2152d: Proposed public use facilities have minimal environmental impacts on biological resources, while proposed restoration efforts would enhance those resources. The Service believes that the proposed public uses are compatible with the Refuge purposes and the mission of the NWRS.

2152e: I would like to see some restrictions on the mileage and usage of the proposed trails.

Response 2152e: Trails in the Rock Creek area would be restricted to seasonal use, in order to protect environmental resources. The trail density in Alternative B would be less than many of the other open space areas in the region (Table 14).

2152f: If there are no studies or other evidence (other than guesswork) indicating the need for culling, the FWS should let the mountain lions, coyotes, and the occasional bobcat do their jobs and keep the (deer) population in check.

Response 2152f: Culling by CDOW or Service staff would not be used unless deemed necessary to control populations and protect habitat. A limited hunting program is proposed in Alternative B, which would provide a compatible wildlife dependent recreational activity and would also be a population management tool. Public hunting would be managed so population levels would not be adversely affected, and would be used as a population management tool before culling is considered.

2152g: Equestrian use – a twice a month clean up is the contingency – via what means?

Response 2152g: The Draft Compatibility Determination for Alternative B stipulates that equestrian use would be contingent on volunteer service agreements with equestrian user groups to remove horse manure. Specific methods would be subject to future planning.

2152h: No horses...Horses damage the ecosystems by increasing erosion and they cause the spread of weeds through their scat.

Response 2152h: While there is disagreement in the scientific and recreation communities about the extent that equestrian use is responsible for erosion and the spread of weeds, the Service has taken these issues into careful consideration. In Alternative B, equestrian use would be limited to a portion of the trails with a stipulation that manure is picked up by user groups. The Service believes that, with these restrictions, limited equestrian use would not result in significant erosion or weed dispersal.

2152i: You shouldn't allow hunting if the population is getting too low.

Response 2152i: The proposed hunting programs would be limited, and would not be allowed to adversely affect population levels.

2152j: I note no opportunities for waterfowl hunting in the documents, but short and tall grass prairie environments are great opportunities for a planted bird scenario for upland game.

Response 2152j: Most of the ponds at Rocky Flats will be retained by the DOE for long-term monitoring, and are not suitable for waterfowl hunting. There is not an upland bird population at this time that is suitable for hunting, and the Service is not proposing to establish one for the purposes of providing hunting. Hunting opportunities that are proposed for the Refuge would be highly managed for the purposes of maintaining target deer and elk populations and the provision of wildlife dependent recreation.

2152k: The document forbids the presence of dogs in all alternatives. That is unfortunate as trained hunting dogs would be likely more under control.

Response 2152k: The Service does not believe that dogs would be compatible with the Refuge, as they may pose unnecessary environmental impacts and would not be needed for the proposed hunting program.

2152l: I suggest that the buildings (at the west entrance) could be used as an office/visitor center and could eventually be provided with more municipal type utilities.

Response 2152l: The buildings at the west entrance are privately owned, and are currently leased by DOE. The Service has expressed an interest in co-locating Refuge offices and/or visitor facilities with the proposed Cold War Museum, if such a museum is established within close proximity to the Refuge entrance.

2152m: I cannot find any statement regarding closures of, or restricted use of the off-trail area during nesting season.

Response 2152m: Objective 2.2 – *Public Access* stipulates that off-trail use would be prohibited, except between October and April.

2152n: Plan B will allow many visitors. How will water be provided?

Response 2152n: Potable water for Refuge operations and visitors would be imported to the Refuge by truck, and stored in an on-site cistern.

2152o: We'd like to see you allow equestrians on the main trail that goes along the northeast corridor.

Response 2152o: The Service has received mixed support for equestrian access and has concerns about the potential ecological impacts related to additional weed sources, increased trail erosion, and user conflicts. For these reasons, the Service's limitation of equestrian access in Alternative B is intended to provide a separation of uses and to be conservative with regards to ecological impacts.

COMMENT 2153: SPECIFIC COMMENT: "KEEP ROCKY FLATS CLOSED"

(Specific language from Form Letter A, or individual comments using the text of Form Letter A.)

Response 2153: This comment was made in the context of site cleanup issues that predicate Refuge management and is out of scope of the CCP/EIS. It is clear that the comment opposes public access or use of the Refuge, the response to which is addressed by comment 2154.

COMMENT 2154: COMMENT OPPOSED TO PUBLIC ACCESS/USE

(Comment generally made in reference to contamination issues, though some commentors were concerned about the impacts of public use on wildlife and habitat quality.)

Response 2154: The draft CCP includes four alternatives ranging from maintaining the existing minimal guided public access (Alternative A) to extensive open public use opportunities (Alternative D). The National Wildlife Refuge System Improvement Act outlines six priority public uses to be considered on refuges if they are determined to be compatible. Several of these uses, including hunting, wildlife observation and photography, and environmental education and interpretation are proposed in the draft CCP. As described in the Final Compatibility Determinations in the FEIS for Alternative B, hiking and access by bicycles or horses is considered to be a means of access by which visitors can engage in the priority public uses.

The environmental consequences of public access to the Refuge are anticipated to be minor to moderate, with the exception of some trail configurations in Alternative D, which may have major localized impacts to some wildlife species. The Service believes that the low level of anticipated impacts from public use facilities in Alternative B, the proposed action, would be an acceptable consequence of providing priority public uses.

In regards to concerns about residual contamination, the implementation of any alternative is predicated by the completion and certification by the EPA and CDPHE that the cleanup is sufficient to ensure the safety of any proposed public uses on the Refuge. An expanded discussion of issues related to cleanup and residual soil contamination is included in Section 1.8.

COMMENT 2156: COMMENT SUGGESTING LONGER TIME FRAME FOR PUBLIC USE

(Comment generally made in reference to contamination issues, or concerns about the impacts of public use on wildlife and habitat quality.)

Response 2156: The Service believes that 5 years would be a reasonable time frame to expand proposed public access beyond the Lindsay Ranch trail in Alternative B. Delaying extensive public use for 5 years would allow for initiation of restoration of roads and disturbed areas, continued noxious weed control, and continued monitoring of the effects of public use on vegetation and wildlife. DOE also would complete its first 5-year review of post-cleanup monitoring with the EPA and the CDPHE. The Service would take an adaptive approach to facility development and access, and would extend the timeframe for Refuge-wide facility

development if new information suggests that it would be prudent to do so. Specific concerns about contamination issues are addressed in Section 1.8 of the FEIS.

COMMENT 2157: COMMENT SUGGESTING SHORTER TIME FRAME FOR PUBLIC USE

Response 2157: The Service appreciates the interest from some members of the public to both access the Refuge itself and use enhanced regional trail connections across the Refuge. However, the Service is also obligated to address ecological concerns related to noxious weeds and the revegetation of unused roads on the Refuge. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape.

COMMENT 2158: COMMENT OPPOSING HUNTING PROGRAM

(Commentors were generally opposed to hunting in general, public hunting on the Refuge as a management tool, or had concerns about the safety of hunting at Rocky Flats.)

Response 2158: The National Wildlife Refuge System Improvement Act established hunting as a priority public use if it is compatible with the Refuge purposes. The Service believes that a limited, highly managed hunting program would be a form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations, if necessary. As described in the Final Compatibility Determinations in the FEIS for Alternative B, the proposed hunting program is compatible with the Refuge purposes. Objective 1.6 – *Deer and Elk Management*, and Objective 2.10 – *Hunting Program* have been revised to better correlate the establishment of target populations with the hunting program. In addition, in the interest of safety, the Service has made modifications to the type of weapons that would be allowed.

COMMENT 2160: COMMENT PROPOSING MODEL GLIDER USE ON REFUGE

Response 2160: The Service does not believe that model glider use would be compatible with the purposes of the Refuge or the NWRS. Consequently, model glider use was not incorporated into any of the alternatives.

COMMENT 2162: SUGGESTED REVISIONS TO PUBLIC USE PROGRAMS

2162a: [Prefer that] visitors will remain under the supervision of Refuge staff so no one harms animals.

Response 2162a: The Service is confident that visitors engaging in unsupervised, wildlife-dependent recreation on the Refuge would not adversely impact individual animals or wildlife populations. Wildlife harassment is against Service policies and would be addressed appropriately.

COMMENT 2163: GENERAL COMMENT ABOUT TRAIL AND FACILITY CONFIGURATION

(Generally concerned about environmentally sensitive trail design, and the overall magnitude of trails.)

Response 2163: In all alternatives, the Service designed a trail system that would avoid sensitive habitat and minimize impacts to the environment. Existing roads would be used for trails to the greatest extent possible, and trails through sensitive habitat areas would subject to seasonal closures. The trail density in Alternative B would be less than many of the other open space areas in the region (Table 14).

COMMENT 2165: COMMENT SUGGESTING NORTH-SOUTH TRAIL ON EAST SIDE OF REFUGE

(Such a proposed trail exists in Alternative D, but not in Alternative B.)

Response 2165: The Service considered the addition of a north-south trail along the east side of the Refuge, and has elected to not add such a trail to Alternative B. For several reasons, the proposed action does not include such a trail. These reasons include uncertainties surrounding

the potential transfer of land along Indiana Street for regional transportation improvements, the desired level of trail facilities that would be consistent with the Service's goal of balancing habitat protection and public use, and public perceptions and concerns about contamination issues.

The Service will continue to work with adjacent jurisdictions to encourage the establishment of trails that compliment the Refuge trails system in Alternative B. In addition, the Service will consult with CDOT and other agencies to incorporate trail connections into any future transportation improvements, and to mitigate the effects of those improvements on the Refuge.

COMMENT 2166: COMMENT SUGGESTING NORTH-SOUTH TRAIL ALONG WEST ACCESS ROAD

(Comment proposes a separated trail, about ¾ miles long, to ensure the safety of trail users by separating them from motorists.)

Response 2166: The Service has added to Alternative B and D a north-south trail adjacent to the access road between the south multi-use trail and the visitor contact station.

COMMENT 2167: COMMENT SUGGESTING NORTH TRAIL CONNECTION TO CITY OF BOULDER/BOULDER COUNTY TRAILS

Response 2167: The Draft CCP/EIS acknowledges that there is no proposed connection between trails in the Rock Creek portion of the Refuge, and the existing and proposed trails to the north of the Refuge along Highway 128. The rationale for not completing this connection is that the Rock Creek drainage is the most ecologically sensitive portion of the Refuge, and would only support seasonal, hiking-only trails. A multi-use through trail in this area would hamper the Service's ability to manage access and seasonal closures. In addition, a trail connection to the north would need to ascend steep slopes below Highway 128, and would compromise the Service's ability to manage trail access and use in the sensitive Rock Creek drainage. Other constraints to a trail connection in this area includes the potential for expanded mining operations, and safety issues related to the adjacent National Wind Technology Center.

COMMENT 2168: OTHER SUGGESTED REVISIONS TO TRAIL AND FACILITY CONFIGURATION

2168a: I would suggest that an ADA mounting ramp be included with trailhead parking plans.

Response 2168a: The Service has added a handicap-accessible mounting ramp to the proposed facilities at the visitor contact station in Alternatives B and D.

2168b: Include equestrian use for both north and south area trails.

Response 2168b: The Service's limitation of equestrian access in Alternative B is intended to provide a separation of uses, and to take a conservative approach to the potential ecological impacts of equestrian use.

2168c: Historically, it would be very fine to have at least part of one of the trails utilize segments of the (historical railroad grade)... a good segment candidate is in the minor drainageway northwest of Lindsay Pond #2.

Response 2168c: The historical railroad grade was considered during the trail planning process, but it was determined that grade does not run in an orientation where trail access is needed or desired.

2168d: My concern is the implication that horses or their riders are in some way more damaging or disturbing to the wildlife environment or other uses than bicyclists or pedestrians are.

Response 2168d: There is considerable disagreement in the scientific and recreational communities about the extent that recreationists in general and equestrians in particular impact the environment. Given that uncertainty, the Service believes that it is reasonable to discuss the potential effects that may result from equestrian or other uses, and does not intend to imply that equestrian use is always more damaging than other uses.

2168e: We recommend moving the northern most trail head west along Highway 128 on mile to where the Coalton Trail comes down to 128.

Response 2168e: The north trailhead was not located across from the Coalton Trail because the adjacent slopes are too steep for an ecologically sensitive trail connection onto the Refuge, any such trail would be subject to seasonal closures within the sensitive Rock Creek drainage, and the Service does not believe that it would be able to effectively enforce the seasonal and modal trail closures that would be necessary to protect those sensitive resources.

2168f: You should plan for a restroom at each parking lot.

Response 2168f: In Alternative B, restroom facilities would be provided at the main parking lot and visitor contact station. Outlying parking areas would not have restroom facilities.

COMMENT 2171: COMMENT THAT VISITORS SHOULD BE REQUIRED TO SIGN AN INFORMED CONSENT STATEMENT

(Comment made in the context of issues related to residual contamination.)

Response 2171: The CCP/EIS is written under the premise that the land to become the Refuge would be safe for the Refuge worker and visitor. The Refuge will not be established until the EPA certifies that the cleanup is complete and is safe. The FEIS includes an expanded discussion of cleanup issues and residual soil contamination in Sections 1.8 and 3.2. As shown in Figure 4, soil contamination levels in the areas that are likely to become the Refuge are currently low enough, prior to cleanup, to not require any response actions. Therefore, the Service would not require visitors to sign an informed consent statement. Informational signs would convey the history of the site.

COMMENT 2172: COMMENT OPPOSED TO USE AS A PLAYGROUND/PLAY AREA FOR CHILDREN

(Comment made in the context to concerns about contamination issues.)

Response 2172: None of the CCP alternatives include playground facilities. Alternative D includes an outdoor classroom, consisting of a primitive shelter over a hard surface, which would be used for interpretive and education programs for both children and adults. Alternative B, the Service's proposed action, would not include any programs for students below the high school level. It is acknowledged that this comment may have been made as a metaphor for any recreational use of the Refuge, which is addressed by comment 2154.

COMMENT 2175: COMMENT OPPOSING EQUESTRIAN ACCESS TO REFUGE

(Generally opposed to equestrian use on a philosophical basis or because of potential environmental impacts.)

Response 2175: While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement with the scientific and recreation communities on that issue. Many people expressed a desire to include equestrian access as a means to engage in compatible wildlife-dependent recreation on the Refuge and regional connectivity to other trail systems. The Service believes that it has taken a conservative approach in allowing equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).

COMMENT 2176: COMMENT OPPOSED TO OFF-TRAIL USE

Response 2176: Off-trail use would be limited to pedestrian access only, on a seasonal basis, to avoid disturbance to ground-nesting birds and other wildlife species. The Service believes that the off-trail use area in the southern portion of the Refuge would provide a reasonable opportunity for amateur naturalists, wildlife photographers, and others to access their subjects and would not result in significant impacts to wildlife or their habitat.

2200 – EDUCATION AND INTERPRETATION OBJECTIVES

COMMENT 2202: SPECIFIC COMMENT ABOUT EDUCATION AND INTERPRETATION PROGRAMS

2202a: Is there already one, and is the interpretation and environmental education facility shown on the Alternative D map?

Response 2202a: The proposed environmental education facility is shown on the Alternative D map as an “Outdoor Education Center” adjacent to the Rock Creek overlook. It would be a new facility.

COMMENT 2204: COMMENT OPPOSING PROPOSED EDUCATION AND INTERPRETATION PROGRAMS

(Comment made in reference to contamination concerns.)

Response 2204: The EPA and CDPHE indicated that all of the proposed Refuge management activities, including education and interpretation, will be safe for the Refuge worker and visitors of all ages. The FEIS includes an expanded discussion of issues related to cleanup and residual soil contamination in Section 1.8.

COMMENT 2205: COMMENT SUPPORTING SIGNS OR OTHER MEANS OF CONVEYING HISTORY OF ROCKY FLATS

(Comment generally made in reference to contamination concerns, as well as the general history of the site.)

Response 2205: The Service acknowledges that, as a former nuclear weapons production facility, Rocky Flats has a rich and often controversial history. This controversy has extended to the nature and extent of cleanup efforts that will precede the establishment of the Refuge. The Service believes that is important to convey the history of the site as both an interpretive and as a safety tool.

COMMENT 2206: SUGGESTED REVISIONS TO EDUCATION AND INTERPRETATION PROGRAMS

2206a: Education facility should be open to student groups of all ages.

Response 2206a: As described in Objective 2.8 – *Environmental Education Planning*, the Service determined that there is less of a need for elementary and middle school environmental programs while there is a greater need for natural resource study sites for high school and college level research. The Service would continue to provide programs for younger students at the Rocky Mountain Arsenal NWR.

COMMENT 2207: COMMENT SUGGESTING/SUPPORTING EXPANDED EDUCATION PROGRAMS

(Comments that support education programs for younger students in Alternative D, and suggest that the programs in Alternative B should be expanded as such.)

Response 2207: As described in Objective 2.8 – *Environmental Education Planning*, the Service determined that there is less of a need for elementary and middle school environmental programs while there is a greater need for natural resource study sites for high school and college level research. The Service would continue to provide programs for younger students at the Rocky Mountain Arsenal NWR.

2210 – HABITAT MANAGEMENT OBJECTIVES

COMMENT 2212: SPECIFIC COMMENT ABOUT HABITAT MANAGEMENT

2212a: USFWS has not provided the public with a substantive definition of “pre-settlement” (conditions).

Response 2212a: The term “pre-settlement” condition is intended to imply a condition before livestock grazing and modern use and disturbance of the site. The FEIS has been clarified and a definition has been added to the glossary.

2212b: Monitoring “every few years” seems far too insufficient to maintain and oversee plant and animal communities.

Response 2212b: Service biologists would have an ongoing management presence at the Refuge and would be constantly “informally” monitoring ecological conditions. Some resources would require a scheduled monitoring program, but the Service believes that it is premature to commit to a scheduled monitoring program. The Service would conduct some monitoring as part of refuge operations, but on most refuges, wildlife are not always monitored.

2212c: The use of toxic herbicides seems dangerous to the Rocky Flats environment.

Response 2212c: Due to the extent of noxious weed infestations at Rocky Flats and the effect that weeds have on native ecosystems, the Service believes that it would be important to retain a full suite of pest management tools, including chemical herbicides. Chemical herbicides are commonly used to control noxious weeds, and if they are applied properly, the benefits of weed reduction would outweigh the effects of herbicide application on native plants and animals.

COMMENT 2213: COMMENT ABOUT HABITAT RESTORATION

(Generally comprised of comments supporting the concept of restoration efforts.)

Response 2213: Comment noted. Due to issues related to noxious weed infestation, existing disturbances, and road revegetation, habitat restoration would be an important component of all alternatives.

COMMENT 2214: COMMENT OPPOSING THE USE OF PRESCRIBED FIRE

(Generally due to concerns about residual soil contamination.)

Response 2214: Prescribed fire would be one component of a comprehensive vegetation management strategy that may be used, in concert with other techniques, to restore native grasslands, reduce the risk for unplanned wildfire, and where appropriate, reduce weed infestations. Both the EPA and CDPHE have indicated that the use of prescribed fire outside of the DOE retained area would not pose a significant risk to firefighters, Service personnel, or the general public (Appendix D). The Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 8). In accordance with Service policy, any unplanned wildfires would be aggressively extinguished.

COMMENT 2216: COMMENT OPPOSING THE USE OF MANAGED GRAZING

(Comments generally opposed to the principle of grazing on the Refuge.)

Response 2216: The use of grazing by cattle or sheep would be used as a management tool for weed management and/or ecological restoration. Grazing would be managed to minimize adverse ecological impacts.

COMMENT 2221: COMMENT ADVOCATING FOR MINIMAL HABITAT FRAGMENTATION

Response 2221: Habitat fragmentation is recognized by many biologists to be one of the primary threats to habitat quality and biological diversity. However, the effects of fragmentation depends on the species. An insect or small mammal could be impacted by fragmentation from a road or a trail, while deer and other species may not. Under present conditions, Rocky Flats is a highly fragmented landscape with over 70 miles of roads traversing the site. For this reason, it is the goal of the Service to reduce habitat fragmentation by removing and revegetating unnecessary roads throughout the Refuge, and by reducing the width of road impacts where roads are to be converted to a trail. Using average habitat patch

size as an indicator of fragmentation, fragmentation in all alternatives would be less than existing conditions (Table 11).

Another factor influencing the effects of fragmentation is the location and use of proposed trails. During the planning process, the Service sought to locate trails along existing roads to the greatest extent possible, and in locations where trail use would not fragment sensitive habitat. The trail density in Alternative B would be less than many of the other open space areas in the region (Table 14). While the Service acknowledges that Alternative C would minimize habitat fragmentation, Alternative B, the proposed action, would reduce habitat fragmentation on the Refuge while allowing for a moderate level of wildlife dependent public use.

2230 – WILDLIFE/THREATENED AND ENDANGERED SPECIES OBJECTIVES

COMMENT 2232: SPECIFIC COMMENT ABOUT WILDLIFE OR THREATENED AND ENDANGERED SPECIES MANAGEMENT

2232a: If the (deer) population must be controlled, use techniques such as herding or fencing off or sharpshooters.

Response 2232: The Service would retain a variety of tools for managing the deer and elk population. If the population is to be reduced, the Service would prefer reducing the population through the proposed limited hunting program before staff sharpshooters would be used.

COMMENT 2236: COMMENT QUESTIONING THE NEED TO RESTRICT PRAIRIE DOG EXPANSION

Response 2236: In all alternatives, the Service has set thresholds for the maximum area of prairie dog expansion that would be allowed on the Refuge. While 2,460 acres of potential prairie dog habitat exist on the Refuge, the Service proposes to limit prairie dog expansion to 750 acres in Alternative B, 500 acres in Alternative C, and 1,000 acres in Alternative D. About 10 acres of prairie dog colonies currently exist at Rocky Flats. While the Service recognizes the important role that prairie dogs play in the grassland ecosystem, as well as their status as a candidate for listing under the ESA, it is also important to manage prairie dog populations in balance with other wildlife species and vegetation communities. A sustainable expansion of prairie dog colonies can contribute to the health and diversity of grasslands, but an overpopulation of prairie dogs across the entire Refuge could threaten the viability of other native species, as well as the rare xeric tallgrass community in the western portions of the Refuge. Alternative B would allow for a large increase over the current population size, which the Service believes is sufficient for a sustainable and dynamic prairie dog population.

Another reason that the Service intends to restrict unlimited expansion of prairie dog colonies is due to concerns related to residual, subsurface contamination. Any subsurface contamination would be limited to the portions of the DOE retained area that will not become the Refuge. The DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service is not responsible for prairie dogs within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it is prudent for the Service to maintain a sustainable prairie dog population and to keep those populations away from the retained area.

COMMENTS 2237 AND 2238: COMMENT SUPPORTING/OPPOSING PRAIRIE DOG RELOCATION FROM OFF SITE

Response 2237: In Alternative D, the Service would evaluate the suitability of accepting unwanted prairie dogs from other jurisdictions. In the other alternatives, including the proposed action, the Service would not accept prairie dogs from off site. As discussed above in

the response to comment 2236, the Service proposes to allow natural expansion of existing and adjacent prairie dog populations in a manner that is ecologically sustainable.

The Service would not consider prairie dog relocated from off site to be a reintroduced species, because they are not extirpated from the site.

COMMENT 2239: COMMENT THAT ALL LIVING THINGS, INCLUDING WILDLIFE, SHOULD BE EXCLUDED FROM THE SITE

(This comment was made in the context of contamination issues.)

Response 2239: The Service would not exclude wildlife or other biota from the Refuge. The EPA and CDPHE have indicated that all of the proposed Refuge management activities would be safe for the Refuge worker and visitor. The FEIS includes an expanded discussion of issues related to cleanup and residual soil contamination in Section 1.8.

2250 - SAFETY OBJECTIVES

COMMENT 2254: CONCERN ABOUT SAFETY SIGNAGE

(Comment made in reference to concerns about contamination.)

Response 2254: The Refuge would include signs and displays conveying the history of the site. These would be developed in a step-down Visitor Services Plan.

2260 – COMMUNICATION, PARTNERSHIPS, AND RESEARCH OBJECTIVES

COMMENT 2263: COMMENT SUGGESTING A SHARED USE FACILITY WITH COLD WAR MUSEUM

Response 2263: The Service has expressed that it would prefer to co-locate Refuge offices and/or visitor facilities with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.

2280 – CULTURAL RESOURCE OBJECTIVES

COMMENT 2282: SPECIFIC COMMENT ABOUT CULTURAL RESOURCE OBJECTIVES

2282a: (Favor preservation of) rock structure near the Woman Creek/Indiana Street intersection.

Response 2282a: In all alternatives except for Alternative C, the rock structure would be left intact. However, the rock structure is within or adjacent to the right-of-way for transportation improvements described in the Refuge Act (see Section 4.16), and could be destroyed by future transportation improvements along the Indiana Street corridor.

2282b: The Antelope Springs Ranch (and stagecoach stop?) should be noted and made accessible to the public, just like the Lindsay Ranch area.

Response 2282b: In Alternatives B and D, interpretation of the cultural resources at Antelope Springs from the trail would be considered in a step-down interpretive component of a Visitor Services Plan. No additional facilities are planned to provide physical access to the area.

2282c: At a minimum, a historic marker...should be placed at the (historical) railroad fill.

Response 2282c: Interpretation of the historical railroad grade would be considered in a step-down interpretive component of a Visitor Services Plan.

COMMENT 2285: COMMENT OPPOSING REMOVAL OF LINDSAY RANCH STRUCTURES

Response 2285: In Alternative C, the Service would remove all Lindsay Ranch structures to restore the site to a pre-settlement condition. In Alternative B, the barn would be stabilized while the other structures could be removed. After evaluating the condition of the other structures, the Service has concluded that the farm house is deteriorated beyond repair, and

that appropriate restoration would significantly detract Refuge resources away from other management needs.

As stated in the rationale for Alternatives A, B, and D under Objective 6.4, the Service would be willing to work with partners and consider stabilizing the house if resources could be found through partnerships or grants to undertake such a project. Even if the house does not remain, the Service believes that the house can be interpreted through a variety of media such as interpretive panels. The EIS has been revised to reflect this. The Service is concerned about the house becoming an attractive nuisance if it is fenced off, and the type of security fencing that would be required to keep visitors away could detract from the visual qualities of the area.

COMMENT 2286: COMMENT REQUESTING NATIVE AMERICAN REBURIAL ACCESS

Response 2286: The Refuge is to be managed in accordance with Service policy and the purposes expressed in the Refuge Act. Native American reburial is not compatible with these purposes and will not be pursued under any of the alternatives.

2290 – FENCING

COMMENT 2291: GENERAL COMMENT ABOUT FENCING

(Comment that cattle fencing should be part of Alternative B.)

Response 2291: In all alternatives, the existing barbed-wire boundary fence would remain.

COMMENT 2294: COMMENT PROPOSING SECURITY FENCE AT REFUGE BOUNDARY

(Comment generally made in the context of contamination concerns and the exclusion of all public and/or wildlife access.)

Response 2294: During the planning process, the Service considered the feasibility and environmental impacts of installing a 6-foot chain-link security fence around the perimeter of the Refuge (see Section 4.15–*Fencing Considerations*). The Service did not recommend a security fence for any alternative because of the estimated cost (\$4 million), its impacts on wildlife movement and habitat conditions, and its visual impacts.

2300 – STAFFING AND BUDGETS

COMMENT 2302: SPECIFIC COMMENT ABOUT STAFFING AND BUDGETS

2302a: Concerned about having hunting at the Refuge two weekends a year for a grand total of 20 people at an estimated cost of \$250 per person.

Response 2302a: The Compatibility Determination on Hunting (Appendix B) estimates that the hunting program would cost about \$5,000 per year to operate. This cost estimate is based on the staff time that would be allocated to the program and would not result in additional costs or staffing. The estimated cost of the hunting program is less than 1% of the estimated annual operations budget for the Refuge. The Service believes that this is a reasonable expense to provide a priority public use on the Refuge.

2302b: It seems that a per-use fee would be a logical means by which to help support use of the facility.

Response 2302b: While the Service may consider incorporating a fee-based access system in the future, such a system will not be pursued during this CCP.

COMMENT 2320: COMMENT THAT PROPOSED STAFFING AND BUDGET ARE INSUFFICIENT

(Generally concerned that staffing would not be sufficient for fire monitoring or restoration programs, or law enforcement would not be able to protect visitors from contaminated areas.)

Response 2320: The Service believes that the proposed staffing levels would be sufficient to implement the proposed Refuge management activities. Fire management would have its own staff and budget that is separate from the general Refuge budget. The Service does not anticipate a constant law enforcement presence on the Refuge. The EPA and CDPHE have indicated that public access to all portions of the Refuge, not just the trails, will be safe.

2400 – REASONABLY FORESEEABLE ACTIVITIES

COMMENT 2402: SPECIFIC COMMENT ABOUT REASONABLY FORESEEABLE ACTIVITIES

2402a: For Section 16, you should strongly suggest to the Colorado State School Land Board that they do no more gravel pitting, coal mining, or claystone extraction.

Response 2402a: The Service does not have jurisdiction over the management of adjacent state lands.

2402b: Section 16 (should) become permanently part of the Rocky Flats Refuge.

Response 2402b: While the disposition of Section 16 or any other lands are outside of the Service's jurisdiction, the Service will work with local governments in support of regional conservation opportunities.

2402c: When highways have more increased traffic, you should consider having underpasses or better fences at 93 and Indiana for wildlife.

Response 2402c: The Final CCP/EIS includes recommendations, such as wildlife crossings and fencing, that could minimize or mitigate the effects of transportation improvements surrounding the Refuge (Section 4.16).

2402d: I understand that sand and dust from mining is damaging various lands in the wildlife refuge. I would recommend immediate action...to stop this from occurring.

Response 2402d: The Final CCP/EIS explains that the Service would work with the mining operators and the appropriate regulatory agencies to minimize and mitigate the effects of windblown soil deposition on the Refuge.

COMMENT 2410: COMMENT ABOUT ADJACENT URBAN DEVELOPMENT

(Wildlife corridors as more development occurs, and impacts due to development in the south.)

Response 2410: The FEIS includes an expanded discussion of urban development that is anticipated to occur near the Refuge, including the planned Vauxmont development to the south. The potential impacts of this development to the Refuge are included in the cumulative impacts discussions in Chapter 4.

COMMENT 2431: GENERAL COMMENT ABOUT MINERAL RIGHTS AND MINING

(Concern about impacts of adjacent mining to Refuge.)

Response 2431: See response to comment 2433. In addition, the cumulative impact discussions in Chapter 4 include a discussion of potential impacts to the Refuge from adjacent mining. Groundwater and air quality on the Refuge are protected by stipulations in the mining permits. The Service will work with the mining operators and regulatory agencies to minimize the impacts of adjacent mining on the Refuge and its resources.

COMMENT 2432: COMMENT ABOUT THE RECOGNITION OF PRIVATE RIGHTS TO MINERALS

Response 2432: The Refuge Act (Appendix A) specifies that the establishment of the Refuge would not limit any valid, existing property right at Rocky Flats that are owned by any person or entity, including, but not limited to mineral rights, water rights or related easements, or utility facilities or rights-of-way. The Service acknowledges the existence of these private property rights and intends to allow continued reasonable access to those areas. For example, the layout of the proposed Refuge access roads in all alternatives is designed to facilitate future

access to existing easements and other property rights on the Refuge. The Service would continue to coordinate with outside entities to best facilitate reasonable access to private property rights in a manner that minimizes impacts to Refuge resources and/or operations. (See response to comment 2433 for a more specific discussion of mineral rights.)

COMMENT 2433: COMMENT SUPPORTING FEDERAL ACQUISITION TO PRIVATE MINERAL RIGHTS

Response 2433: As recognized in the Refuge Act (Appendix A), most of the subsurface mineral rights associated with lands along the western edge of Rocky Flats are privately owned. Most are permitted for surface mining, and some are being actively mined. These private mineral rights are in an area where their full development would adversely affect the rare xeric tallgrass community and wildlife movement corridors. These effects are discussed in various locations in Chapter 4 under *Cumulative Impacts*.

The final disposition of the lands associated with private mineral rights is still under discussion. As described in Section 3.8 of the FEIS, it is the Service's position that because of the adverse effects that surface mining would have on the Refuge, the Service would not be able to manage the Refuge to meet the requirements of the Refuge Act if those areas are included in the Refuge. Therefore, the Service would not accept those lands into the Refuge until the mineral rights are secured, or those areas have been fully reclaimed following mining operations.

COMMENT 2434: COMMENT ABOUT RECLAMATION OF MINED LANDS

Response 2434: See response to comment 2433. In addition, reclamation of mined lands is governed by stipulations in the mining permits that are issued by the State of Colorado.

COMMENT 2435: COMMENT ABOUT PRIVATE UTILITY, DITCH, AND POND ACCESS

Response 2435: The Service would allow reasonable access to all private property rights on the Refuge. See response to comment 2432 for a more detailed discussion.

COMMENT 2444: COMMENT ABOUT REGIONAL OPEN SPACE CONSERVATION.

Response 2444: The Service appreciates that Rocky Flats is surrounded by open space on three sides, and that the conservation of Rocky Flats to a National Wildlife Refuge plays a pivotal role in tying together the efforts of multiple jurisdictions towards regional open space conservation. Recognizing the importance of the Refuge in a larger context, the Service is committed to work with neighboring jurisdictions to coordinate natural resource management and public use opportunities. This commitment is illustrated throughout the Goals and Objectives in Chapter 2.

COMMENT 2451: COMMENT SUGGESTING THE PROTECTION OF WILDLIFE CORRIDORS

(Concerns related to nearby transportation improvements.)

Response 2451: The FEIS includes a discussion in Section 4.16 that provides recommendations to protect wildlife corridors and other Refuge resources that could be affected by nearby transportation improvements.

3000 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3050 – SOILS

COMMENT 3052: SPECIFIC COMMENT ABOUT SOILS

3052a: (The Service) must be extremely careful when it considers road obliteration and revegetation.

Response 3052a: The EPA and CDPHE have indicated that all proposed Refuge activities, including road removal and restoration, will be safe for Refuge workers and visitors. Sections

1.8 and 3.2 include expanded discussions of issues related to cleanup and residual soil contamination. As shown on Figure 4 none of the area that will become the Refuge is contaminated to the extent that cleanup will be required.

COMMENT 3054: CONCERN THAT RECREATIONAL ACTIVITIES COULD RE-SUSPEND RESIDUAL SOIL CONTAMINATION

Response 3054: The EPA and CDPHE have indicated that all of the proposed Refuge activities, including recreational activities, will be safe for both Refuge workers and visitors. The contamination levels in the area to become the Refuge are currently low enough (prior to cleanup) to not require any response actions. In response to public interest and concern, the FEIS includes an expanded discussion of issues related to site cleanup and residual soil contamination in Section 1.8 and 4.2.

COMMENT 3055: CONCERN THAT PRESCRIBED FIRE COULD RE-SUSPEND RESIDUAL SOIL CONTAMINATION

Response 3055: See response to comment 3054. In addition, the Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 8).

COMMENT 3060: CONCERN ABOUT THE EFFECT OF PRAIRIE DOGS OR OTHER BURROWING ANIMALS ON CONTAMINATED SOILS

Response 3060: The EPA and CDPHE have indicated that subsurface contamination does not exist in the area that will become the Refuge. The DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service will not be responsible for prairie dogs within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it would be prudent for the Service to keep prairie dog populations away from the DOE retained area.

3100 – WATER RESOURCES

COMMENT 3102: SPECIFIC COMMENT ABOUT WATER RESOURCES

3102a: I would recommend working with Arvada to get water up to (the Refuge).

Response 3102a: At this time, the Service does not plan to pursue the extension of municipal facilities to the Refuge because the costs of purchasing water. The Service believes that we would be able to meet Refuge needs as outlined in the CCP. The Service will retain the existing raw water pond, as well as the water line between the pond and Building 60, in the event that water is purchased at a future date.

COMMENT 3110: CONCERN ABOUT SURFACE WATER QUALITY

(Concerns about surface water contamination, and potential impacts from adjacent development.)

Response 3110: The EPA and CDPHE have indicated that all of the area to become the Refuge, including surface water, will be safe for Refuge visitors and workers. Potential impacts to surface water from nearby development are discussed in the cumulative impacts section of Chapter 4.

3200 – VEGETATION COMMUNITIES

COMMENT 3202: SPECIFIC COMMENT ABOUT VEGETATION COMMUNITIES

3202a: Why were the recommendations in Essington, et al. 1996 and Kettler, et al. 1994 not used more fully in developing the alternatives and in describing the consequences of each alternative.

Response 3202a: Both of the referenced Colorado Natural Heritage Program reports were very useful in understanding the resources of the Refuge, as described in Chapter 3 – *Affected Environment*, and were closely considered in developing the alternatives and evaluating the effects of those alternatives. However, other factors that influenced the alternatives included the Refuge purposes, Service policies, and knowledge gained from other studies and management.

3202b: The deficiencies of the Draft are apparent throughout Chapter 4. Relevant research is also neither cited nor used to reach evidence-based conclusions.

Response 3202b: The evaluation of impacts in Chapter 4 is based on the Service's understanding of site conditions described in Chapter 3, the professional knowledge and experience of Service and planning team staff, knowledge gained from DOE's site management, and best available scientific studies on particular types of impacts (such as public use impacts). Scientific studies were cited appropriately when they were available to support impact assessment. The biological resources of the Rocky Flats site have been thoroughly studied over the last 20 years. For that reason, no additional empirical studies were conducted to prepare the FEIS.

3202c: Despite the USFWS's plans to restore/revegetate areas and take actions to enhance wildlife habitat, Alternatives B and D will only "partially satisfy" (the wildlife and habitat management) goal.

Response 3202c: The Service believes that the overall effects of public use in Alternatives B would be minor, and would not diminish the ability of Alternative B to satisfy the wildlife and habitat management goal. The proposed public use facilities, including trails on existing roads, would affect less than 1 percent of the Refuge area.

COMMENT 3240: CONCERN ABOUT WEED MANAGEMENT

(Comment specific to whether horses are more or less responsible for the spread of weed seeds.)

Response 3240: While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement with the scientific and recreation communities on that issue. However, the Service believes that it is a reasonable assessment to assume that horses are among the potential vectors for weed dispersal. Recognizing this uncertainty, the Service proposes to allow limited equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).

COMMENT 3260: CONCERN ABOUT IMPACTS OF PUBLIC USE/FACILITIES ON VEGETATION

Response 3260: All of the public use facilities were located considering ecological impacts, and existing roads and disturbed areas were used to the greatest extent possible. The proposed public use facilities, including trails on existing roads, would affect less than 1% of the Refuge area, and the anticipated effects from the use of those facilities would be minor.

COMMENT 3261: CONCERN THAT TRAIL WILL EXCESSIVELY IMPACT RIPARIAN HABITAT

Response 3261: During the planning process, the Service planned trail configurations to avoid and minimize impacts to riparian habitat. Of the 16.2 miles of trails that are planned for Alternative B, 0.4 miles, or 3 percent of trail would be within riparian habitat areas. Most of those trails would be located on existing roads, and subject to seasonal closures.

COMMENT 3262: CONCERN ABOUT THE IMPACTS OF OFF-TRAIL USE

Response 3262: The Service believes that the potential impacts of off-trail use would be minor and would not adversely affect vegetation communities or wildlife. Any indications of overuse or impacts to sensitive resources would be mitigated through education, signage, and/or closures as appropriate. The service believes that seasonal off-trail use provides reasonable access for naturalists, wildlife photographers, and others to engage in compatible wildlife-dependent public uses.

COMMENT 3263: CONCERN ABOUT HABITAT FRAGMENTATION DUE TO TRAILS

Response 3263: See response to comments 2221 and 3260.

3300 – WILDLIFE

COMMENT 3302: SPECIFIC COMMENT ABOUT WILDLIFE

3302a: No information is available about current populations of deer and elk that inhabit the property beyond the discussion of population targets. Likewise, you make no comments about any predators or any other limiting factors on these big game populations.

Response 3302a: Current populations of deer and elk, as well as their anticipated predators are described in Section 3.5 – *Wildlife Resources*.

3302b: We also have clear evidence...that both raptors and songbirds are negatively impacted by trail use.

Response 3302b: The Service is aware of the potential effects of trail use on raptors and songbirds. These impacts were considered during the trail planning to minimize these potential impacts by avoiding riparian habitat areas and by using existing roads to the greatest extent possible. Some trails in the Rock Creek area and off-trail use would only be open during the winter months, which would greatly reduce the potential for impacts to both raptors and songbirds. Other closures may be implemented as needed to reduce impacts to wildlife.

COMMENT 3303: COMMENT ABOUT THE EFFECTS OF RESIDUAL SOIL CONTAMINATION ON WILDLIFE

Response 3303: The Service does not believe that residual soil contamination has adversely affected wildlife at Rocky Flats. See also the response to comment 3304.

COMMENT 3304: COMMENT ABOUT THE ANALYSIS OF DEER TISSUE

Response 3304: Tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats.

COMMENT 3311: CONCERN ABOUT IMPACTS TO MULE DEER

(Concern related to the effects of hunting.)

Response 3311: See response to comment 2158.

COMMENT 3312: CONCERN ABOUT IMPACTS TO RAPTORS

(Concern related to the impacts of off-trail use.)

Response 3312: The Service believes that the density and frequency of off-trail use would be low enough to not adversely affect the use of potential raptor nest areas in the southern portion of the Refuge. None of the proposed trails impact known raptor nest sites. If such a conflict occurs in the future, the Service would evaluate whether further actions are needed to reduce impacts to nesting raptors.

COMMENT 3330: COMMENT ABOUT IMPACT OF TRAILS AND FACILITIES ON WILDLIFE

Response 3330: See response to comment 3260. In addition, the Service is confident that visitors engaging in unsupervised, wildlife-dependent recreation on the Refuge would not adversely impact individual animals or wildlife populations.

3600 – RECREATION AND TRAILS

COMMENT 3610: CONCERN ABOUT PUBLIC USE RISK FROM PRAIRIE DOG DISEASES

Response 3610: Service staff will monitor prairie dog colonies for outbreaks of plague. If outbreaks occur, the Service would take appropriate measures to protect both the prairie dogs and any visitors who may come into close proximity to the affected colonies.

4000 – DRAFT COMPATIBILITY DETERMINATIONS

COMMENT 4002: SPECIFIC COMMENT ABOUT COMPATIBILITY DETERMINATIONS

4002a: Multiple public uses... may harm fragile wildlife found at the site, suggesting that any public use is incompatible, and shall not be allowed.

Response 4002a: The Service believes that the overall effects of public use in Alternative B would be minor, and would be compatible with the purposes of the Refuge. The proposed public use facilities, including trails on existing roads, would affect less than 1 percent of the Refuge area, and the anticipated effects from the use of those facilities would be minor. The Service acknowledges that most public uses would result in some resource impacts. Stipulations have been made in each Compatibility Determination to reduce and mitigate for unacceptable impacts, but impacts alone do not make a use incompatible.

COMMENT 4010: GENERAL COMMENT ABOUT HUNTING CD

(Comments generally opposed to hunting.)

Response 4010: See response to comment 2158.

COMMENT 4011: COMMENT THAT HUNTING IS NOT COMPATIBLE WITH THE REFUGE

Response 4011: See response to comment 2158.

5000 – ISSUES OUTSIDE OF SCOPE OF EIS

During the public comment process, there was considerable interest and concern about issues related to present contamination at the Rocky Flats site, and the cleanup process that is underway. These issues are outside the scope of this EIS. The CCP/EIS was written under the premise that the area to become the refuge will be certified to be safe prior to the establishment of the Refuge and the implementation of the CCP. The EPA and CDPHE have indicated that all of the proposed Refuge activities will be safe for the Refuge worker and visitor. If post-cleanup conditions change these assumptions, then the CCP will be revised accordingly prior to any public use of the facility.

In response to concerns about issues related to cleanup and residual soil contamination, the FEIS includes an expanded discussion of cleanup in Section 1.8, of residual soil contamination levels in Section 3.2, and any potential effects of Refuge activities on those soils in Section 4.2. Comments about issues related to cleanup and contamination were grouped into the following categories, but are not considered to be substantive.

6000 – COMMENTS ABOUT CCP/EIS PROCESS**COMMENT 6012: SPECIFIC COMMENT ABOUT CCP/EIS PROCESS**

6012a: (The Vegetation Management Plan and Fire Management Plan) should be finished and presented to the general public for review and approval.

Response 6012a: The Service would complete step-down management plans after the Refuge is established, and will consider a public review process during the completion of each. Both the Vegetation Management Plan and the Fire Management Plan would go through a public review and comment period.

COMMENT 6020: COMMENT ABOUT NEPA PROCESS

(Concern about whether NEPA process was followed, whether it is appropriate to complete the CCP/EIS prior to final cleanup decisions, and if the EIS sufficiently analyzed effects to the human environment.)

Response 6020: The Service is confident that all aspects of the CCP/EIS process have followed NEPA requirements. Congress directed the CCP process in the Refuge Act. The Service has collaborated with the DOE during the CCP planning process and has been apprised of the approximate boundaries of the lands that will be retained by DOE for long-term monitoring and stewardship. While the exact boundaries are likely to change prior to Refuge establishment, the Service is confident that the general nature of the lands and resources that will be included in the Refuge (including levels of contamination, if any) will not change. For these reasons, the Service is confident that it is both reasonable and effective to complete the CCP/EIS process at this time.

In response to concerns about issues related to cleanup and residual soil contamination, the FEIS includes an expanded discussion of cleanup in Section 1.8, of residual soil contamination levels in Section 3.2, and any potential effects of Refuge activities on those soils in Section 4.2. Environmental concerns, including the health of Refuge workers, visitors, and the general public, have been considered throughout the decision making process. Based on the cleanup assumptions that must be met prior to Refuge establishment, as well as the levels of residual contamination in the lands that will become the Refuge, the Service concurs with the EPA and CDPHE that the proposed Refuge activities will not have an adverse effect on the quality of the human environment.

6300 – DRAFT CCP/EIS**COMMENT 6302: SPECIFIC COMMENT ABOUT DRAFT CCP/EIS**

6302a: [Regarding species list] there should be a long-tailed weasel; where are the invertebrates – such as butterflies, moths, and beetles?

Response 6302: The species list has been updated to include a more comprehensive inventory of plant and animal species. While the Refuge is within the overall range of the long-tailed weasel, it has not been identified at Rocky Flats and is not on the species list. Over 1,000 invertebrate species have been identified at Rocky Flats. While these species are not listed in the EIS, the Service does have a database that includes all of them.

6302b: The EIS has to evaluate the effects of this particular action on the human environment. The Draft EIS fails to do that.

Response 6302b: Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed a cleanup that will be protective of the future Refuge worker and visitor. The CCP/EIS is written under the premise that cleanup and certification will occur prior to Refuge establishment. However, residual soil contamination levels in the lands that are most likely to become the Refuge are already low enough to not require any active cleanup. In response to public interest and concern about contamination issues, the FEIS includes an expanded discussion of cleanup in Section 1.8. The Service concurs with the EPA, CDPHE,

and DOE that environmental concerns, including the health of Refuge workers, visitors, and the general public, have been considered throughout the decision-making process and that the proposed Refuge activities would not have a significant effect on the quality of the human environment.

COMMENT 6303: COMMENT THAT THE SERVICE APPEARS TO HAVE ALREADY MADE ITS DECISION

(Regarding concerns about the identification of a Proposed Action early in the EIS process.)

Response 6303: In accordance with NEPA, the Service developed a range of alternatives responsive to the issues and concerns identified during scoping. All four alternatives were given equal merit and consideration in the FEIS. The Service identified Alternative B as its Proposed Action. Service planning policy requires that a Proposed Action be identified early in the planning process, to give the public an early indication of the Service's preferences. However, the identification of a Proposed Action does not change the consideration of public comments, or further analysis or consideration of the other alternatives. The Record of Decision will document the Service's decision on the CCP alternative.

COMMENT 6304: SUGGESTED CHANGES TO MAPS

6304a: The amoeba on all the maps gives the impression that no part of the property retained will be suitable for any use and has no wildlife refuge value.

Response 6304a: In the DEIS, the DOE retained area was shown as an opaque polygon to illustrate that those areas will not become part of the Refuge and will not be subject to the management plans outlined in the CCP. However, the Service also acknowledges that the lands and resources within the retained area are inextricably linked to the future refuge lands. The mapping has been revised to include a transparent polygon for the DOE retained area that gives a better indication of resources in that area.

6304b: (Regarding Welton Reservoir...) Information indicates that it is Fortune Reservoir. Also, it is no longer "dry."

Response 6304b: The Consolidated Mutual Water Company website indicates that it is "Welton Reservoir", though some documents prior to the completion of the project referred to it as "Fortune Reservoir." The maps have been updated to reflect that it is no longer dry.

4. Petitions and Form Letters

The Service received four different kinds of mass correspondence commenting on the Draft CCP/EIS:

1. No Public Use
2. Object to Hunting
3. Support Alternative B
4. Keep Rocky Flats Closed

FORM LETTER 1: NO PUBLIC USE

The Service received this form letter with the following language, "My reasons for no public use of the Rocky Flats Wildlife Refuge:

1. The whole Rocky Flats site is contaminated...
2. Plutonium in the environment is a permanent danger...
3. No one knows how contaminated the site is...
4. A cheap cleanup endangers lives...
5. The best possible cleanup is not happening...
6. Cleanup to wildlife refuge standards endangers future generations...
7. Local people reject the cleanup being done...
8. Risk-based cleanup is dead wrong...
9. Genetic effects of plutonium on wildlife are poorly understood...
10. A contaminated environment is a high price to pay for open space..."

Four recommendations from the Rocky Mountain Peace and Justice Center on future use of the Rocky Flats Wildlife Refuge:

- a. Moratorium on public use...
- b. Research on health effects...
- c. Technology development...
- d. Citizen oversight..."

The Service received four copies of this letter, which was assigned the following issue codes:

- # 2154 Comment opposed to public use
- # 2270 Call for citizen oversight of Refuge activities
- # 5030 Site characterization
- # 5040 Cleanup standards/ risk assessment
- # 5050 General cleanup
- # 5061 Comment supporting additional research on effects of contamination on wildlife and plants
- # 5062 Comment favoring ongoing research on cleanup technologies
- # 5070 Potential health effects
- # 5080 Cleanup principles/approach

FORM LETTER 2: OBJECT TO HUNTING

This petition was circulated with the following language, "The following object to any recreational sport hunting at the Rocky Flats National Wildlife Refuge!"

The Service received this petition with 89 signatures. There were 23 signatures with incomplete or illegible names. Form Letter 2 was assigned the following issue code:

- # 2158 Comment opposing hunting program

FORM LETTER 3: SUPPORT ALTERNATIVE B

This petition was circulated with the following language, "The following individuals support the U.S. Fish and Wildlife Service's Proposed Action (Alternative B) for the Rocky Flats National Wildlife Refuge... We are also confident that the cleanup and closure of Rocky Flats will be fully protective and safe for the proposed future land use described in Alternative B."

The Service received this petition with 25 signatures, which was assigned the following issue codes:

- # 2104 Comment in support of Alternative B
- # 2151 General comment about public use programs
- # 5040 Cleanup standards/ Risk Assessment

FORM LETTER 4: KEEP ROCKY FLATS CLOSED

The Service received numerous form letters with the following language, "I am writing to express my opposition to allowing recreation at Rocky Flats. Just clean it up, fence it off and keep Rocky Flats closed."

The Service received 815 copies of this letter. There were 178 letters with incomplete or illegible names. Form Letter 4 was assigned the following issue codes:

- # 2153 Specific comment: "Keep Rocky Flats closed"
- # 2154 Comment opposed to public access/use
- # 2294 Comment proposing security fence at Refuge boundary
- # 5050 General cleanup

5. Public Hearing Testimony

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1 PUBLIC HEARING ON

2 THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

3 AND COMPREHENSIVE CONSERVATION PLAN

4 FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

5 Wednesday, March 10, 2004

6 6:30 p.m.

7 at

8 Front Range Community College

9 College Hill Library

10 3645 West 112th Avenue

11 Westminster, Colorado

12 Panel Members:

13 Richard Trenholme

14 Mike Hughes

15 Laurie Shannon

16 Dean Rundle

17 Jody Erikson

18

19

20

21

22

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24

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1 MR. HUGHES: Let me begin by thanking all
2 of you for attending tonight's public hearing on the Draft
3 Environmental Impact Statement and Comprehensive
4 Conservation Plan for the National Fish & Wildlife Service.
5 My name is Mike Hughes and I'm part of the
6 planning team. And I want to say just a couple of words
7 about tonight's agenda, before I turn the floor over to
8 Laurie Shannon, and tell you a couple of things about the
9 formal public hearing. We have a court reporter behind me,
10 as you see, so that we can create a verbatim transcript of
11 the comments that people make about the Draft Environmental
12 Impact Statement and the Draft plan.

13 Given that it's a formal hearing, what we're
14 trying to do is provide an equal opportunity for everyone
15 who has issues to speak and limit as to how much time
16 everyone receives as they speak. So we're going to ask, in
17 terms of ground rules, that you give everyone the same
18 opportunity to be heard that you will want when you step to
19 the microphone.

20 In order for us to manage that, we ask that
21 you sign up to speak. We have a speaker sign-up sheet in
22 the back, we'll be reading the names for that sign-up sheet,
23 we'll ask you to come to the microphone and we want, as
24 you're listening, to respect the opportunity for that person
25 to have their say by not interrupting them, and then those

1 of you who are at the microphone, respect the time of the
2 person behind you by staying to the time allotment, which is
3 three minutes. So we've allotted three minutes of time for
4 each person to speak.

5 What we ask that you do, as you make your
6 comments, is focus on the plan itself. So again, this is a
7 hearing in response to the Draft, we ask that you bring your
8 comments to the content of the Draft. If there are specific
9 places in the Draft where you have information that is
10 divergent from the information that's in the Draft, we'd
11 like to have that information and want to make sure that you
12 point that out to us.

13 The adequacy of the analysis, if there's any
14 place where you believe the analysis needs to be deepened
15 before the final Draft Environmental Impact Statement or
16 final plan, we ask that you make the comment in that way.

17 Laurie will talk in just a few minutes about
18 the alternatives. We would like, if it's your wish, to have
19 you speak to the alternatives, and obviously, particularly,
20 the proposed act, the preferred alternative.

21 So with that, the agenda will include
22 questions, but we'll be focusing primarily on those public
23 comments.

24 I want to say, before we get to tonight's
25 comments on the Draft, that this is not the only means to

1 provide input to the Draft by any stretch, so we're not
 2 limiting you to three minutes, we're just asking you to
 3 limit yourselves to three minutes tonight. There are many
 4 other ways to communicate your concerns about or questions
 5 about or comments on the Draft.

6 The comment period itself is open until April
 7 26th. You can submit your comments in writing on the forms
 8 that we have here tonight, so if you didn't get one on the
 9 table outside and wish to have one, we'll make sure that you
 10 have one, and we'll just ask that we have it by the 26th.

11 Also, there is the opportunity for those of
 12 you who have access to computer resources to do so online.
 13 So the website is here on your agenda and so you can go to
 14 that website and make your comments and have those
 15 downloaded. Also it's on the green sheet you have as well.

16 So with respect to questions, my hunch is,
 17 from the number of sign-ups I've seen so far, is we'll have
 18 time to do that. It's possible that in one of the four
 19 meetings that we'll be doing for public hearings we'll be
 20 doing, we'll have so many people that wish to speak that the
 21 three minutes will exhaust our agenda. However, for a group
 22 of this size and the number of sign-ups, it's quite likely
 23 that we will be able to have a question and answer period,
 24 so I will give the floor to Dean at that point and then
 25 we'll open up the possibility of questions.

1 Let me talk a little bit about the agenda in
 2 that light and then a bit about how we'll do that. I'm
 3 going to give the floor to Laurie Shannon in just a second
 4 who is going to present the highlights of the Draft
 5 Comprehensive Conservation Plan and Environmental Impact
 6 Statement, focusing particularly on what has changed since
 7 you last saw the alternatives in the public forum when we
 8 all came together to do that, for those of you who have been
 9 with us over and over again.

10 We want to highlight particularly the key
 11 elements of the preferred alternative, but also any changes
 12 that have been made that are of significance and then we'll
 13 turn to the public comment period.

14 Jody, sitting right here in the front, is the
 15 one that's going to help us with time. So she'll be
 16 standing there next to you reminding you that your three
 17 minutes is up and remind you to have a seat. And again,
 18 we've got some guidelines for you with respect to the
 19 comments.

20 As you can see from the italicized item
 21 there, if there is time for questions, and again I think
 22 that there will be, what we will do is make sure we document
 23 the question itself so that we can retain the question
 24 itself that you're asking. What we ask that you not do is
 25 use that time to add to the three minutes you already had.

1 So I'm going to ask that you not preface your question with
 2 a speech, and then the foundation for the question, simply
 3 ask the question and we'll get to it. That's again in the
 4 interest of fairness so that everyone has the same amount of
 5 time.

6 And again, we're expecting larger meetings,
 7 we'll exhaust the time with the three minutes. We will end
 8 the meeting at 8:30 and that takes care of the agenda.

9 One of the things that we've talked about on
 10 the planning team that is a focus of a great deal of
 11 attention in the comments we've received online or
 12 individual conversations we've had with many of you, cause
 13 us to want to go through this explanation. And so I'm just
 14 going to spend a couple of minutes talking about the steps
 15 by which a refuge in established, and this is in the act
 16 that started this Comprehensive Conservation Plan and
 17 Environmental Impact Statement process.

18 First of all, the Fish & Wildlife Service
 19 completes its final Comprehensive Conservation Plan and
 20 Environmental Impact Statement and then issues a record of
 21 decision. That's the first decision point that takes us
 22 down this path.

23 The second one is that the Department of
 24 Energy completes its site cleanup, except for its ongoing
 25 OM, its ongoing operation and maintenance of the retained

1 areas or any of the activities, the monitoring that it will
 2 do on site, et, cetera, et cetera, but completes its cleanup
 3 efforts at the site. And then EPA and the Colorado
 4 Department of Public Health and Environment certify the
 5 completion of that cleanup. That's another key decision
 6 point that must be passed for the possibility of a refuge to
 7 exist.

8 At that point it is then possible, under the
 9 legislation for the DOE, Department of Energy, to transfer
 10 that land to the Department of the Interior so that the
 11 refuge can be created. And then with that the Department of
 12 Interior would establish the refuge officially and then the
 13 Service would then begin its management.

14 The key item in all of that chronology is
 15 this; that the EPA certification is required before the site
 16 can become a refuge. So the Comprehensive Conservation Plan
 17 and the Environmental Impact Statement has been written in
 18 the context of a certified site, written as if that decision,
 19 were made, and therefore, then how to operate the refuge,
 20 and will not take effect until the certification itself is
 21 complete.

22 So there have been lots of question about how
 23 the Department of Interior and the Fish & Wildlife Service
 24 attended to the site's current state and the DOE cleanup
 25 operation and that's how it's being done. The Environmental

1 Impact Statement is written in that context. So with that,
2 Laurie.

3 MS. SHANNON: Thanks, Mike. Good evening. I
4 want to just spend a couple of minutes going over the four
5 alternatives. And I know that many of you probably know
6 them very well, but in case we have some that are not as
7 familiar and everybody knows what we're here to discuss, I'm
8 just going to highlight the four alternatives, and
9 particularly I want to go over what has changed since we
10 presented them last May to the public.

11 So to begin, I'm going to start with our
12 proposed action, because that's what we are proposing here,
13 and we'll move on to the other ones. Some of the things
14 that we heard from the public last May, a couple of key
15 things, is that the public told us that they wanted to see
16 some horseshoes on the site. We had only proposed that in
17 Alternative D and they had asked that there be some
18 allowances for horse access. So one of the changes that we
19 made was in the southern part of the site is that we have
20 provided for some horse access down here. The northern part
21 of the site would stay the same.

22 This multiple use trail that's up here, that
23 would be bikes and pedestrians only. The trails down here
24 would be for horse, bike and pedestrians, and then off to
25 the north it would continue to be pedestrian only. And some

1 of even this far northern site would be a seasonal trail,
2 depending on the needs of wildlife.

3 The other thing that the public -- we heard
4 from the public was that they wanted to see some increased
5 connectivity. So we made some attempts down here to make a
6 loop and also try to improve the connectedness down here.

7 The other thing that we heard from many
8 people who said that they wanted us to focus more on
9 restoration of the site before we provided public use. So
10 in that respect, what we are proposing now is that after
11 refuge establishment, we would open a trail down to the
12 Lindsay Ranch soon after establishment. But for
13 the first five years we would focus our efforts on
14 restoration of the site, wildlife habitat management and try
15 to get our budget established before we would begin to
16 implement the use of the public program. But by year 15 all
17 of the public use program would be implemented.

18 One other thing I want to point out, a lot of
19 people wanted us to make this connection in the annum, the
20 north-south connection, and we still feel very strongly that
21 if there is an improvement to the road corridor along
22 Indiana, that we would like to see that connection made in
23 that process or made by the communities to the east, and not
24 so that we're trying to squeeze in a trail between the DOE
25 retained lands and the transportation corridor and that sort

1 of thing.

2 Under this alternative we are proposing a

3 contact station as opposed to a full-fledged visitor center,

4 which would be in Alternative D. The other change that we

5 made under this alternative is with respect to hunting. And

6 it currently still is as we presented it in May. There

7 would be a very limited hunting program open to youth and

8 disabled and it would be highly managed two weekends out of

9 the year and the rest of the refuge would be closed. It

10 would be low-impact weaponry, such as archery, muzzle

11 loading and shotgun shells and that would still stay, but

12 what we did change was, after two years we would at least

13 look at whether we could open the program to abled hunters.

14 And the reason for that is that -- that's so if we're not

15 meeting our target population goals for deer and elk, we

16 could do that.

17 Let me think if there's any other major

18 changes. The other things that we did, we tried to look at

19 the restoration of the stream crossing and tried to improve

20 those so they fit the goals of each alternative. We

21 added -- kind of figured out what we're doing about fire

22 management under all the alternatives and recognized what we

23 needed to do there. We better define the prairie dog

24 habitat out on the site, and as I explained, the hunting

25 program.

1 The other thing about the Alternative B that

2 I should have mentioned is that we call this alternative the

3 wildlife habitat and public use alternative. And that has

4 what we -- how we define that is it has a real strong

5 emphasis on wildlife and habitat management while allowing

6 the moderate amount of use and also providing for some

7 compatible scientific research that's focussed on wildlife

8 habitat and public use.

9 And we feel that this is the alternative that

10 best meets both our agency, the National Wildlife Refuge

11 system missions and goals, it meets what we -- how we

12 interpret the refuge legislation and also it reflects what

13 we heard from the public during the comment period to date.

14 Alternative A is what we call the no action

15 alternative. And under this alternative it would be

16 basically continuing the current management regime with most

17 of our focus of wildlife and habitat being in the Rock Creek

18 area, which is the northern part of the site. There would

19 be almost virtually no public use, except for very limited

20 VIP-type tours. And as you can see, there are no facilities

21 shown there.

22 Alternative -- oh, one change that we made

23 with Alternative A that is different is that we used to have

24 a chain-link fence around Alternative A when we presented it

25 back in May, and since then, after looking at it a little

1 bit deeper, we have taken that out of that alternative,
 2 primarily because it changes it into an action alternative.
 3 And after looking at it, we decided that it was not
 4 something that we really felt like was something we wanted
 5 to do. It's very expensive, it precludes wildlife movement
 6 corridors and we didn't really find a lot of support in the
 7 community for it by putting up a big chain-link fence around
 8 the site.
 9 Alternative C is what we call the ecological
 10 restoration alternative. And that alternative is trying to
 11 maximize wildlife and habitat restoration and management to
 12 the degree possible and providing just for a minimal amount
 13 of public use on the site and also providing for, again,
 14 compatible scientific research that's focussed strictly on
 15 wildlife and habitat.

16 So as you can see, this is the public use
 17 part of it. It would only entail having a very short trail
 18 that would go out to an overlook, and that would be a
 19 guided -- it would be again a very small usage of the site
 20 during the year.

21 Under all the alternatives, the only access
 22 by vehicle would be through the west through Highway 93.
 23 That's what this line is, where these four, B, C and D.
 24 Okay.

25 Alternative C is the one alternative where we

1 take out the Lindsay Ranch and obliterate that. And we
 2 would record that with photographs and recordation for it in
 3 terms of preserving it.

4 Alternative D is what we call the public use
 5 alternative. And this is again trying to say we're going to
 6 have a strong emphasis on wildlife and habitat management,
 7 but we're going to maximize the amount of public use that we
 8 can put on this site that we can feasibly do as our agency.
 9 So this one has about 19 miles of trails whereas Alternative
 10 B has about 16. What you see the differences are are in the
 11 types of facilities. Alternative D has a visitor center, a
 12 full-fledged visitor center, where Alternative B is just a
 13 contact station with a few offices in there.

14 Under both B and D there would be no dogs
 15 allowed on the site. None of the alternatives would allow
 16 dogs, leashed or unleashed.

17 Under this alternative we also try to respond
 18 to some of the things that we heard from the public about
 19 improving some of the trail connectivity and making it more
 20 looped. And under this alternative, horses would be also
 21 allowed in the southern part of the site and on the northern
 22 part of the site.

23 And, Dean, I think that pretty much
 24 highlights what I have to say about that and I'll just turn
 25 it over to you.

1 MR. HUGHES: For those of you who just came
2 in, if you wish to speak, the sign-up sheet is there, go
3 ahead and do that so we can get you on the list.
4 To recap quickly, Jody, who is standing there
5 in the back, is going to help you be mindful of how long
6 three minutes is. So she'll let you know when you're
7 approaching the end of that three minutes for your comment
8 period. When you come -- as we go down the list, Jody will
9 call both the name of the first speaker and the name of the
10 person who should go next and we'll do that on down the
11 line.
12 When you come to the microphone, we ask that
13 you give us your name so that is contained as part of the
14 transcript. Part of our requirements under NEPA is to make
15 the Environmental Impact Statement -- to fulfill our
16 obligation for the Environmental Impact Statement. So we
17 want you to give your name and then we'll ask you to take
18 those three minutes and Jody will let you know when three
19 minutes is over.
20 Since what you're doing is making comments
21 about the plan that the Fish & Wildlife Service is putting
22 out in draft form, so we've asked them to sit here so you
23 can actually speak to them. If your comment includes a
24 question, don't worry about that, I'll catch it and then
25 we'll come back to that when we get to the question and

1 answer portion. So Laurie you've met.
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1 MR. RUNNLE: I'm Dean Rundle, the project
 2 leader and refuge manager for the Rocky Flats project.
 3 MR. TRENHOLME: I'm Richard Trenholme with
 4 ERO Resources and we're a part of the planning team.
 5 MR. HUGHES: We have other members of the
 6 planning team, they are out there in the lobby helping to
 7 get organized.
 8 Jody, go ahead and we'll do this three
 9 minutes at a time.
 10 MS. ERIKSON: LeRoy Moore and then Bini
 11 Abbott.
 12 BY MR. LEROY MOORE:
 13 My name is LeRoy Moore, I'm a consultant with
 14 the Rocky Mountain Peace and Justice Center in Boulder. I'm
 15 also a member of the board of directors of the Rocky Flats
 16 Cold War Museum, which is in the process of being created.
 17 My remarks tonight focus on the relationship between the
 18 wildlife refuge and the museum. I speak not on behalf of
 19 the board of the museum, but only on behalf of the Rocky
 20 Flats Peace and Justice Center.
 21 The Peace and Justice Center strongly
 22 supports the intention of Fish & Wildlife to, quote, work in
 23 collaboration, the words from the EIS, with the proposed
 24 museum and commemorating a site of historical significance.
 25 Just as Fish & Wildlife is committed to

1 caring for the flora and fauna of the wildlife refuge, the
 2 museum is committed to telling the full story, both of the
 3 production of nuclear weapons at Rocky Flats and the
 4 response to this activity by people from the outside.
 5 A collaborative endeavor between Fish &
 6 Wildlife and the museum should lead logically to them being
 7 housed in a common facility. The appropriate location for
 8 such a facility is along Highway 93, what is now called the
 9 West Gate to Rocky Flats. This high upwind location
 10 provides a good vantage point for observing much of the
 11 Rocky Flats property as well as the mountain backdrop, the
 12 surrounding communities and Denver beyond.
 13 It is an ideal location for overlook
 14 platforms from which visitors can view the wildlife on the
 15 refuge and the location of the former Rocky Flats plant.
 16 Fish & Wildlife will want to have
 17 interpretive information about the flora and fauna of the
 18 site, while the museum will want photographs and diagrams
 19 depicting the appearance of the site at different stages in
 20 its history as a weapons production plant and beyond to
 21 cleanup and closure.
 22 The key activities to preserving open space
 23 at Rocky Flats and commemorating the historical significance
 24 of bomb production at the site, that's a great interruption,
 25 can be fulfilled. These two things can be fulfilled without

1 endangering members of the unsuspecting public by allowing
 2 them to engage in risky activities on a contaminated site.
 3 We at the Peace and Justice Center prefer no
 4 public access to the refuge because of the dangers of the
 5 contamination there; however, we can also support Fish &
 6 Wildlife Service Alternative C, ecological restoration, as
 7 the one option processed by Fish & Wildlife that best meets
 8 the goals of both preserving open space and commemorating
 9 the site's historical significance. Thank you very much for
 10 the opportunity to speak.

11 MS. ERIKSON: Bini Abbott and Jacqueline
 12 Brever.

13 BY MS. BINI ABBOTT:

14 My name is Bini Abbott. I live at 9190
 15 Elkhire, Arvada, but I'm on the West Shore of Standley
 16 Lake. And what I am not is not belonging to any peace
 17 groups, I am not belonging to any of the animal rights
 18 groups, but what I am is very concerned about having hunting
 19 at the refuge two weekends a year for a grand total of 20
 20 people, which at the estimated cost is \$250 per person of
 21 those 20 people and the rest of the refuge would be
 22 completed closed.

23 The goals of the U.S. Fish & Wildlife, I
 24 realize, are hunting and fishing are two of their primary
 25 purposes for the refuge, but I think you'll find that the

1 public is appalled when they find out that hunting would be
 2 allowed at what they think is going to be a refuge. And the
 3 definition of refuge in the dictionary and so on is a place
 4 of safety. And if we're going to give safety to these
 5 animals, the deer and the elk, through the rest of the year
 6 and then suddenly to plunk at them for two weekends, I think
 7 is conflicting interests and I would hope it would not
 8 happen.

9 According to the EIS, they will reevaluate
 10 the need for culling or reevaluate their program on hunting
 11 in 15 years, which is the year 2019. I probably won't be
 12 around and able to still express my feelings at that time.
 13 I've talked to both the wildlife managers with Boulder City
 14 Open Space who owns land on both the north and the west of
 15 this refuge and to Boulder County Open Space which owns land
 16 to the north of the refuge. Neither of those entities have
 17 any problem with overpopulation.

18 And so, if at some time the animals have to
 19 be culled because of chronic wasting disease or so on, I
 20 would hope that instead it would be sharp shooters from the
 21 Division of Wildlife and not having either handicapped
 22 people or youth, having a reasonable chance of success, is
 23 the way it's put down in hunting.

24 In closing, I would just like to say that I
 25 think the perception is going to be more important than

1 reality as to what people think of what U.S. Fish & Wildlife
 2 intends to do at this location. And the perception will be,
 3 what, you're going to kill the animals after you're saving
 4 them and you're building these blinds so we can observe
 5 them? And I would suggest that we instead watch the
 6 wildlife through binoculars, through a camera, and not
 7 through the cites of a gun. Thank you.

8 MS. ERIKSON: Jacqueline Brever and Erin
 9 Hamby.

10 BY MS. JACQUELINE BREVER:

11 My name is Jacque Brever. I'm a former
 12 plutonium worker from Rocky Flats and I'm now an
 13 environmental scientist with experience in Superfund
 14 cleanups and reuse plans. I speak from personal knowledge
 15 at Rocky Flats as well as from my training in this field.

16 DOE admits its leaving plutonium in the soil
 17 and Fish & Wildlife Service wants to allow activities that
 18 would stir up plutonium when one little speck of plutonium
 19 can cause cancer and genetic defects.

20 It looks like the EIS, CCP describes some
 21 pristine open space that would be available for people to
 22 romp around in rather than a former nuclear weapons facility
 23 about to become a National Wildlife Refuge.

24 Therefore, I want to register my opposition
 25 to your statutory mandates and your compatibility

1 determination.

2 The entire site is contaminated. There is
 3 such a thing as informed consent. Not only do I oppose
 4 public access at Rocky Flats, I think that if public access
 5 is allowed, then people should be required to sign informed
 6 consent statements prior to entering the property. I think
 7 hunters should sign informed consent documents before they
 8 are allowed to bring home the venison, so to speak, and
 9 allow their families to eat the contaminated meat.

10 Inhalation and ingestion of radioactive
 11 materials causes cancer and many other adverse health
 12 effects. The plutonium left in the ground at Rocky Flats
 13 will remain dangerous for a quarter million years. Can you
 14 guarantee that Rocky Flats will remain a National Wildlife
 15 Refuge with institutional control for a quarter million
 16 years?

17 There is a first time for everything, such as
 18 turning a nuclear weapons facility into a National Wildlife
 19 Refuge with a priority recreational access. There may be a
 20 first time for turning a National Wildlife Refuge into a
 21 housing development. The cleanup standards were set to be
 22 protected only over of wildlife refuge worker, not a family
 23 living at Rocky Flats, drinking the water, working the
 24 ground and perhaps to grow food for the animals.

25 DOE admits that Rocky Flats cleanup is to be

1 used as a prototype for cleanup of the other properties in
 2 the nuclear weapons complex. DOE also admits that the
 3 cleanup at Rocky Flats is not as protective of human health
 4 as it could be.

5 I don't think we should be presented with
 6 only the options of whether to choose between hunting or
 7 horseback riding at Rocky Flats, I think the public should
 8 be allowed to choose whether or not to have public access at
 9 all at an inadequately cleaned nuclear facility. Just clean
 10 it up, fence it off and keep Rocky Flats closed.

11 MS. ERIKSON: Erin Hamby and then Iggy
 12 Litaor.

13 BY MS. ERIN HAMBY:

14 My name is Erin Hamby and I'm with the Rocky
 15 Mountain Peace and Justice Center, a community organization
 16 dedicated to the principles of nonviolence. We support a
 17 plan that would deny public access and recreation at the
 18 Rocky Flats National Wildlife Refuge. We support a
 19 management plan that focuses on research.

20 The site could be used in a positive way to
 21 develop new and more effective remediation technologies.
 22 Genetic studies could also be encouraged to collect data on
 23 the plutonium body burning of wildlife on the site and on
 24 the basis of which extrapolations can be made to the genetic
 25 effects on wildlife and potential effects on humans at or

1 near the site.

2 We believe that the refuge managed with
 3 ecological restoration, research and human health and safety
 4 all in mind, can and would satisfy the mission and purpose
 5 of the Rocky Flats National Wildlife Refuge as well as the
 6 missions and goals of the National Wildlife Refuge system.

7 These same mission statements and goals can
 8 also be set aside without allowing public access or
 9 recreation. Of the alternatives presented by the U.S. Fish
 10 & Wildlife Service, the only one acceptable to the Peace and
 11 Justice Center is Alternative C, though we would prefer the
 12 elimination of the single trail and overlook.

13 We are disappointed that Fish & Wildlife

14 refuses to consider issues surrounding the level of cleanup
 15 at the site. It is understood that Fish & Wildlife have no
 16 control over cleanup levels or amounts, but you do have
 17 control over the amount of public access allowed at Rocky
 18 Flats.

19 With known contaminants being left behind, it
 20 is irresponsible to manage the site as if they were not
 21 there at all.

22 The Department of Energy retained industrial
 23 zone, the most dangerous part of the site, is within the
 24 boundary of the refuge, like the hole of a donut. With the
 25 seamless preserve, this hole becomes indistinguishable from

1 the rest of the site, which is unacceptable.

2 Fish & Wildlife has a responsibility to the
3 public to plan and act with respect to known contaminants
4 contained within the boundaries of the planned Rocky Flats
5 National Wildlife Refuge. Thank you.

6 MS. ERIKSON: Judith Mohling and Iggy Litaor.
7 BY MS. JUDITH MOHLING:

8 I'm Judith Mohling and I'm Colorado born and
9 bred and I think that hiking through tall grass prairie is
10 among life's loveliest experiences that I can think of.
11 Absolutely rich with wildlife and new beauty with every
12 step. If only we were here 60 years ago and that the land
13 was going to be yours to manage and you had these wonderful
14 alternatives and that beautiful Draft EIS, before Rocky
15 Flats became contaminated from the manufacturer of plutonium
16 pits, it would be wonderful.

17 The Draft is just beautiful, the ideas are
18 thoughtful. The photographs are compelling and make me
19 think of wearing protective clothing and a face mask when
20 hiking on the trail if they come to pass. However, all of
21 my education about Rocky Flats tells me that no one knows
22 how contaminated the site really is. All the accidents and
23 fires have left their powdery contaminants. It is known
24 that there were nighttime burns of waste in unknown spots.

25 The DOE is bequeathing to your management

1 land that has never been fully characterized. No one has
2 gone yard by yard, square yard by square yard to figure out
3 what's there.

4 In the Draft EIS, on the first page in the
5 summary under refuge significance, you say that congress
6 identified several significant qualities about Rocky Flats.
7 And the first one is the majority of the site has generally
8 remained undisturbed since its acquisition by the
9 government, and maybe congress thinks that, but it's just
10 not so. It's been disturbed for 50 years, if only by a
11 gentle sifting of plutonium ash, plus all of the other
12 contaminants that have been dribbled onto it.

13 Instead Rocky Flats needs to be closed to the
14 public for a century or two. The plants and animals, the
15 air, water and soil scrutinized and monitored for
16 contamination effects and scientists in many fields for the
17 next 200 years need to apply their knowledge and skills to
18 that lovely land to create technologies even beyond what we
19 now know, to bring about the lowest possible levels of
20 contamination for all of the generations to come which F&W
21 is deeply involved in.

22 Is there room for negotiating yet another
23 alternative with you that includes what I've just been
24 talking about, plus careful remediation and environmental
25 care and a comprehensive museum that traces the entire

1 history of Rocky Flats, including the point of view of peace
 2 activists and cleanup activists? If that isn't possible,
 3 then I vote for Alternative C because it comes closer,
 4 although I don't understand why the Lindsay Ranch has to be
 5 obliterated. Thank you very much for this opportunity.

6 MS. ERIKSON: Ron Hellbusch and Mike
 7 Fenerty.

8 BY MR. RON HELLBUSCH:

9 My name is Ron Hellbusch. I'm director of
 10 Public Works and Utilities with the City of Westminster.

11 Just want to make some general comments regarding the land
 12 use proposed as a wildlife refuge. Westminster City Council
 13 strongly supports the National Wildlife Refuge use as a land
 14 use for this particular site.

15 The cities of Westminster and Northglenn and
 16 Thornton utilize the Standley Lake water supply downstream
 17 from the site for its water supply for those three
 18 communities, and generally agree that the nondevelopment
 19 wildlife refuge used for that site is compatible with the
 20 water supply concerns the cities have collectively with the
 21 surrounding open space that the City of Westminster manages
 22 and the trail system.

23 Our city council and staff members have been
 24 active since 1990 with DOE and the various health agencies
 25 in the cleanup process and are equally involved with the

1 Rocky Flats Coalition, Local Governments and the planning
 2 process with the Fish & Wildlife Service.

3 City council will have an official briefing
 4 by the Fish & Wildlife staff in April. Following that
 5 briefing, city council will issue comments relative to the
 6 specific alternatives. But the City supports this
 7 particular type of land use, nondevelopmental land use for
 8 this particular site and the City appreciates the openness
 9 and the cooperation Fish & Wildlife has extended to the
 10 cities.

11 MS. ERIKSON: Mike Fenerty and then Anne
 12 Fenerty.

13 BY MR. MIKE FENERTY:

14 Mike Fenerty. I object to the use of this site,
 15 the alternative of opening up the site at all and feel it
 16 should be closed off as most of the previous speakers talked
 17 about.

18 To put it in perspective, I'd like you to
 19 imagine the owner of a small gas station prosecuted by the
 20 EPA for a leaking underground tank, hauled into court for
 21 refusing to do a full cleanup, places a fence, but most of
 22 the contamination is more than three feet underground. He
 23 then offers to abandon the site with the leaking tank and
 24 turn the gas tank into a wildlife refuge. The owner clearly
 25 would be laughed out of court, fined and possibly jailed.

1 The Rocky Flats has many square miles of
 2 contaminated compounds of plutonium, uranium, volatile
 3 chemicals and beryllium, which I have personal experience.
 4 Only the surface will be cleaned up to a supposedly safe
 5 level. Little cleanup is planned below three feet.
 6 The government it contracted expects a bonus
 7 of hundreds of millions of dollars for early completion.
 8 Congress mandated the creation of the wildlife refuge, and
 9 open access to the public is a real possibility on this
 10 grossly contaminated site.
 11 I find it truly amazing that many local
 12 residents and many of the local government representatives
 13 seem so unconcerned. Thank you.

14 MS. ERIKSON: Anne Fenerty.

15 BY MS. ANNE FENERTY:

16 I'm Anne Fenerty. I'm reading this for
 17 Professor Iggy Litaor from Tel-Hai Academic College in
 18 Galilee, Israel. An open letter to the US Fish & Wildlife
 19 Service concerning its Draft plan for the Rocky Flats
 20 National Wildlife Refuge.

21 I served as a senior soil scientist for EG&G
 22 Rocky Flats from 1990 to 1995 studying the fate and
 23 transport of actinides in the soil environs of RFP. This
 24 work yielded 14 publications in the leading scientific
 25 journals of my field. These studies clearly mapped the

1 extent of the contaminants around the defunct plutonium
 2 processing plant and investigated the processes that govern
 3 the mobility of plutonium and americium in the soil
 4 environs.
 5 The actinides in the soil environs of RFP
 6 resulted from accidents such as the '57 and '69 fires and
 7 poor management of an internal waste site locally known as
 8 the 903 Pad. Most of the actinides were transported across
 9 the landscape by wind. Once the contaminants were deposited
 10 on the soil, their mobility was greatly reduced, unless the
 11 topsoil is disturbed and dust is generated, hence, any
 12 activity that may generate dust in the areas east, southeast
 13 and northeast of RFP should be avoided. Other potential
 14 transport mechanisms that were investigated included runoff
 15 and groundwater flow.

16 Under normal and selected simulated
 17 conditions, the actinides are stable and will not travel
 18 significant distances to groundwater and/or to streams.
 19 However, under the somewhat unusual climatological
 20 conditions experienced in the spring of '95, we observed
 21 significant actinides movement down the soil profile and
 22 across the soil landscape. In particular, the runoff
 23 generated during the May 17, 1995 rainstorm yielded at least
 24 10 millicuries, which is 10 billion picocuries, of plutonium
 25 that traveled more than 100 meters down slope. Increased

1 levels of plutonium and americium were even observed in
 2 Woman Creek. Once the results became known, DOE promptly
 3 terminated the project using the convenient pretext of the
 4 massive layoffs that were administrated by Kaiser-Hill
 5 during this period. And I must say that the capture of this
 6 rainfall event in the soil and on the surface was my best
 7 research to date using a highly sophisticated advanced soil
 8 monitoring system that was installed in the soil and on the
 9 surface specifically designed to capture such an unusual
 10 event.

11 The results of this work were never published
 12 because Kaiser-Hill and DOE refused to give me crucial
 13 geological data without which I could not finish the
 14 groundwater simulations and mass flow calculations.

15 The fate and transport of actinides in the
 16 soil environment of Rocky Flats is still an open question.
 17 During my tenure with Rocky Flats, I collected more than 700
 18 surficial soil samples and excavated more than 45 deep soil
 19 pits in the buffer zone and beyond. It was a common
 20 occurrence that my personal protection equipment was found
 21 hot by the end of the day and was discarded into the hot
 22 contaminated bin.

23 On the basis of my personal knowledge and
 24 experience, I strongly recommend that the buffer zone around
 25 RFP highly limited to public use. I'm in favor of

1 Alternative C that allows for ecological restoration,
 2 environmental studies and permits limited and supervised
 3 access to the public, mainly in the Rock Creek drainage.

4 MR. HUGHES: That completes those who signed
 5 up. Now, anyone who has not signed up before and is
 6 interested in doing so, you have the opportunity to take
 7 three minutes. When you come to the front, if you can just
 8 say your name.

9 BY MR. JOHN GEAZENTANNER:
 10 My name is John Geazentanner and I just
 11 wanted to say that I'm in favor of Alternative B mostly. I'm
 12 assuming that it is going to be open to public access. I
 13 wouldn't mind if it was closed off, like a lot of people
 14 have been saying, but assuming that it is, I'm mostly in
 15 favor of B with a few exceptions.

16 The Service identified like about 2,460 acres
 17 of habitat for prairie dogs, but B is proposing to limit
 18 them to 750 acres. And as far as I can tell from the plan,
 19 that was just because of a staffing issue, that it would be
 20 too hard to keep them under control if they got close to the
 21 maximum or something like that. But so I wonder if that's
 22 not fair for the prairie dogs. I don't know.

23 I wish that the alternative would consider
 24 allowing relocations from off site. That's allowed in D and
 25 I don't know why it's not in B. There's a plague issue, but

1 I think that would be screened for easily enough.
2 I understand it would allow -- consider
3 allowing locations from off site of B and also with hunting.
4 I agree with the woman who spoke earlier, if it is necessary
5 to environmental degradation from over-grazing, then I think
6 they should use professionals and not children. I don't
7 think youth and disabled people need more opportunities to
8 shoot things, but I don't think that's compatible with the
9 mission of the refuge. I just -- and it's not just really a
10 refuge if you're not being shot at or if you are being shot
11 at.
12 And I also question about the off-trail use
13 in certain portions of the refuge, because it -- maybe it's
14 just too different for me, because all the open space, you
15 always have to stay on the trail and it prevents erosion and
16 damaging plant life and stuff like that, and it said it
17 would be minimized because it would only be in the winter.
18 But given the number of people that are expecting to use the
19 refuge, it seems to me there would be a lot of people
20 walking around trampling things. And I would hope that at
21 least the refuge does just fine, but there's a lot of damage
22 being caused, that they would reconsider that. So I guess
23 that's about all I've got.
24 MR. HUGHES: Anyone else who wants to take
25 that opportunity for three minutes? We have some time left

1 between now and 8:30 and what that gives us the opportunity
2 to do is first give the floor to Dean and then to open up
3 the floor for some questions and answers.
4 Not knowing how many questions will come,
5 many of you may have come to ask a question, what we're
6 going to do is just write them down. So just lob the
7 questions out, we'll write them down and then we'll ask Dean
8 the ones that are relevant to the CCP and EIS.
9 MR. RUNDLE: As I said earlier, My name is
10 Dean Rundle. I'm the refuge manager for the Rocky Flats
11 project. And first I want to thank everyone for coming
12 tonight. This is a great turnout and I really appreciate
13 the interest so many people have in the planning process and
14 the comments you made earlier.
15 There's been a lot of stuff in the newspapers
16 lately about Rocky Flats. We're getting a lot of
17 communications from the public and there's some people,
18 perhaps some of you are concerned or perhaps frustrated
19 about the scope of our plan and the legal process and I
20 wanted to take a few minutes to address that issue.
21 We have said from the beginning of this
22 process that the cleanup of Rocky Flats is outside the scope
23 of our plan, that is true. In the end, as Laurie mentioned
24 earlier, it will be a record decision signed by our regional
25 director that will set this plan and get it approved. He

1 doesn't have the authority to effect cleanup issues and
 2 neither do I.
 3 Very clearly, the cleanup of Rocky Flats is
 4 the responsibility of the Department of Energy with
 5 oversight from the Environmental Protection Agency and the
 6 Colorado Health Department. And that is as it should be and
 7 that should make you happy. Because cleaning up these sites
 8 like this or making nuclear weapons is not a core business
 9 of the United States Fish & Wildlife Service, managing
 10 National Wildlife Refuges is part of our core business.
 11 One of the issues that we're facing here is
 12 this time line. This is not a typical time line for a doing
 13 CCP. It's very unusual for us to do a Comprehensive
 14 Conservation Plan for a piece of property that we have not
 15 already acquired. We're here at this phase in this plan
 16 because of a special law that was passed and statutory
 17 requirements passed by congress that we complete this plan
 18 by December of 2004. There are some other important things
 19 to know in that legislation.
 20 Number one is that cleanup always trumps
 21 refuge activities. We're being required to prepare this
 22 plan before all the cleanup decisions are made, before
 23 institutional control plans are approved, before there are
 24 remedial investigations and feasibility studies conducted,
 25 and before we've even done some of the things we normally do

1 like our Level 3 contaminant survey.
 2 We are basing this plan, presenting these
 3 alternatives to you with the pretext and understanding that
 4 there are decisions that are made in a public process that
 5 we have input to and all of you have input to and the site
 6 will be certified by the Environmental Protection Agency
 7 prior to transfer. The plan we have presented tonight is
 8 the plan we would implement following that cleanup and
 9 certification. And it's been talked about that this could
 10 happen in 2006 to 2008 time frame. If the certification is
 11 not done until 2012, we won't get this land, we won't
 12 implement that plan until such time that that becomes
 13 effective.
 14 Now, because of all these other things going
 15 on, that may change things. For example, we have proposed
 16 this hunting program, we have collected tissue samples from
 17 26 deer last year. Right now they are on their way to a
 18 laboratory to be analyzed for radionuclide contamination.
 19 If it comes back that those deer would not be safe to eat,
 20 that's definitely going to impact what we find here.
 21 The characterization of potential
 22 contamination in lands that are to be transferred to the
 23 Service or proposed to be transferred is not yet complete.
 24 We have asked to, along with the EPA and State and DOE, have
 25 agreed to take significant additional sampling of the soils

1 in the buffer zone. I think they're going to grab
2 500-something more locations. Is that going on right now,
3 Mark?

4 MR. SATTEMBERG: Yes.

5 MR. RUNDLE: This plan is written with the
6 knowledge we have today. It we get different knowledge that
7 there is in fact dangerous levels of contamination in these
8 lands that may be transferred, that obviously is going to
9 affect what ideally has to do with cleanup and how it will
10 affect the refuge.

11 So this is going to be an ongoing
12 discussion. I would encourage all of you to participate
13 with the RFCA parties who will make the decisions about the
14 cleanup and that process. There are appropriate places to
15 do that that are not within the scope of our
16 responsibilities or with the CCP.

17 I wish that this many people would come to
18 the Citizen's Advisory Board meetings where last month the
19 DOE was there to present their status reports, and I think
20 there was two people there. So I encourage you to
21 participate through the Citizen's Advisory Board which meets
22 monthly and is a formal advisory committee through the
23 Department of Energy. You can also take things directly to
24 DOE, EPA, State or to, if you live in one of the Rocky Flats
25 communities, to your local elected officials who represent

1 you at the Rocky Flats Coalition of Local Governments. So
2 there are, I think, good venues for these things to be
3 raised to the appropriate decision makers.

4 There have been several statements tonight
5 about, and we perceive, about the dangerous nature of the
6 entire site. And we certainly want to consider that. What
7 we know today -- my understanding is, and from contaminants
8 folks reviewing the data, that we have no scientific data
9 right now that indicates that there's dangerous levels of
10 contaminants in the lands outside what DOE has proposed to
11 retain here. There is some, there's very little level.

12 I don't believe that EPA or the CCP is
13 actually requiring any remediation of any sites that are
14 proposed to transfer to the refuge. Is that correct, Mark?

15 MR. SATTEMBERG: That's correct.

16 MR. RUNDLE: So there's nothing in the lands
17 that this plan would apply to that has levels of
18 contaminants that we know today that are high enough to
19 require a cleanup to be protective of the most exposed
20 person, which is the refuge board.

21 So the last thing I'll say is that I was
22 happy to learn today that DOE has decided to sponsor an
23 additional public workshop to address some of the questions
24 that you have that have been directed to us in that they are
25 better prepared to answer and respond to. I'm sure they'll

1 make public notification that I understand will be held at
2 3:00 in the afternoon on April 14th at Building 60.

3 And that's my statement I need to make. And
4 we'll try to answer questions that runs within the scope of
5 our process. Thank you.

1 MR. HUGHES: So if you have questions, we'll
2 write them down and we will get a cluster of them.

3 MR. RUNDLE: There were some questions during
4 the comments.

5 Q. I have two questions. Is the 6,200 acres,
6 does that include any of the part that DOE is retaining, or
7 in other words, how many acres are you working with?

8 MR. RUNDLE: 6,238 acres is the extent of the
9 federal ownership on the site. Everything. I don't have
10 the exact measurement of this. And the shape of this may
11 change slightly based on these cleanup decisions that
12 haven't been made.

13 I believe the DOE is projecting now is about
14 1200. I think that's about right, about 1200 acres. And of
15 course this includes terminal ponds, that's where the
16 landfill that they're going to have to keep, and I believe
17 this is a 7 picocurie line that goes out here towards
18 Indiana from the 903 Pad.

19 The current data, most all the rest of this,
20 is 5 or less from the data that's been collected so far.

21 Q. And my second question, are you aware of the
22 projected growth of homes? It would be 2,000 homes that the
23 builders are hoping to get directly south of the plant.

24 MR. RUNDLE: We're anticipating that the
25 southern boundary will develop into a southern interface

1 boundary with housing or some other type of commercial
2 development. We'll open public land up here, mostly public
3 land to the west and to the east, but we are aware that
4 there are plan developments on the southern boundary.

5 Q. You said the radiation is low. How low is
6 low? How many picocuries or curies is it putting out?

7 MR. RUNDLE: The most I've seen is, this is
8 a 7 line, 7 picocuries the DOE will retain and everything
9 outside that is 5 or less. But we are taking additional
10 samples.

11 Q. What did they say was acceptable for humans
12 to be in contact with? How much?

13 MR. RUNDLE: Well, we're getting into stuff
14 that you need to address to the health physicists or the
15 State and I'm not qualified to answer that. But I can tell
16 you this, that ideally we will retain all the properties
17 where institutional controls will be required in order to be
18 protected.

19 Like I said, our plan is based on the idea
20 that this cleanup will be certified and that EPA is not
21 going to certify if it's not safe for people to do the
22 things that we're proposing.

23 We did have a question in one community, a
24 couple of individuals suggested relocating prairie dogs on
25 the site. We're not proposing to do that for a couple of

1 reasons. Number one, prairie dogs are an animal, one of the
2 burrowing animals that would have the potential to impact
3 the maintenance of the refuge because we're going to have
4 stuff left subsurface in here. So we don't want to
5 exacerbate any issues we may have with prairie dogs leaving
6 the refuge.

7 The other issue is that there's a biological
8 issue with prairie dog conservation. The National Wildlife
9 Refuge does not serve as dumping grounds for unwanted
10 wildlife. And we know that's a difficulty for many of the
11 municipalities around here. I don't think accepting these
12 animals into the refuge system assists jurisdictions and
13 developers and the conservation community in resolving that
14 issue and leaving the prairie dog conservation throughout
15 the lands.

16 Q. What's the status of the MOU? And my
17 concern is mineral rights. I know you said you're adamant,
18 you don't want land transferred to you that has mineral
19 rights, but if that does happen, will that reopen the CCP to
20 deal with the environmental impact?

21 MR. RUNDLE: First of all, the statute also
22 requires us to do the CCP. We write the MOU with the
23 Department of Energy over what land is to be transferred.
24 It's my understanding that the assistant secretary is not
25 happy with some of the language, we're going to have to come,

1 back to it and I don't know where that's at right now.
 2 The mineral rights are preserved by the
 3 statute outside of the property lines that existed at the
 4 time that the law was passed or preserved. Our position is
 5 that we don't want to accept -- on these maps indicates
 6 areas that are currently permitted by the State of Colorado
 7 and Jefferson County for gravel mines. We're not
 8 necessarily opposed to the transfer of, why isn't that still
 9 outstanding, private mineral rights such as coal, gas or
 10 oil, we do not want to bring lands into the refuge system,
 11 put up boundary signs and then have that destroyed by strip
 12 mines. That's an unresolved issue at this point.
 13 Q. Two simple questions. One is, as a user of
 14 an area, which I have some questions about wanting to go
 15 there, is there a method for me to monitor the amount of
 16 dust, stuff in my bicycle tires that I might be bringing
 17 home to my family? It's one thing to clean up a space such
 18 as this, but to clean up, you know, once the stuff goes into
 19 the dryer it affects all my clothes and everything else.
 20 So I guess the question is, is there a means
 21 of measuring these picocuries or energy that this stuff is
 22 emitting so that I, in my own mind, can be safe that I'm
 23 below some threshold? Like when you go on site, are you
 24 wearing a tag?

25 MR. RUNDLE: No.

1 Q. How do you know -- because a worker who works
 2 out there, they would be wearing a tag.
 3 MR. RUNDLE: Well, the way we ask the
 4 question about medical -- like at the arsenal they are on a
 5 medical monitoring program where our employees are not on a
 6 medical monitoring program at Rocky Flats. And I think the
 7 only people who are are actually the people that work in the
 8 highly contaminated plutonium buildings.
 9 And again, to answer your question, I don't
 10 know. I'm assuming there's technology to do that. I don't
 11 know how much it costs or where to get it, but if there's
 12 not a certification that it's safe for these uses, there's
 13 not going to be a refuge and we're not going to have the
 14 trails open either.
 15 I think we talk about in the plan, we do have
 16 a safety goal. I think that we do want to tell people with
 17 signage and materials about the history of the site and
 18 people know what the site used to be. We haven't got
 19 down -- that's a real step-down plan when we get into
 20 writing the text with signs and things like that, but
 21 whether you use the signs or not, of course will be your own
 22 choice. But we're basing this on the fact that it will be
 23 clean and safe to use with what we're allowing.
 24 Q. You mentioned that there's contaminants that
 25 you tested for. I was wondering what those were, the

1 chemicals exactly, and how deep was your testing?

2 MR. RUNDLE: That's really outside the scope
3 of the plan. I think that the most contaminants of concern
4 are what people refer to as radionuclides, mostly plutonium,
5 and the exact extent of the testing, I would engage you to
6 go to DOE's open house and ask them that question.

7 Q. Mine is kind of two part, but the CCP, EIS,
8 when was that published in the Federal Register and what was
9 wrong with it that it got -- the date got pushed farther
10 our?

11 MR. RUNDLE: Laurie, what was the initial
12 date it was published?

13 MS. SHANNON: It was published on February
14 19th and the glitch was that it got published in the Federal
15 Register, but it didn't get published by the EPA. And the
16 EPA's action starts the clock on the public comment period.
17 So it's been published. We expect the EPA notice to go in
18 on Friday, so it's actually a benefit to the public because
19 it is extended to April 6th.

20 MR. RUNDLE: Any comments submitted
21 immediately on February 19th, in that initial publication,
22 are going to be received and considered.
23 We're not going to shorten it on the front end that way.

24 Q. Two quick questions. One, if you could
25 explain what a Level 3 contaminant survey is, and then the

1 second is, what actions will Fish & Wildlife take in order
2 to prevent the seasonal off-trail hiking from going into the
3 retained area? I know that DOE will have some
4 responsibility for the institutional control, but what will
5 Fish & Wildlife do?

6 MR. RUNDLE: Good question. First question
7 was what was a Level 3 contaminant survey. Department of
8 Interior policy requires that we do a contaminant survey
9 prior to acquisition of any lands into the National Wildlife
10 Refuge system. So we do this when you farm land or any
11 other lands that come into the system.

12 A Level 3 survey is the highest level and
13 actually involves a plan that includes analytical type of
14 testing of either byota or soils and water by our
15 contaminants biologist. Mark Sattelberg in the back will be
16 the design lead on that. Level 1 survey is the refuge
17 manager walks around, looks for leaking drums and things
18 like that.

19 So part of the Level 3 we are doing is the
20 testing of these deer tissue and organ samples. And there
21 will be some additional biotesting and it will probably be
22 later this summer when that's taken care of. It gives us an
23 opportunity that if there are things we are interested in,
24 we're going to be looking at that stuff.

25 Q. Are you testing deer only?

1 MR. RUNDLE: Right now we've got the deer
 2 samples. 26 animals were harvest -- sorry, I jumped out of
 3 order. Chronic waste and disease testing, last year we took
 4 five tissue samples from each of those deer, and Mark, I
 5 don't know what your plans are for other biotesting.

6 MR. SATTEMBERG: We haven't really developed
 7 areas. Right now we're looking at areas of potential
 8 concern that DOE may not have looked at before or have
 9 looked at and not sampled that we think should be sampled.
 10 So we're in the process of reviewing all the historical
 11 data, looking at areal photographs and things like that.

12 MR. RUNDLE: I didn't get to her second
 13 question, which was how do we control people --

14 Q. With the off-trail hiking, seasonal off-trail
 15 hiking.

16 MR. RUNDLE: There was kind of a question
 17 during testimony as to why we would have this off-trail use
 18 allowed. And that goes back to the public uses of the
 19 refuge, which include things like wildlife photography and
 20 wildlife observation. So if you're going to invite people
 21 or allow serious bird-watching, it makes it tough to
 22 restrict that person who wants to take a picture of a
 23 wildflower or get to a good view on that small bird to
 24 always just stay on the trail. And we will have to watch
 25 how much of that stuff occurs.

1 Every refuge that I'm aware of, and I've
 2 worked a lot of them, has closed areas. Areas that are
 3 closed for wildlife sanctuary purposes or may be closed to
 4 protect cultural resources or areas around our facilities
 5 and things like that. We control that through signage,
 6 brochures, regulations and active law enforcement. We have,
 7 I think, a pretty good deal of experience doing this.

8 I can give you what I think is a good
 9 example. The last refuge I was at in Southern California,
 10 the Tijuana Slew Refuge, had several critically listed
 11 endangered species, had very hazardous areas, the waters at
 12 the Tijuana Estuary presented a significant biohazard to
 13 human contact because of effluent coming off the Mexican
 14 side. Our biologists had to be inoculated for hepatitis and
 15 typhus and all types of diseases, but still we were still
 16 able to have public access on trails for people to do
 17 bird-watching and things like that down there. And we'd
 18 control that with signs and law enforcement, I think very
 19 effectively.

20 We did not have problems with people passing
 21 signs and swimming in the river. So that's what we will
 22 do.

23 Q. Dean, as a lot of people, I'm also concerned
 24 about the fact that Fish & Wildlife will not address the
 25 contamination on the site and that the Draft EIS speaks

1 about the pristine site, that it could be on the Southern
 2 California side rather than a nuclear weapons plant. And
 3 you are the lead agency under the NEPA law, and as a lead
 4 agency under the NEPA law, you do have to look at the
 5 effects of this particular action, the CCP on the human
 6 environment. In other words, you do have some
 7 responsibilities. And I do realize that this is something
 8 that Fish & Wildlife wanted to acquire, like so many of the
 9 beautiful wildlife refuges, but it is still, under the law,
 10 a requirement that you do look at public safety.

11 This is just a comment I would like to make.
 12 And then I have a couple of questions. I'm very pleased
 13 that you're finally analyzing the deer that you have in your
 14 freezer. I would like to know what you're going to analyze
 15 it for, which part of the tissue. The muscle is the part
 16 that people would eat, if they will be hunting on the site.
 17 I know the gonads and other parts have been analyzed. Are
 18 you going to analyze the muscle tissue?

19 MR. RUNDLE: Mark, you wrote the specs on
 20 that, you want to answer that question.

21 MR. SATTELBERG: The five tissues that we
 22 collected were the lung, liver, kidney, muscle and bone
 23 that we're looking at, particularly the muscle and the liver
 24 for human consumption. We're looking at the bone because
 25 that's typically where the plutonium will end up, and also

1 the lung because of inhalation. So see what kind of
 2 inhalation loads they're getting and kidneys will also
 3 accumulate americium and uranium.

4 Q. And the last question I have for you, if you
 5 look at the DOE maintaining the area which you call the
 6 blob, which just looking at it, I would say it's within one
 7 fourth to one third of the total area, and I'm really
 8 concerned about the fact that due to that fact that we don't
 9 have an MOU, we do not know what's happening in this large
 10 area of your refuge. We don't know about signs. There is
 11 talk about a seamless refuge.

12 What is there to prevent children from one of
 13 the trails south of that getting into the equipment, water
 14 treatment, this type of thing?

15 MR. RUNDLE: I think the answer to that is
 16 that the institutional control plan is not complete yet and
 17 we all need to engage the parties with a robust discussion
 18 of what those institutional controls will be on that site.

19 So that will not be our decision. I can tell
 20 you that for now we definitely want that site to be
 21 marked -- boundaries to be marked as permanently as
 22 possible.

23 Q. But you keep talking about a seamless refuge.
 24 MR. RUNDLE: I said we need it to be marked
 25 so that we and the public know where the two boundaries are

1 clearly. And if it's safe, we would prefer that that
2 boundary not preclude the movement of wildlife across the
3 site. So I think that's a discussion about what types of
4 signage and monuments or markers or fencing will be required
5 there. And I think that is something that all of us need to
6 engage the RFCA parties about that area.

7 We do know in that area there's going to be
8 residual contamination left. It's a concern to us, it's a
9 concern to you. And I think personally, I'm not too
10 concerned that the surface of the refuge is going to be
11 unsafe for us to work on or for you to walk on when the
12 cleanup is done. But 30, 40, 50 years down the road, I
13 think long-term stewardship is what we all need to be
14 concerned about and we all need to engage in that
15 discussion, but it's not within the scope of this plan.

16 MR. HUGHES: I've got other questions so I
17 want to move on.

18 Q. I would like to have one follow-up, and that
19 is, the prairie dogs do go down seven feet, isn't that
20 right?

21 MR. RUNDLE: Yes.

22 MR. TRENHOLME: Dean, you've used the term
23 RFCA.

24 MR. RUNDLE: I'm sorry. The cleanup is being
25 conducted under an agreement between the Department of

1 Energy, the EPA and the State of Colorado that's call the
2 Rocky Flats Cleanup Agreement. And the RFCA parties, the
3 decision makers are the DOE, the EPA and the State of
4 Colorado.

5 Q. I live in Boulder across the street from the
6 National Institute of Standard Technology and we've had for
7 years, they've kind of had an open flow-through policy of
8 access through that area and now we're looking at a fence
9 opportunity of 8-foot-high metal stakes every 12 inches
10 apart. And this appears to be a nice place to put a wall of
11 stakes eight to ten feet high to inhibit areas -- this
12 retained area full of contaminated ground. I'd have the
13 kind of marker, a fence, to inhibit flow of traffic through
14 it.

15 MR. HUGHES: Is the question, why isn't there
16 a fence?

17 Q. Is there going to be a fence and is it going
18 to be eight feet high?

19 MR. RUNDLE: I don't know how to answer that
20 question. It's not our decision. It's not within the scope
21 of this plan.

22 Q. You said it was seamless earlier.

23 MR. RUNDLE: We have said that we would
24 prefer a seamless landscape that would not prohibit the
25 movement of wildlife. Now, that's based on whether the RFCA

1 decision makers decides whether that's a safe thing or not.
2 If the EPA, DOE and State Health Department say there needs
3 to be a concrete wall with glass shards on the top of it,
4 that trumps anything we do in that plan. And that's what
5 will be there.

6 MR. HUGHES: I want to ask again that we
7 stick to the question, because that's what this portion of
8 the agenda is for. And I'm going to ask you to hold the
9 preface part.

10 Q. I just want to have you clarify that it is
11 the Fish & Wildlife's jurisdiction or authority to decide
12 whether to put a fence or signs or whatever the
13 boundary demarcation might be. The buffer.

14 MR. RUNDLE: No, that is not our decision,
15 responsibility or authority to make that decision. We will
16 provide input to those decision makers about what we think
17 is appropriate, but that input will also come from you and
18 many other people.

19 We will decide what goes around the perimeter
20 of the property that becomes National Wildlife Refuge and
21 all four proposals call for the maintenance of the current
22 five-strand barbed wire stock fence that surrounds the Rocky
23 Flats property. It will be posted with National Wildlife
24 boundary signs that say National Wildlife Refuge boundary,
25 all unauthorized entry prohibited. Unauthorized be the key

1 word.

2 Q. I'm curious about the criteria for hunting
3 two weekends out of the year, low impact weapons. What is
4 the origin of that idea? What's the reasoning behind it?

5 MR. RUNDLE: Okay. That's a good question.
6 That's germane to the plan. The National Wildlife Refuge
7 system is what we call a primary system of public lands.
8 We're not multiple use like the forest land. The organic
9 legislation, like the Refuge Improvement Act of '97,
10 congress designated six priority public uses of the National
11 Wildlife Refuge system that are all wildlife dependent.
12 They include hunting, fishing, wildlife observation,
13 wildlife photography, interpretation and environmental
14 education. All these things need abundant and diverse
15 wildlife to conduct.

16 We hunt on refuges for two reasons. One is
17 to provide a wholesome outdoor recreation experience for
18 people who want to do that, and particularly large ungulates
19 such as deer and elk to control populations and make sure we
20 don't have habitat damage caused by overpopulation.

21 Because it is a priority public use, we are
22 mandated by that organic law to provide those priority
23 public uses whenever they are compatible with the purposes
24 of the refuge, meaning they don't materially detract from
25 our ability to manage and restore ecosystems and preserve

1 endangered species and preserve research and preserve native
 2 flora and fauna, which is the purpose of Rocky Flats.

3 So we would propose that we would have
 4 limited hunting that would provide some recreational
 5 opportunities for some groups and also help us maintain deer
 6 and elk populations at a sustainable level for the habitat
 7 out there.

8 We are particularly concerned about not
 9 wanting to have the establishment of any resident elk
 10 population that comes down to the prairie and stays on the
 11 prairie. This is happening other places along the Front
 12 Range. There's a lot of conflict that results from that.

13 We hope we'll have corridors where large
 14 ungulates can move on the prairie and back up to the
 15 mountains, but we don't want to have the situation that
 16 we've got up in Loveland where we've got hundreds of elk
 17 that are moving out to suburban areas and staying there all
 18 the time. They would have the ability to greatly impact the
 19 important endangered species habitat and the rare shores of
 20 Rocky flats.

21 Q. Would you consider using cross-stripping or
 22 something like for the DOE area so you can see through it?
 23 Because a lot of your maps have some very good data on it,
 24 but you can't see through that green blob in the middle.

25 MR. RUNDLE: You want to see what the habitat

types are under the blob?

Q. Right.

MR. RUNDLE: We don't know how to answer that
 because we don't know what the final regrade and revision
 plans are going to be.

Q. Somebody should know, because I think it
 would help people see continuity of the site.

MR. RUNDLE: So you'd like to present in the
 future or in the final planning, a map that would show the
 existing habitat out there, including the DOE retained land?
 Q. It's not so much a comment as a question as
 to why you didn't do it that way?

MR. RUNDLE: We didn't do it that way because
 we tried to make it clear to the public that this plan does
 not apply to that retained property. We didn't want that
 confusion.

Q. As more information comes in from your 500
 steps towards better characterization of the site and the
 Level 3 plan and from other sources, DOE, and if you witness
 that no plan is perfect, then will you blend these plans or
 will you come up with yet another plan? How hard and fast
 are these four alternatives?

MR. RUNDLE: Well, the four alternatives that
 we're presenting to you, we believe is -- any one of these
 could achieve the purposes of the refuge, the intent of

1 congress and the Refuge Act and missions and goals of the
2 Refuge Act and also the requirements for safe uses and
3 things like that.

4 We've proposed Alternative B. I guess we
5 always try to practice -- it's a new word for us in refuges,
6 but adaptive management. As new information comes forward,
7 the safety of the sites from the contaminant level, new
8 invasive species, we have to adjust to do those things. If
9 we get that information after a record of decision is
10 signed, I think we have to take a look at how much of the
11 plan that would impact and determine whether we have to
12 reopen that road and come back to the public for another
13 process or if it was a minor adjustment. It might be just a
14 simple matter of, this is not going to work over here, we're
15 not going to do that part. I think it depends on the extent
16 and nature of that new data.

17 Q. It's not a follow-up, but it's a separate
18 little question. It's probably easily answered, but why in
19 Alternative C does Lindsay Ranch have to be obliterated?

20 MR. RUNDLE: Because that is a legitimate
21 alternative for meeting the goals of the Act which says,
22 preserve it in accordance with the National Historical
23 Preservation Act. The site is not national registered
24 eligible. It's an aesthetically pleasing site, it's
25 pleasing to people in the local community, it's not a

1 historical significant site.

2 Also, Alternative C is, to the extent
3 possible, returns this site to pre-settlement conditions.
4 Pre-settlement there was no buildings on that site and there
5 was no pond there, so that's why they were removed in that
6 alternative.

7 Q. What's been presented, I've got a
8 contaminated area, I'm going to have a contaminated area in
9 the middle and a nice clean area around it. Now, how has
10 Fish & Wildlife looked at how they would prevent a prairie
11 dog or an ant or a deer or anybody else carrying this
12 contaminated material across that line?

13 MR. RUNDLE: DOE is going to be responsible
14 for probably institutional controls. We haven't signed up
15 for any participation in institutional controls at this
16 time. I think we do have an obligation to help protect that
17 site from what we can and so we would not do things to
18 encourage prairie dog movement.

19 There are prairie dogs on the industrial area
20 now. We provide recommendations to DOE about their
21 revegetation of the industrial area following demolition,
22 we're encouraging them to use appropriate native vegetation
23 that would discourage prairie dog colonization of the site.

24 And I don't know what the institutional
25 control plan will be. I'm assuming we'll recommend

1 certainly that it requires regular inspection to look at
 2 burrowing animals, particularly on landfills and things like
 3 that, but we haven't signed up yet to assist DOE with those
 4 types of things in the future.

5 Back to the question about relocation,
 6 because we know that we don't want burrowing animals in that
 7 area, so we don't want to encourage them to expand and we
 8 also don't want prairie dogs to expand in the tall grass
 9 ecosystem where the black tail is not a native species, and
 10 could actually impact that special tall grass area on the
 11 west.

12 Q. How do you control the overpopulation, or is
 13 there any, of the Rocky Mountain Arsenal? And if there
 14 isn't a problem, maybe there wouldn't be a problem also at
 15 Rocky Flats.

16 MR. RUNNLE: The equivalent plan for the
 17 Rocky Mountain Arsenal is a CNP, but it's basically the same
 18 thing. They changed their name in '97. And that allows us
 19 to use culling, sharp shooting to control deer populations,
 20 if needed, but it also has a provision for hunting to occur
 21 after the cleanup is completed over there. That's still an
 22 Army-owned site, we expect some land to be transferred to us
 23 later this month, but we would not implement that hunting
 24 provision until later.

25 Q. Have you had to cull up to this point?

1 MR. RUNNLE: We have culled in the '90s.
 2 Recently in the last several year, the coyotes have been
 3 doing a good enough job keeping the population down.

4 Q. What quantity of chemicals have you found in
 5 the soil, such as carbon tetrachloride?

6 MR. RUNNLE: That's outside of the scope of
 7 the plan, but I'm only aware that there are some hazardous
 8 wastes in the industrial area. There's a carbon test plume
 9 that's being treated with a groundwater treatment system.
 10 It doesn't affect the land that we expect to be transferred
 11 to Fish & Wildlife Service.

12 Q. Would cost be a consideration in selecting
 13 one of these alternatives, like if you don't have any money
 14 you would just --

15 MR. RUNNLE: One guidance I gave to the plan
 16 team was let's make plans that are reasonably achievable
 17 given budget environments. We're funded by annual
 18 appropriations, like other federal agencies, and there is a
 19 funding chart and what we expect all these alternatives to
 20 cost. I think A was the cheapest, C was the most expensive,
 21 or D was the most expensive, C was the next most expensive,
 22 and the preferred alternative was the second most expensive,
 23 B. The proposed alternative would be a staff of four and
 24 would cost \$16 million, approximately, over the 15 years of
 25 the plan, about a half million dollars operating budget.

1 MR. TRENHOLME: The decision makers --
 2 MR. RUNDLE: The regional director.
 3 MR. TRENHOLME: The regional director will
 4 look at the cost of all the alternatives and use that
 5 information in making their final decision.
 6 MS. SHANNON: Just one other thing, we're
 7 required to put sort of like a caveat paragraph in the front
 8 that we need to do this planning, but by virtue of having
 9 the plan doesn't guarantee that we'll get the funding that
 10 we want.
 11 MR. RUNDLE: The next two years will be
 12 really bad, so.
 13 Q. How does the -- I'm curious how the
 14 process -- you said you had to come up with an alternative
 15 by December 2004?
 16 MR. RUNDLE: The statute says we will
 17 complete this process and have an approved CCP within three
 18 years of the passage of the law, which was signed by
 19 President Bush on December 28th, 2001. So our three years
 20 expires December 28th.
 21 Q. How do the rest of the communities weigh in?
 22 This is a public comment section now, how are the
 23 communities, their city council or how --
 24 MR. RUNDLE: That's a good question. We had
 25 some special things we had to do because of the special law,

1 so we started the process in February 2002 meeting with the
 2 representative governments in the Rocky Flats Coalition of
 3 Local Governments. We had to consult with all of those
 4 seven governments, plus the cities of Thornton, Northglenn,
 5 Golden, Lafayette and Louisville with the governor's office,
 6 the Office of the Attorney General, State Health Department,
 7 EPA and Citizen's Advisory Board to develop a public
 8 planning process for Rocky Flats. That was accomplished in
 9 June of 2002.
 10 This is the third round of public meetings we
 11 had. We had the scoping sessions in September of 2002 and
 12 we presented these alternatives from public comment last
 13 May, so this is -- and that was all to develop this Draft
 14 plan. So now we've got the Draft, we're in a public comment
 15 period. When the public comment period is over, the
 16 planning team will go back, we'll consider the info we've
 17 had, prepare final documents. At that time the CCP and EIS
 18 will be split so there will be two booklets at the end, the
 19 Comprehensive Conservation Plan and Environmental Impact
 20 Statement records. And we --
 21 Q. Did you go to each specific government and
 22 ask them -- the city councils and ask them for their
 23 alternatives?
 24 MR. RUNDLE: Absolutely. We made a
 25 presentation last month at the February meetings of the

1 Rocky Flats Coalition and Local Governments, to the
 2 Citizen's Advisory Board, and said throughout the process,
 3 we will meet with anybody at any time to discuss that.

4 We've answered questions for presentations to optimist clubs
 5 and open space advisory boards and if you have a group that
 6 would like us to come and talk to you, we will be happy to
 7 do that.

8 MS. SHANNON: \$16 million is Alternative D,
 9 Alternative B is \$8.6 million. Dean is not usually wrong,

10 so.

11 MR. RUNDLE: But I am sometimes.

12 Q. A while ago Anne Fenerty read Iggy Litaor's
 13 letter. Iggy Litaor was the scientist working at Rocky
 14 Flats that discovered in the spring of '95 significant
 15 movement of plutonium on the site. He had added a P.S. to
 16 his letter that Anne read a moment ago that I think is
 17 pertinent for many things.

18 MR. HUGHES: Have you got a question?

19 Q. Yes, I do. I have a comment.

20 MR. HUGHES: We did that part.

21 Q. I have a recommendation to make.

22 MR. HUGHES: I want to make sure we get all
 23 the questions and answers so we can finish that piece.

24 Q. I'll put his P.S. in the form of a
 25 question. He wondered why your maps, your color maps that

1 are attractive to look at didn't provide useful information
 2 regarding the actual condition of the site. And he
 3 wondered, in fact, why there are no maps showing
 4 the probability of exceedance of various plutonium
 5 concentrations which would represent thresholds at different
 6 levels.

7 And one could imagine, if we could web this
 8 to the comment made earlier, recommendations made earlier
 9 about informed consent, that people could see maps like
 10 those, that Iggy Litaor proposes, showing all of the buffer
 11 zones, however, less picocuries, I'd consent to my children
 12 and myself going there. I'd make that as a recommendation.
 13 The others, of course, are questions for you.

14 MR. RUNDLE: Well, the question I heard was
 15 why don't our maps show that right now, and the answer to
 16 that question is, like I said, they designate what they're
 17 going to retain. The land would require institutional
 18 controls to be protective. We're going on the understanding
 19 that the lands that their plan applies to would be safe, but
 20 we certainly accept that comment and we'll consider those.

21 Q. One thing I want to verify, you said that
 22 Alternative B, you anticipated a staff of four?

23 MR. RUNDLE: That's correct.

24 Q. And Alternative D, do you know what the
 25 staffing level is for that?

1 MR. RUNDLE: D was eight, C was five, A was
 2 two. And let me caveat that those are new FTEs assigned to
 3 Rocky Flats, all alternatives. Let's assume that this is
 4 part of a refuge complex, and then for example, the law
 5 enforcement support, administrative support, maintenance
 6 trade-type support, heavy equipment operation is a shared
 7 possible staff of Rocky Mountain Arsenal, so there would be
 8 other people within my complex that would help at Rocky
 9 Flats, but there will be four new personnel positions.
 10 Q. So they would be U.S. Fish & Wildlife people
 11 exclusively for this site and they would be able to draw on
 12 resources, regional resources, as an example?

13 MR. RUNDLE: At my level they draw within my
 14 refuge complex, but we do help each other out quite a bit.
 15 And that does not also include FDE personnel, that would be
 16 funded through the special fire program. Those firefighter
 17 types would be additional to that.

18 Q. According to all the input to date, what is
 19 the ratio of people that want open access, as in Alternative
 20 D, as to the people that never want a human to step foot on
 21 the site?

22 MS. SHANNON: We have tried to get away from
 23 a vote. Now, it's not 500 people versus 20 people, because
 24 that's not what NEPA is about. It's really looking at the
 25 whole issue, you know, all the issues involved. But I will

1 say that to date we have had more people who have supported
 2 the alternatives that have public use associated than not.

3 Q. People on either side of me are asking how do
 4 you get this book. Did you bring extra ones tonight?

5 MS. SHANNON: If you want a copy of the
 6 Draft, why don't you leave your name with us and we'll send
 7 you a copy or you can download it off the web if you want to
 8 see it immediately. Or if you want to wait a few days, I
 9 can mail a copy to you.

10 Q. Can I suggest you bring some to the other
 11 meetings, at least a few?

12 MS. SHANNON: What we would do, if people
 13 want to have a hard copy, please give us your name and
 14 address and we'll send you one over. We also have CDs
 15 available so if someone wants a CD. The thing is this is a
 16 pretty complex document, not everybody wants to read this.
 17 So for some people, it's too much material, other people
 18 it's not enough. So we'll respond in whatever you need.

19 Q. I think it's just been so well done and with
 20 the index and everything, people, because they could ask
 21 better questions and know more than just the superficial
 22 part.

23 MR. RUNDLE: If folks want one, we'll send
 24 them to you as long as they last. There's also copies in
 25 this library and the public libraries in Arvada, Broomfield

1 and Boulder; is that correct?

2 MS. SHANNON: All the main ones, yes.

3 MR. RUNDLE: So they are available in

4 libraries.

5 MS. SHANNON: Lakewood and Golden too.

6 Q. You said that it's safe. Now, will you

7 re-test occasionally? Will you re-test for radiation

8 because it will spread with wind and stuff?

9 MR. RUNDLE: We're not proposing to do that

10 here. I think that's something you need to bring up with

11 the RFCA parties. When it comes to long-term stewardship, I

12 think long-term stewardship is logical. Really the most

13 critical thing to all of us is, is that stuff going to stay

14 for a long time.

15 Q. I thank you for your fair and openness and

16 exchange of information, but the fact that you provide us

17 four options implies that somebody somewhere -- that

18 somebody is going to make a choice or vote.

19 MR. RUNDLE: That's correct. Well, it won't

20 be a vote. That record of decision that the regional

21 director will sign will say that this is the plan.

22 Q. So he'll be the one to pick from these four?

23 MR. RUNDLE: He will pick a final decision.

24 It may be one of the ones that's up there, it may be one of

25 the ones that's up there now with modifications based on

1 what we heard during this public process. I can tell you

2 that the planning team, I'll make a recommendation. That

3 doesn't mean he has to accept it, but I think what the

4 planning team brings forward will have a significant impact.

5 MR. TRENHOLME: And the record of decision

6 will describe the basis for the decision.

7 MS. SHANNON: Just so you know, the order

8 thing is the next thing that will happen after we get --

9 the public comment period closes and we decide what we're

10 going to do. We will prepare the final EIS and then that

11 will be mailed out. And it's a 30-day period before it can

12 become -- you can implement it or whatever.

13 MR. TRENHOLME: 30 days between the final EIS

14 and the decision.

15 MS. SHANNON: Once we issue the record of

16 decision, then we'll prepare the final Comprehensive

17 Conservation Plan. So the CCP will be the last document to

18 come out.

19 MR. RUNDLE: And this particular plan we also

20 have to make a special report to congress, which you don't

21 normally have to do, so that will come out also.

22 Q. I was just wondering if you could clarify, on

23 the public comments, were these individually sent in or were

24 they sent in groups? Like who is in the most support of

25 recent --

1 MR. RUNDLE: What I would recommend, do we
2 have extra copies of the scoping report?

3 MS. SHANNON: Yes.

4 MR. RUNDLE: I would encourage you to go to
5 that website and pull down the scope and reports. It's a
6 much shorter document. The scope of the report details the
7 comments that we got at our public scoping meetings, which
8 were diverse, and represent everything that's been stated
9 here tonight. And it also summarizes all the written
10 comments that were received either by letter or by E-mail
11 and does identify the individuals, organizations or
12 governmental agencies that made those written comments. And
13 I think that will be a good synopsis for you to kind of see
14 what we got in the last -- we recorded over 1800 comments
15 and that doesn't mean that it was 1800 letters, but we might
16 have got one letter and picked out of that six or eight
17 comments. Whether they were numbered or not, that could
18 have been several people who also said the same thing that
19 was recorded on a tear sheet at one of the public scoping
20 meetings and that was a comment.

21 So that's how -- but I would encourage you to
22 look at that scoping report for that type of information.

23 MR. TRENHOLME: You might mention, we'll do
24 something similar in the final EIS. We're going to go
25 through all the public comments we got and respond to all

1 the subsequent comments that were received and they'll be
2 either responded to categorically or we'll respond to the
3 letters from agencies and organizations individually.

4 Q. How heavily are those weighed, like in your
5 decision making process?

6 MR. RUNDLE: Well, I think they're very
7 important.

8 Q. I know like other situations where public
9 comments didn't necessarily go to how the decision weighs.

10 MR. RUNDLE: It's not a vote. The law
11 requires our agency to make a decision about the CCP and
12 that is not a vote because that's not the way the laws are
13 set up. But I think that the public comments are very
14 important to us. Everything that we hear. Just because a
15 recommendation is made, if that's not the decision, that
16 does not mean that that comment wasn't heard and considered.

17 And we clearly made changes to our
18 alternatives from when we brought those alternatives to the
19 public, and Laurie went over some of those. If you look,
20 there's one map in there that shows areas where we've
21 proposed several alternatives where we can use grazing or
22 prescribed fire as a management technique and designated an
23 area where we say we would not do that. And part of that is
24 that strip along Indiana because we know that's where 903
25 Plume was, we know there's a public concern about, or

1 perception for those types of activities to stir up residual
 2 contamination. And part of the reason that's not drawn in
 3 there is because of the comments we had from the public
 4 about that particular issue.

5 MR. HUGHES: We've also gotten feedback on
 6 our side, on the process side, about our ability to be fair
 7 to everyone, give everyone the same amount of time, for
 8 example, to comment. That's why the three minutes tonight
 9 and why I'm asking people not to add comments, because
 10 people are looking at whether or not everyone has exactly
 11 the same opportunity to comment.

12 So the three minutes, we didn't just pick
 13 that out of a hat, we wanted to give everyone as equal an
 14 opportunity as we can. And that's why we made that rule.

15 MS. SHANNON: And we have to look across four
 16 public meetings. So even though this is a small, relatively
 17 small group tonight, if we end up -- we don't know if 200
 18 people are going to show up or 50 people, so if we end up
 19 with a situation where we have 200 people show up, we still
 20 need to give everybody three minutes.

21 MR. RUNDLE: I will say this, that the
 22 manner that the comments are made does not make an impact on
 23 the effect or how seriously we'll take them. Clearly verbal
 24 comments that we hear tonight are taken seriously, someone
 25 sends us an E-mail tomorrow, their comments will be given

the same consideration.

Q. Now I'm curious. You said the regional
 director will make the final decision?

MR. RUNDLE: That's correct.

Q. How much impact will he have or input or
 pressure from politicians, from congress, or are those
 obstacles or pressures, are they weighted evenly with what
 the public wants versus what a politician or a government
 official wants?

MR. RUNDLE: We have a beautiful system that
 separates executive branch and the legislative branch.
 We're here because congress passed a law and we're the
 executive branch and we have to execute that law. Congress
 doesn't have to go through NEPA to pass a law, they just
 make it a law and then that's it. NEPA applies to decisions
 of the executive branch.

In this case, statute, regulation and policy
 delegate the authority to sign this record decision to the
 regional director. We brief him at each step along the way.
 Before this document was released, it had to be approved for
 release by the director's office of the Fish & Wildlife
 Service and I can assure you that there are political
 appointees within the Department of Interior that review
 this before it goes out to the public.

And I can tell you, we maintain a regular

1 dialogue with the elected representatives as well in terms
 2 of your congressional leaders, so anything is possible. But
 3 I don't anticipate that there will be unusual political
 4 pressure to go one way or the other on this.

5 Congress spoke pretty clearly about what they
 6 expected when they passed this statute, said this will be a
 7 refuge, you will manage these things. Wildlife dependent
 8 public uses will be the priority public uses of the site.
 9 So I think the intent of congress was pretty clear.

10 Q. Are you going to reopen for comments after
 11 you get the research back on your soil samplings and game
 12 samplings? Because I think a lot of the reasons -- people
 13 are uneducated and that's one reason that they're not able
 14 to comment. Are you going to make those available to the
 15 public?

16 MR. RUNDLE: Well, any documents that we have
 17 are public records. And if they're not unreleaseable
 18 because of privacy concerns, we'd certainly share those with
 19 folks, the results. And again, I'd have to go back and say
 20 how that will effect -- what we're doing now will effect on
 21 the extent of that new information. But there is no further
 22 public comment period on this plan after April 26th.

23 Q. Could I make kind of an announcement,
 24 something that's coming up? You kind of referred to it a
 25 second ago. There's going to be a series of meetings on

1 comprehensive risk assessment and this is actually the
 2 document that's much more important than what we're hearing
 3 tonight as far as contamination is concerned. This is the
 4 report that's going to have all of that material in it, all
 5 the maps that show the contamination, all of the results of
 6 the tests and everything else. This is something in the
 7 public process, and it's been attended by four or five
 8 people, a lot of the meetings. It would be fantastic to
 9 have a group like this at one of those meetings. So I just
 10 urge people if they're interested in that, that might be a
 11 better venue.

12 MR. RUNDLE: Thank you.

13 MR. HUGHES: I want to thank you all for
 14 coming. I know the planning team greatly appreciates your
 15 efforts.

16 . . . WHEREUPON, the public hearing was
 17 concluded at 8:20 p.m.

1 CERTIFICATE OF DEPOSITION OFFICER

2 STATE OF COLORADO)
3)
4 COUNTY OF DENVER)

5 I, SANDRA A. SMITH, Certified Shorthand Reporter
6 and Notary Public, State of Colorado, certify that said
7 public hearing was stenographically reported by me at the
8 time and place heretofore set forth, and was reduced to
9 typewritten form under my supervision as per the foregoing;

10 That the foregoing is a true and correct
11 transcript of my shorthand notes then and there taken;

12 That I am not a party to nor in any way connected
13 with any of the parties to said action nor otherwise
14 interested in the outcome of this action.

15 My commission expires May 23, 2005.
16 IN WITNESS WHEREOF, I have affixed my
17 signature and seal this 22nd day of March, 2004.

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24
25

Sandra A. Smith
BOVERIE, JACKSON, BUSBY & LA FERRA
1735 East 16th Avenue
Denver, Colorado 80218
303-329-8618

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1 PUBLIC HEARING ON

2 THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

3 AND COMPREHENSIVE CONSERVATION PLAN

4 FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

5 Thursday, March 11, 2004

6 6:30 p.m.

7 at

8 East Recreation Center

9 5660 Sioux Drive

10 Boulder, Colorado

11 Panel Members: Richard Trenholm

12 Mike Hughes

13 Laurie Shannon

14 Dean Rundle

15 Jody Erikson

21 TAKEN BY: SANDRA A. SMITH, CSR

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1 MR. HUGHES: If I could ask everybody to
 2 take a seat, we'll get started. For those of you who are
 3 just coming in, we want to make sure that you get signed up
 4 and we'll get started as soon as you sign up.

5 I want to thank all of you for coming tonight
 6 and welcome you to our formal public hearing on the Draft
 7 Environmental Impact Statement and Draft Comprehensive
 8 Conservation Plan for the Rocky Flats National Wildlife
 9 Refuge.

10 My name is Mike Hughes and I'm part of the
 11 planning team and I want to say just a couple of words about
 12 how tonight will proceed. We have agendas here at the door,
 13 so as you're coming in, feel free to grab one, follow along
 14 and I'll explain a little bit about how tonight is going to
 15 go.

16 We got a lot of feedback about previous
 17 public meetings and what we ought to do in terms of this
 18 one. Many people say that what we needed was what NEPA in
 19 fact tells us we ought to do, which is a formal public
 20 hearing. We have a court reporter, as you can see, so we
 21 will have a verbatim transcript of the comments made here
 22 tonight.

23 And one of the other things that we heard is
 24 we should provide an opportunity for speakers to be heard,
 25 so no small groups, and that everybody should get the same

1 amount of time to comment.
 2 So here's what that means. Each of you will
 3 be given three minutes. And since I don't know how long
 4 three minutes is while I'm talking, we'll help remind you of
 5 how long three minutes is. So as you're speaking, making
 6 the comments on the Draft Environmental Impact Statement and
 7 the Draft Comprehensive Conservation Plan, we will give you
 8 notice of when it's two minutes left, when it's a minute
 9 left, and then 30 seconds left and then when you have
 10 exceeded the three minutes. And each of you will have the
 11 opportunity to do that.

12 The best way to do that is to sign up. The
 13 sign-up sheet is there if you wish to speak. If you haven't
 14 signed up yet, please do so and we will call two people at a
 15 time so you know who's next.

16 In terms of making that successful, we do
 17 actually want everyone to be heard for the entire three
 18 minutes and so it will be important that you give your
 19 respect to the speaker by allowing them to be heard to
 20 completion. And then we're going to ask that they do the
 21 same for you, so giving everyone an equal opportunity to
 22 speak and to be heard. So please stay within the time
 23 limits and not add your voice to the voice that's working up
 24 here.

25 We ask that you focus your comments on the

1 documents, the Draft Comprehensive Conservation Plan and the
 2 Draft Environmental Impact Statement for the refuge. This
 3 is comments to the Fish & Wildlife Service on those
 4 documents, but it is not the only way that you can make
 5 comments. So it isn't just three minutes or nothing, there
 6 is a website, which is on your agenda, so feel free to add
 7 comments there. We have written comment forms so if you
 8 choose not to speak tonight or wish to add to what you say
 9 tonight, you can do that in writing.

10 So the comment period is open through April
 11 26th. So you have up until that time to send us E-mails, go
 12 to the website, send comment forms in writing, by whatever
 13 means, as well as your three minutes tonight.

14 We have left ourselves a bit of a safety
 15 valve, depending on the number of people that sign up and
 16 the size of the group, that if there is time left, everyone
 17 who wishes to take their three minutes has done so, if
 18 there's time, we can do some question and answer. We had
 19 that opportunity last night. We may not depending on how
 20 many of you sign up, but we'll see.

21 As soon as I'm done, I'm going to give the
 22 floor to Laurie Shannon. So if you look on the agenda
 23 there's a presentation here in just a minute where Laurie
 24 will highlight the Draft Comprehensive Conservation Plan and
 25 the Draft Environmental Impact Statement focussing

1 particularly on what has changed since the alternatives were
 2 in the public forum, in fact in this building not all that
 3 long ago. So that's where she'll spend most of her time and
 4 attention. That will be beginning at approximately 7:00
 5 where the three-minute time will begin to happen.

6 And again, what we're looking for are
 7 questions you have about the accuracy of the information in
 8 the document, questions that you have with the adequacy of
 9 the environmental review, reasonable alternatives other than
 10 those four that you see there, any information or any
 11 concerns you have that should, in your mind, trigger some
 12 change in revision to the Draft. Then we'll adjourn at
 13 8:30.

14 A couple of things I want to say as
 15 preliminary items. The context within which the Draft
 16 Environmental Impact Statement was written and what happens
 17 once we leave here tonight, and presuming that the Draft
 18 moves by the deadline to its final completion, that's the
 19 first step here.

20 The Service would complete the final
 21 Comprehensive Conservation Plan and Draft Environmental
 22 Impact Statement working from the Draft and issue a record
 23 of decision.

24 The second thing that would have to happen
 25 after that, before a refuge occurs, before there could be a

1 refuge, is that the Department of Energy would have to
 2 complete its site cleanup, except for whatever ongoing
 3 operation the Department of Energy will continue to maintain
 4 there. So their cleanup would have to be completed.
 5 Third, the Environmental Protection Agency
 6 and the Colorado Department of Public Health and Environment
 7 would have to certify the completion of that cleanup. So
 8 without that certification, we don't go further to a refuge.
 9 If that certification exists, when it exists, step four is
 10 for the Department of Energy to transfer the land to the
 11 Department of Interior.

12 Fifth, the Department of Interior would then
 13 establish a refuge and the Service would begin its
 14 management. So all of those things have to happen in
 15 sequence in order for there to be a National Wildlife
 16 Refuge.

17 The EPA certification is required before the
 18 site can become a refuge. And I want to focus on this last
 19 statement. The Comprehensive Conservation Plan and the
 20 Environmental Impact Statement are written in the context of
 21 a certified site, that is, as if step 3 were complete, and
 22 obviously will not take effect, the refuge itself, until
 23 that certification is approved. So that's the context and
 24 I'm going to give the floor to Laurie.

25 MS. SHANNON: Thank you. Good evening. Can

1 everyone hear me all right? Some of you probably know the
 2 alternatives well enough and a few of you have been at
 3 enough of these presentations that I think that you could
 4 probably do this.

5 So that everybody is on the same page, I'm
 6 just going to briefly highlight the alternatives, and I want
 7 to focus on what has changed since last May when we first
 8 presented these alternatives. And first I do want to say
 9 where we came up with these alternatives and where they came
 10 up in our process.

11 We began drafting the alternatives in the
 12 late fall of 2002, the November, December time frame, and
 13 that was following our scoping period in September of 2002.
 14 And what we took into consideration when we developed these
 15 alternatives was what we had heard from scoping, the
 16 significant issues that came out of our scoping process. We
 17 also looked at the mission of the National Wildlife Refuge
 18 system and all of our policies and our goals and all those
 19 things. And then we also took into consideration the Refuge
 20 Act itself, what the Refuge Act says.

21 So after looking at that, we came up with
 22 four alternatives, which we first presented last May, and
 23 then since then we've been busy writing and this is actually
 24 the Draft plan.

25 I am going to start with Alternative B, which

1 is a proposed action. That's what we're proposing and I
 2 think that's what here most people are looking at to
 3 consider whether they like it or they don't or whether they
 4 like one of the other alternatives. And I want to start by
 5 showing a little bit of what we changed and not so much
 6 about every little detail about it.

7 Last May the public told us -- one of the
 8 things that the public told us was they wanted to see horse
 9 access. We heard from a lot of users that wanted to see
 10 some allowance for horses to come onto the site. So what we
 11 did on the southern part of the site, the trails down here,
 12 we turned those multiple use trails into access for
 13 pedestrians, horses and bikes.

14 And the other thing that we did down here,
 15 some folks wanted to see a little bit more of the loops down
 16 here and a little bit more connectivity, so we tried to work
 17 on that a little bit. In the northern part of the site, it
 18 remains like it was last May. This northern multiple use
 19 trail that's up here would only be access for bicycles and
 20 pedestrians, and then to the north of that there are a
 21 couple of foot trails up there. And one of them, the far
 22 northern one, would only be open on a seasonal basis.

23 The other big thing that we heard last May
 24 was a lot of people told us they thought that we should
 25 focus on restoration of the site before we started opening

1 it for public uses. So what we did is we are proposing that
 2 we would open a trail down to the Lindsay Ranch soon after
 3 we establish the refuge, but after that we would wait until
 4 after year five before we began to implement the rest of the
 5 public use program. And during that time period it would
 6 allow us to work on restoration and picking up roads and
 7 those kinds of things and also getting our budget together.
 8 After year five we would then implement the
 9 rest of the public use program, and by year 15, we would
 10 complete the plan and then we would have to revise again.

11 Another thing we heard last May was that
 12 folks wanted us to make this connection, this north-south
 13 connection. And that is one thing that we have not done.
 14 And the reason why is because we would like to see -- we
 15 still would like to see if there is some sort of improvement
 16 to Indiana, that connection being made as part of that
 17 project, or we'd like to see the communities outside of the
 18 refuge make that connection, but it's just hard for us to
 19 work with the unknowns of the corridor and the DOE retained
 20 lands and try to get everything in there. So that's our
 21 preference, not to do that.

22 Under this alternative there is just a
 23 seasonally staffed contact station as opposed to Alternative
 24 B, which I'll explain, will have a full-blown visitor
 25 center. The other thing that we changed on Alternative B is

1 that change to the hunting program. And most of it remains
 2 the same as it was and that is that it's targeted towards --
 3 it's a very limited managed hunting program that would be
 4 targeted toward youth and the disabled and it would be
 5 low-impact weaponry such as archery, muzzle loading or
 6 shotgun. It would be only two weekends out of the year. We
 7 would close the refuge down. And the reason for that is to
 8 provide a wildlife recreation opportunity and also assist us
 9 in our own management of the deer and elk populations on the
 10 site.
 11 Under none of the alternatives would we allow
 12 dogs. So I just want to make sure I don't forget to say
 13 that.
 14 Moving on, I think that's the main things I
 15 wanted to point out. Moving on to Alternative A, we only
 16 made one change on Alternative A. And Alternative A is what
 17 we call the no action alternative. And that is basically
 18 carrying on the current regime of management habitat in the
 19 northern part of the site which is called the Rock Creek
 20 area. And the rest of the site would be very limited
 21 management action.
 22 The one change that we made was that we had
 23 proposed putting a chain-link fence around the entire site.
 24 And after evaluating that closely, we took that out and is
 25 no longer under any of the alternatives. We have analyzed it

1 in Chapter 4 of the Environmental Consequences, that is not
 2 being considered by us as an alternative.
 3 Alternative C is what we call the ecological
 4 restoration alternative. And this alternative focuses on
 5 the maximum restoration of the site that can be done and
 6 very minimal public use on this site. In fact, the only
 7 public use on the site would be a trail that would go out to
 8 this overlook and that would be it. It would be guided and
 9 that would probably be less than 1,000 people a year out on
 10 the site.
 11 On all the -- under all the alternatives,
 12 this little road here would be the only vehicle access into
 13 the site and it would only -- people could come a short ways
 14 and have to park.
 15 Alternative D is what we call the public use
 16 alternative. And this alternative also focuses on habitat
 17 and restoration, really focussed on certain plant
 18 communities, while at the same time trying to maximize the
 19 amount of public use that we could do. And under all four
 20 of these alternatives, any one of them is feasible for us to
 21 do, but this alternative looks at trying to do as much
 22 public use as we could do within our own funding constraints
 23 and those sorts of things.
 24 The changes that we made to Alternative D,
 25 basically we tried to improve some of the trail

1 connectivity, again tried to improve loops along in here and
2 tried to make it work for people a little bit better than
3 the way we had it last May. And I think that's about it for
4 the major changes. Since there's a lot of people here that
5 want to speak, we're going to get right to that.

6 MR. HUGHES: In order to do that, I'm going
7 to ask Laurie to come up front, also Richard and Dean. As
8 you're speaking, you are speaking to the people that worked
9 on and are preparing the Environmental Impact Statement and
10 the Comprehensive Conservation Plan, so I'm going to ask the
11 three people that you're being addressing to introduce
12 themselves.

13 And now that everyone is in and settled, I
14 want to just do a quick announcement about another
15 opportunity for you to speak about Rocky Flats, and that's
16 an open house that the Department of Energy will sponsor on
17 April 14th at 3:00 in the afternoon, Building 60.

18 MR. TRENHOLME: I'm Richard Trenholme with
19 ERO Resources, I'm part of the planning team.

20 MR. RUNDLE: My name is Dean Rundle, I'm the
21 refuge manager for the Rocky Flats project.

22 MS. SHANNON: And I'm Laurie Shannon,
23 planning team leader for this project.

24 MR. HUGHES: Again, Jody will help you with
25 the three minutes. Jody, first speaker.

MS. ERIKSON: Jane Uitti and Anne Fenerty.

1 BY MS. JANE UITTI:

2 I'm Jane Uitti with the Boulder County
3 Commissioner's Office. Boulder County is a member of the
4 Rocky Flats Coalition of Local Governments and has always
5 supported the passage of the Refuge Act and supports a
6 transfer of use of this land from a former weapons site to a
7 wildlife refuge pursuant to the Rocky Flats National
8 Wildlife Act; however, we believe that there should be no
9 rush to open this land to the public and that the methodical
10 oversight and planning procedures do need to be in place
11 before the opening.

12 Our final comments will be submitted to Fish
13 & Wildlife prior to April 26th and we're also going to put
14 them on our County website.

15 Boulder County supports proposed Alternative
16 A as our first priority, with Alternative C as our second
17 priority. Both of the alternatives permit far reduced
18 access than Alternative B, which Fish & Wildlife is
19 proposing, or Alternative D. And our reasons for this
20 support is as follows.

21 Number one, Boulder County believes that the
22 public should not be allowed access to facilities in the DOE
23 zone. That's that upside down prairie dog shaped thing on
24 the plan, such as the monitoring station, retention ponds or
25 landfill caps.

1 We're sure that both Fish & Wildlife and
2 Department of Energy are in agreement on this. However
3 neither DOE nor Fish & Wildlife in their current plan have
4 outlined how they intend to keep the public from fishing,
5 swimming or exploring these areas. Before they are allowed
6 on the refuge, Fish & Wildlife and DOE need to clarify
7 specifically how they're going to keep the DOE lands off
8 limits to the public.

9 While the Fish & Wildlife plan reiterates its
10 goals of safety on page 3 and 4, for example, we feel that
11 you folks have not been given sufficient resources to
12 guarantee the plan. Commissioner Paul Danish recommended
13 last week to the deputy assistant secretary for policy in
14 the Department of Interior, that Cold War sites and prior
15 nuclear weapons sites that are being converted to wildlife
16 refuges should be treated and staffed in a fundamentally
17 different manner from other wildlife refuges that do not
18 have the same kind of contamination history, and therefore,
19 the funding for the Department of Interior and for Fish &
20 Wildlife should thus be increased accordingly.

21 I have some other comments that are not going
22 to be able to be covered in this three minutes.
23 Our conclusion is, while we support the
24 conversion of this land to a refuge, we see no need to rush
25 the status by permitting premature access to the public.

1 Take the time to make sure the public access to lands are
 2 clean and safe and that DOE and Fish & Wildlife give us a
 3 plan to keep the public out of the contaminated areas.
 4 Thank you.

5 MS. ERIKSON: Anne Fenerty and Amy Mueller.

6 BY MS. ANNE FENERTY:

7 Thank you. My problem is with the process.
 8 I feel that the process is not really complying with the
 9 mandates of the NEPA law under which the DEIS has been done.
 10 DEIS is to evaluate the effects of the action on the natural
 11 and human environment. It has to state how to avoid or
 12 mitigate adverse impacts of the planned action and to
 13 provide sufficient information on the proposal so the public
 14 can participate effectively.

15 And the DEIS is about pictures of flora and
 16 fauna and omits to mention that the refuge is a Superfund
 17 site briefly referring to it as activities outside the
 18 scope, yet because NEPA is a public disclosure law and the
 19 EIS is the most comprehensive environmental document, it has
 20 to lay out not only the full range of environmental impacts,
 21 but also the full spectrum of appropriate mitigation.

22 The MOU, memorandum of understanding, between
 23 the two agencies, the DOE and Fish & Wildlife, has not been
 24 signed yet. The people don't know how much of the land,
 25 which part of the contamination is going to remain in DOE

1 control. DOE may have as much as one-third to one-fourth of
 2 the total site. The question is, what's going to happen to
 3 landfills, the surface contamination east of the 903 pad,
 4 the groundwater treatments and the toxic landfills? How
 5 will the counts be monitored?

6 Hydrologists recently found 10 billion
 7 picocuries of plutonium on the site which was in 1995. I
 8 have the report here. Same researchers found extensive
 9 contaminants in the supposedly pristine buffer zone. Please
 10 explain the effects of this action on the human
 11 environment. All right.

12 And then the other question I have is there's
 13 no public access to the DOE retained land, is a quote from
 14 the DOE. The quote that Rocky Flats will be a seamless
 15 property with no or few visual differences between the
 16 refuge and the retained land and is contradicted missions.

17 What types of fencing, warning signs will
 18 there be? How do you intend to control the prairie dogs so
 19 they do not dig down to the customary seven feet of soil and
 20 bring up the contaminated soil? How will Fish & Wildlife
 21 keep these prairie dogs and burrowing animals from the
 22 refuge? Extremely high levels of radionuclides will remain
 23 in the soil at the three- to six-foot depth interval where
 24 concentrations of up to 3 millicuries of soil will be left.

25 And NEPA states that the cooperating agencies

1 cannot opt out entirely of the duty to cooperate on the EIS.
 2 And so I would like to have DOE and the cooperating agents
 3 ensure that public protection from the remaining
 4 contamination on the site will be safe.

5
 6 In other words, we just found a 32-foot tall
 7 buried incinerator. The site has not been properly
 8 characterized and people should not be allowed on a site
 9 like this unless you know what's at the site. Thank you.

10 MS. ERIKSON: Amy Mueller and then Jacque
 11 Brever.

12 BY MS. LISA MORZEL:

13 Good evening. My name is Lisa Morzel and I'm a
 14 resident of Boulder. I have followed Rocky Flats' issues
 15 for over the past 25 years and I was a former council member
 16 for the City of Boulder in which I represented the City of
 17 Boulder for seven years on Rocky Flats, including the Rocky
 18 Flats local impacts initiative, and was a founding member of
 19 the Rocky Flats Coalition of Local Government. I am
 20 currently an ex-officio member of the Coalition.

21 Tonight I'm speaking on behalf of council
 22 member Shaun McGrath, Boulder's new representative to the
 23 Rocky Flats Coalition of Local Governments. Shaun is out of
 24 town today, so I am presenting the City's comments.

25 I should emphasize that the comments that I
 will be presenting are not intended to serve as the complete

1 or final position of City of Boulder, rather I am here
 2 tonight to highlight some areas of critical importance to
 3 the City on any refuge plan. The City intends to provide
 4 written -- formal written comments prior to the April
 5 deadline.

6 First, to the general policy, the City has
 7 long advocated foreclosure and cleanup of the weapons
 8 production facility at Rocky Flats. We continue to work
 9 with other local governments in the area through RFCA to
 10 argue for federal funding and attention to the issue.
 11 Proper cleanup of this site remains our very first priority.

12 Beyond the cleanup and closure, the City
 13 supported the Udall-Allard legislation in 2001, which
 14 resulted in designating the site as a wildlife refuge. This
 15 was important to the City not only to protect the site from
 16 future development, but was an important part of our mission
 17 for the landscape given the efforts made by Boulder and
 18 Boulder County in setting aside open space adjacent to the
 19 site.

20 Federal ownership was also critical in our
 21 view to address the uncertainty of public health issues and
 22 we want to make sure any problems that are detected 20 years
 23 from now, the liability will be with the federal government,
 24 not with local communities.

25 Second, as previously stated by the City, we

1 support the wildlife refuge as desirable and compatible with
 2 our community goals. As a neighboring landowner, the City
 3 supports Draft goals which include conserving and enhancing
 4 native ecosystems, plant communities and wildlife species.
 5 The proximity of the refuge lands to other
 6 open space lands provides an extraordinary conservation
 7 opportunity. The refuge lands will make important
 8 contributions to regional efforts to protect the values of
 9 native grasslands, shrub lands and the foothills right here
 10 in the area.

11 The City maintains that the focus of
 12 management planning should be, one, that unique conservation
 13 opportunity of preserving a large and rare habitat unmatched
 14 anywhere along the Front Range corridor.

15 Two, the preservation and restoration of
 16 native plant and animal communities. Management actions
 17 should focus on the following: We need to plan conservation
 18 areas and visitor facilities with regional focus that
 19 considers connections with surrounding trail systems.

20 We need to work to restore lands that have
 21 been degraded. This is our first priority. And we need to
 22 make sure that we monitor and make sure that the systems,
 23 the monitoring systems that we have put in place are
 24 actually working effectively.

25 Finally, we need to make sure that no further

1 fragmentation of the landscape occurs, is kept to a
 2 minimum. The City right now is proposing Alternative C and
 3 that is about as far as we're willing to go. I think people
 4 need to recognize that this property is not just any open
 5 space, but that it has a legacy of being a nuclear weapons
 6 site in the past 50 years. Thank you. And if anybody wants
 7 to comment, we have them.

8 MS. ERIKSON: Jacque Brever and Bini Abbott.
 9 BY MS. JACQUE BREVER:

10 My name is Jacque Brever. I'm a former
 11 plutonium worker from Rocky Flats. I'm now an environmental
 12 scientist. I also have years of experience with other DOE
 13 Superfund and reused sites.

14 I strongly oppose public access to and
 15 recreation in any form at Rocky Flats. It appears as if the
 16 Fish & Wildlife Service is offering us a stacked deck and
 17 the public really has no option other than to decide which
 18 kinds of recreation it would like to have at Rocky
 19 Flats. The way I read the CCP, EIS, it seems like there is
 20 little opportunity to oppose recreation at Rocky Flats.

21 I was a plutonium worker there for ten years,
 22 I know it's too dangerous to be used for recreation. I know
 23 from personal experience and review of government documents
 24 that they do not even know where all the contamination is,
 25 so it cannot properly be cleaned up.

1 I know that much of the data on which they
 2 are basing their decisions have been falsified. The agent
 3 that led the raid on Rocky Flats says -- the FBI agent who
 4 led the raid on Rocky Flats says the investigation was
 5 obstructed and that Rocky Flats is too dangerous to ever be
 6 used for recreation. The foreman of the grand jury that
 7 investigated Rocky Flats for three years says Rocky Flats is
 8 too dangerous to ever be used for recreation.
 9 The government admits that they will clean up
 10 Rocky Flats as well as it could, the DOE admits it made
 11 trade-offs to save money. If that's the case, then it
 12 shouldn't be open for recreation.
 13 It's my opinion that Rocky Flats will never
 14 be safe for children, the elderly, to have access to the
 15 former nuclear weapons facility.
 16 Here is a book that proves what we say. It's
 17 called the Ambushed Grand Jury. And I want to submit this
 18 book to the public record. It's written by the foreman of
 19 the grand jury with the help of the FBI investigator, myself
 20 and a volunteer lawyer. I am entering it in the record
 21 because it provides proof that the U.S. Justice Department
 22 has covered up the truth about contamination at Rocky Flats.
 23 I'm not alone in my opinions, some other
 24 people and I have formed an organization titled United To
 25 Keep Rocky Flats Closed. It's an organization that opposes

1 recreation at Rocky Flats. We've been collecting comments
 2 from people who also oppose recreation at Rocky Flats. I
 3 have here 152 petitions to submit for the record in addition
 4 to the 121 petitions that I've already sent through the U.S.
 5 Mail to Fish & Wildlife and representative Mark Udall.
 6 Congressman Mark Udall. I have more comment forms if people
 7 would like to sign them.
 8 And finally, I would like to ask whether the
 9 Fish & Wildlife would please notify me of how many comment
 10 forms they ultimately receive. Thank you.
 11 MS. ERIKSON: Bini Abbott and Harvey Nichols.
 12 BY MS. BINI ABBOTT:
 13 My name is Bini Abbott and I live on the West
 14 Shore of Standley Lake. First I'd like to tell you about
 15 what I am not. I am not a member of a peace group, I am not
 16 a member of an animal rights group, but what I am is against
 17 hunting in inappropriate places four days out of the year
 18 while the other 361 days are used to protect the wildlife.
 19 The definition of a refuge is a place of
 20 safety, shelter, a safe retreat. I have taken from this
 21 book, which is the thick book about the proposed refuge,
 22 made my own chart, and reading from it, the goals of the
 23 U.S. Fish & Wildlife is to provide the public with safe,
 24 high quality and my underlining, compatible wildlife
 25 dependent public use.

1 Such uses include hunting, fishing, wildlife
 2 observation, wildlife photography, environmental education
 3 and environmental interpretation. Now, they have four parts
 4 under environmental interpretation. One is habitat
 5 restoration, the second one is concerning wildlife, colon,
 6 wildlife take refuge at Rocky Flats.
 7 The third one is wildlife and people, colon,
 8 wildlife comes first. And then history. I feel with the
 9 plan of hunting at Rocky Flats with having 20 people, a
 10 total of 20 people, two weekends out of the year, would be
 11 in direct opposition, and closing the whole rest of the
 12 refuge for anyone else, I think would be wrong.

13 They state that it will cost about \$5,000 to
 14 provide those four days of hunting and that's \$250 per
 15 person. They intend to start the hunting within the first
 16 two years, according to this book, but not set a population
 17 goal of what wildlife needs to be culled until three years.
 18 They also did not intend to reevaluate until
 19 15 years have gone by, which is the year 2019. Is there a
 20 need for culling? I don't believe so, according to Boulder
 21 City Open Space and Boulder County Open Space who border the
 22 lands, they have found no need for culling. If there is a
 23 need, I feel that it should be sharp shooters from the
 24 Division of Wildlife, not youth and disabled people sitting
 25 with blinds and plunking away at the animals that have

1 gained a confidence for us to have good wildlife observation
 2 and so on.

3 In closing, I'd like to say that I think the
 4 perception of U.S. Fish & Wildlife's management of the Rocky
 5 Flats refuge will be more important than actual reality if
 6 they allow the hunting. And also I hope they will watch the
 7 wildlife through binoculars and cameras and not through the
 8 cites of a gun. Thank you.

9 MS. ERIKSON: Harvey Nichols and Nathan

10 Bufo.

11 BY MR. HARVEY NICHOLS:

12 I brought my own timer. Harvey Nichols, I'm
 13 a professor of biology at CU Boulder, but I'm speaking as
 14 just a citizen of Boulder. I want to recommend no action,
 15 Alternative A. This would mean essentially no public
 16 access. The reason behind this, first of all, has to do
 17 with -- the apologies to the people, the equestrians and the
 18 cyclists and the hikers that can't wait to get out there, I
 19 just have some information that I feel I have, as a matter
 20 of responsibility, to partake to give you.

21 And basically in the 1970s, I had a DOE
 22 funded contract for 18 months which led me, actually, in
 23 fact, to do environmental measurements out at the Flats, and
 24 what I discovered, apparently I got some unique data. This
 25 had to do with a snowfall study. I won't go into it, but

1 basically I happened to capture the effluent from the
 2 chimneys, the plutonium articulate effluent coming out of
 3 the chimneys during snowfalls. And apparently, in fact,
 4 with the admission or the helpful comment by Dean Rundle
 5 here, nobody else in the 50 years of the plant's operation
 6 has done such a study.

7 So what I found was that the entire site has
 8 a fine dusting of tiny particles of plutonium over the
 9 entire buffer zone, the refuge to be, as well as the
 10 industrial area. This has been supported by the Health
 11 Department study by Dr. John Till whose data indicates that
 12 over 600 million fatal or harmful doses of these tiny
 13 particles of plutonium was laid down over the entire site
 14 over the years.

15 My own study is even greater numbers than
 16 that, astronomical numbers, and some element of those
 17 particles must still remain on the soil, and to some extent,
 18 in or on the vegetation.
 19 The problem is that wind dusts can lead to
 20 inhalation. A sudden gust of wind, breathing in the
 21 dust and a potential for long-term illness.

22 The vegetation must be analyzed
 23 independently. We have claims repeatedly from the officials
 24 out there that there's been no study showing uptake of
 25 plutonium. A whole series of studies that we've traced, and

1 since I'm really coming close to my time, I'm against the
 2 prairie burning because of the hazards of plutonium in the
 3 smoke. It's cheapest and safest, I believe, to keep it
 4 closed.

5 And right at the end, I want to recommend to
 6 you a couple of newspapers that happen to be in piles
 7 outside. The Colorado Boulder Weekly, there's an absolutely
 8 dynamite story today and another one from last week all
 9 related to Rocky Flats. I please recommend that you look at
 10 them. Thank you.

11 MS. ERIKSON: Nathan Bufe and then Erin
 12 Hamby.

13 BY MR. NATHAN BUFE:

14 My name is Nathan Bufe. I'm a student at the
 15 University of Colorado and a resident of Boulder. And first
 16 of all, for the record, I'd like to say that I also propose
 17 Alternative A, no action, for the reasons that the people
 18 before me have discussed, because I don't have time to
 19 discuss them myself.

20 And the question I'd like to raise is why
 21 does the Service have a proposed alternative? Why are they
 22 proposing Alternative B? Basically my question is, why
 23 isn't this -- well, what I'm saying is that basically where
 24 it says Alternative B, wildlife habitat and public use is
 25 proposed, they say because of the major issues identified

1 during public scoping and that it's consistent with sound
 2 Fish & Wildlife management, and I'm wondering, why
 3 isn't this more of a public decision?

4 What this says to me is that basically the
 5 Service has already made up their mind and that they're not
 6 going to take the other proposals as seriously.

7 So pretty much my question is, why is the
 8 Service going into this with a preexisting bias? Why aren't
 9 they leaving this completely open to a public decision?

10 And also, it's been said already, but I would
 11 like to emphasize the problems of having the refuge being a
 12 seamless property with no visual division between the
 13 central DOE part and the outer public access part, and I
 14 believe, as the previous speakers have said, that the
 15 proposed cleanup is in fact impossible because of the
 16 uncertainty involved, that people don't know the extent of
 17 the contamination on site and that it is dangerous to let
 18 people go on the site. And that's certainly dangerous to
 19 leave the central DOE site, the most contaminated area, with
 20 no boundary at all, no fences, no warnings. It just seems
 21 irresponsible.

22 And I'm wondering why there is no proposal
 23 for a fence at least. And I guess that's all I have to
 24 say. Thank you.

25 MR. RUNDLE: Mark, are you going to capture

1 all of these questions so hopefully if people stick to their
 2 three minutes, we'll be able to try and answer these later?

3 MS. ERIKSON: Erin Hamby and Beverly Lyne.
 4 BY MS. ERIN HAMBY:

5 My name is Erin Hamby. I'm speaking as a
 6 resident of Boulder. I'm in love with the scenery and
 7 landscapes of this Front Range community. The mountains
 8 touch the prairie and leave me breathless. Knowing that
 9 6,000 acres of this beautiful landscape was used and tainted
 10 in the production of nuclear weapons also leaves me
 11 breathless.

12 The idea of reclaiming this land for Colorado
 13 and the nation is a wonderful thing. The reclamation of
 14 this should not include public access though. Fish &
 15 Wildlife is being asked to manage a refuge which encircles a
 16 highly contaminated tract of land. Even if one believes
 17 that the buffer zone is safe or uncontaminated, it's
 18 irresponsible and wrong to believe that known and unknown
 19 remaining contaminants will remain within the borders of the
 20 DOE retained land.

21 The National Wildlife Refuge system mission
 22 statement says, to administer a national network of lands
 23 and waters through the conservation management and where
 24 appropriate restoration of fish, wildlife and plant
 25 resources and their habitats within the United States for

1 the benefit of present and future generations of Americans.
 2 This guiding principle can be achieved
 3 without allowing public access. I am in favor of a modified
 4 version of Alternative C. Modifications should include
 5 denial of public access to any part of the site, guided or
 6 unguided, for at least 100 years. Proposed research should
 7 focus on new remediation technologies and research the full
 8 health effects of radionuclides and other hazardous
 9 materials found on the site.
 10 Recreation can and will stir up plutonium.
 11 Animals could disturb plutonium in the ground. The winds on
 12 the site do stir up plutonium. Protect the wildlife,
 13 protect me, protect future generations and keep Rocky Flats
 14 closed. Thank you.

15 MS. ERIKSON: Beverly Lyne and LeRoy Moore.

16 BY MS. BEVERLY LYNE:

17 I'm Beverly Lyne. I'm a public health nurse
 18 and I teach public health nursing for the University of
 19 Colorado Health Sciences Center; however, I'm here as a
 20 Boulder resident speaking. I was an original member of the
 21 Rocky Flats Citizen's Advisory Board, and as chair of the
 22 health committee for the board, we commissioned an
 23 independent review of the environmental monitoring systems
 24 in place at the site and historically in place at the site.

25 The review revealed, among other things, that

1 there was no soil monitoring program. It is my
 2 understanding that soil contamination has not yet, at this
 3 date, been fully characterized. So it is my belief and my
 4 opinion that until the soil contamination is fully
 5 characterized and remediated, there should be no public
 6 access to this site.

7 So if I had to choose one alternative, I
 8 would be leaning toward Alternative C. Thank you.

9 MS. ERIKSON: LeRoy Moore and Gary Hall.

10 BY MR. LEROY MOORE:

11 Hello, my name is LeRoy Moore, recently
 12 retired from teaching at the University of Colorado, a
 13 consultant with the Rocky Mountain Peace and Justice Center
 14 in Boulder. When the cleanup underway at Rocky Flats is
 15 completed, the Rocky Flats site will be divided into two
 16 parts, the more contaminated part that will remain under DOE
 17 control, and the less contaminated part which will be
 18 managed by Fish & Wildlife Service as a wildlife refuge.
 19 The agencies responsible for the Rocky Flats
 20 cleanup use in their work a 1999 kriging map, that's a
 21 white-knuckle term, talking about the way they sample the
 22 site, they use this 1999 kriging map that shows, to the best
 23 of their knowledge, plutonium concentrations in the soil at
 24 the Rocky Flats site.

25 According to this map, the entire portion of

1 the site that will become the wildlife refuge is
 2 contaminated with plutonium up to a level of 5 picocuries
 3 per gram of soil. Five picocuries of soil is 125 times the
 4 .04 picocuries per gram average background deposits of
 5 plutonium from global fallout along the Front Range here in
 6 Colorado.
 7 Fish & Wildlife Service proposes to allow
 8 members of the public, including children, to hike, bike,
 9 hunt and ride horses in an area contaminated with plutonium
 10 at this level. Any one of those activities could stir up
 11 tiny particles of plutonium, that if inhaled or ingested
 12 could create health problems at some later time.
 13 Plutonium is no respecter of our official
 14 standards for what is safe. Numerous studies and bodies of
 15 numerous individuals, including some former Rocky Flats
 16 workers, indicate that exposure to plutonium in amounts well
 17 below official standards for permissible exposure can cause
 18 cancer, harm to the immune system, genetic damage and
 19 instability.
 20 I propose, therefore, that Fish & Wildlife
 21 Service incorporate into their EIS the 1999 kriging map
 22 showing plutonium concentrations in the Rocky Flats soil.
 23 Further, if they decide to allow recreational
 24 activities at Rocky Flats, I propose that Fish & Wildlife
 25 require people entering the site to sign an informed consent

1 statement indicating that they have read the map and consent
 2 to going onto a site contaminated at these levels.
 3 Finally, I pose a question to Fish & Wildlife
 4 personnel. Why take the risk of endangering the health of
 5 people, particularly children, when it isn't necessary to do
 6 so? Thank you.
 7 MS. ERIKSON: Gary Ball and Betty Ball.
 8 BY MR. GARY BALL:
 9 My name is Gary Ball. I was born and raised
 10 in Denver. I'm currently a resident of Boulder and I'm here
 11 to speak about the precautionary principle and I have a
 12 suggestion to make. And I probably won't even need my three
 13 minutes, whoever the timekeeper is, to do it, but it just
 14 seems to me that the EIS has already focussed in a
 15 particular direction, and this is to me strange just from
 16 the get-go because of both the nature and the longevity of
 17 the contamination.
 18 I don't think that you have convinced me and
 19 I don't know that you could convince me that anyone knows
 20 the long-term effects of this contamination and I don't know
 21 why one alternative that isn't there should be, that this
 22 thing should be fenced off, paved over and hermetically
 23 sealed so that no contamination spreads off site either by
 24 wind or by water and that it should remain in that condition
 25 for a quarter of a million years it's going to take for that

1 contamination to go away.

2 Now, the precautionary principle would say, I
3 don't have to prove to you that this thing is dangerous, you
4 have to prove to me that it's safe. And I don't think that
5 you've done that. And so what the precautionary principle
6 would say is if you can't prove to me that it's safe then
7 let's not take the chance.

8 But since we're already going in this
9 direction, I have to say, I feel like probably what I'm
10 going to say is probably going to be ignored anyway, but
11 since we're already going in this direction, I can only say,
12 it seems to me like that's a gamble and it's a very serious
13 gamble, and that in earth time, all the years we know the
14 earth has existed, this contamination has happened in the
15 blink of an eye.

16 And given the length it's going to last, even
17 in earth time that's a significant portion of time. No one
18 can possibly know what the effects of this contamination
19 really are. To monitor the vegetation and wildlife and
20 certainly any effects on people for at least 100 years, if
21 not 500 years, to get an inkling of what the effects are.
22 But if we're going to take this chance, then it seems to me
23 we need a fail safe position.

24 So I would propose to you that somebody put
25 up a bond. We're not cleaning it up to background levels

1 now because there's no money. Somebody needs to put up a
2 bond, whether it's a tax or the government or Kaiser-Hill or
3 all of us together, there's got to be a bond. So that if we
4 fail and we suddenly realize, oh, yeah, this place is in
5 fact serious and we need to do something about it, then at
6 least at that point we would have the money to do what needs
7 to be done. Thank you.

8 MS. ERIKSON: Betty Ball and Janelle Knox.
9 BY MS. BETTY BALL:

10 Hi, my name is Betty Ball. Thank you for
11 this opportunity to be able to speak to this proposal. I've
12 lived in this area since 1960. I've been very aware of the
13 things that have happened at Rocky Flats over the years.
14 The accidents, the fires. I'm very aware that this site has
15 not been characterized. Nobody knows where all the
16 contamination is, nor the extent of it.

17 So first of all, I'd like to say that I don't
18 think we should get passed number 3 up here on the schedule
19 of events until a lot more work has been done and the
20 contamination there is taken a lot more seriously and we do
21 a lot more studies and we don't let budget constrain us for
22 those studies. This is serious. What we've done here is
23 serious and it's leaving quite a legacy for the future. So
24 that's first of all.

25 Second of all, if we do get to the point

1 where the portion is turned over to Fish & Wildlife, then I
 2 think that we do have to follow the cautionary principle as
 3 Gary Ball just mentioned. When you have uncertainty that
 4 leads to a threat of harm, then you act with precaution.

5 And it's not -- the burden is not on the
 6 public to prove that this is unsafe, the burden is on the
 7 government, in this case, to prove that it's safe. That has
 8 not happened. So therefore, if we do move forward with the
 9 Fish & Wildlife taking over the land, then I would recommend
 10 Option A. Thank you.

11 MS. ERIKSON: Janelle Knox, Jim McKee.

12 MR. HUGHES: If I could ask, we've got an
 13 hour's worth of speakers and I want Dean to give a final
 14 statement and answer whatever questions he can, so if you
 15 could just step up, that would be great.

16 BY MS. JANELLE KNOX:

17 Hello, my name is Janelle Knox and I am a
 18 concerned citizen of Boulder County. I am a concerned
 19 citizen because I have studied the history of this site and
 20 I know the levels of contamination that have gone into this
 21 site. I also know that it has not adequately been sampled
 22 or characterized to be determined safe.

23 I think that the U.S. Fish & Wildlife Service
 24 has prepared a lovely packet for the public here, and in all
 25 honesty, these photos look beautiful. This looks like a

1 pristine site where we would all like to go and recreate,
 2 but the problem is it states a preference, it does not once
 3 mention the history of Rocky Flats or the contamination that
 4 has gone into this site.

5 It is deceptive to consider this a pristine
 6 refuge without considering the history and the contamination
 7 on the site. I think if the public is to make an educated
 8 and informed decision, it has a right to know what is at
 9 that site, what has gone into it or what is not known about
 10 the site and what the risks of families, animals and
 11 children coming out there are.

12 Do we really want our children to come out
 13 there, recreate, scrape their elbows and skin their knees in
 14 plutonium filled soil? I support Alternative A. Thank you.

15 MS. ERIKSON: Jim McKee and Bruce Bland.

16 BY MR. JIM MCKAY:

17 I'm Jim McKay. I'm speaking for the Boulder
 18 County Nature Association and what I'm going to say is,
 19 assuming adequate cleanup, and I'm not sure that that's been
 20 demonstrated yet, but first importance is restoration and
 21 conservation. Alternative C best accomplishes this.

22 Hunting is not feasible this near an urban
 23 area because of both safety considerations and public
 24 opposition. I would rank the alternatives as C, which
 25 includes environmental restoration, then A, then B, with no

1 hunting, and as of the last priority, D, with no hunting.
 2 Alternative D would have the maximum impact on wildlife at
 3 the refuge. Whichever alternative is chosen, don't rush
 4 public access. Establish baseline, do restoration,
 5 establish a baseline on wildlife and the habitat before
 6 there's any significant public access. That's all I have to
 7 say.

8 MS. ERIKSON: Bruce Bland and Suzanne Webel.
 9 BY MR. BRUCE BLAND:
 10 Bruce Bland, I'm a resident of Boulder and
 11 I'm speaking solely for myself tonight. The purpose of a
 12 wildlife refuge, at least in the minds of most people, is to
 13 provide a sanctuary for wildlife, a place that belongs to
 14 wildlife first.
 15 Alternative C clearly does this best.
 16 Alternative A is also acceptable and it's the cheapest
 17 alternative on the table. But judging by the addition of
 18 more trails in the south and an interest in a north-south
 19 corridor along Indiana when it's rebuilt, to Alternative B,
 20 it sounds like Fish & Wildlife have listened to the
 21 recreational people, but not to others who have asked for
 22 less recreation than Alternative B originally allowed.
 23 This is a problem with public process. There
 24 has been no polling done to indicate what the public at
 25 large thinks or values for this area. You have only heard

1 from activists, which the audience is full of tonight, and
 2 myself am one of them, who come here to beg for one cause or
 3 another.
 4 You need to actually go back and poll the
 5 citizens if you're really concerned about this. Both
 6 Alternatives C and D allow too much recreation to be
 7 consistent with wildlife preservation over the long term.
 8 Wildlife are going to need a good sanctuary in the near
 9 future as the impacts of global warming start to be seen.
 10 If this much recreation is allowed in this
 11 area, we're going to see a tremendous amount of use, because
 12 this is an urban area and people will be drawn here by the
 13 beauty of this place, as one speaker pointed out. Some of
 14 them are going to disturb wildlife, a certain percentage
 15 will do that, and the greater the number means that more
 16 people will disturb them.
 17 There's also going to be a collaboration of
 18 social trails across this property and these dry grasslands.
 19 Under no condition, however, should people be allowed on
 20 this site until it's clear to all stake holders that the
 21 site is clean and safe and extensive survey by a competent
 22 independent consulting firm and overseen by a team of stake
 23 holders and scientific professionals should be performed
 24 before any public use should be considered.
 25 So in conclusion, first make this a National

1 Wildlife Refuge, not a national recreation area by putting
 2 wildlife preservation first. Wildlife species are
 3 irreplaceable, recreation is not. We'll have plenty of
 4 recreation in this area and there's more coming in the
 5 region.

6 Second, correct the public process by doing a
 7 formal scientific poll if you want to find out what the
 8 public actually feels.

9 Third, do not allow anyone on the land until
 10 it is clear to everyone that it's safe to do so. Thank you
 11 very much.

12 MS. ERIKSON: Suzanne Webel and Eric
 13 Vogelsberg.

14 BY MS. SUZANNE WEBEL:
 15 I'm Suzanne Webel and I'm speaking on behalf
 16 of the Boulder County Horse Association. I've lived in
 17 Boulder County for 30 years and I've been involved in this
 18 scoping process. I want to be the first person to commend
 19 you on the thorough public process that you've caused to
 20 happen up to this point and on the professional job you did
 21 on this Draft CCP and EIS.

22 My comments also assume an adequate cleanup
 23 job at the site. We support Alternative B with some
 24 modifications. We want to thank you for allowing some
 25 equestrian access on the property. I know that was a bold

1 move on your part, but we do appreciate it.

2 My question is, why are you proposing access
 3 on the southern end? Most agencies consider equestrians
 4 with pedestrians when they're making their trail plans.
 5 Where hikers go, we usually can go.

6 We are okay with Alternative B with there
 7 being some short pedestrian only trails, especially at the
 8 northwest corner of the property.

9 If the concern is to do with weeds, the
 10 entire site is already infested with noxious weeds. I want
 11 this reserve to be as healthy an ecological community as it
 12 can be. You can control the weeds with a budget and a staff
 13 for weeds, not by denial of access by any user group. Do a
 14 baseline study, monitor what you've got and then proceed
 15 with adoptive management. Don't start out with a lot of
 16 unnecessary regulations that affects one particular user
 17 group.

18 Eric Lane, the state weed coordinator says
 19 that horses are not a significant vector for weeds and in
 20 fact are much less than wind, water, wildlife and truck
 21 tires.

22 Specifically we recommend moving the northern
 23 most trail head west along Highway 128 one mile to where the
 24 Colton Dry trail comes down to 128. That would provide
 25 better regional connectivity of trails with no change in

1 cost.
 2 We'd like to see you add the north-south
 3 trail back in your plan on the east side of the property.
 4 And we'd like to see you allow equestrians on the main trail
 5 that goes along the northeast corridor.
 6 Rocky Flats is an important nexus for many
 7 existing and planned regional trail systems. We need to get
 8 across it in an east-west and north-south direction and so
 9 the system we're recommending is basically a single
 10 perimeter trail. Thank you. I do have a document that I'd
 11 also like to submit for you guys for the record.

12 MS. ERIKSON: Eric Vogelsberg and Stacia

13 Goecke.

14 BY MR. ERIC VOGELSBERG:

15 Eric Vogelsberg. I am speaking for the
 16 Boulder County Trails Coalition, I'm also a board member of
 17 the Boulder Off Road Alliance, which is an mountain biking
 18 organization which works with trail construction projects.
 19 And I'd like to do something that a lot of the speakers
 20 haven't done and actually talk about the EIS and what you're
 21 proposing.

22 I'm going to assume from the beginning that
 23 we're all the way down to the bottom of this thing and we do
 24 have EPA certification. I'm confident that that process
 25 will not expose the public to unreasonable danger or harm.

1 Having said that, I'd like to talk about the
 2 proposed alternatives. We support the Fish & Wildlife's
 3 proposal and the proposed Alternative B. We think it's a
 4 reasonable effort to preserve the natural resources while
 5 providing for public access and public education. We
 6 observe, for example, that at least 50 percent of the site
 7 will be closed to the public, because the northern portions
 8 are closed, and because the DOE portions are closed.
 9 We do think there's several enhancements that
 10 could be made to Alternative B. We believe that there's a
 11 real shortage of north-south connections in the trail
 12 proposals. One thing we think would be valuable is a trail
 13 along the side of the gravel road that connects the two
 14 parking lots to the west so that there's a north-south trail
 15 connection that doesn't require people getting onto the
 16 gravel road. We would also like to see the northwestern
 17 section of the property connected to the City of Boulder and
 18 Boulder County Open Space Trail Systems. The Colton Road
 19 connection is one that Suzanne mentioned.

20 Given that you don't want to do the
 21 east-west -- pardon me, the north-south connection on the
 22 east side now, I'd like the plan to have a clause in it
 23 speaking to encouraging that connection to be made at the
 24 time that the new highway alignment is put in place so that
 25 doesn't become a, well, we somehow forgot about it and it

1 drops in the cracks.
 2 I think the biggest comment I would make is
 3 the five-year delay before we provide significant public
 4 access. Seems to me to be a little unnecessary and
 5 artificial. I'd rather see a phased implementation, for
 6 example, perhaps when you do the restoration on the north
 7 side of the property and then open the north side after two
 8 to three years and then complete the restoration on the
 9 south side of the property and then open the south side. Or
 10 conversely, do it the other way. But waiting five full
 11 years before we do anything seems to me to be a little bit
 12 unnecessary and artificial.
 13 I thank you again, I think you've done a nice
 14 job here. I think the folks here have serious concerns, but
 15 I think they're presenting them to the wrong people. Thanks
 16 again.
 17 MS. ERIKSON: Stacia Goecke and Sue Maslow.
 18 BY MS. STACIA GOUCKE:
 19 My name is Stacia Goucke and I'm a private
 20 resident. I have several concerns about it being opened up
 21 to the public so I'm supporting no action, Proposal A. The
 22 reason for this is that there is a large amount of
 23 uncertainty about the contamination that is on the site as
 24 it is. According to a book by Burtell called, No Immediate
 25 Danger For A Radioactive Earth, it says that zero to ten

1 REMs, which are biologically damaging energy units, can
 2 cause premature aging, moderate risk of tumors and mild
 3 mutation of offspring. This is minimal. So even with the
 4 most minimal levels of contamination which may meet EPA
 5 standards these still can cause these health risks to the
 6 public.
 7 If it is as apparently proposed from the Fish
 8 & Wildlife Service that they do open it up to the public,
 9 there needs to be proper signage so that the public can be
 10 properly informed before they enter the site of what these
 11 health risks are and they need to be vividly described as
 12 premature aging, risk of tumors and the possible
 13 carcinogenic effects of plutonium possibly on the site,
 14 the seasonal gas by over 100 miles per hour, any sort of
 15 residue left in the buffer zone that we may not be aware of
 16 from the industrial zone.
 17 Also, I would like you to rethink your taking
 18 off the fence of the boundaries so that the public knows
 19 what property they're going onto and that they're going onto
 20 a former weapons site.
 21 There are many other areas for open space
 22 recreation in Boulder County. I do not feel that Rocky
 23 Flats also needs to become a refuge. There are places that
 24 equestrians, bicyclists can go where they're less likely to
 25 go stir up contamination. Thank you.

1 MS. ERIKSON: Sue Maslow and Ian White.

2 BY MS. SUE MASLOW:

3 My name is Sue Maslow and I'm a citizen of
4 Boulder and also a student of the University of Colorado and
5 have been educated on the history of Rocky Flats and
6 everything that transpired there over the last several
7 decades. It is my strong feeling to support Alternative A
8 with a fence. And I'd like to know, if you go with
9 Alternative A, how you plan to keep the public safe from
10 this very contaminated site.

11 I feel that you've already made a decision
12 and you're almost working out the fine details, equestrians
13 wanting to go running through the place, bikers, et cetera.
14 I do believe also, like Janelle was saying also, when I
15 first looked at your EIS, it looks beautiful. You took
16 gorgeous pictures of healthy looking wonderful birds and it
17 looks great, but it's completely deceptive and it's a total
18 lie.

19 And I'm really sorry if I'm out of line, but
20 I firmly believe what you're doing is atrocious and I
21 believe the government allowing something like this to
22 happen is obscene and against American citizens.

23 For all of the workers that worked at Rocky
24 Flats and actually gave their lives for their country, this
25 is outrageous. And I'll give my two minutes to somebody

1 else, but I firmly believe in Alternative A. That's it.
2 Thank you.

3 MS. ERIKSON: Ian White and Wendy Vining.
4 BY MR. IAN WHITE:

5 Hello, my name is Ian White, I'm a senior
6 undergraduate student at CU. I used to also be a runner at
7 CU. I no longer am. I haven't been running too much these
8 days, but I used to run a lot. I ran a lot also at Marshall
9 and Downing Draw, which is on the way to Rocky Flats as
10 you're heading out 93. It's on the way there. And I
11 remember, it does get real windy sometimes when I run.
12 Sometimes I'll be running and I'm not running it's so windy
13 when I'm heading into it. It's an important thing to note.
14 And I think when you start talking about
15 children and disabled youth and talking about them spending
16 time on a very potentially, and we've heard from some
17 scholars here tonight who thinks it goes beyond potential,
18 goes beyond reality, when you talk about children and
19 disabled youth, that doesn't mean they're the strongest of
20 children either, and when you start putting them around
21 plutonium, that worries me.

22 I have no agenda. I'm not a part of any
23 student groups, activist groups, I'm just a citizen. And
24 I'm not a chemist either, but I do know that there's a
25 difference between cleaning up garbage trash sites and

1 cleaning up plutonium. I could be wrong here, but that's
 2 some of the most complex chemistry, that's pinnacles of
 3 achievement as far as technology goes, as far as America
 4 goes. So it's no joke. I mean, because we don't even
 5 necessarily know what's going to happen.

6 You know what else, I've got to pose a
 7 question. I would not want to be a horse and eating grass
 8 that has plutonium potentially on it. I love animals and I
 9 would never want to do that.

10 So I'm just a citizen. I'm nothing. So you
 11 guys are the ones that are deciding, you're the leader and
 12 you guys are the team that are helping. You're the leader,
 13 you guys are the team, and I just hope that we keep in mind
 14 the future.

15 And knowing that we are in the midst of such
 16 wonderful technology, there's also a double-edged sword to
 17 that. And so I just say, please be cautious, please be
 18 careful. I don't know if I'm going to be living in Colorado
 19 the rest of my life, but I know a lot of you guys will and
 20 probably you guys do too, so this is our state, this is our
 21 city and it is beautiful. Colorado is beautiful and I just
 22 hope it can be safe. Thank you.

23 MS. ERIKSON: Wendy Vining and MaryAnne
 24 Scholl.

25 BY MS. WENDY VINING:

1 Hi, my name is Wendy Vining, I'm a student of
 2 CU Boulder and also a resident currently. I'd like to say a
 3 couple of things. I also have taken some classes on this so
 4 I am educated with the background on Rocky Flats and just
 5 the hazards that it has caused.

6 In 1989 Rocky Flats was officially added to
 7 the Superfund National Priority List. This classification
 8 was designed to induce remediation of abandoned waste sites
 9 across the U.S. ; however, no one truly knows how
 10 contaminated Rocky Flats is. The 1957 and 1969 fires
 11 released unknown quantities of plutonium into the
 12 environment.

13 This being said, I guess I would cite
 14 numerous studies showing the toxicity and hazards of
 15 plutonium. It's a known carcinogen and other health hazards
 16 that it does pose. I'd say that these unmeasured releases
 17 from these fires and other night burnings that we don't have
 18 any idea about, they release unknown quantities of plutonium
 19 into the industrial zone as well as the buffer zone.

20 I think there has not been enough ground
 21 sampling tests to prove that the buffer zone is truly safe,
 22 and the samples that have been taken from a concentrated
 23 area that is not necessarily representative of the area
 24 overall.

25 I believe that even if we say that the buffer

1 zone is not contaminated, there's still the problem of
 2 proposed seamless boundaries. I don't know how you can keep
 3 people or educate them that this area is contaminated. This
 4 area is not without proper signage or even preferably some
 5 sort of fence or boundary.
 6 I also question whether Fish & Wildlife is
 7 fully staffed to account for this problem and I think just
 8 overall, since no one can definitely prove or predict the
 9 long-term consequences of the hazards that have been proven
 10 in that area, I support Option A, no public access.

11 MS. ERIKSON: MaryAnne Scholl and Andrea
 12 Noble.

13 BY MS. ANN MARIE SCHOLL:

14 For the record, my name is Ann Marie Scholl.
 15 I am a CU student, I'm also affiliated with the Children's
 16 Wilderness Fund. I am a runner, an avid runner and mountain
 17 biker and I can tell you now, I will never step foot on that
 18 site and I will never allow for my children to step foot on
 19 that site.

20 I would like to define refuge. According to
 21 Webster's Dictionary it is a shelter or protection from
 22 danger, distress or difficulty. A place that offers this.
 23 Although some will say the buffer zone is relatively cleaned
 24 up, most of you tonight will agree, the industrial zone
 25 still presents many dangers and thus is not a refuge.

1 I believe one of the biggest problems with
 2 opening Rocky Flats to the public is the proposed seamless
 3 boundary. I believe the seamless boundary between the
 4 buffer zone and industrial zone is completely impractical.
 5 How is one supposed to know if they have entered across this
 6 imaginary line, quote, unquote, tolerable amounts of
 7 contamination to the former Superfund site.

8 I realize the trail will be well marked, but
 9 people are destined to go off trails. The two main problems
 10 are, number one, posting signs, and number two, there is not
 11 nearly enough law enforcement proposed to keep people off
 12 this land.

13 As for the first problem of the signs, what
 14 will they say? Will they warn of health risks? Will there
 15 be fines for crossing these boundaries? As for the second
 16 problem of law enforcement, if there's not enough people to
 17 prevent people from crossing this land, why shouldn't they
 18 go on it, especially if they've been told that this land is
 19 a refuge.

20 Additionally, Alternatives B and D allow for
 21 off-trail hiking. Again, and this is a question that I ask
 22 you to write down, how is one to know when they have crossed
 23 this boundary, especially when the trails are covered in
 24 snow?

25 This is only one of many reasons that I vote

1 for Alternative A. People should not be led to believe that
2 this place is a refuge when clearly it is not. Thank you.

3 MS. ERIKSON: Andrea Noble and Chris
4 Morrison.

5 BY MS. ANDREA NOBLE:

6 Hello, I'm Andrea Noble and I'm a resident of
7 Boulder. And I know that the Fish & Wildlife Service is
8 getting this land signed off as clean after the supposed
9 cleanup done by the DOE; however, I am concerned that this
10 cleanup will not last the test of time and will be a danger
11 to future generations. And because of this, I believe that
12 the history of this site cannot be separated from its future
13 management.

14 What we do with this site will set precedence
15 on what we do with other nuclear sites all over the country
16 and I think it's important that we look at this with the
17 utmost caution.

18 If we do not know the future, that
19 contamination may be brought back up through burrowing
20 animals, erosion or whatnot, it may be safe at the
21 beginning, but who knows 100 years down the road.

22 I'm particularly concerned with hunting being
23 allowed on the land. That it is -- I support programs such
24 as the ones that you are proposing on other properties, but
25 not at Rocky Flats because of these reasons. I come from a

family of hunters and I understand that it's an important
issue for a lot of people and I think that, however, at
Rocky Flats it should not be allowed because not only of the
risk of contamination, but also because it is near to roads
and communities. Especially hunting options that are being
proposed, such as bow hunting.

The deer that would be shot generally have a
long distance to run after a shot with an arrow and it could
run on top of a road or off the property or into the DOE
area, and that is an issue that concerns me.

So I support Option A, the no action, because
I think that there is too much that is unknown about the
future of this site and that we should be as cautious as
possible. Thank you.

MS. ERIKSON: Chris Morrison and Julia
Schwab.

BY MR. CHRIS MORRISON:

I'm Chris Morrison and I live in Boulder.
I've heard a lot of people act as if Rocky Flats is some
special area that is -- like radiation has been invented in
the last hundred years, et cetera. I wonder how many of the
people here know the radon levels in your home. We all live
with radiation, people have always lived with radiation, and
plutonium is not some special form of radiation. If you've
got a high level of radiation in your home, you need to

1 remediate it.

2 I support Alternative B because I believe in

3 accepting a reasonable level of risk, and I think this is a

4 reasonable level of risk. We've heard about the high

5 winds. A lot of the radiation was also blown out east of

6 Rocky Flats. Just because property is east of Indiana

7 Street does not make it exempt from any consequences of

8 radiation and we haven't had the kind of study on the lands

9 around the great western Reservoir, Standley Lake, et

10 cetera. And if there is going to be extensive monitoring,

11 there needs to be monitoring out there.

12 And you look east of Indiana and you see

13 fields where the horses have stripped the vegetation off,

14 that is more of a concern to me than a few trails in

15 Alternative B. I think that we can safely access this site

16 with Alternative B and we need to be -- we need to monitor

17 it, we need to be careful about how we access it, but I

18 don't think the plutonium on the site should automatically

19 preclude public access. Thank you.

20 MS. ERIKSON: Julia Schwab and Lynn Segal.

21 BY MS. JULIA SCHWAB:

22 I'm Julia Schwab. I'm an art therapist and

23 I'm here to represent the honesty and trust the children may

24 experience in having a safe environment in which to play and

25 to explore.

1 I did an exercise with kids creating ways

2 that they could describe how they felt to be true inside

3 themselves. And these are images that the kids painted in a

4 way of saying, this is how I see myself. And then what we

5 did is we talked about what it was like when we have to deal

6 with things that are not true.

7 So I'm going to read a poem here that's

8 called "False". And "False" is a collaboration between two

9 characters talking to each other about how absurd it is to

10 live where there's such deceit.

11 "The black sky shines in the morning. So,

12 the green sun shines on my hair. So, I walk on the purple

13 ground. So, my red lips shine on the plants. So, my pink

14 shoes shine on my glasses. So, my brown coins shine on the

15 garbage can. So, my yellow teeth shine on the water. So,

16 my orange eyes shine on the desk. So, my green ring lights

17 a fire. So, my blue fingernails shine on the blackboard.

18 So, my gray notebook shines on your nose. So, my red lips

19 shine on the clock. So, my silver eyes shine on the

20 ceiling. So, my violet car shines on the moon. So, my

21 purple green dress shines on the sun. So, my silver red and

22 black paper shines on the wall. So, my maroon body shines

23 on the flag." Signed, Jeannie Turner and Nancy Ortiz.

24 Rocky Flats is not a safe place. It is

25 false. Let's protect the opportunity for children to live

1 in an honest world. Thank you.

2 MS. ERIKSON: Lynn Segal and Scott Hatfield.

3 BY MS. LYNN SEGAL:

4 Lynn Segal, Boulder. I remember when we

5 lived in Salt Lake, at one point our family had to drink

6 powdered milk because the cows were eating grasses. They

7 were doing above-ground testing in the area and ten years

8 later a particular dormant phase for leukemia, to happen, my

9 mom died in Washington at 39 years of age.

10 So I'm not really impressed with the

11 situation at Rocky Flats, naturally. We have a fence in

12 Israel, folks heard about the fence, 30-foot high cement

13 fence, this is the kind of fence we need here. Actually,

14 this is a very expensive fence, I'll tell you, very

15 expensive. And you and I are paying for it,

16 actually. But in Israel, it's actually outside

17 of the green line where it's not supposed to be so it's

18 actually having to be torn down. We should put it up here.

19 That would keep animals out definitely. I don't see a deer

20 that could cross that.

21 No particulates need be redistributed.

22 That's why we need a fence of this magnitude. No humans on

23 the site for 240,000 years, times two. That's the half life

24 of radioactivity. Refuse the EIS, the Environmental Impact

25 Statement, and deny certification to the EPA for subsequent

1 wildlife refuge status.

2 I remember hearing about this at City

3 Council, the first time I heard wildlife refuge, I thought

4 the same way as the gal that said, refuge, what? No refuge.

5 This is a Superfund site. John Till's study

6 of the 32 picocuries per gram, we need much lower than that.

7 I remember my dad, he lost his wife this way, was

8 complaining that John Till's study was too liberal. I

9 suggest much less.

10 The precautionary principle must be

11 considered. The cascade of effects from the remaining

12 results of this weapons plant can never be adequately

13 assessed. There is not enough money and resources to do it.

14 And if there were, there would still be unknowns. That is

15 why the precautionary principle needs to predicate all our

16 considerations of diplomacy, foreign relations and global

17 trade policies and the USA Neo-Absolutism. This is a new

18 term I heard at the war colloquium at CU last week.

19 Neo-Absolutism is our abuse of power and

20 arrogance on virtually every country on the face of the

21 planet. Any foreseeable use of this land of any type, any

22 use, serves as a validation for the establishment of future

23 DOE nuclear weapons plants, which are being actively

24 considered by our administration.

25 Weed management, use the micro (phonetic)

1 recommended by Glen Ackland to reduce threat of fires, a
 2 little bug that eats all the weeds and then dies and then
 3 there cannot be airborne transport of the particulates.
 4 Also, a sprinkler system on the entire area to include the
 5 buffer zone for light use surrounding the wind, heavy wind
 6 and fire threat days and assure that there's not too much
 7 water use that that would be the medium for redistribution
 8 in the aquifers. Thank you very much.

9 MS. ERIKSON: Scott Hatfield and Bob
 10 Findlay.

11 BY MR. SCOTT HATFIELD:
 12 Scott Hatfield, Boulder, Colorado. I urge
 13 you to adopt the no action alternative and keep people out
 14 of the area. There's a lot of hot spots that people don't
 15 know about. In my opinion, they'll never find all the hot
 16 spots, the memorandum sampling method, and there's just too
 17 many places that haven't been hit or sampled.

18 Dow going out there in the '50s and such and
 19 dumping, burying, hiding stuff, and they could have done a
 20 good job of hiding some of that stuff.

21 Another concern is the incineration fallout
 22 from unknown vast quantities of mixed radioactive waste.
 23 The residues here, they're talking about 71,000 kilograms of
 24 radioactive ash, just from the incineration. I think in the
 25 subsequent hearings that's what it was down to, 36,000, but

1 that was the first figure I heard.

2 Also, I've been involved with this Rocky
 3 Flats issue since 1983. There's a real problem with the
 4 culture of secrecy and deceit. An incomplete cleanup is
 5 going to cause a lot of problems too. You'll have long-term
 6 migration problems, you have streams down gradient from the
 7 DOE site. There's a problem with actinides. The
 8 radioactive particles have been characterized by DOE as
 9 staying near the surface and migrating laterally mostly with
 10 rain.

11 So you have that accumulation and DOE is
 12 saying that it doesn't infiltrate virtually into the soil.
 13 So you have this accumulation up near the soil. So burns
 14 shouldn't happen, you should control the weeds. You should
 15 probably check for bioaccumulation, acceptable species,
 16 maybe do some tissue tests. Wildlife will be contaminated,
 17 that's going to be a problem, birth defects, mutation. You
 18 get people on there, kids will be crawling around eating all
 19 sorts of dirt with actinides near the surface. Dust needs
 20 to be minimized. Access and development will increase that.

21 It seems like a big green washing effort to
 22 just sweep the problems under the rug here, put a happy
 23 bunny face on it. Look at the Rocky Mountain Arsenal.
 24 You've got school kids intentionally exposed
 25 to live nerve gas bomblets and these are in areas that the

1 Feds have already designated as being cleaned. It reminds
2 me of -- some people wanting to go there reminds me of
3 talking to homeowners in the '80s that lived there saying,
4 hey, doesn't bother me, can't see it, can't smell it. It's
5 all okay.

6 MS. ERIKSON: Bob Findlay, Mike Donley.

7 BY MR. BOB FINDLAY:

8 I'm Bob Findlay, a CU student. I trust the
9 EPA and Colorado Department of Health will make an accurate
10 risk assessment of the site. Therefore I support the
11 proposed access, but I believe the addition of a public
12 rifle range and a place to throw clays would be appropriate
13 to this site. A public rifle range would be a practical
14 alternative to hunting.

15 MS. ERIKSON: Mike Donley and Jim Morris.

16 BY MR. MIKE DONLEY:

17 I'm Mike Donley. I'm coming as a citizen of
18 Boulder and also as a CU student. I'd just like to say that
19 Plan A is definitely the best course of action as to what's
20 still left on the site and the safety of the people that are
21 interested in using the site. And I just want to say that
22 this feels -- your representation here feels awfully
23 reminiscent of misinformation of the past, especially when
24 it refers to the atomic fallout test that she talked about
25 in Utah, that were being exposed to downwind fallout.

1 If this were a real representation of the
2 site there, that big blob that says DOE retained would have
3 crisscross patterns of all the stuff that's been left
4 underground, in the pipes, between buildings. Building 771
5 should be a big star on there in the way the contamination
6 is still left at the site.

7 And I just think that it appears that once
8 the DOE says this is clean and Fish & Wildlife is so eager
9 to get its hands on it, that the Fish & Wildlife Service can
10 be held responsible for like -- the DOE can be absolved of
11 any doubt if they say it's clean. They give it to the Fish
12 & Wildlife Service and any sort of problems arise in the
13 future, who is to blame? Are you guys going to say that
14 that's contamination after the site was cleaned up? What if
15 it's you find on the lower end of the site in the buffer
16 zone that's coming close to Indiana Street, you find 300
17 picocuries in the soil, are you still going to do anything?
18 Are you going to have any fence whatsoever?

19 And that raises another question of a lot of
20 people to make an informed decision before entering the
21 site, having a sign there saying this site was exposed to
22 radiation, even in this spot, even in the buffer zone, they
23 are above normal background levels of radiation. And there
24 should be a sign that says, if your child falls, you should
25 wash his cuts, clean the child's clothes, wash the child

1 thoroughly once you get home. And you should also have
 2 fences around the industrial zone showing radioactive signs
 3 and you should allow people to make an informed decision on
 4 if they want to use the park or not, but it should be an
 5 unbiased sign stating the facts. Thank you.

6 MS. ERIKSON: Jim Morris.

7 MR. HUGHES: This is the last person that's
 8 signed up to speak. Obviously we do have a little bit more
 9 time for people who want three minutes. I've got the
 10 sign-up sheets, you can meet me over there.

11 BY MR. JIM MORRIS:

12 There's some good news, like LeRoy Moore and
 13 a bunch of the folks at the Peace Center managed to force
 14 the DOE to clean up the soil. Before that they were going
 15 for a much more dangerous level of plutonium. So if all of
 16 you get upset and talk to your neighbors and write letters
 17 to the editor and stuff, we can improve it, we don't have to
 18 go through this dog and pony show with the Fish & Wildlife
 19 people pulling the wool over our eyes.

20 Basically the DOE lies. It always lies.
 21 It's got so much power and it wasn't regulated by
 22 environmental laws until, I don't know whether it was the
 23 '70s or something where finally the military started having
 24 to obey some of the cleanup laws.

25 Just quickly, some of the things I've noticed

1 over time, like they fired Iggy, the scientist that was not
 2 finding plutonium moving the soil and then when it rained
 3 heavily one summer and the plutonium moved in the soil, they
 4 fired him. And when they made concrete out of the toxic
 5 pond sludge, it all melted. The oil drums of plutonium
 6 leaked and incinerated, it caught on fire. Building 371
 7 cost up-teen millions and it was contaminated when they
 8 first started it.

9 They lied about midnight burning. They lied
 10 about dumping radioactive substances and volatile organic
 11 chemicals into the drinking water supplies for Broomfield
 12 and Westminster. They just lie all the time.

13 They lie in other places. Like they drill
 14 test wells and they drill them in solid rock where there
 15 wasn't any water. There's supposed to be wells to test
 16 water. They don't consider tornados, high winds, stream
 17 beds moving, Arvada building housing, earthquakes, et
 18 cetera. These guys are liars.

19 Just a sellout because they don't have to
 20 clean it up as much if it's a wildlife refuge. That's the
 21 reason they don't want to monitor or look anymore, because
 22 if they find any more waste, they might have to clean it up
 23 and get upset.

24 No access, Alternative A. Sample the rest of
 25 the site, get them to post a bond, realize -- like the local

1 politicians, Romer, Lamb, Skaggsworth, they all supported
 2 Rocky Flats at first until they were repeatedly lied to.
 3 And after they were lied to, then they finally started
 4 listening to the citizens.

5 So it's only when you guys get upset and then
 6 DOE starts lying over and over to politicians and to us that
 7 we'll find out how bad it is. They don't want us to find
 8 out. They're just a criminal agency.

9 In the last year, last summer, they tried to
 10 downgrade radioactive waste so it could be disposed of in a
 11 normal sanitary waste, no special treatment. They also
 12 tried to recycle radioactive waste. I don't know what else
 13 I can say. It's criminal to do this working for the Fish &
 14 Wildlife, it's criminal to work for the PR agency. You're
 15 like tobacco lawyers.

16 MS. BRIKSON: Rich Andrews is the last one,
 17 unless somebody else signs up.

18 BY MR. RICH ANDREWS:
 19 I'm Rich Andrews. I'm an environmental
 20 engineer. I worked in the uranium industry until I couldn't
 21 stand it. And that was approximately 25 years ago,
 22 approximately. I got out because there is no separation of
 23 any aspect of the uranium or the fuel processing system or
 24 cycles for weapons and we can't go on with this.

25 The Fish & Wildlife Service unfortunately has

1 become the pawn of the agency, ERDA, the DOE and all the
 2 contractors that operated that place out there. You don't
 3 have an alternative in your EIS that meets my views. My
 4 views are close it, fence it, pave it over.

5 With all of the money that's been spent on
 6 writing memos over the last 15 years, we could have already
 7 closed this and paved it over permanently. And that's what
 8 ought to be done with it.

9 It wasn't safe from the minute the Atomic
 10 Commission stepped onto Rocky Flats, it wasn't safe when Dow
 11 was there, when Rockwell was there or any operator since.
 12 It is contaminated. It will be contaminated for more than
 13 this human civilization has existed.

14 We cannot allow it to be used for anything
 15 other than absolute closure. We should declare this site a
 16 national sacrifice zone.

17 Rocky Flats is Colorado's erosion. Erect a
 18 monument at the perimeter that says, this site is forever
 19 closed. This monument stands to acknowledge mankind's low
 20 point in its intellectual and social evolution. We can't --
 21 and we commit to never go down that path again.

22 I ask you, the Fish & Wildlife Service, to
 23 take heed. I say you are the pawns of all these other
 24 people and I feel sorry for you because you've been put into
 25 a horrible position. Close it, seal it.

1 MR. HUGHES: I'm going to ask Dean to come
2 take the microphone and say a few words in response to
3 anything that he heard as well as address the questions that
4 have been asked. And if we have time, there may be some
5 more.

6 MR. RUNDLE: I want to thank all of you for
7 coming out tonight and participating in our process. We
8 also appreciate the overwhelming support for the
9 alternatives. Actually, there is an important message I do
10 want to give you before I get into questions.

11 I know that many of you are frustrated about
12 the scope of a Comprehensive Conservation Plan. Many of the
13 testimony tonight addresses issues that are cleanup issues.
14 And I need to make it completely clear to everyone here that
15 U.S. Fish & Wildlife Service is not responsible, nor do we
16 have the authority to make cleanup decisions at Rocky
17 Flats. It is clearly and unequivocally the authority and
18 responsibility of the Department of Energy with oversight
19 from the Environmental Protection Agency and the State of
20 Colorado. You should be glad of that. You would not want
21 the Fish & Wildlife Service to be making cleanup
22 decisions on this site. Making nuclear weapons and the
23 cleanup aftermath is not our core business, our core
24 business is managing land for wildlife and wildlife habitat.

25 Early on Mike talked about one of the things

1 that's made this a challenging process for us, this time
2 line that we are given by law. And that is that this is
3 very unusual for us to be in this position of writing a
4 Comprehensive Conservation Plan before we acquire land.
5 The plan that we have presented to you, the
6 alternatives we have presented, are based on the pretext
7 that there will be a complete and effective cleanup of this
8 site and that the site will be certified as safe for
9 wildlife refuge use, protective of a refuge worker and
10 people who might be less exposed than the refuge worker.
11 And that will be certified by the public health agencies
12 that are overseeing the Department of Energy and the
13 cleanup.

14 Unfortunately, the way this cleanup is
15 progressing, it is an interim process and all those cleanup
16 decisions that will be made by the DOE, EPA and the State of
17 Colorado have not yet been made. There is no record of
18 decision at this time, the remedial investigation and
19 feasibility study is not yet complete. The comprehensive
20 risk assessment is not complete, yet we are required by law
21 to complete our planning process by December of this year.

22 So what that means is, these alternatives are
23 proposed with the understanding that this will be certified
24 as safe for those things when these things are done. If new
25 information comes to light before the refuge comes in, it's

1 very clear in the statute that cleanup trumps anything in
 2 the refuge.

3 There is additional data collection that is
 4 ongoing. We have deer tissue samples that are being
 5 submitted to laboratories for analytical analyses for
 6 plutonium, americium and uranium. If we find out from that
 7 analytical test that there is contaminant tissue, of course
 8 that will affect any final decision to implement this
 9 proposed hunting plan.

10 The Fish & Wildlife Service agrees that more
 11 characterization is needed. We have asked the Department of
 12 Energy for this, they have supported us as this being done.
 13 And I believe, Mark, at this time, over 500 additional
 14 locations are being sampled in the buffer zone to look for
 15 contaminants in the soil.

16 There are other -- it's great to see
 17 everybody here tonight. In some of these situations I
 18 believe you're not addressing your concerns to the people
 19 who have the authority to make the decisions that you want
 20 to see changed.

21 Questions about what type of boundary will be
 22 between the DOE retained lands and lands that may be
 23 transferred to the U.S. Fish & Wildlife Service will not be
 24 made by the U.S. Fish & Wildlife Service, they will be made
 25 by the Rocky Flats cleanup agreement parties, the DOE, the

1 EPA and the State of Colorado. We will provide input to
 2 that, you also provide input to that too.

3 I think it's very unfortunate that one of the
 4 Citizen's Advisory Boards, which is a formal group of
 5 citizens that informs the Department of Energy, has their
 6 meetings, there are one or two members of the public who
 7 participate and address these types of questions and
 8 concerns to DOE and EPA and the State Health Department when
 9 they are present in those settings. So I would encourage
 10 all of you to avail yourselves of the opportunities to talk
 11 contaminated issues to contaminant decision makers.

12 Q. When is the next one?

13 MR. RUNDLE: I think they're the first
 14 Thursday of every month.

15 Q. And where are they?

16 MR. RUNDLE: College Hill Library in
 17 Westminster. Thank you.

18 Other opportunities for you to have input are
 19 through your local elected officials who represent you on
 20 the Rocky Flats Coalition of Local Governments, and I also
 21 encourage you to make your comments and ideas directly to
 22 the RFCA party agencies.

23 So cleanup trumps -- there's been a lot said
 24 tonight about the overall dangerousness of the entire Rocky
 25 Flats site. I can tell you that as of today, I think

1 earlier we were talking about 5 picocuries per gram maximum
 2 contamination than the lands currently proposed to transfer
 3 to Fish & Wildlife.

4 I don't know of any credible scientific
 5 evidence of dangerous levels of contamination in the lands
 6 that are proposed to be transferred. We'll take more
 7 samples, if we find higher levels in this sampling,
 8 obviously that will cause us to alter our plans or more
 9 likely cause DOE to alter its cleanup plans and to expand
 10 them.

11 I guess that about covers it. I think the
 12 most important thing that we all have to do, Fish & Wildlife
 13 Service and the public, is to engage the RFCA parties as
 14 important decisions are going to be made about long-term
 15 stewardship, the institutional control plans and how this
 16 site is going to be monitored and how the remedy is going to
 17 be maintained for the long term. Those decisions are
 18 upcoming and we will be involved in that and I encourage all
 19 of you to use the appropriate venues that are available to
 20 you to communicate your concerns and desires about that.

21 The DOE will be responsible for those
 22 institutional controls, not the Fish & Wildlife Service.
 23 Before I go on, I'd just like to acknowledge
 24 John Rempe. John would you like to say anything about the
 25 refuge? John is with DOE.

1 MR. REMPE: For those of you who don't know
 2 me, I'm John Rempe, R-e-m-p-e, I'm with the U.S. Department
 3 of Energy out at Rocky Flats. We are the agency that is
 4 responsible for the cleanup. We are the agency that will be
 5 responsible for managing the retained lands after the
 6 cleanup is over.

7 Really, the only thing I wanted to say
 8 tonight, and not to take away from the purpose of the
 9 meeting, we will be hosting an open house on April 14th.
 10 Mike, can you write this down? Thank you. We'll be hosting
 11 an open house regarding the cleanup on April 14th from 6:00
 12 to 8:00 in the evening. We have yet to choose a location
 13 for this and we will advertise that through a community
 14 advisory through our local government action, but also on
 15 our website, which is www.rfets.gov.

16 And quite simply -- we hope to see many of
 17 you there, not all of you there, and be able to answer your
 18 questions about the cleanup. Very simply this process has
 19 evoked a lot of interest in the cleanup and we would like to
 20 get a chance to tell you what we know about the site, how we
 21 plan to clean it up and how we plan to take care of it
 22 afterwards. So hope to see you there and thank you very
 23 much.

24
 25

1 Q. What's the phone number?

2 MR. REMPE: If you have specific questions
3 about the meeting place, why don't you just call me. My
4 number is (303) 966-6246. And we'll get you the information
5 you need.

6 MR. RUNDLE: Thank you, John. And we need
7 to make sure, if we can, to contact the people that were at
8 Westminster last night because the time that I had was 3:00
9 to 5:00 p.m., so hopefully we make sure we do that.

10 I'm going to try to answer questions that I
11 can that are within the scope of our plan and our decision
12 making pool. The first question from the testimony that
13 Mike captured was, why select Alternative B. And I think
14 there was a larger question there about why a preferred
15 alternative was proposed.

16 It's our responsibility to bring to you a
17 preferred alternative. This decision is an executive
18 decision made by the regional director of the U.S. Fish &
19 Wildlife Service, so the process we're engaged in now is to
20 get your input and feedback back on the proposal.

21 We believe at this point that Alternative B
22 is the best of the four plausible alternatives to meet the
23 intent of congress in establishing Rocky Flats as a future
24 National Wildlife Refuge, to meet the purposes of that
25 established in the legislation, the missions and goals of

1 the National Wildlife Refuge system and in concert with
2 feedback that we got during our public scoping process.

3 So we presented these alternatives, we're
4 required to present a preferred alternative, that is part of
5 NEPA, and that's what we've done. And we're accepting and
6 we'll definitely consider the comments that we're hearing
7 during this formal comment period.

8 The second question was, why take the risk of
9 exposing people to contamination. And again, I'll say that
10 this is -- this plan is predicated on a safe and effective
11 cleanup that is certified by the Environmental Protection
12 Agency. There is probably not zero risk, but the cleanup
13 levels that are being implemented now, are designed to be
14 protective of the most exposed people for the future use of
15 the site.

16 The future use of the site, as brought
17 forward by congress, is to be a National Wildlife Refuge.
18 The cleanup is to be based on protection of a refuge worker.
19 And I believe, Mark, the current levels and calculations are
20 three times ten minus the fifth or 1 in 300,000 chance of
21 cancer above background for refuge workers.

22 This is the minimum requirement for a cleanup
23 is 1 in 10,000 chance above background. So that's the risk
24 that we're talking about. Visitors would not be on the site
25 working on a daily basis would have the lowest risk.

1 The next question was about horse access and
 2 why it would only be allowed in the southern part. And we
 3 got a lot of feedback from the folks during scoping about
 4 different types of access that they wanted. We had
 5 originally proposed only foot and some limited bicycle
 6 access on some trails, there was a large input requesting
 7 the equestrian use be accommodated as well.

8 Part of what we do to try to avoid conflict
 9 between different groups is use temporal space and zoning.
 10 That was our thought on this case. Some people want to be
 11 on those types of multiple use trails, some people want
 12 pedestrian only, some people want bicycle. Only there's a
 13 big mix and we were trying, in our proposals, to balance
 14 that issue.

15 If Alternative A is selected, how do you keep
 16 people out of the site. Once again, this is really outside
 17 of the scope of our plan. If I recollect, we're talking
 18 about out of DOE retained lands, and that's a decision that
 19 will be reached by the RFCA parties and when the
 20 institutional controls are determined at the time of the
 21 final record of decision. So you'll have an opportunity to
 22 engage in that public process with those decision makers.

23 How is one supposed to know when they've
 24 crossed a boundary? We will be responsible for the external
 25 boundary of the site after land is transferred. All our

1 proposals call for us to maintain the existing five-strand
 2 barbed wire stock fence around the site. Our boundaries
 3 will refer to National Wildlife Refuge boundary signs that
 4 say National Wildlife Refuge, all unauthorized entry
 5 prohibited. And they will be posted at appropriate
 6 intervals around the site and corners marked as well.

7 Q. What is an appropriate interval?

8 MR. RUNDLE: Typically on rural sections we
 9 use about a quarter mile, but an urban area, if there's a
 10 lot of traffic, we may go closer than that. And we post
 11 them on the corners. That's typical. And it would depend
 12 on the use. Where we've got private pasture lands on the
 13 south, where there's only one person at this time that has
 14 access, I think it's a quarter mile is probably adequate, if
 15 that land is developed later for residential use we probably
 16 would put up signs a little bit down there.

17 If terms of the markers of the boundaries
 18 between the two properties, again that's outside the scope
 19 of this plan. We will be making recommendations to DOE on
 20 this. We want this boundary to be clearly and as
 21 permanently marked as possible.

22 If it's deemed safe by the RFCA parties, we
 23 would prefer the boundary not preclude the movement of
 24 wildlife between the two ownerships or unnecessarily detract
 25 from the aesthetics of the site. But again, that's going to

1 be something determined by somebody else. And whatever the
 2 institutional control plan calls for, we'll certainly
 3 respect and live with that because cleanup trumps refuge in
 4 all cases.

5 What if high contamination levels are
 6 discovered in the buffer zone? We're going to be -- like I
 7 said, there's more looking to be done. The institutional
 8 control samples are being taken. We do what's called a
 9 Level 3 -- excuse me, a Level 3 contaminant survey. We're
 10 required by DOE policy to do a contaminant survey on all
 11 lands before they're acquired in the U.S. Wildlife Refuge
 12 System.

13 Level 1 survey is typically done when there's
 14 farm lands. And that may be simply a check with the health
 15 departments to see if there are any known dump sites. An
 16 inoculate survey of the site is looking for old drums and
 17 farmsteads and things like that.

18 The Level 3 survey is the highest level
 19 survey and this involves collecting analytical data from
 20 soil and byota, the sampling of deer tissue, we'll be
 21 reviewing aerial photographs looking for disturbances that
 22 are not documented to see if there's sites we need to test.

23 We heard a lot about clandestine
 24 nighttime dumping, things like that. We at this point
 25 aren't aware of any of that in the land proposed in the

1 National Wildlife Refuge. If you know where something is,
 2 talk to Mark Sattelberg and point it out on the map and
 3 we'll go look.

4 I think that's all the questions. DOE is
 5 going to have to come and get anything that they left on the
 6 site. We're not going to be responsible for picking up
 7 anything. The only thing we'll be responsible for would be
 8 any contaminants that we would cause to be released through
 9 our management, such as if there was a misuse of an
 10 herbicide or a spill of hydraulic fluid from a tractor while
 11 we are managing a refuge, that would be our responsibility.

12 Q. One of your earlier responses to one of the
 13 questions about the risk of exposure, you said EPA will
 14 certify. Is that the same EPA that certified that downtown
 15 Manhattan was safe after the two towers came down? I used
 16 to work at EPA when it was an honorable association, but I
 17 can't say that's true now, but if you're relying on them
 18 now, you shouldn't either.

19 MR. RUNDLE: I don't think there was a
 20 question there.

21 Q. Well, is it the same EPA?

22 MR. RUNDLE: To my knowledge, it's the same
 23 Environmental Protection Agency.

24 Q. How often will your contaminant surveys be
 25 done?

1 MR. RUNDELE: We will do a pre-acquisition
 2 contaminant survey. DOE will be responsible for long-term
 3 monitoring of the effectiveness of the remedy.
 4 Q. In the buffer zone?
 5 MR. RUNDEL: If it's required by the
 6 long-term monitoring plan, which we don't decide, you
 7 guys need to talk to the RFCA parties about that. I'll say
 8 it again, the Rocky Flats cleanup agreement parties that
 9 make the decisions are the Department of Energy, United
 10 States Department of Energy, United States Environmental
 11 Protection Agency, and the State of Colorado, Department of
 12 Public Health and the Environment.

13 Q. Can you tell us how much resolve is being
 14 paid, whether it comes out of your budget or DOE's budget?
 15 MR. RUNDEL: I don't know the exact amount of
 16 the contract, but I believe we can get that for you. They
 17 are contracted to the U.S. Fish & Wildlife Service, DOE has
 18 provided funding to us for the completion of this
 19 Comprehensive Conservation Plan EIS.

20 Q. Are there staff members present here now?
 21 MR. RUNDEL: We have three contractors.
 22 Q. You had mentioned that you have taken deer
 23 for sampling for americium and plutonium; is that right?
 24 MR. RUNDEL: And uranium. The deer were
 25 collected last year in a cooperative effort with the

1 Colorado Division of Wildlife for chronic wasting disease.
 2 26 deer were taken for CWD testing, which we use that
 3 opportunity to collect tissue samples from all those deer,
 4 muscle, liver, bone, lung and kidney.
 5 Q. My question is, has the muscle been
 6 characterized for a volatile organic carbon tetrachloride?
 7 MR. RUNDEL: We're not putting that in right
 8 now. To our knowledge, there is a carbon test plume in the
 9 industrial area, but it's a groundwater issue, to the best
 10 of our knowledge.

11 Q. I understand that you're going to be testing
 12 fauna. How about flora, are you going to do any vegetation
 13 testing?
 14 MR. RUNDEL: I don't know. The plan is not
 15 complete yet.

16 MR. SATTELBERG: Right now the plan is not to
 17 test any of the --

18 Q. Why not?
 19 MR. SATTELBERG: Mostly because there's just
 20 studies done by CSU.

21 Q. I've seen studies that say plants do uptake
 22 plutonium into their roots.

23 MR. SATTELBERG: They do take some up, but not
 24 very much. You have to look at which animals are going to
 25 be eating the roots and whether or not they are going to

1 transfer through the food chain.

2 Q. And therefore no sampling is necessary?

3 MR. SATTELBERG: We may, it's just really up
4 to the DOE.

5 Q. At this point there's information on two
6 occasions, I don't know if Lisa Morzel is still in the room,
7 from Boulder City Council, she asked John Rempe to provide
8 samples of vegetation for analysis. He refused twice
9 without reasonable funding. I think this is a matter --
10 it's something we should insist on before you agree to burn
11 500 acres each and every year. You must do this out of
12 decency, for God sake.

13 Q. Why allow hunting?

14 MR. RUNDLE: Good question. As Bini put on
15 her chart here, there are -- the U.S. National Wildlife
16 Refuge is basically for two reasons. One is to provide a
17 wholesome outdoor recreational experience, and also for
18 population control of ungulates.

19 Our organic legislation, the National
20 Wildlife Refuge Improvement Act of 1997, identifies six
21 priority public uses for refuges, and they were listed --
22 and hunting is one of them. These are the things that
23 congress said we should provide to the public on National
24 Wildlife Refuges whenever it is compatible for establishment
25 purposes of the refuge.

1 Q. Hunting with a bow, like in Vermont, hunting
2 with a bow in a ten-year period left something like ten
3 times the number of injured deer than hunting with a gun. I
4 mean, I'm against hunting, but hunting with a bow leaves far
5 more injured animals. Surely there's more wholesome
6 activities like hiking rather than hunting and murdering
7 animals.

8 MR. RUNDLE: I'll take that as not a
9 question.

10 Q. I have a question about your soil survey from
11 the contamination. Are you going to at all account for hot
12 spot possibilities or will you be taking an overall average
13 of the hot spots?

14 MR. RUNDLE: What is it, Mark, it's 5 samples
15 and 4 more composite testing every 30 acres.

16 Q. Can you clarify what he said?

17 MR. RUNDLE: I'm sorry, Mark?

18 MR. SATTELBERG: The sampling calls for
19 gridding the entire site in 30-acre grids and then taking
20 five subsamples from each 30-acre grid and composite into
21 one sample.

22 MR. RUNDLE: So there will be about --

23 MR. SATTELBERG: Total subsamples will about
24 570. Those would be composited into about 115 samples
25 across the buffer zone.

1 MR. RUNDLE: And what would that -- or if you
2 can give me how much of that increase or knowledge of what
3 we have now in the buffer zone.

4 MR. SATTEMBERG: The sampling plan is set up
5 to give us 90 percent confidence that we find everything
6 that's out there. There's only a 10 percent confidence that
7 we've missed something.

8 Q. My question is, I understand that the buffer
9 zone, the zone that's going to be turned into a refuge, will
10 have to be cleaned, certified cleaned before Fish & Wildlife
11 accepts it, but the zones that are going to be kept by the
12 DOE is still going to be contaminated. Everyone agrees to
13 that. How are -- how do you control for movement of that
14 contamination onto the Fish & Wildlife Service land?

15 MR. RUNDLE: This is really again a cleanup
16 question. We don't decide. But the surface, from my
17 understanding, is cleaned to a depth of three feet. So we
18 know there's going to be some residual contamination and
19 it's going to be a pathway cut off of three feet of clean
20 soil. So if someone did walk on the surface and where that
21 is, I really think as long as there's long-term stewardship
22 and how we maintain that remedy, and that's a decision that
23 RFCA parties will make, and we all need to engage it.

24 Q. If this site is opened for public use, what
25 type of information will be provided to the public about its

1 history and contamination?

2 MR. RUNDLE: I think that's a very good
3 question. And we do have a safety objective in all of the
4 alternatives about educating people. We have not gotten yet
5 to the specifics that of. I think that would be an
6 important thing for you to provide in written comments if
7 you have specific language that you think we should consider
8 when we do a sign plan out there, but there will be a safety
9 education component regardless of which alternative is
10 finally selected. And that may be signs, it may be
11 brochures, things like that.

12 Q. Are you aware that if there were five people
13 in a room and one is dead and one is running a temperature,
14 spiked temperature, and you took a composite or an average
15 of their temperatures, you'd have everybody alive. I think
16 it's not good to take a 30-acre site where there could be a
17 hot spot and then average it to other places where there
18 could be no contamination. And I put it into the form of a
19 question. Are you aware?

20 MR. RUNDLE: I am not. Again, that's
21 something that needs to be taken up -- I'm not an expert on
22 design and those types of samples.

23 Q. You said the DOE is responsible for the
24 cleanup decisions, is Fish & Wildlife providing comments and
25 guidance to the cleanup levels to protect from the

1 resources?

2 MR. RUNDLE: We are. We do have two
3 contaminant people working with DOE, we do review plans, we
4 do provide comments and suggestions to them.

5 Q. And are you providing the same comments you
6 would if it was a private company that was responsible for
7 the contamination?

8 MR. RUNDLE: Absolutely.

9 Q. My understanding is that while the
10 concentration has been on surface cleanup, there will be, in
11 fact by their admission, little or no cleanup below three
12 feet. And so I'm sure there are many, many industrial sites
13 that would fit into this category where the contamination is
14 below three feet. Think of a lot of gas stations, in
15 particular, using tanks. My question is, does this pose a
16 great new opportunity for Fish & Wildlife to expand their
17 operations across the nation by declaring these sites
18 wildlife refuges?

19 MR. RUNDLE: That's really outside the scope
20 of our plan. This site is designated as a future refuge by
21 congress.

22 Q. I would just be interested in hearing how you
23 feel about being placed in a position where you're
24 responsible for an area which you have not qualified
25 yourself as a qualified member of the DOE and the area that

1 is yours and managed by you and the contaminated area is
2 still the property of the DOE. How do you feel about that?

3 MR. RUNDLE: I'm not sure I understood.

4 Could you restate that briefly so I can give you an
5 answer?

6 Q. I'm interested in hearing how you feel about
7 your position in which you're maintaining the lands in which
8 you have not had any control in the standards of safety or
9 the signage between your lands and also the contaminated
10 lands that are nearby.

11 MR. RUNDLE: As I said before, we are not
12 providing cleanup. I do have considerably more trust in the
13 health agencies that are overseeing the cleanup than some of
14 the other people in this room. I'm not an employee of the
15 government, I work for you. And we're the executive branch.
16 Congress passes laws and we execute them to the best of our
17 ability.

18 Q. I think I missed it. What did you say the
19 Fish & Wildlife was considering as the dangerous level of PU
20 in the soil?

21 MR. RUNDLE: You know, we don't set that
22 standard. All I can say is that right now, to our
23 knowledge, the landscape outside that green blob, the
24 highest levels are 5 picocuries per gram. The State Health
25 Department and the EPA are not requiring any cleanup of any

1 of that land that is proposed to be transferred because they
2 don't think there needs to be cleanup there to be protected
3 of the most exposed person.

4 Q. I was actually wondering if you had started
5 to think about any sort of safety protocols similar to the
6 Rocky Mountain Arsenal, such as zero dust policy or constant
7 misting to kind of keep the soil from redispersing itself?

8 MR. RUNDLE: I believe they do have dust
9 control going on.

10 Q. I mean, when it was turned over to you and
11 you all are monitoring the area, do you have that for your
12 own safety protocols?

13 MR. RUNDLE: We have not been considering
14 doing that because we're not in the cleanup business. We
15 will not be cleaning up this site, it will be certified for
16 the uses that are proposed.

17 If you look at the back of the plan, we went
18 to the State Health Department and EPA and said, we're
19 considering using grassland management tools such as
20 prescribed fire, grazing, using tillage equipment to do some
21 site restoration. Is this safe? Can we do this? And there
22 are letters from both the State Health Department and the
23 EPA, and you can read those, and their answer was, yes, in
24 the areas that we anticipated would be transferred.

25 The intent that I've gotten from the State

1 and EPA is that the lands that will be transferred and not
2 required to be retained by DOE will not require any
3 institutional controls to be protected.

4 Q. I had a question. I'm concerned about
5 burrowing animals such as prairie dogs that may go below the
6 three-foot level that is certified as cleaned, and if you
7 plan on dealing with that situation?

8 MR. RUNDLE: Again, we're concerned about
9 that as well because we want this remedied to be state
10 protected in the long term. The exact requirements of doing
11 that again are part of institutional controls and outside
12 the scope of our plan, but we do address the issue and
13 concern about prairie dogs.

14 If you read about the prairie dog management,
15 that's proposed in the various alternatives. We do not
16 want to exacerbate the situation. We will not accept --
17 well, Alternative B would allow acceptance of relocating
18 prairie dogs. We'll do that with some municipal governments
19 to accept prairie dogs. Our proposal is that we not accept
20 any prairie dogs and we also want to manage our vegetation
21 to deter movement of prairie dogs toward the boundaries.
22 so we really need to be careful about where vegetation
23 heights are reduced to various grassland management
24 techniques.

25 We don't want to make it easy for prairie

1 dogs to invade the buffer zone. We have made
 2 recommendations to DOE about the types of vegetation that
 3 they should receive and to their retained lands and it's a
 4 very important component of preventing prairie dog invasion
 5 to maintain a robust and tall vegetative cover on these
 6 sites.

7 Q. I'm confused. If you could help me
 8 understand, I think I heard you say that -- you were just
 9 referring to requesting permission to do fires in the buffer
 10 zone. Is that --

11 MR. RUNDLE: We have proposed, in
 12 several of the alternatives, that we would use prescribed
 13 burning as a grassland management technique. Also, in
 14 several alternatives we propose to use grazing, either
 15 as a grassland management technique or using goats as
 16 a weed control technique as part of integrative pest
 17 management.

18 We also may, in some alternatives, use some
 19 tillage to recede areas that are invaded with exotic
 20 vegetation. So we went to the health agencies and asked
 21 them about what they thought about those ideas and their
 22 responses are in our plan.

23 Q. So it seems to me like I've also heard that
 24 we're in agreement that there is not a very well understood
 25 characterization of the contamination in the buffer zones.

1 Is that -- am I right?

2 MR. RUNDLE: Well, what I think I said is we
 3 don't have any data right now that says there's dangerous
 4 levels of contaminants out there.

5 Q. That's because we don't have data on it.

6 MR. RUNDLE: And as I said earlier, the
 7 cleanup is more important than the refuge. And if we find
 8 that there are levels -- we have to be done by December.
 9 All these decisions are made by then. I don't know how long
 10 it will be until land may be transferred. There has to be a
 11 record decision, there has to be certification. It may be
 12 in 2007 or '8, it may be a lot longer than that.

13 Q. If this is going to be entitled a wildlife
 14 refuge and if those are the six goals of the wildlife
 15 refuge --

16 MR. RUNDLE: Those are the priority public
 17 uses of National Wildlife Refuges we allow, as opposed to
 18 hang gliders or model airplanes, those are the goals of the
 19 refuge.

20 Q. I'm just thrown by, all of a sudden if we're
 21 talking about -- sounds like you're trying to manage it as a
 22 cattle ranch again. And if you're going to be killing off
 23 or discouraging things like prairie dogs which support about
 24 160 other wildlife species, that doesn't sound like a
 25 wildlife refuge. Assuming it's safe for humans or animals,

1 are you intending to just use this as an extension of a
 2 cattle ranch or is it really a wildlife refuge?
 3 MR. RUNDLE: Absolutely not. There are
 4 several ecological factors that are important in the
 5 evolution and the maintenance of healthy grasslands. One of
 6 the natural ecological pressures on grasslands are grazing
 7 by bison. If we use cattle grazing it will be as a
 8 grassland management technique. It will be short rotation,
 9 intensive grazing to emulate natural grazing patterns. So
 10 we would be using cattle to manage grass, not grass to feed
 11 cattle. Does that make sense?

12 Q. Yes. And I would hope that you wouldn't be
 13 killing off predators.
 14 MR. RUNDLE: No, we're not into that. The
 15 prairie dog issue, as I said, we are concerned, we don't
 16 want to exacerbate any problems with prairie dogs moving
 17 towards the retained land. Also, the black tail prairie dog
 18 is typically a short grass species. Rare habitats on the
 19 western side of the Rocky Flats live in native tall grass
 20 who are native-habitat types. We think that prairie dogs in
 21 that portion of the refuge would not be part of the natural
 22 environment because black tail prairie dogs are not a tall
 23 grass prairie species.

24 Q. They're short grass?

25 MR. RUNDLE: That's correct.

1 Q. So you don't have any intentions of restoring
 2 this to any short grass prairie?

3 MR. RUNDLE: If you look at this habitat
 4 map up here, you can see that portions -- the short grass
 5 is short and mixed grass, these green colors, so the
 6 eastern part of the site is short and tall grass prairie.
 7 We have a map that shows current prairie dog colonies, here
 8 and here, so there's not a lot of prairie dogs on this site
 9 now.

10 We went under the various alternatives
 11 allowing to expand to certain acreages, but we don't want to
 12 encourage them toward the DOE lands and we don't want to
 13 encourage them toward the tall grass areas.

14 Q. I just want to thank you for making this
 15 so much better than the scoping meetings where we really
 16 could not have a discussion like we have now, which I
 17 think resulted in a flaw to the EIS because it didn't
 18 represent very many people and didn't represent good
 19 informed opinion.

20 My question to you is, I've counted 30 people
 21 who spoke to you here, and out of those 30, four people
 22 supported your plan. Two of those represented, I think a
 23 bicycle association and an equestrian association, so
 24 basically less than 10 percent or around 10 percent of the
 25 people supported your plan. What are you going to do about

1 it?
2 MR. RUNDLE: Well, we're going to complete --
3 first let me address what you said earlier. I appreciate
4 the comment. We did change our meeting format and I know
5 that some people, including yourself, have an opinion that
6 the scoping process was flawed. We do not accept or agree
7 with that. We believe the scoping process was appropriate
8 and effective.
9 One example I would give of that is
10 that last night there were 44 people at the meeting in
11 Westminster, only seven chose to speak. The way we did
12 our scoping, everyone was engaged. So we can argue that,
13 but I do not accept your assertion about the scoping
14 process.
15 That said, we are about a third of the way
16 through the public comment period on the Draft Environmental
17 Impact Statement, CCP, so we've heard a lot of good
18 testimony tonight. And much of that was not within the
19 scope of our plan and not within our decision making
20 authority.

21 We have two more public meetings to go. We
22 will be receiving comments, I'm sure, from many more people
23 through a written process or E-mail. We'll take all this
24 back and evaluate those, make recommendations for changes to
25 the regional director. Eventually a decision will be made

1 by the regional director of the Fish & Wildlife Service, and
2 the final document that comes out, the EIS and the CCP will
3 be split into two separate books. The Environmental Impact
4 Statement will include the comments that are made here and
5 our responses to those comments. So some will probably be
6 accepted and some will probably not and we will provide an
7 explanation of that in the final document.
8 Q. I have a question about water supply, a
9 two-part question. Who is planning to provide clean
10 drinking water for recreational uses, and if so, where are
11 you going to be pumping it in from?

12 MR. RUNDLE: I've never done a word search,
13 but I don't think the word play is in the CCP. There are no
14 picnic benches or jungle gyms and there are no watering
15 points, except if we have a visitor contact station, we
16 would provide water there. Probably at this point we'd have
17 to have that imported through a cistern, we're not going to
18 use groundwater.

19 Q. I would hope you wouldn't.

20 MR. RUNDLE: There frankly is not enough
21 groundwater on the site.

22 Q. If you're going to be letting handicapped
23 people in, you're going to have to stick with ADA rules and
24 all that. Does that bring up more -- does that bring up
25 more laws that you have to abide by? Do you have to provide

1 them with water or you don't have to?

2 MR. RUNDLE: We have to provide equal
3 opportunities for access. The one trail down through the
4 Lindsay Ranch will be a full accessible trail in terms of
5 grading and surfacing, so it will be wheelchair accessible.
6 I think all the alternatives, except A, provide a portable
7 toilet, which would have to be accessible on the site, but
8 there are no recreational facilities and neither are there
9 at most of the trail heads of the managed spaces in the area
10 either.

11 MR. TRENHOLME: Providing water isn't a
12 requirement of EPA.

13 MR. RUNDLE: This is wildlife recreation,
14 not city park recreation and we would expect people to be
15 prepared.

16 Q. In the newspaper it said that DOE and
17 Kaiser-Hill would get a \$700 million bonus if they complete
18 the cleanup by 2006. If that's accurate, do you feel that
19 you might doubt whether they are scientifically honest when
20 they say the cleanup is completed.

21 The reason I'm asking that is, I've just been
22 reading a book called Science Under Siege and it talks
23 about, in various cases, like agency scientists will say
24 something about protecting tortoises in the desert or lakes
25 near Vail and they get their research trumped by the higher

1 political appointees within the agency. So since that seems
2 to happen within USGS and USWS, why wouldn't that happen at
3 the DOE and EPA?

4 Q. It goes with his question. And why wouldn't
5 you be concerned taking over such an endeavor?

6 MR. RUNDLE: That's really outside the scope
7 of our plan. There's nothing in our CCP about trusting
8 these agencies. I can say that in my experience working
9 four years at the Arsenal is that the State Health
10 Department is not a pawn of federal agencies when it comes
11 to enforcing cleanup. So I have a significant level of
12 trust in the regulatory agencies.

13 Q. I was wondering, once one of these
14 alternatives is decided on, what sort of sampling, if any,
15 would be taking place at the site and who would be in charge
16 of it or has that not been decided yet?

17 MR. RUNDLE: First of all, the final decision
18 may be none of the current alternatives, based on what we
19 hear from the public and during this process. In fact, I
20 would suppose that whichever is selected, there will be some
21 alterations or changes based on what we're hearing from you
22 tonight and at the other public meetings and any written
23 comments.

24 We will be directing our Level 3
25 pre-acquisition contaminant survey, surveys required after

1 that will be part of the long-term monitoring plan that you
 2 should engage the Rocky Flats cleanup agreement parties
 3 about. And thank you once again for coming this evening.
 4 We appreciate it.

5 . . . WHEREUPON, the public hearing was
 6 concluded at 9:00 p.m.
 7

8 That the foregoing is a true and correct
 9 transcript of my shorthand notes then and there taken;
 10 That I am not a party to nor in any way connected
 11 with any of the parties to said action nor otherwise
 12 interested in the outcome of this action.

13 My commission expires May 23, 2005.
 14 IN WITNESS WHEREOF, I have affixed my
 15 signature and seal this 24th day of March, 2004.

Sandra A. Smith
 BOVERIE, JACKSON, BUSBY & LA FERRA
 1735 East 16th Avenue
 Denver, Colorado 80218
 303-329-8618

CERTIFICATE OF DEPOSITION OFFICER

1 STATE OF COLORADO)
 2)
 3 COUNTY OF DENVER)
 4

5 I, SANDRA A. SMITH, Certified Shorthand Reporter
 6 and Notary Public, State of Colorado, certify that said
 7 public hearing was stenographically reported by me at the
 8 time and place heretofore set forth, and was reduced to
 9 typewritten form under my supervision as per the foregoing;

10 That the foregoing is a true and correct
 11 transcript of my shorthand notes then and there taken;
 12 That I am not a party to nor in any way connected
 13 with any of the parties to said action nor otherwise
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1 PUBLIC HEARING ON

2 THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

3 AND COMPREHENSIVE CONSERVATION PLAN

4 FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

5 Wednesday, March 17, 2004

6 6:30 p.m.

7 at

8 The Arvada Center

9 6901 Wadsworth Boulevard

10 Arvada, Colorado

11 Panel Members: Richard Trenholm

12 Mike Hughes

13 Laurie Shannon

14 Dean Rundle

15 Jody Erikson

20 TAKEN BY: SANDRA A. SMITH, CSR

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1 MR. HUGHES: We're going to begin. I
 2 want to start by welcoming all of you here tonight. My name
 3 is Mike Hughes, I'm with Resolve and I'm part of the
 4 planning team. I want to say a couple of words about
 5 tonight's agenda and the approach to tonight's meeting and
 6 then I'll give the floor to Laurie Shannon who will talk
 7 about the Environmental Impact Statement and the Draft
 8 Comprehensive Conservation Plan for the Rocky Flats National
 9 Wildlife Refuge and give you some information and then we'll
 10 open up from there.

11 I hope that each of you brought an agenda and
 12 so I'll say a few words about that. As you can see right at
 13 the top of the agenda, tonight is a formal public hearing on
 14 the Draft Environmental Impact Statement and Draft CCP.
 15 We've been getting a lot of feedback from previous public
 16 workshops and public engagement efforts that what we most
 17 need to focus on is fairness, that is giving everyone the
 18 same opportunity to speak.

19 So we will provide you with three minutes to
 20 come to this microphone and speak about the Draft
 21 Environmental Impact Statement and the Draft Plan, offer any
 22 remarks that you have specific to information that you think
 23 will alter some technical point in the Plan or in the
 24 Environmental Impact Statement, specific comments about the
 25 alternatives that we're evaluating, anything that's relevant

1 to the evaluation of its thoroughness, et cetera.
 2 Once you've had that three minutes, and then
 3 each person who wishes to have three minutes, will have that
 4 opportunity to do that formal comment, then we'll turn to,
 5 if there is time, questions, and I will give you the
 6 opportunity to ask questions, get clarification. And in our
 7 previous two meetings we have had that opportunity so we've
 8 been able to move all the way through the speakers list and
 9 provide question and answer.

10 Couple of ground rules right at the top for
 11 the comment period and that feeds into the question and
 12 answer period, we want everyone to have their full three
 13 minutes. So even if you enthusiastically agree with what
 14 they're saying, we want you not to interrupt what they're
 15 saying so that they have the full benefit of their three
 16 minutes. You might also hear things that you disagree with,
 17 so we ask that you give the respect to the speaker and not
 18 interrupt them in any way as they're giving their three
 19 minutes.

20 Because we are providing this equal three
 21 minutes, when we get to the question and answer period of
 22 time, if there's time, we ask that you not get an extra
 23 three minutes. So we will ask you to stop if what you do in
 24 the question and answer period of time is make another
 25 comment, offer some sort of preface to your question, we ask

1 simply that you ask the question and then we'll answer. So
2 you don't get an extra three minutes by jumping on the Q and
3 A.

4 I want to say a couple of things about where
5 we are in the process before I turn it over to Laurie, and
6 this is part of the public comment period and public comment
7 process on the Draft and that comment period is extended
8 through April 26th. So this isn't just that you have three
9 minutes and nothing else, you have opportunities to provide
10 written comments, you can go to the website, which is listed
11 here on the agenda, and provide comments.

12 MR. TRENHOLME: You might mention that it's
13 temporarily down.

14 MR. HUGHES: Temporarily you cannot do that.
15 The website is not available.

16 MS. BRIKSON: On those little green pieces
17 there's a fax number and a mailing address. If you didn't
18 get one of those you can get one on the way out.

19 MR. HUGHES: So fax, mailing address,
20 opportunities for you to provide those comments in other
21 ways other than having three minutes. So don't feel you
22 have to be limited in that manner.

23 A little bit about where we are in terms of
24 the process, and I'm going to refer to this information
25 behind me. These are the steps that are necessary in order

1 for there to be a National Wildlife Refuge at Rocky Flats.
2 First of all, the Service, that is the Fish & Wildlife
3 Service, would have to complete the work that you're part of
4 tonight, the Environmental Impact Statement and the
5 Comprehensive Conservation Plan, make those final and issue
6 a record of decision.

7 Then the Department of Energy is in the
8 process, as you all know, of completing its cleanup of the
9 Rocky Flats site. That cleanup will be concluded, except
10 for the ongoing operation and maintenance functions.

11 At that point, once they have deemed that
12 their work is complete, the Environment Protection Agency
13 and the Colorado Department of Public Health and Environment
14 would certify the completion of the cleanup.

15 At that point, DOE could transfer the land to
16 the Department of Interior, and then after that point, the
17 Department of Interior could establish the refuge and begin
18 its management. So we want to emphasize that EPA
19 certification is required before the site can become a
20 refuge.

21 And as you read the Draft, it's important to
22 know that both the Comprehensive Conservation Plan and the
23 Environmental Impact Statement are written in the context of
24 a certified site, the presumption that EPA certification is
25 complete, and obviously the refuge will not take effect

1 until that.
2 With that, I'm going to give the floor to
3 Laurie and then we'll turn to the three-minute comment
4 period. We don't have to let you guess how long three
5 minutes is, we'll help you with cards up here at two
6 minutes, one minute, and 30 seconds, and then remind you
7 that you need to give the microphone to the next speaker.
8 So we'll help you remember where the three minutes are.
9 With that, Laurie.
10 MS. SHANNON: Thank you. And good evening.
11 Can everyone hear me all right? I'm going to go from board
12 to board and it's hard to do with the microphone. The one
13 thing I want to say about our website, very quickly, is that
14 we do not know how long the web will be down. There has
15 been a court ordered check down of all the Department of
16 Interior Internet access right now and so it's not something
17 that we have done to our website so that you can't comment.
18 So we regret that that has happened, but we all managed to
19 do this before we had the Internet and you can fax or send
20 your comments in writing.

21 And also, if you need to have copies, again,
22 one of the advantages of having the Internet was people
23 could download the document off the Internet, and if you
24 need a hard copy, we either can offer you a CD tonight to
25 take home or if you sign up your name, I'll be glad to mail

1 you one and I'll mail them all out until they're gone. We
2 do have a limited number of hard copies. I don't want to
3 have them around after this, so if you need a copy, feel
4 free and I'll mail you one.

5 With that, I'm going to start and I'm going
6 to just briefly go through four alternatives so you all know
7 just basically what we're here to discuss this evening. And
8 I'm probably going to spend most of my time on Alternative
9 B, that is the proposed action that's before you.

10 All of the four alternatives have been
11 analyzed, that's what we're required to do under NEPA, the
12 National Environmental Policy Act, but NEPA also asks us to
13 come out with a proposed action and preferred alternative.
14 So Alternative B is our proposed action and this is -- this
15 alternative is what we call the wildlife habitat and public
16 use alternative. And what this does is that it has a strong
17 emphasis on wildlife conservation and habitat management,
18 while allowing for some moderate amounts of public use on
19 the site in the future.

20 And when we looked at deriving these
21 alternatives, we started to derive these alternatives late
22 in the fall of 2002 and what we took into place or what we
23 took into consideration before we came up with them was that
24 we looked at the Refuge Act and all the things that it said,
25 we looked at the mission of our own agency of the National

1 Wildlife Refuge system and we also looked at the comments
 2 that we had received during a scoping period during the fall
 3 of 2002. So those are the kinds of things that went into
 4 these alternatives.

5 Alternative B, I really want to just
 6 highlight the things that have changed since we first
 7 presented these alternatives last May. And beginning with
 8 the southern part of the site, we had a lot of comments from
 9 the public that they would like to see some access for horse
 10 users, not just pedestrians and bike users, but horses as
 11 well. So on the southern part of the site we have made an
 12 attempt to provide for some access down here.

13 The other thing that we tried to do was
 14 improve the connectivity, the loop, the ability to do loops
 15 and try to improve the connectivity a little bit. That was
 16 something else that we had heard in May.

17 Going to the -- the other thing that we
 18 changed a little bit is that we also heard from a lot of
 19 people who wanted us to emphasize restoration of the site
 20 first before we started getting into a lot of public use
 21 programs. So what we would propose is that we would open a
 22 trail down to the Lindsay Ranch as soon as we could after
 23 the refuge was established and then we would wait for five
 24 years while we picked up roads, picked up, you know, we
 25 planted some seed and we got our budget and those kinds of

1 things going before we'd start full implementation of the
 2 public use program. And that would go on through by year
 3 15. We would implement all of it under any alternative.

4 Another change we made, a lot of the other
 5 things that stayed the same were we continued to have
 6 pedestrian only trails all the way up here in the north.
 7 Some of them are seasonal, can only use them on a seasonal
 8 basis. We continue -- this trail here continues to be a
 9 multiple use trail for bikes and pedestrian access only.

10 Another thing that we didn't do is that we
 11 had a lot of people who wanted us to make that connection
 12 from north to south along Indiana and we -- our preference
 13 is not to do that because we feel that if there is something
 14 done with Indiana, with that road corridor, we would prefer
 15 that that connection be made as part of that project or that
 16 the communities would make it, because it's very hard to try
 17 to get that road corridor and stay outside of the DOE lands
 18 that the DOE will retain into the future.

19 Another minor change that we made dealt with
 20 the proposed hunting program. And the proposed hunting
 21 program is a limited program. It would be for very highly
 22 managed, almost guided, it would be directed for youth and
 23 disabled hunters. And that would be for the first two
 24 years, and after two years we would look at whether we
 25 needed to expand that program to include able-bodied

1 hunters. And the reason for that is so that we can better
 2 meet our target population goals. If we're not meeting them
 3 with the youth program and the disabled program, then we
 4 would look to expand that a little bit. But it would always
 5 be a very limited program. It would be based on target
 6 populations.

7 Those are the basic things under this
 8 alternative. We would only have a contact station
 9 seasonally operated or weekends only, that kind of thing.
 10 It varies from Alternative D, which is the other public use
 11 alternative, in that Alternative D would have
 12 a full-blown visitor center. All the other things pretty
 13 much stayed the same in Alternative B as far as restoration
 14 of the site.

15 Alternative A is our no action alternative,
 16 and that really is looking at continuing management of the
 17 site under how -- basically how the Department of Energy is
 18 doing now with respect to managing their resources, and that
 19 would be focussing mostly on the northern part of the site
 20 in the Rock Creek area.

21 The one change that we made in Alternative A
 22 was that we took out the option of putting up a chain-link
 23 fence around the perimeter of the site. It is still
 24 analyzed in the environmental consequences part of the EIS,
 25 but is no longer part of any alternative. And the reason

1 for that is because the cost involved in doing that. Also,
 2 we felt that it really doesn't meet our objectives in terms
 3 of wildlife management. It precludes having wildlife
 4 corridors and we didn't find a lot of support from the
 5 community for having a chain-link fence around the site.
 6 Alternative C is what we call the -- one
 7 other thing I would mention in Alternative A, it's the one
 8 that has the least amount of public use. It would be all
 9 guided, just basically VIP-type tours, closed to public use
 10 except for special visitors, and that would be the extent of
 11 it.

12 Alternative C is what we call the ecological
 13 restoration alternative in that this looks at the idea of
 14 maximizing restoration, wildlife conservation and habitat
 15 restoration on the site and minimizing public use. And
 16 under this alternative, the only public use would be about a
 17 3,000 -- a little over 3,000-foot trail that would go out to
 18 an overlook and that would be guided. Again, it would be
 19 special cases that we would take people out there.

20 Alternative C is the one alternative that we
 21 looked at for getting rid of the Lindsay Ranch altogether
 22 and preserving that with photos and recordation ways instead
 23 of leaving it, because under this alternative we look at the
 24 idea of restoring the site as much as we can back to
 25 pre-settlement, really emphasizing restoration.

1 And then finally, Alternative D is what we
 2 call the public use alternative. And this also looks at
 3 having a focus on wildlife conservation and habitat
 4 management, really on select plant communities, but trying
 5 to maximize, to the extent that we can, as -- within our own
 6 funding constraints, the amount of public use that we could
 7 have on the site.

8 Now, we changed this alternative a little bit
 9 based on the input that we received last May and again we
 10 tried to improve some more connectivity, we tried to make
 11 more loops. That's one thing a lot of people wanted to
 12 have, more loops and that kind of thing. So we made a few
 13 changes to that. And again, this is the one that would have
 14 a full-blown visitor center that we analyze those kinds of
 15 costs. So I think I covered it all. And we will answer any
 16 questions that you may have later. Please feel free to ask
 17 Dean, after we get through the testimony, and we'll answer
 18 those questions. Thank you.

19 I forgot the no dog thing. Under none of the
 20 alternatives we would avail to have a dog on the site,
 21 leashed, unleashed or otherwise. Thank you.

22 MR. HUGHES: Great to see all the people who
 23 are coming here. Each speaker will have the opportunity to
 24 speak for three minutes. We ask that you give that speaker
 25 the same respect that you would wish to have by not

1 interrupting, whether you agree or disagree with what
 2 they're saying.

3 She's going to call out two names so that the
 4 next speaker knows to perhaps come up here and be prepared
 5 to step right up.

6 MS. ERIKSON: I'm going to have little cards
 7 that tell you when you're at two minutes, one minute, 30
 8 seconds and then a stop card. If you don't stop, I'm going
 9 to stand up next to you and ask you to sit down.

10 Randy Olson and Amy Abbott.

11 BY MR. RANDY OLSON:

12 My name is Randy Olson. I'm here to
 13 represent the Colorado Wheelin' Sportsmen and National Wild
 14 Turkey Federation. I'm assistant state coordinator for the
 15 Colorado Wheelin' Sportsmen. We are here in support of Plan
 16 B. We think it's the best alternative for Rocky Flats in
 17 the use of the conservation effort, and more so in allowing
 18 the disabled and children or youth to get out and be in the
 19 outdoors and experience the outdoor experience.

20 We have an organization here in Colorado
 21 that's 300 members strong, Colorado Wheelin' Sportsmen.
 22 There's also another organization called Outdoor Buddies
 23 that we work with which is a very large organization.

24 The National Wild Turkey Federation in
 25 Colorado is over 6,000 strong, the National Organization is

1 over half a million. We do partner with the U.S. Fish &
 2 Wildlife Service, we do many activities with the disabled
 3 and being in the outdoors, whether it's hunting, fishing,
 4 wildlife watching, photography and that type of activity, is
 5 a very, very important part to the disabled and to the youth
 6 in this state.

7 We're very pro Plan B. We think that it's
 8 the best alternative and we would like to see this plan
 9 implemented. And you have the support of the Colorado
 10 Wheelin' Sportsmen to help you do that in the conservation
 11 effort and working with the children and the youth. And
 12 also I'd like to see them open up more for youth activities
 13 out on Rocky Flats. We do it already now with the Rocky
 14 Mountain Arsenal, partners with bringing the handicapped
 15 out, and even though it's once a year, it makes a very, very
 16 important part of the disabled person or youth's life to get
 17 out and experience the outdoors in any means. It's just so
 18 important to have that opportunity and to make use of the
 19 Rocky Flats and the area that's going to be utilized out
 20 there.

21 MR. HUGHES: I failed to allow the two people
 22 that are sitting next to Laurie to introduce themselves, so
 23 let's do that.

24 MR. RUNDLE: My name is Dean Rundle. I'm the
 25 refuge manager for the Rocky Flats project.

1 MR. TRENHOLME: I'm Richard Trenholme with
 2 ERO Resources. I'm part of the planning team.

3 MS. ERIKSON: Bini Abbott and then Victor
 4 Holm.

5 BY MS. BINI ABBOTT:

6 My name is Bini Abbott and I live on the West
 7 Shore of Standley Lake. What I am not is an animal rights
 8 person, I am not in a peace organization, I am not
 9 anti-hunting, but what I am is opposed to recreational sport
 10 hunting for four days out of the year of animals that are
 11 protected 361 days out of the year and fairly used to humans
 12 in order to have the good opportunities for photography and
 13 wildlife observation.

14 The definition of a refuge is a place that's
 15 safety, shelter, a safe retreat. This chart shows, down by
 16 the U.S. Fish & Wildlife Service, yes, they can have
 17 hunting, they can have fishing, but they also say that they
 18 want these types of wildlife dependent projects to be
 19 compatible, and I don't believe they are.

20 Under environmental interpretation, they have
 21 under wildlife that the wildlife will take refuge at Rocky
 22 Flats. And under wildlife and people, they have the
 23 wildlife comes first. They intend to -- they think that
 24 this case of hunting, they will allow ten youth on one
 25 weekend and ten adults on another weekend to hunt. They

1 figure that will cost \$5,000, that's \$250 per person, and
 2 nobody else would be allowed on the refuge at that time.

3 If there is a need to cull because of
 4 population, too much population, then I think it should be
 5 the sharpshooters from the Division of Wildlife, not people
 6 out there trying.

7 I think you'll find the perception in this
 8 case, perception of the U.S. Fish & Wildlife is more
 9 important than actual reality and the perception is, what, a
 10 refuge? And then you're going to shoot the animals that
 11 become fairly used to humans.

12 Also, I'm hoping that in the future that we
 13 will watch the wildlife through binoculars, through a camera
 14 and not through the sites of a gun. Thank you.

15 MS. ERIKSON: Victor Holm, Clark Johnson.

16 There is a sign-up sheet outside so if you get the urge to
 17 speak, you can sign up out back.

18 BY MR. VICTOR HOLM:

19 My name is Victor Holm and I'm a citizen of
 20 Lakewood. I strongly support Alternative B. I think it's
 21 the right combination of public access and ecological
 22 restoration.

23 There are several suggestions that I would
 24 like to make on it. One is, I think the visitor center and
 25 a combination visitor center, museum, would be a real

1 improvement to Alternative B. And perhaps this visitor
 2 center could be staffed primarily by volunteers, so it
 3 wouldn't necessarily increase the cost. The building
 4 already exists there and I think it would be a great
 5 opportunity for getting the history and interpretation of
 6 the environment at the same time.

7 The other thing that I would very much
 8 encourage is, while the public access should be limited to
 9 the refuge and not the DOE part, I would hope that the
 10 Wildlife Service would spend part of their effort in
 11 restoration and management of the entire 6,000 acres instead
 12 of just the refuge. Thank you very much.

13 MS. ERIKSON: Clark Johnson, Anne Fenerty.
 14 BY MR. CLARK JOHNSON:

15 Thank you. My name is Clark Johnson and I'm
 16 from the City Manager's Office here in Arvada and I'm here
 17 representing the City of Arvada.

18 First I'd like to thank the Fish & Wildlife
 19 Service for all the work you've put in over the last year
 20 with both the public meetings and working with the Rocky
 21 Flats Coalition of Local Governments and staff members and
 22 citizens throughout Arvada. We think what you've come up
 23 with is a good product. And the main point I wanted to get
 24 to tonight is that we support the proposed Alternative B,
 25 with some minor modifications that you'll receive from us in

1 our written comments that will be forthcoming before the
 2 deadline.

3 Another thing that I want to make sure gets
 4 on the record, we really appreciate the work you've done
 5 over the past several months with the open space and park
 6 staffs for all of the surrounding communities, trail
 7 connectivity, something that's been very important to us,
 8 and create a system that both enhances our own existing open
 9 spaces as well as the refuge. And I think that you've done
 10 that with your Alternative B.

11 With regard to environmental concerns and
 12 issues on the site, the City of Arvada does have
 13 environmental issues and concerns about the site and we
 14 always will; however, the public uses that are proposed, we
 15 feel, are appropriate and safe for the human activity that's
 16 planned. And I want to make sure that it's noted that we
 17 are not aware of any credible data that would not support
 18 the uses that you are proposing within the site.

19 That being said, we need you, and as a
 20 community, we need to maintain vigilance over the industrial
 21 area, make sure that the monitoring of the wells and the
 22 groundwater systems are maintained through stewardship with
 23 the Department of Energy and the Fish & Wildlife Service.

24 And as long as that is done, we feel that the uses that
 25 you're proposing are both very suitable and will be an

1 amenity to the entire region.

2 Finally, just want to say that we're very
 3 fortunate to have an existing working relationship with you,
 4 albeit small, but important to us, wildlife refuge at Two
 5 Ponds and we hope that the working relationship that we've
 6 had with you at Two Ponds, especially recently, and our
 7 vision of connecting our nature center to Two Ponds will
 8 continue to grow and eventually we'd like to see the Two
 9 Ponds National Wildlife Refuge connected to our trail system
 10 to the Rocky Flats National Wildlife Refuge and we hope we
 11 can partner with you to get that done. Thanks.

12 MS. ERIKSON: Anne Fenerty and Hildegard Hix.
 13 BY MS. ANNE FENERTY:
 14 I'm Anne Fenerty. My point is that the CCP
 15 and the EIS needs to be two separate documents. The present
 16 document puts the cart before the horse. The public was
 17 asked to make a choice of what kind of recreation they want
 18 at Rocky Flats, the alternatives, before they are given
 19 sufficient information about the condition of the site.

20 The CCP needs to be -- needs to follow the
 21 EIS. This is the NEPA process. The intent of NEPA, the
 22 National Environmental Policy Act, process is to make the
 23 EIS the most inclusive public disclosure document about this
 24 proposed federal action.

25 The EIS has to evaluate the effects of this

1 action on the human environment. The EIS has to evaluate
 2 the effects of this particular action on the human
 3 environment. This Draft EIS fails to do that.

4 It also requires the memorandum of
 5 understanding between DOE and the Fish & Wildlife Service.
 6 The community does not even know the extent of contamination
 7 in the area which will remain under DOE control or what kind
 8 of monitoring or public protection, if any, will exist.

9 The EIS fails to disclose the fact that it is
 10 dealing with an extremely contaminated Superfund site, a
 11 previous nuclear weapons plant which was closed down by the
 12 FBI for environmental crimes.

13 Looking at the EIS and EISs for similar
 14 sites, such as Hanford, shows a total inaccuracy of this
 15 document. I have now spoken with three environmental
 16 lawyers who agree with this assessment. Thank you.

17 MS. ERIKSON: Hildegard Hix and Gary Ball.

18 BY MS. HILDEGARD HIX:
 19 I'm going to have to read fast, so you need
 20 to use your fast ears. When reading the CCP, EIS document,
 21 it was hard to remember that we are not speaking about a
 22 pristine piece of land. There was -- where was the
 23 industrial history? Where was it mentioned that this highly
 24 contaminated site may hold unseen and yet unbound hazards.

25 At the last two meetings we were told by Fish

1 & Wildlife that we could not discuss possible hazards as
 2 cleanup levels were set by others and that they, Fish &
 3 Wildlife, could only discuss their mission. When you are
 4 dealing with a former nuclear weapons manufacturing
 5 facility, that is not acceptable. People are being asked to
 6 make decisions without all of the information.

7 Actually having done some research, I find
 8 that this entire process should have been following the NEPA
 9 regulations, in which case the open discussion would have
 10 occurred and the public comments would have been published
 11 in the EIS. To me it is obvious that the problems come not
 12 from Fish & Wildlife here, not the people who did this good
 13 job, it comes from the rule making in Washington D.C.

14 When a National Wildlife Refuge is to be
 15 developed on a former nuclear site, or any Superfund site,
 16 we need to have a different set of rules. To have
 17 recreation a priority on the Superfund sites without first
 18 having full and open public discussion is absurd. This does
 19 not mean that the Superfund site should never be a refuge,
 20 the refuge work in the area of restoration is invaluable.

21 The species list in the appendix of the CCP
 22 is very important and it was very well done. I suggest we
 23 have a number of public hearings, talk about them ourselves,
 24 how they were established and what they mean. Then I would
 25 like to see the site restored, the wildlife managed,

1 scientists on site and the public kept out for about 20 or
 2 30 years until such time as we can evaluate what has
 3 happened, how the weather affects the soil and the manmade
 4 structures. And thank you very much.

5 MS. ERIKSON: Gary Ball and then Betty Ball.

6 BY MR. GARY BALL:

7 I'm not very good with science stuff, I'm
 8 good with art stuff, so I think the main thing I have to say
 9 is, I think that you're going by the amount of radiation
 10 that you think is out there, 5 picocuries per gram, or
 11 whatever it is, and you're not paying attention to the
 12 nature of the radiation itself, whether it's plutonium where
 13 one particle inhaled or ingested could possibly be lethal.
 14 And I'm thinking about you all being out there every day and
 15 what could be out there, I just had to write a little song
 16 about it. I don't have time to sing the whole thing, but I
 17 thought maybe I could get in a little bit of it and then
 18 I'll give you copies and you can make copies for yourselves
 19 and then you can sing it yourselves.

20 It sounds like this: I'm a Rocky Flats
 21 ranger, pleased as I can be, and I'm glad to range you, in
 22 my SUV. Roll the windows down, take a breath of air, 'palm
 23 plants, God, I don't have a care, so it's just forget the
 24 dam thing was there, Yippy, i-o, ky-yay.

25 I'm a Rocky Flats ranger, and I'm telling

1 you, that there ain't no danger, in the job I do. Some say
 2 that I'm exposed to plutonium, but the people who say it are
 3 really dumb, because the DOE told me that the cleanup's
 4 done, Yippy, i-o, ky-yay.

5 I'm a Rocky Flats ranger, happy as a clam,
 6 and there ain't no danger, working where I am. There's
 7 plutonium dust as far as I can see, but I ain't going to let
 8 that stuff bother me, besides it's way outside the scope of
 9 my CCP, Yippy, i-o, ky-yay.

10 MS. ERIKSON: Betty Ball and Ken Seaman.

11 BY MS. BETTY BALL:

12 Good evening, I'm Betty Ball. Thank you very
 13 much for this opportunity to provide comments. I've lived
 14 in unincorporated Boulder County for most of the time that
 15 Rocky Flats has been here. I'm all too painfully aware of
 16 many of the things that have occurred out at Rocky Flats,
 17 more aware than I'd like to be. Actually, I wish everybody
 18 in this room and everybody who is involved in this process
 19 was as aware as I am of the things that occurred there, the
 20 cover-ups that have happened, the lies that have been told,
 21 the deceit that's happened, and maybe we'd be in a different
 22 position today.

23 I wish it weren't true that this site is
 24 contaminated. I wish it weren't true that they're not going
 25 below -- three feet below ground level, surface level. I

1 wish it weren't true that contamination migrates through the
 2 soil and the groundwater. But all those things are true.
 3 And I am fearful if we go ahead with this proposal, with any
 4 of these alternatives, before we get a much better cleanup
 5 happening out there than we have now.

6 I am very fearful of what could result.

7 Actually, I hope that you don't get past number 3 on this
 8 chart here. I hope that somehow, with our best efforts, we
 9 can convince the Federal Government, the DOE to reassess
 10 their thinking and to reassess this cleanup plan before it
 11 ever gets to your hands and then you're responsible. So
 12 thank you very much for this opportunity.

13 MS. ERIKSON: Ken Seaman and Dan Shier.

14 MR. HUGHES: If the remaining speakers would
 15 do as they do and say your name, that would help us. Thank
 16 you.

17 BY MR. KEN SEAMAN:

18 My name is Ken Seaman and I'm representing
 19 myself and the Colorado Coalition for the Prevention of
 20 Nuclear War and I'm not here to support Plan A or Plan B or
 21 Plan C or Plan D. I'm here to oppose them all.

22 In 1983 I viewed a motion picture entitled
 23 Dark Circle. The film described and depicted conditions at
 24 and around the Rocky Flats nuclear weapons plant. And among
 25 other horrors, the film showed farm and domestic animals

1 with various birth defects, animals born on properties close
 2 to this nuclear facility. It was a most disturbing film, a
 3 film that deserved wider circulation than it received.

4 Perhaps it should be revised -- or revived in light of the
 5 current controversy of using Rocky Flats as a human and
 6 animal playground.

7 Clearly there are facts and opinions on both
 8 sides of this issue of whether or not Rocky Flats can be
 9 sanitized to a level for human and animal creatures to
 10 frolic and to enjoy, but that is the great unknown in this
 11 life and death equation.

12 Experts on both sides press their claims and
 13 have made -- but none seem to have the whole truth. So as
 14 long as one seemingly insignificant shred of evidence
 15 exists, evidence that living creatures might, and I repeat,
 16 might be endangered by treading on this questionable land,
 17 let us act on the side of caution. Let us not risk the
 18 consequences of being wrong. Let us keep the injured place
 19 closed forever. Thank you.

20 MS. ERIKSON: Dan Shier and Mag Seaman.

21 BY MR. DAN SHIER:

22 My name is Dan Shier. I live about 15 miles
 23 south of Rocky Flats. And I have been a patrol, a volunteer
 24 patrol for Jefferson County open space for the last two
 25 years. I've done 300 hours on trails and I could say these

1 trails are getting used more each year. We need more
2 trails.

3 To make that comment, I generally support
4 Plan B. I think that the whole business of who is on the
5 trails, I think I can speak to that because as part of my
6 volunteer duties, I talk to people about the trails and how
7 they use them. And the fact is, the bicycle riders are the
8 people that intimidate. If you say, well, we're going to
9 have a trail up here, we're going to close it to horses, but
10 we're going to open to the bikes, I think you'll find the
11 average trail user thinks that isn't a very great idea.

12 A lot of trail users really do like the idea
13 of having some trails that are pedestrian only, and I think
14 that's the plan, that's a good idea, but I can't understand
15 why a trail would be open to a bike and not horses.

16 I would -- I haven't done any of the
17 economics, but I know that if you have that much trail, it
18 takes quite a bit of money to maintain it properly. And
19 maybe that's a trade-off with the visitor center, I don't
20 know. I don't know how many people would use the visitor
21 center.

22 The last point I would make is that I think
23 that the plan you've come up with with regard to the hunting
24 is an excellent one and I would certainly support that.
25 That is all I have to say.

MS. ERIKSON: Mag Seaman and Charlie McKay.

BY MS. MAG SEAMAN:

3 Good evening. My name is Mag Seaman and I'm
4 a concerned citizen who lives in Denver, Colorado. I am
5 opposed to the Rocky Flats so-called Wildlife Refuge. I
6 have been opposed to Rocky Flats since the '70s. It was
7 toxic then and it is worse now. It is not a person-friendly
8 place. It's the work of people who care not about
9 generations to come.

10 Those who are acquainted to Rocky Flats
11 workers know the dangers of the land. Many have suffered
12 from a variety of cancers. The land, the water, even the
13 air have been and are still polluted, polluted beyond the
14 level that any animal or human can sustain. We know some of
15 the studies that have been done here, this is not a place
16 for a wildlife refuge.

17 My appeal, then, is to close the area to
18 animals and to humans, especially to children. I know very
19 many wonderful innocent deer and uninformed people who will
20 surely be harmed by this lethal land. Thank you.

MS. ERIKSON: Charlie McKay and Andrew Ross.

BY MR. CHARLIE MCKAY:

22 My name is Charlie McKay with Church Ranch.
23 We all -- most or at least the total southern half of the
24 Rocky Flats plant back in the '50s was taken from us under

1 threat of condemnation, and I think one thing that we missed
 2 tonight here is that a lot of this land was expanded in the
 3 mid-'70s. Prior to the mid-'70s, it was in private
 4 ownership. And I jokingly say, tongue in cheek, to the
 5 Rocky Flats people, that the stuff on the southern end which
 6 butts up against our present ownership, you guys haven't
 7 owned it long enough to screw it up.

8 The core area, I mean, they've done a great
 9 job by taking the big green area, the core area, and
 10 treating that a lot differently, so that may address some of
 11 the questions and points that were raised tonight.

12 One small point is on mining. That mining
 13 definition that you have there is slightly incorrect and I
 14 think I've sent you a memo on that. I'd also like to say
 15 that I've worked with this department and they've been very
 16 outreaching and very open and very willing to listen to my
 17 concerns and they've also been good about not giving in on
 18 everything but just listening and saying, okay, we'll take
 19 that into consideration, and I appreciate that.

20 I would like to see the water rights through
 21 the plant, not only private water rights, but City of
 22 Westminster water rights, protected. We've talked about
 23 noxious weeds and all the stewardship things and farmers and
 24 ranchers, and we are still farmers and ranchers and we ranch
 25 right next to the plant. We'd like to see you have the same

1 responsibilities we do to take care of noxious weeds, and
 2 the prairie dogs. And presently we have the coyotes that
 3 live on Rocky Flats that think that our cattle herd's calfer
 4 is their restaurant, and hopefully somehow or another we can
 5 address that instead of continuing to let it flourish.

6 Plan B I think is pretty good. It's a nice
 7 compromise that allows people to use it and it addresses a
 8 lot of the things that were talked about. No plan can be
 9 perfect, but that's a pretty good one. Thanks for letting
 10 me speak.

11 MS. ERIKSON: Andrew Ross and Judith Mohling.
 12 BY MR. ANDREW ROSS:

13 My name is Andrew Ross, I'm a citizen of
 14 Arvada. And firstly I'd just like to say, I think that the
 15 fate of the A and B series ponds should have been considered
 16 within the scope of the EIS, because whether or not the
 17 ponds are left in place or taken out, it will have an
 18 environmental impact upon the refuge. And I understand why
 19 it was left out of the scope of the EIS, but I'd like you to
 20 take into consideration putting that in the final Draft.

21 With that said, I'd just like to say, I'm
 22 supporting Alternative B. I think it's a very good
 23 alternative. I support the adding of equestrian uses, it's
 24 compatible with the surrounding uses, especially the south
 25 portion where there are a lot of horse properties; however,

1 as it was mentioned earlier, my own personal experiences in
 2 the area, hikers, bikers and horses don't always mix very
 3 well and maybe there can be some way that you could limit
 4 that interaction, because sometimes it can be very emotional
 5 interaction between horses and bikers and hikers.
 6 Lastly, I'd just like to agree with Victor
 7 Holm, Plan B could be enhanced by adding a visitor center at
 8 the building at the West Gate. Thank you.

9 MS. ERIKSON: Judith Mohling and Doug Magee.

10 BY MS. JUDITH MOHLING:

11 Happy St. Patrick's Day. I'm Judith Mohling
 12 and I'm grateful to speak a second time. In the whole
 13 scheme of science, politics, Fish & Wildlife Service,
 14 Environmental Protection Agency, the Colorado Department of
 15 Public Health and the Environment, Department of Energy,
 16 general public, and Rocky Flats, these hearings are a little
 17 window of truth, I feel.

18 It may be that the people speaking who are
 19 opposed to allowing public access onto that lovely but
 20 eternally contaminated land, actually have a less bias, less
 21 political view of Rocky Flats than those who have informed
 22 decisions all along. And we who are opposed may have
 23 knowledge about the contamination of Rocky Flats and the
 24 dangers that will lurk there forever that you actually don't
 25 know.

1 The little windows of the hearings is the way
 2 our government lets us at least pretend that the decisions
 3 are truly made democratically. I feel that the compelling
 4 fantasy that the Fish & Wildlife seems to be living in, as
 5 exemplified by the gorgeous and thoughtful Draft document,
 6 has to pause for these hearings and the collective remarks
 7 that come to you in our allotted time and everything that's
 8 said at the hearings, you have to pause and really, really
 9 listen.

10 And I heard, Mr. Rundle, that you said at the
 11 second hearing last week that, quote, as of now the decision
 12 has been made to go with Alternative B. And I hope that all
 13 that means is that you had to have something in the
 14 beginning and then you would listen to all of these remarks
 15 and give it your sincere attention without having a closed
 16 mind.

17 What are your intentions considering the
 18 outpouring of statements that are opposed to public access
 19 at Rocky Flats? There's no reason -- there's no reason or
 20 necessity that the public ever has to be allowed onto Rocky
 21 Flats. It lies within the mission of the Fish & Wildlife
 22 Service to manage the land carefully and close it to the
 23 public. Since there's so much controversy about it, why
 24 don't we just keep it closed.

25 Plan C comes closest to what I'm talking

1 about, and I wish that you would work as hard as you can for
 2 dedicated funds for long-term stewardship, and I wish that
 3 you would manage and restore it without people as
 4 thoughtfully as you produced this wonderful plan. Thank
 5 you.

6 MS. ERIKSON: Doug Magee, Thomas Rauch.

7 BY MR. DOUG MAGEE:

8 My name is Doug Magee, I'm a resident of
 9 Arvada and I'm also the coach here of the Arvada Park
 10 Advisory Committee, but my comments tonight are my own and
 11 not of the committee. Thank you for the opportunity to make
 12 my comments.

13 I think the document was very well done, easy
 14 to read. I support Alternative B. I think it's the best
 15 balance between restoration, public use and also
 16 environmental education and outreach. I do like the fact
 17 that you're using mostly existing roads and not creating new
 18 trails throughout the site. I'm encouraged by the proposed
 19 trail connectivity between the proposed refuge and the
 20 various municipalities that surround Rocky Flats. Arvada
 21 trails would connect into it Westminster, Boulder as well.
 22 The hunting program, there's been a number of
 23 comments, and I have to disagree with Bini, I do believe
 24 that the hunting program would work, but I really do oppose
 25 it going to able-bodied individuals. I would really

1 encourage that it stay with youth and dis -- people with
 2 disabilities. And if you have to add another weekend to do
 3 that, I would encourage that and not go to able-bodied
 4 hunters.

5 I do propose or suggest that you eliminate
 6 the off-trail usage that would be permitted seasonally on
 7 the south end. I think you're going to get that anyway, but
 8 I wouldn't encourage that. I would propose you keep it all
 9 on the trails.

10 And my final comment is about limiting your
 11 prescribed burns. I would hope that you could find other
 12 weed management, weed control methods that you would use
 13 first before you used prescribed burns. Thank you.

14 MS. ERIKSON: Thomas Rauch and Jim Morris.

15 BY MR. TOM RAUCH:

16 Good evening, I'm Thomas Rauch, I've lived in
 17 Denver since 1966. As a long time peace activist and
 18 opponent of the production, possession and use of nuclear
 19 weapons, I celebrated when Rocky Flats' mission as producers
 20 of nuclear weapons components officially ended in 1992. I'm
 21 grateful to all the men and women who have done and continue
 22 to do the dangerous and demanding work of cleaning up the
 23 radioactive and other hazardous materials in the
 24 contaminated buildings and land at Rocky Flats since 1992.

25 I look forward to celebrating the completion

1 of the current cleanup work in 2006. Even some of its
2 citizens have pressed for a more complete cleanup.

3 What do I want for the future of the Rocky
4 Flats property, first I want no public access to the
5 property because of the remaining contamination of the site
6 with radioactive and other hazardous and toxic materials.
7 The Department of Energy admits that such
8 materials will remain in the soil and water even when the
9 current cleanup work is completed, and no one knows the full
10 extent of this contamination because it has not been
11 thoroughly studied.

12 Second, I want the U.S. Government to provide
13 resources for continuing to identify and remove the
14 remaining contaminants from the property. Third, I want the
15 property to be preserved as a wildlife refuge for the
16 present with ongoing research on the effects of the
17 contamination on the wildlife to determine if the Rocky
18 Flats site can be a safe wildlife refuge for the long term.

19 I know the question always comes up, well,
20 your ideas may sound great, but where do we get the money
21 for it given the budget situation and the looming deficits.
22 The answer lies precisely in the political and military
23 arena that created Rocky Flats in the early years of the
24 Cold War. The U.S. was turned away from its policy of world
25 military and economic domination, including the domination

of outer space.

The U.S. must take the leadership in
assuring that all the nations, including our own, destroy
the weapons of mass destruction and assuring that no more
weapons are produced. This can be accomplished by a truly
international and verifiable process, a process that will
require extensive and intrusive international inspections of
all nations, including our own, possessing or seeking to
possess weapons of mass destruction. If we did this, we
could cut our military budget at least 75 percent and
perhaps more.

Visionary, idealistic, of course it is, but
that's what most so-called reasonable people said when other
human beings began urging the ambush of slavery or when a
small band of women demanded the same rights as men in this
country, rights guaranteed to all by the Constitution, but
never afforded to women after that time.

If human beings have the ability to create
weapons of mass destruction, and we do, surely we have the
ability to get rid of them, if we ever will. Thank you.

MS. ERIKSON: Jim Morris and David Maxwell.

BY MR. JIM MORRIS:

I'm Jim Morris and I'm worried about the
cleanup. I don't trust DOE's promise to clean it up when
they gave it to you. And my experience over the years has

1 led me to doubt whether DOE is trust -- worth trusting.
2 Some of the recent articles have talked about
3 the chairperson of the grand jury, two of the workers at the
4 plant, and the FBI agent that led the raid all claiming that
5 the DOE lied and said there was no midnight burning, they
6 lied when they said they were not polluting the water
7 supplies by dumping stuff that was radioactive substances
8 and solvents into the water supplies.
9 My own history of watching the plant and
10 going to hearings has been, sometimes it seems as people
11 were speaking to me also. I'd be told there was monitoring
12 and that the samples were always being analyzed and then a
13 month or two later I was told there was no money to analyze
14 the samples, the deer samples weren't being monitored.
15 I had friends who told me rumors that
16 plutonium is moving into the groundwater toward Marshall
17 Landfill. Iggy Litaor, the Israeli scientist that said
18 plutonium was moving in the soil, they fired him right after
19 he found it moving. They kept giving him grants and then
20 there was a huge rainfall one summer and it moved a lot,
21 they fired him.
22 So I just have this theory that DOE doesn't
23 speak truthfully or doesn't know what it's saying when it
24 speaks. So I don't think you can rely on the plant to be
25 clean. So I really want the plant cleaned below three feet.

1 I think it should be surveyed so you can find what's there
2 and we should have -- maybe you can think of something, a
3 bond or something to try to guarantee that DOE is going to
4 pay for the cleanup.
5 Like if it's 10 years from now or 30 years
6 from now, nobody is analyzing either in the known dump sites
7 or the other places maybe appearing as streams moving or we
8 have heavy rainfall or lots of prairie dogs dig down,
9 whatever it is that's occurring. Where is the money going
10 to come from? Is it going to come -- I'd like the money --
11 I'd rather have the money go to you than DOE. I'm sorry,
12 I'm not saying this right. I don't want your budget, the
13 general budget of Fish & Wildlife to be cut. And maybe
14 because something has to be cleaned up here because DOE
15 dumped it on you.
16 So people here have fought successfully to
17 stop the highway being built through the contaminated area,
18 fought to have better cleanup levels, and I hope that you'll
19 join us and I hope that all of us will speak up to try to
20 get a better cleanup.
21 MS. ERIKSON: David Maxwell.
22 BY MR. DAVID MAXWELL:
23 Good evening. I'm David Maxwell, I am a
24 resident of Arvada for 20 years. My background is air
25 quality meteorology. And in the '80s my neighbors used to

1 ask me, what's going on at Rocky Flats, thinking that I know
 2 all the answers, even though I wasn't employed by them, and
 3 I said, I don't know. I really don't know what's going on.
 4 There's a lot of secretive stuff going on. And then after
 5 the FBI raid in 1989 and the removal of the contractor at
 6 the time, I ended up being hired by EG&G in 1990 to help
 7 with the cleanup of Rocky Flats in the air quality field,
 8 make air quality assessments of what was going on inside the
 9 facility, inside the ductwork and hazardous and contaminated
 10 buildings with plutonium, americium and uranium as well as
 11 the monitoring networks outside, the facility on the plant
 12 boundary and the ring around the industrial areas as well as
 13 in the communities.

14 And after six and a half years at Rocky
 15 Flats, I was pleasantly surprised that at least the air
 16 quality inside the buildings was maintained there. There
 17 was nothing or very little going outside of the buildings or
 18 the stacks pertaining to hazardous chemicals or radioactive
 19 materials. The reclamation going on at the facility and our
 20 air monitoring showed that there was well below any serious
 21 levels, that doesn't mean there aren't any problems.

22 In short, I would support Alternative B to
 23 make it a wildlife habitat and public use. There's nine
 24 square miles in the buffer zone and I think there's a lot of
 25 good activity. I support the monitoring that will continue

1 and adequate funding to make sure that some of the points
 2 other people have brought up about contamination outside
 3 Rocky Flats downstream, places like where I live and others,
 4 are at least we had the opportunity to see data and examine
 5 results and had periodic hearings to see how things are
 6 going.

7 So anyway, I do offer some expertise and I am
 8 satisfied at least that the cleanup is going properly. And
 9 my time there in the early and to the mid-1990s, it was a
 10 good time and I felt very good about the air quality at the
 11 site. That's what I can address, the air quality, both on
 12 the site and in the communities, was at a safe level. Thank
 13 you for letting me speak my mind here.

14 MS. ERIKSON: The last two are Shaun McGrath
 15 and Lisa Morzel.

16 BY MR. SHAUN MCGRATH:

17 My name is Shaun McGrath. I'm a Boulder City
 18 Council member and the City of Boulder's representative on
 19 the RFCLOG. I want to make some initial comments on the
 20 Draft Comprehensive Conservation Plan, but I want to first
 21 emphasize that these comments are not intended to serve as
 22 the complete and final position of the City, rather I'm
 23 going to highlight some areas of critical importance to the
 24 City in any refuge plan. The City intends to provide formal
 25 written comment prior to the April deadline.

1 First, a general policy, the City has long
 2 advocated for closure and cleanup of the weapons production
 3 facility at Rocky Flats. We continue to work with the other
 4 local governments in that area through the RFCLOG to argue
 5 for federal funding and attention to these issues. Proper
 6 cleanup of the site remains our first priority.

7 Beyond the cleanup and closure, the City
 8 supported the Udall-Allard legislation in 2001 which
 9 resulted in having the site designated a wildlife refuge.
 10 This was important to the City of Boulder not only to
 11 protect the site from future development, but also preserve
 12 federal ownership of the site. Protection from development
 13 was an important part of our vision for the landscape given
 14 the efforts made by Boulder and Boulder County in setting
 15 aside open space adjacent to the site. Federal ownership is
 16 critical in our view to address the uncertainty of the
 17 public health issues and so that if any problems are
 18 detected 20 years from now, the liability will be with the
 19 federal government, not local communities, to address those
 20 problems.

21 Second, to the specific refuge proposals, as
 22 previously stated by the City we support the wildlife vision
 23 as desirable and compatible with our community goals. As a
 24 neighboring landowner, the City supports the Draft goals
 25 conserving and enhancing native ecosystems, plant

1 communities and wildlife species. The proximity of the
 2 refuge lands to other open space lands provides an
 3 extraordinary conservation opportunity. The refuge lands
 4 will make important contributions and regional efforts to
 5 protect the values of native grasslands, shrublands and
 6 foothill riparian areas.

7 The City maintains that the focus of
 8 management planning should be, one, the unique conservation
 9 opportunity of preserving a large and rare habitat unmatched
 10 anywhere along the Front Range of Colorado, and two, the
 11 preservation and restoration of native plant and animal
 12 communities.

13 Management actions, therefore, should focus
 14 on the following: Plan conservation areas and visitor
 15 facilities, work to restore lands that have been degraded,
 16 conduct management in the context of elevated soil
 17 contamination levels, and keep any further fragmentation of
 18 the landscape to a minimum.

19 The City supports Alternative C, which we
 20 believe strikes the best balance for a refuge setting. This
 21 alternative calls for limited public use and minimal
 22 facility development focusing instead on restoration and
 23 management activities to try to replicate pre-settlement
 24 conditions.

25 Jumping ahead, other comments, we would like

1 to know the status of the DOE, Fish & Wildlife Service --
 2 actually, I'm at stop so I will provide you with my comments
 3 as a part of the record, if I may. Thank you.

4 MS. ERIKSON: Lisa Morzel.

5 BY MS. LISA MORZEL:
 6 I'm Lisa Morzel and I'm a resident of the
 7 City of Boulder. For the past seven years I've been an
 8 elected representative of Boulder and been a founding member
 9 of the Rocky Flats Coalition of Local Governments. Tonight
 10 my comments are my personal comments and don't reflect the
 11 City of Boulder or the Coalition.

12 I've always supported having Rocky Flats
 13 cleaned up properly to the highest standards reasonable in
 14 establishing Rocky Flats as a wildlife refuge. Knowing the
 15 complexities of this site and its past use, a wildlife
 16 refuge maintained under federal control is the best future
 17 use for this former nuclear weapons site.

18 In considering any scenario or alternative,
 19 it is important to proceed slowly and with caution. One of
 20 the objectives of any plan must include ecological
 21 restoration of the site to open the site to the public
 22 without first -- this first being accomplished would be
 23 short-sighted and would not serve the broad, long-term
 24 community interest. It's very important for the public to
 25 fully appreciate that the open space that will be left on

1 Rocky Flats is not just any open space, but one that
 2 developed nuclear weapons for close to 50 years and there is
 3 a legacy left from that.

4 In the end state agreement signed by five
 5 members of the seven-member Coalition, the decision was made
 6 to focus the cleanup more on surface remediation than on the
 7 subsurface. Specific areas in the subsurface of the DOE
 8 retained lands are contaminated and will be left as such.
 9 Caps and other monitoring systems will be put in place.
 10 Prior to allowing access to the site, DOE and Fish &
 11 Wildlife must clearly state how access to the DOE retained
 12 lands will be restricted. The purpose is to ensure that no
 13 one plays in the pond, walks on the caps, damages the
 14 groundwater and surface water monitoring stations.

15 These important controls will be retained by
 16 DOE and we want to ensure that visitors to the refuge stay
 17 clear of these systems. It is important to proceed with
 18 caution and to have ample time to ensure these caps and
 19 other monitors are working as envisioned. It is also
 20 critical that time be given to ensure that the assumptions
 21 made by the regulators of the site are proven correct.

22 I urge citizens living near Rocky Flats to
 23 support this former nuclear weapons plant to be converted
 24 into a wildlife refuge. I personally support Alternatives A
 25 and C, but more important than any specific alternative is

1 that we proceed slowly and with caution on opening the site
 2 to the public, that the site be ecologically restored and
 3 that time be given on the order of 15 years to ensure caps
 4 and other monitors for contamination are working. No reason
 5 exists to rush this. It took 50 years to contaminate this
 6 site, it will take at least 15 from now to ensure public
 7 exposure on this site will be safe. Thank you.

8 MR. HUGHES: Anyone else want that
 9 three-minute opportunity? If not, then we'll turn to
 10 questions. I'll ask Dean to come to the microphone and if
 11 there are factual questions, pieces of information that you
 12 have in the Draft Environmental Impact Statement, we can
 13 take those questions now.

1 Q. My question relates to all the alternatives
 2 and that it is not answered in any of these documents,
 3 physically what is going to isolate the industrial area from
 4 the rest of the facility? Are you going to put up a fence?
 5 Are you going to put up a wall? Are you going to put up a
 6 sign? Physically what's going to be out there so if you
 7 adopt Alternative B, how do people know they're not supposed
 8 to go into the industrial area?

9 MR. RUNDLE: That's a real good question.
 10 Before I field that question, I do want to make a general
 11 statement. I know that many members of the public have
 12 indicated a frustration about the scope of this plan, that
 13 it does not answer questions about the cleanup. And there
 14 is very good reason for that. And the reason for that is
 15 that U.S. Fish & Wildlife Service is not a decision maker
 16 when it comes to some of the issues.

17 Among those issues are the ones that you just
 18 raised about how the exact delineation of the retained lands
 19 will be. I think that's something you should be happy
 20 about, in that cleanup of nuclear weapons former production
 21 facilities, is not the core business of the U.S. Fish &
 22 Wildlife Service, that is the responsibility of the
 23 Department of Energy with oversight from the other parties
 24 to the Rocky Flats cleanup agreement which are the State of
 25 Colorado, Department of Public Health and Environment and

1 the U.S. Environmental Protection Agency. And those
2 agencies have a great deal more expertise than we have in
3 terms of cleanup.
4 We are not disinterested in the cleanup, and
5 let me emphasize that. We are going to be working out
6 there, we want to have a safe landscape for our workers and
7 any visitors that are invited out there. At this time,
8 although there are -- have been several statements about
9 widespread and dangerous residual contamination throughout
10 the entire site, boundary to boundary, we do not know of any
11 credible scientific evidence that there are dangerous levels
12 of plutonium or the types of contamination in the vast
13 majority of the buffer zone. Indeed at this point the
14 regulatory health agencies are not even requiring lands
15 proposed to be transferred to the refuge to need remediation
16 to make them safe for use by refuge workers or visitors who
17 will be much less exposed.
18 Now, we are in a different situation with
19 this planning process than typical. This is very unusual
20 for us to be preparing a Comprehensive Conservation Plan for
21 a National Wildlife Refuge before we have actually acquired
22 the property. Typically when we're going out to use our own
23 land acquisition funds to buy a piece of property, we go
24 through a NEPA process to decide whether or not a refuge
25 should be established.

1 In this case, that's not necessary because
2 Congress said there shall be a National Wildlife Refuge.
3 It's required in the statute. The time line provided in
4 that statute was for us to complete this process by December
5 of 2004. So we are on a statutory time line and we're going
6 to do our best to execute that law that your elected
7 representatives brought forward in the congress of the
8 United States.
9 And we understand all of the cleanup
10 decisions made by those cleanup decision makers will not be
11 made by the time that we have to finalize our plans. So
12 this plan, as Mike said at the beginning, is based on the
13 premise that in the context that lands that will be
14 transferred to the U.S. Fish & Wildlife Service that will
15 become part of the National Wildlife Refuge system, will
16 have been effectively cleaned up to levels that are safe for
17 refuge workers and any less-exposed people which would
18 include visitors.
19 We are gathering more data. We have deer
20 tissue samples that were taken last year that are going in
21 to be analyzed to see if there are contaminants, americium,
22 plutonium or uranium in those deer tissues. If we find out
23 that there are, clearly that will affect the final decision
24 on some of the uses that are proposed for this site.
25 Additional soil samples are being taken in

1 the buffer zone as we speak. Much better characterization
2 than we currently have. Currently we don't have any
3 evidence of dangerous levels in the buffer zone. We're
4 continuing to look, and if that scientific data indicates
5 that our plans are not safe or not appropriate, obviously
6 those plans will have to change.

7 So although I really appreciate all the great
8 attendance we're getting at these meetings and input we're
9 getting from folks, it's important for all of us to talk to
10 people who make decisions about cleanup, about cleanup
11 issues, as opposed to refuge management issues. And there
12 are good venues to do that. The Rocky Flats Citizen's
13 Advisory Board, which is a formal group of citizens to
14 advise the Department of Energy on the cleanup of this site.
15 I wish as many people attended those meetings on the first
16 Thursday of every month. So there's an opportunity there.
17 That Rocky Flats Coalition of Local Governments meets
18 monthly, if you live in Jefferson or Boulder County, those
19 municipalities have elected governments, or the Department
20 of Energy and the regulatory agencies.

21 We have very important decisions that are
22 upcoming that many of you mentioned tonight, and that is,
23 how are we going to ensure long-term stewardship of residual
24 contamination that will remain in the DOE retained lands.

25 I'm confident that if we have closure, the

1 pathways for that will be cut off and we won't be exposed to
2 things three feet underground. I think it's important that
3 we work with the RFCA parties to make sure they stay where
4 they are.

5 So back to your question, sir, the decision
6 on that is outside the scope of our plan because the
7 demarcation of that boundary between the ownerships will be
8 made by the RFCA parties, not by the Fish & Wildlife
9 Service. We will have input to that. Our input will
10 include, and we haven't formalized it yet, that that
11 boundary be very clearly and as permanently marked as
12 possible so that anybody, anyone on the site legally or
13 illegally would know whether they were on National Wildlife
14 Refuge or Department of Energy stewardship property.

15 I think we would prefer that if it's deemed
16 safe, that the boundary not be a barrier to the movement of
17 wildlife across the landscape or not create an unnecessary
18 disruption in the visual characteristics of the site. But
19 that remains to be seen and that will be decided by the RFCA
20 parties in their institutional control plan. And I would
21 encourage you all to participate with the CAB and the RFCLOG
22 and DOE decision makers about that.

23 Before we go to further questions, I would
24 like to ask Joe Lagare, with the United States Department of
25 Energy, just to come up for a minute. I'm not going to ask

1 Joe to field questions tonight, but I think he has some
2 things he'd like everybody to listen to tonight. Thank you.

3 MR. LEGARE: Good evening and Happy St.
4 Patrick's Day. My name is Joe Lagare, I worked out at Rocky
5 Flats since 1986. I actually showed up the day our cleanup
6 agreement was signed and I've had the principal
7 responsibility of implementing the agreement. Additionally,
8 I was one of the chief combatants for DOE and the revised
9 soil action levels working with the State Department and EPA
10 and the communities.

11 We had a lot of issues, specific community
12 meetings in those past eight years and the organizations
13 that Dean mentioned, if you go to those meetings, you'll get
14 right into a pretty detailed issue about a landfill or
15 groundwater monitoring or something like that.

16 One thing is certain, in my experience, over
17 eight years, which is relatively short compared to some of
18 your involvement with Rocky Flats, we've made better
19 decisions because of community involvement. Sometimes we
20 hate to admit that because everybody likes to be right, but
21 we really have, particularly with the soil action
22 discussion.

23 One of the things we wanted to offer up here,
24 and it doesn't have to be a one-time deal, Dean had
25 mentioned to me, you know, we're getting a lot of cleanup

1 questions and we want to talk about how we're going to
2 manage the refuge. Obviously there's a series of checks and
3 balances before it ever gets to be a refuge. We need

4 certification from the EPA and the State Health Department,
5 for example, it's not just a, trust us with a whistle and a
6 prayer, here, Dean, here's the title, there's actually quite
7 a lot of process and public process to ensure that the
8 refuge is, when we turn it over, is as represented.

9 Having said all that, it's difficult now to
10 get into a meeting where there's the broad view again. Tell
11 us again the big picture about the cleanup and how that
12 relates to how Dean is going to manage the refuge. So what
13 we're talking about and what we've scheduled April 14th, but
14 specifically for that purpose we have the Fish & Wildlife
15 Service, the DOE and quite probably the other parties to the
16 cleanup agreement, State Health Department and the EPA, in
17 the same room where we can talk about those issues of
18 transition and explain to me again why you think this is
19 safe for a refuge.

20 So clearly you heard some of those comments
21 tonight, you heard them as part of the written comments that
22 came in at the previous meetings, so we want to provide the
23 opportunities in a forum. This meeting in particular will
24 be at Broomfield City Hall and they've agreed to host that
25 meeting, 8:00 to -- excuse me, 6:00 to 8:00, and so please

1 come out if you have those questions. You're not a regular,
2 so to speak, at our cleanup meetings and you're looking for
3 a forum to get your big picture questions answered. Explain
4 to me how you're going to tell me that the cleanup is safe.
5 Explain to me what the site looks like when you leave,
6 surface and subsurface. Tell me who is going to be there.
7 In fact, he's here right now. Dave Winus (phonetic) is from
8 Legacy Management of DOE, he's running the team that's going
9 to take over from environmental management some time in the
10 future here.
11 So just an unpaid, unpolitical announcement
12 for coming out for. Those of you that have an interest and
13 maybe some of the discussions we have in the other forums
14 are just to focus on the specific remediation. Come out on
15 April 14th. If we have a large turnout, who knows, maybe
16 we'll have another one. We'll see how it goes. Maybe we'll
17 have another one, but I just wanted to offer that up.
18 MR. RUNDLE: Before you ask any more
19 questions, I caught one question during testimony that I did
20 want to address. There was a statement made that I had said
21 at Boulder the other night that Alternative B has been
22 selected. And I want to clarify if there was any
23 misunderstanding.
24 Last Thursday a comment was made, a question
25 was asked, why are you proposing this alternative at this

1 point. And my response to that, and somebody correct me if
2 I'm wrong or misspoke it again, but we are required to bring
3 to you a preferred alternative during this Draft phase.
4 This does not mean that there's a decision made at all.
5 We are getting a lot of very good valuable
6 comments. I would be very surprised if the final decision
7 is exactly any of the current alternatives that are being
8 presented tonight. Every stage we have made modifications
9 based on the input we have received from the public and from
10 local governments and other government agencies. So
11 Alternative B is our preferred alternative. The law
12 requires us to tell you what we're proposing to do so that
13 we can get your feedback on that.
14 It is not a decision at this point at all.
15 So I hope that's clear.
16 MR. HUGHES: For those of you who like
17 meetings that go in a straight line, you're in the wrong
18 one. We're going to go back to a three-minute comment
19 period. We've had someone join us who wants that
20 opportunity for three minutes. The meeting isn't over yet,
21 so we're going to ask he or she to come forward. We'll do
22 that now, if that's okay. We'll give you three minutes and
23 then we'll get back up here with questions.
24 BY MS. PAULINE REETS:
25 My name is Pauline Reets and I'm a

1 representative of the Audubon Society for Denver. We have
2 worked over at the Rocky Mountain Arsenal dating back in the
3 late '80s when the Arsenal was being considered as a
4 wildlife refuge. And so some of the issues are similar.
5 There was a contaminated area, there was a lot of wildlife,
6 there was some -- there's a lot of value in preserving that
7 wildlife, and so we work to have that area kept as a --
8 designated as a refuge, which it was in 1991. As a future
9 refuge, I should say, not right away.

10 So I guess my -- I have a couple of
11 questions. First of all, I have to admit, I have not been
12 able to access the full plan. I got on the website and I
13 got to the summary and the next day I went back and it was
14 down. So I haven't read the full thing. Therefore, my
15 comments are pretty preliminary.

16 We feel that overall the most important thing
17 is public health and safety. And once those issues are
18 settled, if they can be, then the question of public use
19 comes up. This is actually not a very big area. It's going
20 to have open space on three sides, which is wonderful,
21 unlike the Arsenal, which is going to be completely
22 surrounded sooner or later. So our feeling about public use
23 is, you'll phase it in, the public would probably do
24 something like Alternative 3. I don't know if you can
25 combine alternatives, that's one of my questions.

1 Can you in fact say, we'll do Alternative 3,
2 which is very limited public use, only tours, only one trail
3 open, very restricted public use, very supervised for the
4 first 10 or 15 years? Then we can move to perhaps somewhat
5 more use, something along the line of Alternative B.

6 In any case, I think a visitor center would
7 be a really useful item no matter what alternative you
8 decide on. It can educate people about the site, about the
9 natural features of the site, but also about the history of
10 the site as a nuclear bomb plant. And I think that's really
11 important. People don't want to lose that. They certainly
12 didn't want to lose it at the Arsenal.

13 I think the key word in any of this is going
14 to be flexibility of management, because you have to be able
15 to open and close areas if you get any nasty surprises, you
16 will also have to close areas if you have nasty rafters,
17 want to keep trails out of the creek bottoms, and I would
18 say, in general, you need to really manage that site to
19 prevent erosion, degradation of the site.

20 So that's what we're concerned about once the
21 public health and safety issues are taken care of. Thank
22 you.

23 MS. ERIKSON: Just for those of you who may
24 come in, her comment about the website, the website is in
25 fact down.

1 MS. SHANNON: You know, if you need a copy of
 2 the Plan, you want a hard copy, please, we have a sheet out
 3 here, you can sign up your name, I'll be glad to mail you
 4 one. Or we have some available now, we'll give you those.
 5 But again, we apologize, but the Department of Interior, we
 6 have been -- it's a court order, it has nothing to do with
 7 Rocky Flats or anything else, but all Department of Interior
 8 is shut down right now for Internet access. Thank you.

9 MR. RUNDLE: So you know how to get a hard
 10 copy then? There was a question that she asked during the
 11 last statement which was, can you combine alternatives. And
 12 the answer is, absolutely. Any of these alternatives can be
 13 modified before a final decision is made.

14 We're required, and what we try to do is
 15 present a range of reasonable alternatives. Any of these
 16 alternatives we believe can meet the purposes of the refuge
 17 established in the special legislation, the missions and
 18 goals of the National Wildlife Refuge system and be
 19 responsive to at least portions of the public comment that
 20 we've heard during scoping.

21 So any of these are plausible. Like I said,
 22 I won't be surprised if the final decision is exactly any
 23 one of these right now. The final decision is made by the
 24 regional director of the United States Fish & Wildlife
 25 Service. And after the public comment period, we'll go

1 back, we'll look at the totality of the comments, we'll
 2 discuss that, we'll prepare a final Draft at that time, the
 3 CCP will be separated from the EIS. They will be published
 4 as two separate companion books. I guess at this rate
 5 they're going to be books when we get done. And the
 6 regional director will make the final decision on that and
 7 it will be published in the Federal Register.

8 Q. Is it too early to ask about what the trail
 9 surface would be initially? What are you looking at?

10 MR. RUNDLE: What we are proposing is to use
 11 existing roads and disturbed areas for almost all the
 12 trails. I think there's one small foot only loop on the
 13 north side that would require a small amount of new trail
 14 construction.

15 We typically, on other refuges, use
 16 crushed (phonetic) as hard trail surfaces and I would
 17 think that at the Flats we probably would use that on some
 18 trails, or depending on the seasonality of the use and the
 19 slopes and things like that. We do want to minimize erosion
 20 impacts definitely.

21 Q. So you're not looking at like in the City
 22 parks open space where they have the concrete trails for the
 23 hikers and bikers and the dirt trails for the horses?

24 MR. RUNDLE: We won't have -- I don't want --
 25 it would be extremely unlikely that we would have impermeant

1 surface trails.

2 Q. What would be the purpose of separating out
3 multi-use and equestrian?

4 MR. RUNDLE: Well, the reasons that we
5 have -- I think Bini took her sign down, but the priority
6 public uses of the National Wildlife Refuge system are
7 wildlife dependent. So we viewed horses and bicycles as a
8 means of access to engage in bird-watching or wildlife
9 photography or wildlife interpretation. We're not opening
10 just to provide the recreation that is inherent in bicycling
11 or riding on horseback.

12 Now, we're not going to go arrest people if
13 they jog on the trails and don't stop and look at a bird,
14 but the purpose for providing this access is to provide
15 access for wildlife dependent recreation.

16 We have proposed -- we got some feedback from
17 the public, well, all three uses can go on the same trail,
18 it's okay, some people say, well, I don't mind the horses,
19 but I don't like the bicycles, they're too fast. Other
20 people say the bicycles are fine, but I don't like the
21 horses. And we frequently use temporal or zoning strategies
22 to separate users, give people a choice of what type of
23 conflict they may want to be interested in, what types of
24 conflicts they'd be willing to accept or what.

25 I don't know if that -- in the Draft plan

1 there are Draft compatibility determinations and one of
2 those involves the multi-use trails in our plan that are
3 proposed. And I can tell you that the whole issue of the
4 equestrian and bicycle use within a National Wildlife Refuge
5 is one of considerable debate on a regional and national
6 scale.

7 Q. I was wondering, on your main trail on the
8 south and kind of your only trail, why does it go so close
9 to the DOE zone? Is it because of topography or present
10 roads? Why not stay more along the perimeter?

11 MR. RUNDLE: That's a good question. Well,
12 the proposed trails are cited for -- a couple of things went
13 into that. One was, where are there existing roads that are
14 already disturbed sites that we don't have to do additional
15 disturbances. We tried, in most cases, to avoid the steeper
16 slopes where erosion problems would occur and we also tried,
17 since there's not a lot of off-trails, mostly on-trail uses
18 proposed, we tried to provide trails that did provide
19 interesting vistas and opportunities to look down.

20 You won't see many trails in the right
21 corridor running adjacent to streams, but those are some of
22 the more picturesque and wildlife -- heavily used parts of
23 the site by wildlife, so a trail looking up on a ridge top
24 looking down and into those riparian areas, that was part of
25 the process.

1 So that trail you see would be on the edge or
 2 near the north edge of the impediment on the south side of
 3 Woman Creek, and it's really not as close as it looks. You
 4 have to remember the scales of these maps we're talking
 5 about. That's a 6,000-acre site, so while there's only half
 6 an inch on this map, it's actually hundreds of yards on the
 7 ground.

8 Q. My question was, you made reference to the
 9 buffer zone, the refuge area, the DOE area, is the buffer
 10 zone part of that or beyond that?

11 MR. RUNDLE: That's an excellent question.
 12 Generally, when we talk about Rocky Flats, we talk about the
 13 industrial area which is a fenced 400-acre site that's kind
 14 of -- and actually it's really about like this, okay. And
 15 that's industrial and the rest of the site was referred to
 16 as the buffer zone.

17 One person in testimony earlier mentioned
 18 about the expansion of Rocky Flats in the 1970s, the
 19 original site from up until 1974, was only 2500 acres, about
 20 like this. And these additional lands were acquired from
 21 the 1968 fire. I think that was in '70, '71, I believe
 22 that's right. So when we talk about the buffer zone, we're
 23 talking about outside that fence.

24 Now, you'll notice that the DOE proposed
 25 retained lands, and it is true that the final definition of

1 those lands has not been completed yet, won't be until the
 2 cleanup is done, but it includes the industrial area where
 3 there will be contaminants left below grade in the
 4 industrial area. It also -- we call it the upside down
 5 fetal prairie dog shape, but these legs go out, there's a
 6 landfill here, sanitary landfill here that's going to be
 7 retained. This leg goes out and covers the settling ponds,
 8 the A and B series ponds in the Woman Creek branch that we
 9 talked about, and this is where -- this area is I believe a
 10 7 picocurie per gram line for residual surface soil,
 11 contamination of plutonium.

12 The main contamination that actually escaped
 13 the industrial area is called the 903 Pad. In other words,
 14 the wind blew, the plutonium blew to the east. Plutonium
 15 levels in most of this out here are like less than 1
 16 picocurie per gram. There may be more contaminant stuff,
 17 but we're talking about the buffer zone outside where --
 18 that is not exactly the same as the land that DOE wants to
 19 retain.

20 Q. This kind of green area?

21 MR. RUNDLE: Yes.

22 Q. Real quick, you said 6,000 acres, does that
 23 include the industrial acreage?

24 MR. RUNDLE: The entire site is about 6,238
 25 acres, I believe. And if you remember, that current DOE

1 land, that's about 1200 acres once we have a 5,000-acre
2 refuge.

3 Q. You talked about trails for horses and
4 bicycles and able-bodied people, how is the U.S. Fish &
5 Wildlife going to access the property, if that should come
6 about, for the mobility impaired?

7 MR. RUNDLE: The DOE portions of the trail
8 system, that would be 100 percent ADA accessible in terms of
9 grade, slope and surface. Not all the trails, particularly
10 the one going out to the Lindsay Ranch and overlooking the
11 Rock Creek Reserve, would be wheelchair accessible.

12 Q. I think you said last week that you
13 anticipate having a staff of four for Plan B and eight for
14 Plan D. How can you realistically expect to keep people on
15 the trails, when there's so many miles of trails and out of
16 the DOE retained area, with such a limited staff and
17 especially considering your goal of having a seamless
18 boundary for transition of wildlife --

19 MR. RUNDLE: That's a good question. We
20 aren't thickly staffed in the National Wildlife Refuges. I
21 feel pretty good about the proposal in that regard for a
22 couple of reasons. One is, I do use personally a lot of the
23 open space trails and the trails in the national forest. I
24 think compliance by the public using this area is pretty
25 good. The leash law compliance is not very good, but the

1 staying on the trail compliance is pretty good.

2 This is not the only site that we manage that
3 has hazards in it. I can give you examples. The last place
4 I worked, the Tijuana Slew Refuge in Southern California, we
5 had really significant biohazards in the estuary there
6 because of raw sewage and things coming in from Mexico, and
7 we had a very small staff there as well, but we had very
8 good compliance with signage and active law enforcement.
9 And I think that that will be adequate.

10 Now, the staffing that's proposed here that
11 we think we need to run Rocky Flats, it's also augmented by
12 law enforcement, full-time law enforcement personnel over
13 the Rocky Mountain Arsenal complex who will work both sites,
14 and also by maintenance personnel, administrative staff at
15 the complex headquarters at Rocky Mountain Arsenal. We're
16 not going to duplicate two full refuge staffs at stations
17 that are so closely located together. So there actually
18 would be more than four people on the site at different
19 times. And, Laurie, your input.

20 MS. SHANNON: The only other thing I'd add is
21 under B and D where you have public use, we also have
22 volunteer programs. And while volunteers don't do law
23 enforcement, they certainly tell you what's going on out
24 there and they certainly advise the refuge as to things they
25 see or hear.

1 MR. RUNDLE: We probably won't have as many
 2 as we've got now at the Arsenal program, but we do not have
 3 a problem with people leaving trails and passing signs that
 4 say area closed. It's not a significant issue for us. So
 5 most urban refuges, we have a bigger problem probably in
 6 rural refuges where the primary uses are seasonal hunting
 7 and things like that.

8 Q. In all the alternatives you're going to do
 9 restoration and enhancement to the Preble Meadow Jumping
 10 Mouse habitat, what do you know about existing populations
 11 or numbers or vitality, anything as far as that?

12 MR. RUNDLE: It's not a large population. I
 13 don't know. Mark, do you remember what the max estimate
 14 was?

15 MR. SATTELBERG: I've seen numbers anywhere
 16 between 20 to 100.

17 MR. RUNDLE: And that's typical with small
 18 mammals. You can go survey for them one season and find
 19 zero or two and several months later or the next year you
 20 may find hundreds just because of their reproductive
 21 ecology.

22 The heaviest concentrations are in the Rock
 23 Creek range, but there are also occupied habitats in the
 24 Walnut and Woman Creek drainages. So I think the real
 25 significance to the site, Prebles, it's only one of two

federally-owned sites.

Q. Do you have any data on the large predators,
 like mountain lions and things like that that are out there?

MR. RUNDLE: We just have anecdotal
 information on those. We do know that because of the
 current count activity, that all that open space you
 mentioned, that that's one of the qualities we see at Rocky
 Flats, even though, as you said, it's a reasonably small
 future refuge, is that you do have -- you still have
 movement of large mammals from the Rocky Mountain Front
 Range. Bears have been photographed on the site, that's
 usually a late summer or early fall hyperphasing thing.
 There are a pretty good population of fruited shrubs and
 things in the riparian areas that draw berries. I'm sure
 lions occur there occasionally. I don't know if we got any
 pictures, but I think there's some track anecdotal stuff.

Elk, we're not sure what's going to happen
 with elk. In the past they've been occasional visitors
 coming down in the wintertime. Last summer I think we had
 11 cows, 9 cows, something like that, a small number of
 calves down on Rocky Flats. That is a concern to us. We'd
 like to help move in and out of seasonally, we're not -- we
 don't want to see a resident elk population develop at Rocky
 Flats out on the planes next to the suburban areas, that
 won't be good for the elk or for the people around.

1 Q. Is it okay to give two quick remarks and a
2 question?

3 MR. HUGHES: Can you just give a question?
4 We wanted to give everybody exactly the same bite at that
5 apple.

6 Q. What is your relationship -- what is the
7 relationship of Fish & Wildlife to a possible museum?
8 MR. RUNDELE: That's a good question. We are
9 very open to partnering with a future museum. I think we do
10 have partnership goals for each objective, so I think that
11 there's a good potential. If a museum is established, we
12 could have a very close working relationship with them.

13 We do not have a formal role in the
14 establishment of a museum. A museum exists, it is a 501-C3.
15 At this point in time, the Refuge Act says that the
16 Secretary of Energy may establish a Rocky Flats Cold War
17 museum, so there's really decisions being made there by the
18 Secretary of Energy. And however that goes, we do
19 participate in board meetings of the museum, Cold War
20 museum. I think Laurie goes to most of them. So we would
21 be interested in partnerships with them for site
22 interpretation regardless of where the facilities are.

23 Q. Besides tracking and relocating, what other
24 methods will be used to exclude prairie dogs from the
25 habitat area?

1 MR. RUNDELE: I think we have to be really
2 careful about where we use certain grassland management
3 techniques at certain times of the year. One of the best
4 ways to prevent unwanted prairie dog invasions is to
5 maintain a robust and tall thick vegetative cover. So, for
6 example, that would impact where and how short-term grazing
7 was used to emulate bison grazing or where fire lines were
8 put for prescribed fires so that we know there's a burn
9 area, or if there's a wild fire you can get rapid prairie
10 dog invasion into that new burn area. So we'd have to plan
11 those areas to not encourage prairie dogs into the site. So
12 they don't like thick dense grass.

13 We make recommendations to DOE about the
14 re-vegetation of industrial areas and the retained lands and
15 we encourage them to do things like plant shrubs around the
16 site that would perhaps make it less likely for prairie dogs
17 to invade those areas and also to do the best they can to
18 ensure a tall robust stand of native grasses on those sites.

19 MR. HUGHES: Before I go back to anybody who
20 has already asked a question, are there any of you who have
21 not asked one who want a shot?

22 Q. When you capture and then publish this public
23 comment, would you provide us with copies of Mr. Ball's
24 song?

25 MR. HUGHES: Can they have copies of the song

1 when you print the final?

2 MR. TRENHOLME: Yes. The public transcript
3 will be in the final EIS.

4 MR. RUNDLE: And we will respond in writing
5 to these comments, both verbal and the written ones.

6 MR. TRENHOLME: Substantive comments.

7 MR. RUNDLE: If we get 50 identical

8 substantive comments that are basically the same, we may
9 respond to them in one response acknowledging where the
10 comments came from.

11 MR. HUGHES: Any other new questions?

12 Q. Are there plans for underpasses going under
13 Highway 93 or Indiana or to the north under 128, both for
14 people and animals? And who pays for them?

15 MR. RUNDLE: Right. Good question. I think
16 we acknowledged the desire for the maintenance of corridor
17 activity with the surrounding open space, but since those
18 highways are not going to be part of the National Wildlife
19 Refuge, that decision is outside the scope of this plan.

20 But we will work and are working with highway planners, for
21 example, were involved in the scope on the Northwest Parkway
22 and we certainly will work with their neighbors and C-DOT as
23 those plans occur. We don't have the money nor the
24 authority to say, thou shall put in an underpass under
25 Highway 93 or 128.

1 MR. HUGHES: I'd like to make a little
2 announcement about an open house. The Northwest Corridor
3 Environmental Impact Statement will have three public open
4 houses to look at the universal alternatives for the
5 Northwest Corridor Transportation. They are April 14th,
6 same time, and April 15th and April 21st. And in one of the
7 alternatives you will see cul-de-sacs 93 about there, that
8 eliminates this section of 93, takes the road around that
9 way to connect the wildlife habitat on both sides. I don't
10 know that that alternative will survive, but it was proposed
11 and it's active at the universal alternative phase.

12 Golden is April 15th or 14th. Arvada, this
13 location, this very building, April 15th, and then
14 Broomfield. And I don't know where -- we don't have a
15 location for Broomfield on April 21st. The Colorado
16 Department of Transportation's website has an EIS link for
17 the Northwest Corridor EIS. So you can go there, propose
18 that alternative or any other one you want.

19 Q. Are you thinking eventually of managing the
20 grasslands with prescribed burns and do you have any idea
21 what problems you might have with that?

22 MR. RUNDLE: The answer is yes. And I think
23 in Alternative B and Alternative C we do propose in those
24 alternatives to use prescribed fire as a grassland
25 management tool. It also -- does A too? And Rock Creek

1 mostly.

2 Alternative D would preclude prescribed

3 burning or grazing as grassland management tools. There's a

4 lot of issues with managing prescribed fire, particularly

5 urban or suburban landscape, everything from smoke

6 management and impacts to highways, and of course, at this

7 site we know that because of the past uses of the site there

8 are particular concerns. We, during the development of this

9 Draft, went to the Environmental Protection Agency and the

10 Colorado Health Department and said we would like to be able

11 to use prescribed fire and grazing as grassland management

12 techniques, can you tell us, with your knowledge of the

13 site, if that will be a safe thing to do. And their letters

14 and response are appendices in the back of the Draft and we

15 got the concurrence from the health agencies saying it would

16 be safe with certain conditions.

17 We also know, because of the sensitivities,

18 that even if they said it's safe, there might be some areas

19 where it might not be a good thing to do. And if you look

20 up here, there's a map that shows areas where we would not

21 use prescribed fires, mostly along this east side where even

22 though the levels of surface plutonium were very low, they

23 are higher than in the rest of the proposed refuge lands and

24 it's also because of the smoke issues. So we're saying we

25 would not use prescribed fire in that area.

1 Q. How is grazing restored to -- who is going to

2 be doing the grazing?

3 MR. RUNDLE: Good question. Grasslands

4 evolve under a variety of ecological conditions that drove

5 their evolution and our grasslands here. Fire and grazing

6 by bison made of ungulates were primary factors in driving

7 grassland ecosystem health.

8 To really restore grasslands, you need to

9 restore the ecological functions and values that drove the

10 development of those ecosystems. So we have proposed, in

11 Alternatives B and C, I don't know about A, is there grazing

12 in A? In Alternatives B and C we could use grazing for a

13 couple of purposes. One would be the use of sheep or goats,

14 specifically as a weed control effort to use a biological

15 control of weeds. We also would use, as biological control

16 agents, insects as well as herbicides, fire, as well as a

17 pest management program.

18 We would also propose that we could use short

19 rotation intensive grazing by cattle to emulate bison

20 grazing on the site. And this would not mean permanent

21 cross fencing that you can do with electric fences and solar

22 chargers, and what you do is overstock your pasture with a

23 large number of animals for a very short period of time, let

24 them do what the bison did, which was move through every

25 year or two, basically graze it down to nothing and trample

1 new sheet into the ground and then get them back out.
 2 So we would not use similar grazing systems,
 3 for example, that you might see on border open space, there
 4 are different goals there, but their cultural heritage that
 5 they're trying to emulate, we would probably do it
 6 differently than they do it.
 7 Q. So you're not going to bring bison back?
 8 MR. RUNDLE: No. There's no proposal in any
 9 of the alternatives. This is a small site and there are
 10 some parts of natural environment that probably are not
 11 feasible to restore given the context of the lands.
 12 Q. You're going to be investing a lot of
 13 resources in restoring the prairie, ecosystem, revegetation
 14 activities, is there a possibility that -- you talked
 15 previously about, you can work with them, but you can't
 16 force them to do something, that they can do something on
 17 their property that would have detrimental impacts on your
 18 trying to restore the prairie system?

19 MR. RUNDLE: There's certainly a potential if
 20 they don't do it right. Let me add, when we talk about
 21 prairie restoration, for the most part of the site we're
 22 very fortunate. This was ranch land and not farmland prior
 23 to government acquisition, so the sod along most of this
 24 land has never been broken and we have the full genetic
 25 biological makeup of the native floor along this site. So

1 restoration is really driven more by control of noxious
 2 weeds and the restoration of these natural environmental
 3 processes, such as grazing and fire, and in some cases there
 4 will be, under B and C, the kind of tan area, the southwest
 5 corner, that is a tame hay meadow that was put in, and under
 6 those alternatives we would restore that to native species
 7 using tillage perhaps or actually getting seed, hopefully
 8 local eco-type seed and killing that smooth grass and
 9 receding that native.
 10 DOE is not doing restoration, they are
 11 revegetating. I think if they do it right they can provide
 12 a habitat cover that's not necessarily emulating the exact
 13 native prairie, but would provide habitat for ground nesting
 14 birds and things like that. If it's not done right and if
 15 we don't -- we need to work with the legacy management, that
 16 when Kaiser-Hill leaves, if we don't have a good stand
 17 advantage out there, the damage could be that it would
 18 become a source of invasive weeds, if we don't get a good
 19 stand of revegetation on the site.
 20 So it would be hard for us, if we go -- if
 21 DOE -- I don't want to knock their stewardship, they've done
 22 a good job at weed control, it's not over with yet, but they
 23 have not been silent. They have been stewards of this
 24 landscape controlling the spread of noxious weeds, EM has,
 25 and we look forward to them continuing that. So we hope

1 it's successful.

2 MR. HUGHES: It's 8:30, the Arvada Center
3 isn't going to throw us out if there any other questions.

4 Q. What are the plans for the wildlife to do to
5 enhance the raptor population and song birds? You talked
6 about big animals and stuff, but birds are my concern.

7 MR. RUNDLE: That's really a good question.
8 When I started with this outfit, we did a lot of enhancement
9 work and we don't do a lot of enhancement work anymore. In
10 terms of trying to make the land produce more than it -- or
11 trying to change the landscape by, for example, putting in
12 nest boxes and nest platforms or extra hawk perches and
13 things like that.

14 What we would like to see is restore the
15 habitat to as close as it was before settlement and try to
16 enhance, not species richness by bringing in more species,
17 but enhance it for the native species that belong there.

18 I think on most prairie refuges we probably
19 have too many Red-Tail Hawks and not enough Swainsons and
20 Ferruginous Hawks. So we're not planning any enhancements
21 in terms of artificial structures or planting of additional
22 trees to encourage tree nesting or anything like that, what
23 we want to do is make it the best habitat it can be for
24 those bird species that were native to the prairie Front
25 Range interface.

1 Q. The chunk of land that's in the southwest
2 corner is currently used for grazing, that's not part of the
3 refuge?

4 MR. RUNDLE: Section 16, the state school
5 section.

6 Q. And so you talked previously about that there
7 is availability through the land and what's it called, land
8 conservation?

9 MR. RUNDLE: Land and Water Conservation
10 Fund.

11 Q. And using that money to purchase additional
12 acreage to expand the refuge. And I was wondering if there
13 was any thought to obtaining that property so we don't have
14 maybe Rocky Flats the amusement park someday that can
15 possibly be built on there. So in order to protect that, is
16 there any possibility of any added grassland to the refuge?

17 MR. RUNDLE: Well, we're not proposing any
18 additional fee land acquisition in the CCP. And one thing
19 that we cannot use Land and Water Conservation money for is
20 to acquire land that's owned by a state. We can buy private
21 land, we can buy land from municipalities and local
22 government, if they're willing sellers. The only way that
23 Section 16 would ever be acquired will be on a willing
24 seller basis through a land exchange with the State of
25 Colorado. That's not being proposed by us at this time.

1 Doesn't mean that it can never ever, ever happen, but that
 2 is land managed by the State Land Board and I think your
 3 resource there is to talk to the State Department of Natural
 4 Resources about whether or not that land should be part of
 5 their trust or something like that.
 6 They do have a trust, a conservation trust, I
 7 think it's maxed out right now, but there is a potential of
 8 working with State folks to put that land into a
 9 conservation status.

10 MR. TRENHOLME: You might mention that part
 11 of that Section 16 has been mined for aggregate.

12 MR. RUNDLE: There's also private water
 13 rights there. The lakes are going to stay there, that's
 14 privately owned, basically, even though it's on State land.

15 MR. HUGHES: Other questions? Dean,
 16 anything?

17 MR. RUNDLE: I'd just like to thank everybody
 18 for coming out tonight. We're getting really good
 19 attendance and great questions. Thanks for the opportunity
 20 to answer those. And we'll be at Broomfield tomorrow
 21 night.

22 . . . WHEREUPON, the public hearing was
 23 concluded at 8:40 p.m.

CERTIFICATE OF DEPOSITION OFFICER

1 STATE OF COLORADO)
 2)
 3 COUNTY OF DENVER)
 4)

5 I, SANDRA A. SMITH, Certified Shorthand Reporter
 6 and Notary Public, State of Colorado, certify that said
 7 public hearing was stenographically reported by me at the
 8 time and place heretofore set forth, and was reduced to
 9 typewritten form under my supervision as per the foregoing;

10 That the foregoing is a true and correct
 11 transcript of my shorthand notes then and there taken;

12 That I am not a party to nor in any way connected
 13 with any of the parties to said action nor otherwise
 14 interested in the outcome of this action.

15 My commission expires May 23, 2005.
 16 IN WITNESS WHEREOF, I have affixed my
 17 signature and seal this 29th day of March, 2004.

18 _____
 19 Sandra A. Smith
 20 BOVERIE, JACKSON, BUSBY & LA FERRA
 21 1735 East 16th Avenue
 22 Denver, Colorado 80218
 23 303-329-8618

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1 PUBLIC HEARING ON
 2 THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
 3 AND COMPREHENSIVE CONSERVATION PLAN
 4 FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

5 Thursday, March 18, 2004
 6 6:30 p.m.

7
 8 at
 9 Broomfield Recreation Center
 10 Lakeshore Room
 11 280 Lamar Street
 12 Broomfield, Colorado

13 Panel Members: Richard Trenholme
 14 Mike Hughes
 15 Laurie Shannon
 16 Dean Rundle
 17 Jody Erikson

21 TAKEN BY: CHERYL M. ROBINSON

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1 MR. HUGHES: We're going to begin. My
 2 name is Mike Hughes, and I'm a member of the planning
 3 team that's been working on the public process as well as
 4 the Draft Comprehensive Conservation Plan and Draft
 5 Environmental Impact Statement.

6 So I want to start by saying thank you all
 7 for coming. And I want to say a couple of words about
 8 the agenda, the way the meeting will proceed tonight, and
 9 then we'll get started.

10 You can see from the agenda that we've got
 11 some ground rules at the top, and then I'm going to go
 12 through the individual sections of the agenda. Tonight
 13 is a hearing where, as you can see, we are recording
 14 verbatim the comments that you're here to make on the
 15 Draft Environmental Impact Statement and the Draft
 16 Comprehensive Conservation Plan.

17 Now, we've been asked to ensure that there
 18 is balance and fairness in how that is done. And so what
 19 we've decided is that everyone will get precisely the
 20 same amount of time to make their comments. So each of
 21 you will get three minutes to comment on the Drafts and
 22 we'll -- again, we'll be recording all of those comments.

23 In order that each of you has the full use
 24 of that three minutes, we ask that you not interrupt one
 25 another while you're speaking. So, whether you agree or

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1 disagree, we want you to simply hear the comments as
 2 they're being spoken and not interrupt in any way, that
 3 includes with applause if you agree with something. We
 4 want people to get their full three minutes. So we ask
 5 that you give them the respect of letting them finish
 6 what they have to say. We're going to ask that they
 7 offer you that same respect in turn to give you the full
 8 benefit of those three minutes.

9 At the end of each time, when each person
 10 who has signed up to speak has had that opportunity, we
 11 will, time permitting -- and I think time will permit --
 12 turn to some question and answer. So Dean Rundle, the
 13 refuge manager will come forward and say a few words, but
 14 then also give you an opportunity to ask questions of
 15 clarification about the Plan and the Draft Environmental
 16 Impact Statement.

17 What we ask that you not do is use that
 18 time to get three more minutes. So we're going to ask
 19 that you actually ask questions, rather than make
 20 additional statements.

21 So we'll do that, take the time until
 22 questions run out or until 8:30 or something in between,
 23 and then adjourn the meeting.

24 I want to say a couple of things about
 25 what we ask you to comment on, and then a little bit

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1 about the premise that underlies the Draft Plan and Draft
2 Environmental Impact Statement.

3 First of all, the kinds of comments that
4 we're looking for: Questions about the accuracy of the
5 information contained in the Environmental Impact
6 Statement or the plan. So if there's some factual --
7 some piece of information that you come with that
8 contradicts or amplifies or alters in some way the
9 information that's in the plan, that's useful.

10 The adequacy of the environmental analysis
11 would be something that would be useful for you to
12 comment on, the reasonableness of the alternatives. So
13 if there are aspects of the alternatives that you think
14 don't comport with that analysis that you think ought to
15 be altered in some way, that's useful and helpful
16 information.

17 And then, obviously, changes or revisions
18 that you would recommend in the documents themselves. So
19 we ask that you stick to the plan and your comments on
20 it.

21 Let me just say something about the basis
22 for that plan, and I'm referring to this second board
23 here (indicated): The steps to refuge establishment.
24 The service -- the U.S. Fish & Wildlife Service, that is,
25 is in the stages of this meeting as a part of their

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1 completing the final Comprehensive Conservation Plan and
2 the final Environmental Impact Statement that will carry
3 with it, when it's done, a record of decisions. In order
4 for that -- for Rocky Flats to become a refuge, the
5 following steps also have to happen once that record has
6 been signed. The Department of Energy has to complete
7 its work on Rocky Flats -- its cleanup efforts.
8 Obviously, the Department of Energy will continue to
9 monitor and be part of the site, but their cleanup will
10 have to end.

11 Then the Environmental Protection Agency
12 and the Colorado Department of Public Health and
13 Environment will have to certify that cleanup. Then DOE
14 would be free at that point to transfer the land to the
15 Department of the Interior for the creation of the
16 refuge.

17 At that time, the Department of the
18 Interior would formally establish the refuge, and then
19 the U.S. Fish & Wildlife Service can begin implementing
20 the plan in its final form and managing the refuge.

21 So the document is written from this
22 perspective, as if the site certification has occurred;
23 that is, that the EPA certification is complete. So
24 that's that premise that underlies the draft itself.
25 It's written from the perspective that that has occurred.

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1 So, with that, I'm going to give the floor
 2 to Laurie. She's going to say a few words about changes
 3 that have happened since we last met in a public forum in
 4 the Draft Plan and the Draft Environmental Impact
 5 Statement. And then we'll give you three minutes for
 6 each of you who have signed up three minutes for the
 7 comments.

8 MS. SHANNON: Thanks, Mike. Good evening.
 9 The first thing I want to let everyone know is that the
 10 comment period has been extended to April 26th, as our
 11 one board shows up there.

12 And, also, as of early this week, you can
 13 no longer get to our website because of the Department of
 14 the Interior -- there's been a court-ordered shutdown of
 15 all the Department of the Interior's Internet access. So
 16 it has nothing to do with Rocky Flats, but,
 17 unfortunately, you can't get to our website right now.
 18 So I know some of you who might be trying to get online
 19 and trying to submit their comments, unfortunately,
 20 can't.

21 And we all lived at one time without
 22 Internet and we managed to get through public process at
 23 that -- in those days, and so we will continue to be able
 24 to do that. So people can either write their comments to
 25 me or they can fax them to me or they can deliver them in

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1 person. Whatever works. Please give us your comments,
 2 we'd love to have them.
 3 Or -- and the other thing I'd like to
 4 mention, if you want a hard copy -- the beauty of having
 5 the website is people who want to go look at the plan can
 6 get online and download it and get copies. So if you're
 7 not able to do that and you'd like a copy, we do have
 8 some compact discs out on the sign-in table, and if you
 9 really would like to have a hard copy, I will give those
 10 out until they're gone. I have a limited number and
 11 please sign up and let us know, and I'll mail one out to
 12 you, if that works.

13 So with that, I'm going to talk about
 14 the -- briefly talk about the four alternatives that
 15 we're here to discuss tonight. I'm not going to go into
 16 long depth about them, just so we're all on the same
 17 page -- briefly what each one contains. And I want to
 18 highlight the things that have changed since we first
 19 presented those last May.

20 What else with respect to that? Okay. To
 21 start with, what went into our alternatives? How did we
 22 generate them? Back in the fall of 2002, we held what we
 23 call our scoping period, where we went out and we had
 24 people tell us what the issues were. And following that
 25 process in late fall, we began to develop the

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1 alternatives for the refuge.
 2 And the things that went into creating
 3 those alternatives included what we heard out of scoping, and based on
 4 what the Refuge Act says, and what our mission and policy
 5 of the national wildlife refuge system is. So there's
 6 kind of -- those kind of components went into crafting
 7 these alternatives. And we did present a draft set of
 8 them last May, and we received comments on those. And
 9 then really what this is about is, is looking at the full
 10 Draft Plan and Environmental Impact Statement.
 11 So I'm going to start with Alternative B,
 12 because it is our proposed action. And under the
 13 National Environmental Policy Act, we are required to
 14 look at all reasonable alternatives and to evaluate those
 15 all objectively, but we are required to come out with a
 16 preferred or a proposed action, and that's what we have
 17 before you.
 18 Our proposed action is Alternative B.
 19 It's what we call a wildlife habitat and public use
 20 alternative. This alternative -- it looks at trying to
 21 have a very strong emphasis on wildlife and habitat,
 22 while allowing for some moderate opportunity for public
 23 use and access on the site. We feel that that's kind of
 24 a middle-of-the-road from all the things that we've
 25 heard -- from what people have told us.

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1 What I'd like to start with is just a
 2 little bit of what we've changed since last spring. And
 3 one of the primary things that we changed, and based on
 4 public comment, was that people told us that they wanted
 5 to have some horse access. And so we did -- one of the
 6 things we did was in the southern part of the site, the
 7 trails down here (indicated) would provide for horse
 8 access, bike access, and pedestrian access. And that has
 9 changed, we didn't have that before.
 10 Up to the north, the pedestrian-only
 11 trails are still there. This multiple-use trail over
 12 here (indicated), this is also a multiple-use trail, that
 13 is the same, it's a bike and pedestrian-only access.
 14 The other thing that we did change is that
 15 we -- as soon as we established the refuge, we would look
 16 at putting a trail down to the Lindsay Ranch fairly soon
 17 after. But then, because we heard from a lot of people
 18 that they wanted us to look at restoring the site first
 19 and really focus on habitat conservation, that we would
 20 look to wait for five years and then implement the rest
 21 of the public use program. And it would all be
 22 implemented by year 15.
 23 That would give us a chance to focus on
 24 wildlife and habitat birds, and it would give us a chance
 25 to get our budget together, funding, and those kinds of

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1 things.
 2 This alternative offers a visitor contact
 3 station; we would have a few offices there. Whereas,
 4 Alternative D, which I'll explain in a minute, has a
 5 full-blown visitor center. It's one of the differences
 6 between the two.

7 One thing that people told us they wanted
 8 us to do was to put in a north-south trail. And we would
 9 still prefer not to do that, because we know that there's
 10 going to be some changes along Indiana, likely, in terms
 11 of the transportation corridor. And if there is
 12 something done, we would like to see that done as part of
 13 that project. Or, we would like to see the community put
 14 it in. But it's very difficult for us to put in a trail,
 15 try to make -- next to the transportation corridor, and
 16 next to the DOE-retained land, and try to fit all that
 17 in. So that is our preference, we do not make that
 18 change.

19 We did try to -- one of the other things
 20 we changed is that people told us they wanted to see a
 21 little more loop -- loops -- people to be able to make
 22 loops and some connectivity, and we tried to work on
 23 those kinds of things as well.

24 I think that covers that. Oh, one other
 25 thing: Hunting. I know Bini is going to shoot me here

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1 if I miss this one. We -- as in -- as we presented last
 2 May and as you will find in the document now, we do
 3 propose a limited hunting program. And we did make some
 4 modifications to that.

5 What we are proposing is that it would
 6 continue to be a very limited, managed program that would
 7 only be for a couple of weekends out of the year; and it
 8 would be targeted towards the first two years towards
 9 youth and the disabled. And as Bini has -- is in our
 10 compatibility determination, we would look at having
 11 about ten hunters a year.

12 After two years, if we are not meeting our
 13 target population goals, we would look to expand that to
 14 able-bodied hunters as well. It's not a done deal; it's
 15 just that we would look to see if that could be
 16 accommodated.

17 All right. I'm going to move on to
 18 Alternative A. Alternative A is our no-action

19 alternative. And it basically would look at focusing our
 20 habitat and restoration efforts primarily in the Rock
 21 Creek Reserve, the northern part of the site. And pretty
 22 much very limited management, the rest of the site -- the
 23 rest of the refuge.

24 The one change that we made on Alternative
 25 A is that when we proposed it last spring, we proposed

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1 having a chain-link fence all the way around the site,
 2 and we took that option out. We have analyzed that in
 3 Chapter 4 of the Environmental Consequence chapter, but
 4 we found that (a) it's too expensive to do that; (2) we
 5 did not have -- there was not community support, or very
 6 little community support; and (3) it really precludes
 7 wildlife from being able to move from adjacent open space
 8 and onto the refuge and back out again. So it's
 9 really -- it's not good for wildlife from our
 10 perspective.
 11 Alternative C is the ecological
 12 restoration alternative. And this alternative --
 13 somebody's phone's ringing -- Alternative C is the
 14 alternative that focuses on ecological restoration of the
 15 site and offers very, very little public use on the site.
 16 Alternative A is similar in terms of public use as being
 17 very limited, guided -- just almost no public use except
 18 for kind of VIP-type tours.
 19 The difference between A is under
 20 Alternative C we would have a trail that would overlook
 21 the former Lindsay Ranch. And under Alternative C, we
 22 would take out the whole Lindsay Ranch buildings under
 23 that alternative, because our focus would be on trying to
 24 restore the site to -- as much as we could to a
 25 presettlement condition.

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1 We really didn't make much changes to
 2 Alternative C from last May.
 3 And then under Alternative D, which is the
 4 public use alternative -- that's what we call it -- this
 5 would be trying to focus on certain plant communities and
 6 wildlife species, really trying to target -- target those
 7 species, but, at the same time, being able to maximize
 8 the amount of public use that we would have on the site.
 9 And, as I said earlier, under this
 10 alternative, we looked at having a full-blown visitor
 11 center on the site. We did make some changes from last
 12 May. We tried -- based on the input we had, we tried to
 13 improve some of the loops that people could do and also
 14 some connectivity in that as well.
 15 I think those are the main points. Did I
 16 miss anything, Bini?
 17 MS. ABBOTT: I think it was 10 of disabled
 18 youth -- or of youth, and 10 disabled, making a total of
 19 20, I think.
 20 MS. SHANNON: She knows. Okay. One of
 21 the other things that I save her -- for part of her three
 22 minutes is that -- and these are Bini's graphics.
 23 They're great, too.
 24 MS. ABBOTT: Except the underlines are
 25 mine; you can't blame them for that.

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1 MS. SHANNON: We have six priority public
 2 uses that the Fish -- that in our Improvement Act, in our
 3 organic act, that Congress has said that the Fish &
 4 Wildlife Service should try to provide. And those six
 5 uses are: Hunting, fishing, wildlife observation,
 6 wildlife photography, environmental education, and
 7 environmental interpretation.

8 And while our purposes of the national
 9 wildlife refuge system are geared towards wildlife
 10 conservation and habitat management, Congress has said
 11 that it is appropriate to have public uses on national
 12 wildlife refuges. And that those are the six priority
 13 ones and that, if you can, you should try to provide
 14 those.

15 So, with that, does that help you?

16 MS. ABBOTT: Yes, thank you.

17 MR. HUGHES: Dogs?

18 MS. SHANNON: Dogs. There's my other cue.
 19 Dogs. Under none of the alternatives would we allow dogs
 20 onto the site, leashed or otherwise. So that's not up
 21 for discussion tonight.

22 MS. ABBOTT: And what is the reason that
 23 you don't want dogs?

24 MS. SHANNON: Can you hold that question?

25 MR. HUGHES: Let's hold that one. We'll

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1 write it down as a question; we'll get to it.

2 MS. SHANNON: All right. Thanks, Mike.

3 MR. HUGHES: Okay. Again, particularly
 4 for those of you who've come in since the start of the
 5 meeting, here's how we are going to handle the next part
 6 of the meeting. This is formal comment on the Draft

7 Environmental Impact Statement and the Draft
 8 Comprehensive Conservation Plan, three minutes per
 9 speaker. Again, we ask that you let each speaker have
 10 their full three minutes by not interrupting them, and
 11 we'll ask them to do the same for you when it's your
 12 turn.

13 Since you'll be speaking about the plan to
 14 the people who are responsible for producing it, we've
 15 asked three of the lead staff to come here -- and I'll
 16 give them a chance to introduce themselves in just a
 17 couple of minutes -- so that you can speak directly to
 18 them about your response to the content of the plan.

19 Since none of us have that internal clock
 20 that tells us exactly when three minutes is up, Jody is
 21 going to help with that. So she'll remind you when you
 22 have two minutes, when there's a minute left, and when
 23 you have 30 seconds left. And then she has a nice little
 24 red sign that says, Stop. She'll stand up and stand next
 25 to you, should that be necessary, once you've reached the

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1 stop point. When Jody stands up, you know what that
2 means.

3 We ask that when you come to give your
4 comments that you use the microphone, despite the fact
5 that the room is relatively small, and my voice certainly
6 fills it. So we ask that you come to the podium, speak
7 to the staff here, and give your name first.

8 Lastly, this isn't the only way to provide
9 comments. Laurie talked about mail, fax, and
10 hand-delivering. We have written comment forms here. So
11 if taking this three minutes isn't your preferred method
12 of providing comments, that's fine; there are lots of
13 ways to do that. And so you're free to add written
14 comments.

15 MS. ERIKSON: And the address and the fax
16 number are on these little yellow or green sheets on your
17 chair.

18 MR. HUGHES: So, I'll ask the three people
19 here to introduce themselves, and then Jody will read two
20 names, and we'll get started.

21 MR. RUNDLE: My name is Dean Rundle. I'm
22 the refuge manager for the Rocky Flats refuge project.

23 MR. TRENHOLME: I'm Richard Trenholme with
24 ERO Resources. I'm part of the planning team.

25 MS. SHANNON: And you all know me. I'm

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1 Laurie Shannon, the planning team leader here.
2 MS. ERIKSON: Mike Bartleson and then Bini
3 Abbott.

4 BY MR. MIKE BARTLESON:
5 My name is Mike Bartleson. I'm an
6 employee of the City and County of Broomfield. I've been
7 involved in Rocky Flats' issues since I started with
8 Broomfield in 1973, over 30 years.

9 There are many aspects of the refuge plan
10 that we have reviewed. We've looked at all of the
11 documents. We have full-time staff that thoroughly
12 reviews all documents with not only the refuge, but with
13 the cleanup process.

14 Based on our review, we see Alternative B
15 as being a rational approach to a good balance between
16 wildlife and habitat issues and use by the public. It is
17 a very valuable resource to not only the City and County
18 of Broomfield residents, but all of the residents along
19 the front range.

20 So I want to thank you, the Service, for
21 being responsive to our comments, particularly the
22 connectivity input with the trails that will connect
23 Broomfield's future trails with this area. Thank you.

24 MS. ERIKSON: Thanks, Mike. Bini Abbott
25 and Lisa Gill.

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1 BY MS. BINI ABBOTT:
 2 My name is Bini Abbott, and we live on the
 3 west shore of Standley Lake. What I'm not is a member of
 4 a peace group or an animal rights person. I'm also not
 5 antihunting. But what I am is opposed to recreational
 6 sport hunting of the deer four days out of the year while
 7 they are protected 361 days out of the rest of the year,
 8 so that people can have a good opportunity for wildlife
 9 observation and photography.
 10 Under the environmental interpretation,
 11 they had four subtitles, and those are: "Habitat
 12 Restoration." And under Wildlife, colon, they have,
 13 "Wildlife take refuge at Rocky Flats." This is from the
 14 big book that's published for this case. Then under C,
 15 under Wildlife and People, colon, "Wildlife comes first."
 16 And I underlined first.
 17 The definition of a refuge in most
 18 people's minds and in the dictionary is a place of
 19 safety, shelter, or a safe retreat. The large book
 20 states that they are figuring that the hunting for these
 21 20 people, two weekends a year, will cost annually about
 22 \$5,000, which is \$250 per person. And they intend to
 23 close the whole rest of the refuge at that time, which I
 24 think is unfair to spend that much money for those few
 25 people, and nobody else gets to use the refuge. I also

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1 think it will be a shock as people are taking the trails
 2 and, all of a sudden, find out, Whoops, can't go on it
 3 today.
 4 If there is a need to cull because of the
 5 overpopulation, I feel the animals should be shot by a
 6 sharpshooter from the Division of Wildlife.
 7 And, according to the open space that's
 8 surrounding it, I've talked to Boulder -- Boulder City
 9 and Boulder County, and neither one has had an
 10 overpopulation problem so far. And what bothers me is
 11 they're going to try to have the hunting program the
 12 first two years, but not do a population check until the
 13 third year, and then not change things until 15 years.
 14 I think the perception is going to be that
 15 it is not good for fish and wildlife. I also have a
 16 letter signed by Mark Udall and Wayne Allard regarding
 17 the shooting range that they had at Rocky Flats, and
 18 Sheriff Stone was asking that they be retained.
 19 Okay, I'll be really quick.
 20 So I'm hoping that you -- instead, the
 21 people see pictures and look at wildlife through
 22 binoculars, through a camera, but not through the sights
 23 of a gun. Thank you.
 24 MS. ERIKSON: Thank you, Bini. Lisa Gill
 25 and LeRoy Moore.

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1 BY MS. LISA GILL:

2 Hi. My name is Lisa Gill, and I'm a
 3 resident of Rock Creek. I'm here to talk about -- I
 4 understand that Alternative B is probably the most likely
 5 outcome of these meetings, and I have a question: Why
 6 are -- why is the refuge allowing humans to use the site
 7 when we're trying to save the animals? The refuge is
 8 meant as a home for species all around Colorado, and if
 9 we let humans use trails and horses -- well, we're
 10 causing a disturbance to the environment. We're
 11 promoting invasive weed dispersal.

12 And, also, I understand that throughout
 13 most of the alternatives, fire is going to be used as a
 14 mitigation to reduce invasive species. So, in effect, by
 15 letting humans use these trails and by constructing
 16 buildings, we're promoting invasive species, but then we
 17 are trying to use fire to reduce them. So I don't
 18 understand how those two come together.

19 And, also, I do not want equestrian use of
 20 the refuge. If I were to go out to Rocky Flats, I would
 21 like a place where I don't have to step into horse
 22 manure. There are other parts of the front range or
 23 other parts closer to Boulder, Broomfield that allow
 24 horse use -- equestrian use, sorry. So I think that
 25 Rocky Flats should be for us to enjoy if we are going to

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1 be allowed that opportunity. Thank you.

2 MS. ERIKSON: LeRoy Moore and David
 3 Waddington.

4 BY MR. LEROY MOORE:

5 I'm LeRoy Moore with the Rocky Mountain
 6 Peace and Justice Center, a consultant with that
 7 organization.

8 I would like to commend and resolve the
 9 Fish & Wildlife for a process that's being used in these
 10 meetings, that I think it's considerably improved over
 11 the last round when you did the scoping hearings.

12 There are two organizations that -- there
 13 are a number of them -- but, actually two organizations
 14 that make studies of radiation exposure and make
 15 recommendations to U.S. government agencies. One of them
 16 is called the International Commission on Radiological
 17 Protection, headquartered in London. The other one is
 18 the National Council on Radiation Protection and
 19 Measurements, a U.S. organization located in Washington.
 20 I happen to be a member of two of that body's committees.

21 Both of these organizations do all of
 22 their work regarding radiation standards -- setting of
 23 radiation standards. They do all of their work on the
 24 premise that there is no such thing as a safe dose of
 25 radiation. Now, stated differently, what that means is

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1 that any exposure can be harmful.
 2 And in the case of Rocky Flats, we're
 3 talking especially about plutonium. It is known -- it's
 4 admitted by the government agencies itself, that the
 5 plutonium -- tiny particles of plutonium were dusted over
 6 the whole of that site. Plutonium has a half-life of
 7 24,000 years; it will remain dangerous for a quarter of a
 8 million years. In the environment, it's a permanent
 9 danger.
 10 It is dangerous in very tiny amounts. Not
 11 dangerous if you don't get it inside your body, but if
 12 you get it inside your body -- a particle of plutonium,
 13 the smallest amount you can take in can cause cancer at
 14 some later time or some other health problems of a severe
 15 nature.
 16 So it's about this that we're particularly
 17 concerned at the Rocky Mountain Peace and Justice Center.
 18 We think it's a mistake to subject people to this kind of
 19 exposure if it's not absolutely necessary. So the
 20 question that I put -- I've raised this question before,
 21 I'll raise it again: Why take the risk of exposing
 22 people to plutonium on the Rocky Flats environment,
 23 people including children and other vulnerable members of
 24 the population? Why take the risk if it is not
 25 absolutely necessary?

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1 I could point you to a fact sheet we have
 2 over here on the table (indicated) if you'd like to pick
 3 it up to get a little get more information on that.
 4 Thank you very much.
 5 MS. ERIKSON: Thanks, LeRoy. David
 6 Waddington and Laura MacGillivray.
 7 BY MR. DAVID WADDINGTON:
 8 Good evening, ladies and gentlemen. I am
 9 David Waddington. First of all, I support your
 10 recommendation for Alternative B, as in Baker.
 11 I noted in Section 2.0 -- 10, page 70, a
 12 desire to have a Cold War Museum and a combined visitor
 13 center. I note that only Alternative D, as in dog,
 14 supports this. I would certainly recommend that this be
 15 added to B, because I think it's a well-worth thing. I
 16 think it's a shame to have those buildings and not be
 17 able to use them.
 18 I understand there is a possible water
 19 problem, and I would recommend working with Arvada for
 20 planning to develop on 72 that they might be able to get
 21 water up to that location.
 22 Section 2.10, page 67 talking about
 23 transportation. I think you need to consider having
 24 underpasses to go under 93 and Indiana.
 25 Mowing and fire. I definitely support it,

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1 but I would ask that you time it so that birds and
2 ground-living animals are past the young stage, birds are
3 able to fly, before you do.

4 Mineral rights. I understand that sand
5 and dust from mining is damaging various lands in the
6 wildlife refuge. I would recommend immediate action, any
7 way possible to stop this from occurring and preserve the
8 grasslands that we have.

9 You have planned for one restroom in
10 Alternative B. I think with 16 miles of trails, people
11 getting all around, you should plan for a restroom -- at
12 least of a port-a-potty type, to use a generic term -- at
13 each parking lot. And if you have entrances on the east
14 side for trails coming in, I would recommend one at each
15 of those. Thank you.

16 Fences. I definitely support your
17 barbed-wire fence. But I would consider that when
18 highways have much more increased traffic, in particular,
19 you provide underpasses for wildlife, that maybe you can
20 get the highway construction to put in some better fences
21 if necessary. I thank you for your time.

22 MS. ERIKSON: Thank you, David. Laura
23 MacGillivray and Gary Brosz.
24 BY MS. LAURA MACGILLIVRAY:

25 Hi. My name is Laura MacGillivray, and

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1 I'm a student at the University of Colorado at Boulder.
2 And I know you don't want me to talk about this topic,
3 but it is an integral part of my concerns about the Rocky
4 Flats National Wildlife Refuge.

5 I'm only asking for your open ears and
6 respect, even if you decide to disregard what I have to
7 say to you. I know you don't want to talk about it, but
8 I feel that possible contamination of the soon-to-be
9 wildlife refuge needs to be addressed.

10 I believe that Alternative A is the best
11 choice at this point. The cleanup of the area is
12 currently under the supervision of the Department of
13 Energy and the EPA. Therefore, the cleanup of the area
14 is not your responsibility at this point. However, the
15 Rocky Flats area outside of the Department of Energy's
16 retained area will soon become your responsibility.

17 The EPA is expected to have the area
18 cleaned up and free from contamination before turning the
19 area over to you. My concern is that the area will be
20 handed over to the Fish & Wildlife Service and has not
21 been thoroughly tested for contamination from radioactive
22 materials emitted from the Rocky Flats plant.

23 There have been thousands of tests for
24 contamination within what would be the Department of
25 Energy's retained area; however, contamination testing on

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1 the refuge lands has been limited.
 2 My request is that Alternative A is chosen
 3 until sufficient testing of the refuge area has been
 4 completed to ensure the safety of the citizens and
 5 workers that would be stationed on the refuge area.
 6 Thank you.

7 MS. ERIKSON: Thank you, Laura. Gary
 8 Brosz and Rick Warner.

9 BY MR. GARY BROSZ:

10 Hi. My name is Gary Brosz. I'm a city
 11 council member with Broomfield City and County. I'm also
 12 a member of RFCLOG, the Rocky Flats Coalition of Local
 13 Governments. And for those who don't know, that's an
 14 organization of area municipal governments that spend a
 15 great deal of time overseeing DOE and Kaiser-Hill during
 16 the cleanup operations and the planning for postclosure
 17 activities, which we call legacy management.

18 I'm an engineer by trade. I'm a very
 19 data-based person, and I've seen issues many times in my
 20 career where there's the emotional side of the issue and
 21 there's the real, honest data side of the issue. And
 22 cutting through the emotion and finding the data is an
 23 important step in resolving any issue, especially an
 24 issue of a technical nature.

25 Furthermore, I consider myself to be a

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1 reasonably hardcore environmentalist. I am a
 2 card-carrying member of the Sierra Club, Greenpeace, the
 3 Union of Concerned Scientists.

4 I have absolutely no interest in seeing
 5 Rocky Flats being left in a state that is unsafe after
 6 the DOE departs. It is the goal of RFCLOG to make sure
 7 that that doesn't happen. And I am -- I have very high
 8 confidence that will be the case.

9 There's been a great deal of concern
 10 through this public input process about potential
 11 contamination in the refuge area. I can assure you that
 12 a great deal of sampling, actually, has already occurred
 13 in the refuge area. We have maps that can show that, if
 14 anyone is interested in seeing those.

15 Also, the planned sampling currently
 16 underway is very extensive throughout the entire refuge
 17 area. As a consequence, that site, when it closes, will
 18 be certified safe; it will be verifiably safe. And it
 19 will be safe to levels that are typical any place else
 20 you might go on a hike or enjoy the open space in
 21 Colorado.

22 Given that, I have worked with my city
 23 council to keep them up-to-date. And our city council
 24 over the years -- ex-Council Member Stovall here has been
 25 working on this issue for about 20 years. We have a

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1 great deal of information, and we have very high
 2 confidence that there is no public risk to open up the
 3 refuge. Consequently, we are very much in support of
 4 Option B.

5 MS. ERIKSON: Thank you, Gary. If you
 6 wrote your comments down, you're welcome to leave them on
 7 the table so the stenographer and Fish & Wildlife Service
 8 have them. So Rick Warner and then Randy Olson.

9 BY MR. RICK WARNER:
 10 Thank you. Thank you for having this
 11 meeting. I appreciate hearing all the members of the
 12 public here. I think it's wonderful. I also understand
 13 that this happened because it's an Act of Congress and
 14 the Fish & Wildlife Service has been put in this
 15 position.

16 I have about seven or eight years of
 17 experience with Fish & Wildlife. I was actually involved
 18 in a Superfund site at the Rocky Mountain Arsenal. I was
 19 a member of about three boards there and different
 20 groups.

21 There are problems. Their job is not to
 22 clean up sites; their job is not public health. Their
 23 job is taking care of the wildlife refuge.

24 Those sometimes come at odds. Oftentimes,
 25 they stand in the way of cleanup activities. They can

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1 sometimes stand in the way of biological studies, and
 2 things of that nature. That aside, Rocky Flats is a very
 3 dangerous site; it has been a dangerous site; it will
 4 continue to be a dangerous site. In no way are the plans
 5 that are occurring right now going to clean it up.

6 I can think back to days when there was a
 7 lot of promotion -- public relations promotion out at the
 8 Arsenal, when we knew that there was serious, dangerous
 9 activities occurring out there, and there would be
 10 pictures of young mothers and their young children
 11 digging out there, planting trees. We knew that this was
 12 not a safe site to be, because we were seriously involved
 13 in the details daily on that site out there.

14 The Sierra Club, at that time, wrote to
 15 all the schools in the area to stop sending their kids
 16 there. I can tell you from tabling at universities, how
 17 many times I was told, Yes, we spent a good many school
 18 years -- two or three -- going and traveling to the Rocky
 19 Mountain Arsenal and nobody ever told us it was a
 20 Superfund site, nobody ever told us it was a toxic site.

21 And I can tell you the Fish & Wildlife
 22 Service has told us many, many times that they would do
 23 this on every tour. I heard many times -- in fact, I was
 24 on tours where it was not mentioned.

25 So I can tell you that there are things at

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1 odds here. For this reason, I would prefer Plan A: No
2 public -- in fact, no public involvement out there. In
3 fact, to some extent I have some reservations about some
4 of the habitat restoration.

5 If you had a -- if your family members get
6 sick, seriously sick at a time and at a point in their
7 lives that you wouldn't expect it, and you look back over
8 their lives and you wonder, What could I have done
9 differently to stop this? As I have recently had to do
10 this in my life.

11 You don't want irresponsible actions which
12 many people have claimed over the years. This has
13 plutonium, and it's all over that site. It is better to
14 be on the side of caution, rather than on haste. Thank
15 you.

16 MS. ERIKSON: Thank you, Rick. Randy
17 Olson and Lori Cox.

18 BY MR. RANDY OLSON:
19 Hi. I'm Randy Olson. I live in Arvada
20 and I'm the system state coordinator for Wheel and
21 Sportsman, which is a member of the National Wild Turkey
22 Federation. We are 300 strong in Colorado's Wheel and
23 Sportsman, and we're 6,000 members of the National Wild
24 Turkey Federation.

25 We partner with the Fish & Wildlife

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1 Service on many areas nationally, and our national
2 organization of the National Wild Turkey Federation is
3 500,000 strong. And the Wheel and Sportsman is over
4 10,000 members.

5 We -- I stand here tonight in support of
6 Plan B on behalf of the state of Colorado National Wild
7 Turkey Federation and the Colorado Wheel and Sportsman.
8 We feel it's an ideal opportunity for the State to have a
9 place where disabled hunters and youth can have the
10 opportunity at some point, once the site is clean, to go
11 and participate in an activity that they can't normally
12 do.

13 We work along with the Fish & Wildlife
14 Service and the other refuges around the United States,
15 which do allow hunting and fishing opportunities. And it
16 goes on to this day and has been. And we are very proud
17 of the association that we have with the Fish & Wildlife
18 Service.

19 We thank you for that opportunity. And
20 we'd like to stay with Plan B and hope that you will open
21 up, once the site is safe and it's deemed responsible to
22 open that up, and we have the opportunity to come out and
23 work with the youth and even maybe expand the program to
24 work with the disabled and the youth out on that
25 property.

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1 So we support the plan and stand behind
2 you 100 percent.

3 MS. ERIKSON: Thanks, Randy. Lori Cox and
4 Hank Stovall.

5 BY MS. LORI COX:
6 Thank you. My name is Lori Cox and I
7 serve with Council Member Rhodes on the City and County
8 of Broomfield City Council. I also serve with him on the
9 Rocky Flats Coalition of Local Governments.

10 But I speak to you this evening, not so
11 much in those official capacities, as a 30-year resident
12 of Broomfield. I've lived here for a very long time and
13 have seen Rocky Flats go through a number of changes.

14 Actually, Alternative B accomplishes what
15 I had envisioned quite some time ago for the site.
16 What's perhaps most attractive to me is the combination
17 of uses. What we're doing is taking a very large piece
18 of ground and allowing a huge range of uses for that
19 ground. And as far as I'm concerned, that's the best of
20 both those worlds: Biking and hiking, equestrian. I
21 think those are all fabulous options.

22 We very much appreciate the work that
23 you've done on each alternative, but the City and County
24 of Broomfield, the city council members, were concurrent
25 in their belief that perhaps Alternative B would be the best

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1 multi-use option.
2 We would encourage you to sort of sift
3 through all of the political statements and the emotional
4 debate and take to heart the fact that we believe that
5 for the citizens of Broomfield, which is who we're
6 responsible for, would prefer Alternative B. And thank
7 you.

8 MS. ERIKSON: Thank you, Lori. Hank
9 Stovall and Bob Nelson.

10 BY MR. HANK STOVALL:
11 Welcome, everyone, to Broomfield. What
12 are you laughing about back there? I am a 33-year
13 resident of Broomfield. I originally got interested in
14 Rocky Flats when there was a beryllium spill in our
15 reservoir back in 1973.

16 When I was deciding what comments to make
17 here tonight, I thought about vision, balance, safety,
18 and an amenity that could serve the entire community.
19 This will be a large, 4 to 5,000 acre -- that would be an
20 acre of wildlife preserve that will be available to the
21 public, assuming that Option B passes.

22 In terms of the history of the site, as
23 some of you may know, it was originally proposed as open
24 space. If it had been open space, the cleanup level
25 would have been much lower. When it was designated as a

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1 wildlife preserve and the affected person would be a
2 wildlife worker, the cleanup level was required to be
3 much tighter.

4 There's been some discussion about cleanup
5 levels and about risk and so forth. I would submit to
6 you that the majority of the buffer area that's proposed
7 for Fish & Wildlife is no more contaminated than your
8 backyard, which is at or about background, from worldwide
9 testing of nuclear weapons.

10 Local governments have worked together
11 with the congressional delegation, Senator Allard,
12 Congressman Udall, as well as Beauprez, Tancred, and
13 DeGette. And at the time when that proposed -- a
14 wildlife reserve was proposed and the legislation was in
15 Congress, the community was in a 100 percent consensus as
16 far as I heard.

17 At the local government level --
18 particularly in the communities of Broomfield,
19 Westminster, and others -- have technical staff that
20 follow every day of the week what goes on at Rocky Flats.
21 We work collaboratively with the Governor's office, with
22 the Department of Health and the EPA and with DOE. And
23 on occasion, some consultation with the subcontractor.

24 In summary, I support Option B. It
25 provides access for the public to the site. It is a

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1 balanced plan. It proposes a moderate annual cost, and
2 it also proposes a moderate number of local -- of FTEs.

3 With that said, our preference is Option
4 B. I'd like to thank Fish & Wildlife for your
5 collaboration and your outstanding process for getting
6 the public involved. This is a great crowd and a lot of
7 good input. Thank you.

8 MS. ERIKSON: Thank you, Hank. Bob Nelson
9 and Shirley Garcia.

10 BY MR. BOB NELSON:

11 Good evening. I'm Bob Nelson. I'm mayor
12 pro tem for the City of Golden, and I'm here to say I
13 think we all support Option B very much -- or Alternative
14 B, because I think the site belongs to the people, the
15 people of Colorado. And it's a beautiful place, kind of
16 barren sometimes and windy sometimes, but it has species
17 of animals and grasses and shrubs that aren't found any
18 other places readily; and it would be a beautiful place
19 just to be able to go out and walk.

20 I have visited other wildlife areas in
21 several states: California, Hawaii, Washington State,
22 Colorado, Missouri, and they're all beautiful. They're
23 all just really nice places to go walking.

24 Mr. Moore states that if you get a
25 plutonium particle inside your body, you're probably

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1 going to get in trouble. This is true. But if there is
 2 plutonium out there -- and there probably is some
 3 plutonium still on the site -- to the best of my
 4 knowledge, plutonium doesn't jump up and attack you. If
 5 it's laying on the ground, it's going to be there. It's
 6 a heavy element, so it's not going to be -- you know, apt
 7 to be moving around a lot.

8 I am board member, as is LeRoy Moore, of a
 9 group of people called the Rocky Flats Cold War Museum.
 10 We are trying to establish a cold war museum at the site,
 11 and we hope we will be able to work in conjunction with
 12 the Wildlife Service to get this done. It will probably
 13 be in buildings 60 and 61, which are the west-most
 14 buildings that are not on the closure site.

15 I worked at Rocky Flats for three years
 16 four years ago, and I was part of the beryllium testing
 17 process, because I was exposed to beryllium. So far
 18 nothing has happened, not had a problem with it. And I'm
 19 not worried about it. If I do die -- I'm going to do
 20 that anyhow, there's no question about that.

21 So I strongly support Alternative B and
 22 think it would be just a great thing for the people of
 23 Colorado. Thank you.

24 MS. ERIKSON: Thanks, Bob. Shirley Garcia
 25 and Kevin Standbridge.

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1 BY MS. SHIRLEY GARCIA:

2 Good evening. My name is Shirley Garcia,
 3 and I'm a staff member for the City and County of
 4 Broomfield. I am also a resident of Westminster; I've
 5 lived there for 26 years. I'm also an ex-worker of Rocky
 6 Flats. I worked there from 1982 to 1997. So I can bring
 7 balance, I feel, to both sides of the story tonight.

8 I'm not here to speak, basically, for
 9 Broomfield at this point in time. I'm basically giving
 10 you my personal opinions, plus my technical opinion,
 11 because that's what I do full time. I review data on a
 12 daily basis dealing with characterization out at the site
 13 and closure and legacy management issues.

14 I'd like to thank the Service especially
 15 tonight for working with us, especially working with the
 16 City and County of Broomfield and dealing with our issues
 17 and addressing our concerns. I'd like to thank you for
 18 working with us towards a vision for all of the
 19 communities, that we would have as a community that has
 20 one vision in common for our ecological benefits, and
 21 also to work with us for our vision for the City and
 22 County of Broomfield, working with trails and
 23 connections.

24 Our goal for the CCP is the same as yours,
 25 and that's to provide an approach for conservation and

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1 biological diversity at Rocky Flats. We also want to
 2 have an appropriate safe use of activities at Rocky
 3 Flats. In dealing with data, I can assure you that
 4 there's more than sufficient data currently that I've
 5 seen, and future data that they're working on that will
 6 ensure your safety.

7 And, again, you have an opportunity to
 8 make that decision if you want to go out to Rocky Flats
 9 or not.

10 So I therefore support Alternative B with
 11 some minor modifications. You will be receiving a letter
 12 from the City and County of Broomfield, so you will be
 13 expecting that. You know what my letters are like,
 14 anyway.

15 Let me be the first to volunteer to work
 16 with you -- with the Service to foster recreational,
 17 educational, interpretive opportunities for the
 18 communities. As far as I'm concerned, education is very
 19 important to continue legacy management out there. It
 20 serves as a stewardship tool to actually maintain the
 21 institutional memory of what's out there as far as
 22 residual contamination.

23 We also ask DOE and the RFCA parties to
 24 work with us to identify the mechanism to control access
 25 to DOE-controlled land, because that's a major concern of

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1 mine. It's hard for us to identify activities if we're
 2 not sure what the controls are and who will be actually
 3 overseeing controls to ensure that public access is not
 4 allowed to the industrial area.
 5 But once again, I'd like to thank the
 6 Service for their support and willingness to discuss and
 7 address our concerns. And we ask that you continue to
 8 keep us involved with the development of your stepdown
 9 documents and final trail development along the northern
 10 side of the Great Western Reservoir. Thank you.

11 MS. ERIKSON: Thanks, Shirley. Kevin
 12 Standbridge and Lauren Lawson.

13 BY MR. KEVIN STANDBRIDGE:

14 My name is Kevin Standbridge. I'm the
 15 assistant city and county manager with Broomfield, and
 16 I'd like to speak as a custodian and actually owner of
 17 adjacent properties to the east. The City and County of
 18 Broomfield is in the midst of a planning process for an
 19 open space and trails master plan. We have, after
 20 careful analysis, decided that it is appropriate to put a
 21 trail across the Great Western Open Space immediately
 22 east of this site. That trail is intended to tie in to a
 23 future trail across the Rocky Flats preserve.

24 With that, we wholeheartedly support
 25 Alternative B, and just through our own actions have

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1 fully demonstrated that we think it's a safe and
2 worthwhile decision. Thank you.

3 MS. ERIKSON: Thank you, Kevin. Lauren
4 Lawson and Andrew Bennett.

5 BY MS. LAUREN LAWSON:

6 Hi. My name is Lauren Lawson. I'm

7 currently a junior at the University of Colorado,
8 majoring in biology and geography. So I come to you in
9 response, actually, to build upon one of the questions
10 that was already posed: If it is a refuge, why are we
11 letting it be used for humans, because of the fact that
12 habitat fragmentation does affect the landscape and it
13 does cause disturbances in the form of trails?

14 There have been numerous studies that I've
15 read done in the last couple of years about the effect of
16 corridors on habitat fragmentation and how species do not
17 favor crossing corridors, and then that limits their
18 ability to reproduce and live healthy lives. So I do
19 support Option A for that respect. That's all.

20 MS. ERIKSON: Thanks, Lauren. Andrew
21 Bennett and Tricia Class.

22 BY MR. ANDREW BENNETT:

23 Hi. My name is Andrew Bennett, and I'm
24 from Boulder, Colorado. First of all, I'd like to thank
25 the Fish & Wildlife Service for allowing this process to

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1 go on. This is a really great process. I've been to
2 some meetings where you just fill out the little card and
3 turn it in, and that's not so personal. And I really
4 thank the Fish & Wildlife Service for working this out,
5 and I think it's a more personal and publicly involving
6 process.

7 First of all, I believe that the cold war
8 museum is definitely a good idea. I feel like it's a
9 beautiful part of this transition of our nation into a
10 nonnuclear nation and more of a peaceful nation.

11 I also feel that -- that it is commendable
12 that the National Wildlife Refuge is being formed in the
13 first place as a refuge for animals and biodiversity, and
14 it's also a way to keep some of the encroaching
15 communities and trails away from the industrial area,
16 which is definitely not clean yet.

17 Moving on from that, I feel that the grass
18 burning on the refuge area is an area of some concern. I
19 feel that there is possibility and potentially some
20 contamination still in the buffer zone area. And I feel
21 that the grass burning can pose a risk to public health
22 and safety in the area surrounding the site due to the
23 large amount of smoke that's put out by grass burning,
24 and also the fact that plants definitely can take up
25 plutonium and radionuclides from the soil into their

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1 tissues and distribute them to their aerial tissues.
 2 I have a report and a study by the
 3 Environmental Protection Agency -- and I will hand it off
 4 to you guys -- that details how plutonium is taken up by
 5 plants. It's not a field study; it was done in a
 6 laboratory, but it was done with several different kinds
 7 of soil that -- I think one of them is comparable to the
 8 soil that is on the site.

9 I also feel that the Fish & Wildlife
 10 Service should be completely sure that their burning is
 11 under control at all times, because if that burning is
 12 allowed to encroach upon the industrial area, there could
 13 be a massive amount of contamination that is potentially
 14 released.

15 Moving on from that, I feel like the Fish
 16 & Wildlife Service and the Department of Energy should
 17 really work out a very workable plan to keep people,
 18 animals, and their dogs -- people and their dogs,
 19 animals, from the industrial area. If this means a fence
 20 with some signs, I think we need to do it, because people
 21 don't know what's going on in the industrial area. If
 22 they are from out-of-state and they're not familiar with
 23 the area, I feel like we really need to make sure that
 24 that happens.

25 So I ask Fish & Wildlife Service exactly

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1 what's going to be done, because I have read in the EIS
 2 that a seamless boundary is what is needed and what is
 3 desired. Thank you.

4 MS. ERIKSON: Thank you, Andrew. Tricia
 5 and then Kristin Pritz.
 6 BY MS. TRICIA CLASS:

7 Hi. My name is Tricia Class. I'm a
 8 senior at the University of Colorado, and I am very much
 9 in favor of Option A. If not A, then C.

10 I would like to go for A because I have
 11 been doing a lot of research and everything on the
 12 situation, and I feel that we all know that there is
 13 contamination in the buffer zone. The limit on
 14 contamination is up to 50 picocuries per 3 feet of
 15 soil --

16 UNIDENTIFIED SPEAKER: Per gram.

17 MS. CLASS: Yes. So anywhere from the top
 18 level to 3 feet of soil, you can have 50 picocuries of
 19 contamination within that site.

20 There have been studies done with pocket
 21 gophers, and there's also prairie dogs who live on the
 22 site that burrow deeper than 3 feet. Underneath 3 feet
 23 to 7 feet, they're allowing 7 nanocuries, which is a
 24 thousand times more than the 50 picocuries. So if you
 25 have this thousand times more contamination from 3 to

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1 7 feet and you have these animals burrowing deeper than
 2 this, they actually bring up their soil from their
 3 burrows.

4 Pocket gophers -- there's been a study
 5 done by Hankinson that shows that there was -- the pocket
 6 gophers displaced over 20 metric tonnes of soil per acre
 7 per year. And so this means that a lot of the
 8 contamination below the 3 to 7 feet -- that prairie dogs
 9 that burrow deeper than 7 feet can bring up this
 10 contamination.

11 And I just want to ask the Fish &
 12 Wildlife, I understand that it's out of your scope for
 13 the contamination, but I want to know who is liable for
 14 any contamination that might happen after it's been
 15 passed over to the Fish & Wildlife.

16 There's other studies been done with
 17 winds, and the USGS has done studies about landslides.
 18 Landslides have been known to displace soil and bring up
 19 the deeper soils. And so I wanted to know just who's
 20 going to be in charge of taking care of that and making
 21 sure that it's safe for the humans to come on?

22 Because no matter how much contamination
 23 is left, it's still going to be radioactive. Plutonium
 24 has a half-life of 2,400 years. That means that
 25 plutonium is there. Even though it might be a minuscule

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1 amount, it's still going to be radioactive for 24,000
 2 years. That is way beyond the scope of this project.
 3 And I just want to know what's going to happen later on
 4 with that.

5 So just to wrap up, basically, you know,
 6 an ounce of prevention is worth of pound of cure. It's
 7 something my father has been telling me for my entire
 8 life. Just make sure that you know that this site is
 9 completely safe for people. The site has not been
 10 completely characterized, you don't know where all the
 11 contamination is.

12 I just want to make sure that -- I mean,
 13 I'm a runner. I will -- personally, I will never go out
 14 on the site. Inhalation of plutonium is the most deadly
 15 way of getting sick from this contamination, so I'd just
 16 like people to know that.

17 MS. ERIKSON: Thanks, Tricia. Kristin
 18 Pritz is the final one. Kristin?

19 BY MS. KRISTIN PRITZ:

20 Hello. I'm Kristin Pritz, director of
 21 open space and trails for the City and County of
 22 Broomfield. We've been working for quite a long time to
 23 develop this plan with other communities and with the
 24 U.S. Fish & Wildlife Service and their consultant team.

25 A lot of work has gone into figuring out

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1 where appropriate locations are for trails and other
 2 improvements on the site, where we need to really locate
 3 these trails and so on, so that we're respecting the
 4 wildlife on this site and the other ecological aspects of
 5 the site.

6 So tonight's meeting, as I understand it,
 7 is really to focus on the plans that are being presented
 8 tonight and to discuss what plans for the wildlife refuge
 9 most represents what we want.

10 And I think that Plan B, Alternative B,
 11 really represents that emphasis on wildlife. That this
 12 is a wildlife refuge, and that's extremely important to
 13 the whole purpose of the site, and it allows for public
 14 access in a manner that does not take away from that
 15 important purpose. And for that reason I recommend
 16 Alternative B. Thank you.

17 MS. ERIKSON: Thanks, Kristin. Okay,

18 Mike?

19 MR. HUGHES: Okay. Obviously, there's
 20 time -- if anyone is now interested in having three
 21 minutes to make a comment, we'd like to have you come to
 22 the microphone. If you would say your name when you get
 23 to the microphone, that would be great.

24 BY MS. MARCI BOURGERY:

25 My name is Marci Bourgery. I'm a resident

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1 of Broomfield as well as a student at the University of
 2 Colorado. I, too, am in favor of Alternative A.

3 I do not feel like we have been given the
 4 honesty that we deserve, and I'm afraid that I cannot
 5 trust the -- I cannot trust the fact that the area will
 6 be safe. A wildlife refuge is just that, it's for
 7 wildlife. It is not for humans to come and interfere
 8 with what they need -- the wildlife needs to do out
 9 there.

10 Again, Alternative A -- I see no harm in a
 11 wildlife refuge, but I don't see where humans need to go
 12 there. There's a lot of open space here in Colorado, and
 13 that area has not been determined to be 100 percent safe.
 14 And, again, I don't feel humans need to interfere with
 15 the wildlife. Thank you.

16 MR. HUGHES: Anyone else?

17 BY MR. DOUG GRINBERGS:

18 Doug Grinbergs from Louisville. I guess
 19 my feeling is that if I trusted the Department of Energy,
 20 what they've done for the last several decades -- if I
 21 trusted companies like DOW and EP&G and Kaiser, whatever
 22 their name is, and any other corporate interests that
 23 were involved in the maintenance of that facility -- if I
 24 trusted all of those entities, I might think it would be
 25 great for us to go out there and have an open space

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1 experience, ride our bikes, go ride horses, et cetera.
 2 I don't have great trust in all of these
 3 people, in the legacy and the history. I think they have
 4 done a lot of environmental damage, caused a lot of
 5 destruction. They've hurt a lot of people, they've
 6 injured people -- you know, they've hurt people, they've
 7 caused health problems. And so, if I felt very safe and
 8 secure about all of those people and what they've done in
 9 many decades, I could support an open space experience.

10 I'm a hiker and a backpacker and a runner
 11 and a bicyclist, but I don't trust the government. And
 12 this is not directed towards the people in this room. I
 13 don't trust the people in Washington that are taking
 14 scientific data from our government scientists and
 15 they're massaging it to suit their purposes.

16 I don't trust the decisions that are being
 17 made. So even if people in this room feel comfortable
 18 about what's happening here, I have to inject my
 19 suspicions about the people in Washington, that they're
 20 not as concerned about our health, our safety, our
 21 well-being.

22 So I'm here to lobby for Alternative A, I
 23 guess. Thank you.

24 MS. ERIKSON: Thank you.

25 BY MS. NORELL LEUNG:

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1 Hi. My name is Norell Leung. I am a
 2 student at CU Boulder. I would like to argue in support
 3 of Alternative A. With the point of -- I heard about,
 4 like, the Rocky Flats being a seamless refuge, meaning
 5 that signs cautioning the general public will not be
 6 used. And I wanted to refute that it just goes to show
 7 that if you argue that it might create a scare, then that
 8 shows that there is a reason for people to be
 9 apprehensive about the use of this site. And so I
 10 support Alternative A. Thank you.

11 MR. HUGHES: Ready for questions? One
 12 more speaker? Okay.

13 BY MS. ELIZABETH ASNICER:

14 Hi. My name is Elizabeth Asnicer. And I
 15 was looking back at the history of Rocky Flats, and I
 16 remember that in 1989, the FBI raided it. And they
 17 convened -- a special grand jury was convened to
 18 investigate the environmental crimes.

19 And in this last March, Judge Richard
 20 Matsch ruled that the grand jury was prohibited from
 21 talking publicly about what they found. So we really
 22 don't know what was found because there was a plea
 23 bargain. And there was an \$18 1/2 million fine levied
 24 against, as I understand it, Rockwell -- it possibly was
 25 Kaiser-Hill -- but there definitely was a plea bargain

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1 there.
 2 So the public never heard exactly what was
 3 out there or where it was. And at the last meeting I
 4 heard that there was going to be some kind of a grid, I
 5 believe a certain number of little samples taken, and I
 6 remember -- could you tell me what that grid was, again?

7 MR. HUGHES: I'll get the question.

8 MS. ASNICER: Yeah. Would you? Because I
 9 think it was several acres. And then you have little
 10 tiny places, and, you know, the wind blows out there. If
 11 you've got a trail, the trail gets worn, the dust blows
 12 and the prairie dogs come.

13 I've got nephews in Golden, and they --
 14 they used to burn -- they incinerated stuff out there.
 15 There was an incinerator. We protested that, I remember
 16 that.

17 So I have great concerns, because people
 18 want to make it a beautiful place. We want to forget
 19 what happened out there; but the plutonium is there, and
 20 we can't gauge just where. And if you go out and run out
 21 there and breathe in plutonium -- well, who knows?

22 MR. HUGHES: Anyone else?
 23 (No response.)

24 MR. HUGHES: Okay. Our approach to the
 25 next few minutes is, I'm going to ask Dean Rundle to take

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1 the microphone. He's going to say a few words before we
 2 open it to questions and answers. I'd like to start with
 3 the questions we have; and then, if there are more
 4 questions, we can take those also.

5 MR. RUNDLE: Thank you, Mike. I guess I
 6 have to use this (indicated), but that's okay.

7 First, I want to thank all of you for
 8 coming out tonight to provide your thoughts and testimony
 9 and input into this very important planning process here
 10 we're going through. It's been very gratifying. This is
 11 our fourth meeting and final public meeting. All of them
 12 have been very well attended, and we appreciate very
 13 much the thoughtful input that we're getting from many
 14 people.

15 I know that there are people here tonight
 16 and people who are out in the community who are
 17 frustrated about the scope of the planning process --
 18 input to us that we should be talking more in the Draft
 19 Plan and the Draft CCP about contamination and cleanup.

20 There's a very clear reason that that's
 21 not appropriate and why we're not doing that, and that's
 22 because the U.S. Fish & Wildlife Services is not a
 23 decision-maker in the cleanup process. Rocky Flats'
 24 cleanup is the responsibility of the Department of Energy
 25 and with oversight by the other signatories of the Rocky

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1 Flats' cleanup agreement with the Environmental
 2 Protection Agency and the State of Colorado Department of
 3 Public Health and Environment.

4 The Refuge Act, which establishes the
 5 National Wildlife Refuge, makes very clear that cleanup
 6 issues trump any refuge issues. And, I think as Mike --
 7 and I'd like to emphasize what Mike Hughes said in the
 8 beginning, is that we are preparing this Draft Plan and
 9 proceeding with this process in the context of a site
 10 that is certified by the State of Colorado and the EPA to
 11 be safe for the intended future uses as a national
 12 wildlife refuge.

13 We are in a different situation than we
 14 typically find ourselves here, and that is because it's
 15 very unusual for the Fish & Wildlife Service to be doing
 16 a refuge comprehensive plan before we acquire the
 17 property.

18 Typically, if we're going out to use what
 19 might be called bird resource money or land/water money
 20 to buy a private property for wildlife, we do a process
 21 to see if there should be a refuge there. There's
 22 contaminant surveys to see if there's any old dumps from
 23 farms and ranches and things like that, and then we buy
 24 the land, and then we get into this planning process.

25 In this case, Congress has required us to

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1 complete this plan by December of 2004. We had three
 2 years from the date that the law was signed. And because
 3 of the way the Rocky Flats cleanup agreement is working,
 4 that means that we're preparing this plan in an
 5 environment where all the cleanup decisions have not yet
 6 been finalized.

7 So, that said, we're planning in the
 8 context that we will get to certification, that it will
 9 be certified clean for the intended future uses of the
 10 site. If -- and there is additional sampling that's
 11 going on, and there's a question that we'll address about
 12 sufficient soil sampling.

13 The Fish & Wildlife Service -- we have
 14 tissue samples from 26 deer that were taken on the site
 15 last year to test for chronic wasting disease. Those
 16 tissue samples are going to be analyzed for radionuclide
 17 contamination, and if we get data back that indicates
 18 that the deer are contaminated, obviously, that may --
 19 will have an impact on some of our proposals.

20 So cleanup trumps refuge. And you should
 21 be glad that we're not in charge of cleanup, because
 22 cleaning up sites like this is not the core business of
 23 the Fish & Wildlife Service. The DOE and State and EPA
 24 are much more competent and have a lot more expertise in
 25 those areas.

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1 There are appropriate and other venues for
 2 you to engage those decision-makers about cleanup. The
 3 Rocky Flats Coalition of Local Governments was mentioned.
 4 All of you -- I think most of you who spoke tonight are
 5 residents of jurisdictions that are represented on that
 6 board. I encourage you to talk to your local elected
 7 officials. I can you assure that RFCLOG is very
 8 effective and respected by the RFCA parties.

9 The Rocky Flats Citizens Advisory Board
 10 meets the first Thursday of every month, and it would be
 11 wonderful to see this many people attending those
 12 meetings and learning about cleanup from DOE, EPA, and
 13 the State. So there are other venues out there.

14 With that said, I'd to ask Joe Legare to
 15 come up for a minute -- Joe? This isn't a DOE meeting,
 16 this is a Fish & Wildlife meeting, but I know a lot of
 17 you are concerned about what DOE's doing; and, Joe, if
 18 you can make an announcement for them.

19 MR. LEGARE: Hi. I'm Joe Legare. I've
 20 been the environmental manager for DOE of Rocky Flats for
 21 the past eight years, very involved in the implementation
 22 of the cleanup agreement and working with the regulators
 23 and the community in the development of the cleanup
 24 levels.

25 Some comments that come out -- written

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1 comments, and then in this forum, and then last summer
 2 when they had the initial meetings -- a lot of questions
 3 about the cleanup versus the management of the refuge.
 4 And Dean had mentioned some forums where we talk about
 5 cleanup issues, and I would agree with Dean saying if you
 6 can get out and attend those meetings.

7 At this point, however, many of those
 8 meetings deal with detailed specific issues about
 9 specific spots: A landfill or ground water or something.
 10 And those are good, go to those.

11 But something else that occurred to us
 12 that we thought would be useful to try and be responsive
 13 to what's been heard in this forum and the other ones in
 14 the other cities, was to have a session specifically to
 15 talk about the interaction between the Fish & Wildlife
 16 Service; the DOE; the contractor, Kaiser-Hill; and the
 17 State Health Department; and the EPA.

18 That's going to be right across the street
 19 at Broomfield City Hall on April 14th -- there will be
 20 other announcements that come out from -- from six to
 21 eight in the evening, and I encourage you to attend that.

22 The specific agenda and format and so on
 23 to be worked out, but it's a great opportunity to talk
 24 about: Was there dumping at the site? You bet there
 25 was. There was quite a bit, and that's what we've been

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1 working on for the past 11 years. How do you know what
 2 you know? How much characterization have you done? What
 3 is the site going to look like in the next couple of
 4 years? When we have a certification from the EPA that
 5 it's ready to transition to the refuge, in terms of:
 6 What are you leaving behind the subsurface? Is the
 7 surface really safe? Is this conservative, or is this
 8 kind of the low-budget cleanup? And what kind of models
 9 did you use? Those types of things.

10 Happy to talk about all of those things to
 11 help, perhaps, increase understanding. And in some
 12 cases, they'll just -- there will just be disagreement on
 13 certain points, and that's okay. This meeting and ones
 14 like it is evidence that you can disagree, but it's nice
 15 to hear your opinions.

16 So that meeting will be April 14th, as I
 17 mentioned. There are other public forums, as well, that
 18 are available to talk about cleanup issues; and also
 19 there's contact information. If you haven't been
 20 involved in these forums and you do want to communicate
 21 more with the site, we can get you that information as
 22 well.

23 But I suspect if you just -- if you just
 24 put in "Rocky Flats" on a search, you'll get all the --
 25 you'll get the Peace Center website, our website, the

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1 Coalition of Local Governments, and so on. And there
 2 will be contact information in there for you. Thank you.

3 MR. RUNDLE: Thanks a lot, Joe. I
 4 appreciate that, and I hope a lot of folks will come. I
 5 think that will be a real helpful, good meeting for all
 6 of us on April 14th.

7 Before Mike will start taking questions
 8 from the audience, we recorded several that were made
 9 during testimony, and I'll try and address those the best
 10 I can.

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1 First one: Why are no dogs in any of the
 2 alternatives? We look at this -- it is a national
 3 wildlife refuge. It's not a local community open space,
 4 it's not a city park, it's not a national park. Wildlife
 5 does come first.

6 We also -- as we talked with people in
 7 local governments as we began this plan and the scope,
 8 and we said, we want to complement the adjoining open
 9 spaces, because one of the real qualities of Rocky Flats
 10 is that although it's a relatively small site, there is
 11 good connectivity to very large chunks of public land
 12 through Boulder and Jeffco, Broomfield, Westminster open
 13 space, all the way into the Roosevelt National Forest.
 14 And all of those land units don't need to provide the
 15 same thing.

16 So we looked around and -- is there access
 17 for people who want to walk and walk with their dog? And
 18 the answer is yes. Dogs are allowed on leash on most of
 19 the Boulder open space trails. Westminster has a
 20 free-run dog park just a mile east. So there's not a
 21 lack of opportunity for that.

22 We looked -- leash laws are -- I think, in
 23 my experience, in management of refuges all over the
 24 country, is a difficult enforcement issue. Many people
 25 have dogs that are well behaved and stay at heel all the

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1 time. My personal experience on open space is that there
 2 is a high rate of violation and a low -- compliance rate
 3 on the leash law on most open spaces is maybe, I don't
 4 know, 50 percent, 40 percent.

5 We have a federally listed native small
 6 mammal, the Preble's meadow jumping mouse, on this site;
 7 and we feel that we need to maximize protection for those
 8 threatened species.

9 Dogs have a potential -- studies done on
 10 Boulder open space -- to cause greater disturbance than
 11 pedestrians alone or equestrians alone to some species of
 12 wildlife, and it is true that some wildlife reacts more
 13 to people than they do to dogs.

14 But, for all these reasons: Difficulty
 15 with enforcement, the waste from dogs that some people
 16 don't like on trails, the fact that dogs are allowed and
 17 there's plenty of places to take your dog outside, we
 18 feel that it's not an appropriate use on the National
 19 Wildlife Refuge.

20 Why is the refuge -- the next issue, yeah.
 21 There's a couple of questions about: What does refuge
 22 mean? And it's true that if you looked in the Webster's
 23 dictionary, you will find some of the words specific for
 24 it: Sanctuary, things like that. However, national
 25 wildlife refuges are not defined by Mr. Webster or Funk &

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1 Wagnel. They are defined by the National Wildlife Refuge
2 System Improvement Act of 1997.

3 We are not a multiple-use land management
4 agency, such as perhaps the BLM, managing public domain;
5 or the U.S. Forest Service. They have organic laws in
6 Congress that say, all various uses are given equal
7 consideration. We are a primary-use land system;
8 wildlife does come first.

9 What Congress also said in that
10 statute -- they recognize that the American people pay
11 for these places. The taxpayer funds the operation and
12 maintenance of these sites. And that wildlife-dependent
13 recreation -- going way back into the second decade of
14 the refuge system in the 1920s, there have been
15 wildlife-dependent uses such as bird-watching, hunting
16 and fishing, that have become traditional uses. And
17 Congress wanted to preserve those in this system when
18 they're compatible with the wildlife purposes.

19 And the purposes are found in the statute:
20 The preservation and management of eco systems; the
21 protection of endangered species; biodiversity; and, in
22 the case of the Flats, compatible scientific research.
23 Our job is to look at the proposed uses and determine if
24 any of them will materially detract from achieving those
25 purposes.

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1 We believe that the uses proposed do not
2 materially detract. That's a professional judgment that
3 I make with your input. There are draft compatibility
4 determinations in the Draft Plan, and you are certainly
5 welcome to comment on those as well as the EIS and the
6 CCP.

7 It does not mean that no disturbance at
8 all can be allowed. There will be some disturbance, we
9 acknowledge that. The question that we have to answer
10 is: Is that disturbance biologically significant? Does
11 it interfere materially and significantly with important
12 ecological functions such as reproduction, migration,
13 foraging and things like that?

14 So that's the best answer I can give on
15 that.

16 Why take a risk to human health when the
17 risk is unnecessary? Kind of a cleanup question, but we
18 think that there's -- there's no recreational uses that
19 are without risk.

20 The cleanup area is designed to be
21 protective of a refuge worker, and it's a very safe and
22 effective cleanup that's being planned. NEPA -- or,
23 excuse me, the Superfund law requires cleanup to at least
24 a 10 to the minus 4, or a 1 in 10,000 risk of cancer
25 above background. The cleanup of Rocky Flats is an order

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1 of magnitude better than that.
 2 There have been statements about
 3 widespread contamination that's dangerous across the
 4 entire site. We have seen no credible scientific
 5 evidence that, within the land planned to be transferred
 6 to the National Wildlife Refuge, that there are dangerous
 7 levels that would create an unacceptable risk. Everybody
 8 has to judge -- as I've said before, everybody has to
 9 judge that by themselves, what's acceptable for them.
 10 But that's what the risk is out there now.
 11 The final calculations aren't made -- but we're talking 1
 12 in a 100,000 or 1 in 300,000 for a person like me who
 13 would work there and be in contact with soil and
 14 vegetation a thousand hours a year for 15 to 20 years;
 15 much lower for a visitor who might walk on trails several
 16 weekends a year for a few hours at a time.

17 The area that is proposed to be
 18 transferred to the Fish & Wildlife Service -- the
 19 characterization that's been done so far, there are --
 20 levels of plutonium in surface soils are all 5 or less
 21 picocuries per gram. This line (indicated) -- DOE has to
 22 retain lands for management of the remedy. I'm told that
 23 this line right here (indicated) is about 7 picocuries
 24 per gram line. And that's in the surface soil. All
 25 those heavier concentrations that were mentioned will be

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1 found in the industrial area in the subsurface, with the
 2 DOE.

3 Anyway, most of this that's known right
 4 now is less than 1 picocurie per gram. There is
 5 additional characterization going on. Although there
 6 have been tens of thousands of samples taken, there are
 7 some areas of the buffer zone that are not as well
 8 characterized. And I think there was a question on that.
 9 Mark, do you want to -- just so I don't get the numbers
 10 wrong. What are we doing right now?

11 MR. SATTEMBERG: What is being planned
 12 right now is there's a grid system that's being overlaid
 13 the entire site, 30 acres. Within those 30 acres, there
 14 will be five subsamples that are composited into one
 15 sample.

16 In addition to that, if there's areas of
 17 concern, there is the ability to go back and do some
 18 targeted sampling. If we find something out there that
 19 maybe looks a little unusual, we do have that ability.
 20 But, essentially, we're going to be adding to the system
 21 about 115 additional soil samples in the buffer zone.
 22 And that's added to probably a couple of thousand that's
 23 already out there.

24 MR. RUNDLE: So I think that answered --

25 MS. ERIKSON: Are you going to separate

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1 the refuge area from the --

2 MR. RUNDLE: Oh, yeah. We do use words in

3 the Draft that we would desire to have a seamless refuge.

4 And what we mean by that is a boundary between the

5 retained lands and the National Wildlife Refuge that, if

6 it's safe, and we think it will be, will not preclude the

7 movement of wildlife across the entire site, and will not

8 unnecessarily detract from the aesthetic values of the

9 site.

10 One of the qualities that Congress noted

11 in its findings were the visual viewshed values of Rocky

12 Flats. So we don't want to detract from that if it's

13 unnecessary.

14 We don't think -- that decision, again,

15 will be made as part of the final decision by the RFCA

16 parties in terms of institutional controls and long-term

17 stewardship. We'll provide input to them; I encourage

18 you to do the same thing.

19 I think that our input, at this point,

20 will be that we want that matter to be clearly and as

21 permanently marked as possible. As many people have

22 said, there will be subsurface contamination left. I'm

23 very confident that when the closure is done, all those

24 pathways will have -- you know, below 3 feet

25 contamination will be cut off. And it will not present a

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1 risk to the users at the surface.

2 But we want to make sure that nobody

3 forgets where that line is and what was left there in the

4 long term. So we want it to be clearly marked, then

5 maybe some type of signs or obelisks, something that's

6 visible, both to our workers -- so that we don't have

7 somebody inherently stray into that. So that we know

8 that if there are prairie dog colonies that need to

9 expand in that direction, that they have the opportunity

10 to take some kind of management action to help protect

11 that retained area from the prairie dog invasion.

12 And people need to know that, if they do

13 decide to violate the laws and trespass where they are

14 not allowed to, that they have appropriate notice that

15 what they're doing is illegal.

16 So we do need to have that marked and

17 posted. We don't need -- there's nothing there, but we

18 don't think it's necessary to put up a barrier to

19 wildlife movement.

20 MS. ERIKSON: Liability?

21 MR. RUNDLE: Liability. One thing that

22 the communities -- I believe one reason that the

23 communities supported the Refuge Act was it requires

24 perpetual federal ownership of the site. So the U.S.

25 government is the responsible party here. The Department

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1 of Energy is the responsible -- agency responsible for
 2 the cleanup and the long-term maintenance and stewardship
 3 of the residual contamination to ensure the long-term
 4 protectiveness of the revenue.

5 If somebody comes out and goes on one of
 6 our trails and trips and falls and breaks their leg, then
 7 they can blame Fish & Wildlife Service for that, and
 8 there is a tort process to go through. We have an
 9 obligation not to create particularly hazardous
 10 situations or create attractive nuisances with the
 11 appropriate use of facilities.

12 There are hazards involved in wildlife
 13 recreation, and, I think, some of the uses that people
 14 propose; such as, equestrian use and bicycle riding. My
 15 son's a mountain biker and a snow boarder, and I'm sure
 16 those are more hazardous than walking into the buffer
 17 zone of Rocky Flats. So the U.S. government will be
 18 responsible for that.

19 MR. HUGHES: Okay. We have some time for
 20 more questions if you have them. Again, we ask that you
 21 not add to the three minutes you already got by making
 22 your comments. If you ask a question, we'll give it to
 23 Dean.

24 All the way back there?

25 QUESTION: In regards to when this plan is

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1 completed, if Plan B should be the final plan, there's
 2 been some comment that has been made that -- about the
 3 hunting part of it. If that is not included in Plan B
 4 and addressed at the time that this final incident comes
 5 to fruition, would that issue be addressed -- or could it
 6 be addressed without major -- a congressional act to
 7 allow hunting on the refuge?

8 MR. RUNDLE: Okay.

9 QUESTION: Does that make sense?

10 MR. RUNDLE: I understand what you're
 11 saying. Well, first, let me say that Alternative B is
 12 the proposed course of action, the proposed alternative.
 13 It has not been decided that that will be the final
 14 decision. I honestly -- based on the volume and the
 15 quality of the public input we have received, I would be
 16 surprised if the final decision is any of those
 17 alternatives exactly as presented.

18 That's the purpose for bringing the draft
 19 out, and I'm confident there will be some changes. The
 20 final decision belongs to the regional director of the
 21 U.S. Fish & Wildlife Service. The planning team will
 22 take all of your input, we will make changes that we
 23 think are appropriate to make in response to what we've
 24 heard, and we will recommend to the regional director a
 25 recommended decision. He may ask for some changes in

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1 what we recommend, but there will be a decision made.
 2 Now, I believe your question is: If a
 3 final decision does not include a public hunting program,
 4 how hard will that be to overcome? It would not require
 5 an Act of Congress. It would require the regional
 6 director to amend the record of decision. And, although
 7 that would be possible before the CCP expires, this is a
 8 15-year plan, we are required to come back to the public
 9 to review what's happened after 15 years. I think it
 10 would, frankly, be unlikely that following such a large
 11 process, if the decision was made not to do that, that a
 12 simple request by a group of individuals to reopen the
 13 ROD, I think is unlikely; it's not impossible.

14 MR. HUGHES: We've got a question in front
 15 here.

16 QUESTION: Yes. I'm wondering about the
 17 use of -- multiple use of trails and so forth. Many
 18 people perceive that as being dirt bikes and snowmobiles
 19 and ATVs -- which, I presume, this is actually
 20 nonmotorized?

21 MR. RUNDLE: That is correct.

22 QUESTION: It isn't specified.

23 MR. RUNDLE: Okay. Well, perhaps we need
 24 to make that clearer. I used the words "multi-use trail"
 25 when we did the draft compatibility determination. And,

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1 really, the internal issue might exist to allow anything
 2 other than pedestrian. And the uses proposed here -- we
 3 don't view the equestrian use and the bicycle access as
 4 recreational bicycling or horseback riding. We're
 5 viewing those as modes of transportation for people to
 6 engage in wildlife-dependent things, like wildlife
 7 observation, interpretation of photography.

8 Now, we're not going to arrest people and
 9 write tickets if they ride their bike or jog through the
 10 refuge. And we're not going to stop them and say, Did
 11 you look at a bird, 'cause if you didn't look at a bird,
 12 we're going to pinch you. That's not what this is about.

13 And we know that in an urban area, people
 14 are going to -- if the decision is made to have access to
 15 trails, that people are going to use those trails for
 16 hiking, and they're not going to pay attention to the
 17 wildlife.

18 But those are valid modes of
 19 transportation for people to get from point A to point B,
 20 to engage in photography, or to get from one interpretive
 21 site to the other, to get to the place where we interpret
 22 the history of the Rocky Flats plant or the Lindsey
 23 Ranch. And so those are modes of transportation.

24 No off-road -- off-road motorized traffic
 25 on national wildlife refuges is prohibited throughout the

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1 system. I've written more tickets for people driving
 2 cars and snowmobiles and stuff off-road than any other
 3 thing in the hundreds of citations I've written in my
 4 career.

5 So we enforce that pretty aggressively.
 6 You won't see anything in here that's -- we've had
 7 requests for model airplane flying. That's not
 8 wildlife-dependent. It's not going to be compatible;
 9 it's not in there.

10 MR. HUGHES: Question here?

11 QUESTION: I was wondering, is it the DOE
 12 or the Fish & Wildlife Service that's doing the 30-acre
 13 grade sampling?

14 MR. RUNDLE: Well, the DOE and its
 15 contractors are doing that. And they're doing that as
 16 part of the conference of risk assessment, and it is
 17 regulated by the State and the EPA. We did request
 18 additional sampling -- the EPA requested it, and DOE has
 19 agreed to do that.

20 QUESTION: Is that five samples per grid?

21 MR. RUNDLE: Well, every 30 acres, we'll
 22 grab five soil samples. We'll combine those for
 23 analysis. So you've really got 500 samples, but we're
 24 only going to be doing laboratory analysis on the
 25 composites.

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1 But, if you're talking about wind-blown, I
 2 mean, that's not going to be -- there's two ways for
 3 stuff to get to -- one is a point source like a dump.
 4 And you could miss that with this type of sampling.

5 That's why Mark said that we are going to look for other
 6 anomalies. The State's already done its work there,
 7 which is as far as in the way of tire tracks, fresh dirt.
 8 They show up, and we'll review that again.

9 And if anybody -- I've heard a lot of
 10 statements in the last couple of weeks about, I know
 11 there was this happened or that happened. If anybody has
 12 personal knowledge that there's something that's being
 13 missed, I believe it's your obligation to come and tell
 14 us. Come and point on a -- draw an excellent map, and
 15 we'll go look.

16 But I think this -- I mean, I'm not a
 17 physicist or a chemist sampling-design person; but the
 18 folks that do do that, they've come up with a sampling
 19 scheme, and our contaminants biologists concur and agree
 20 that it is an appropriate way to do the sampling.

21 MR. HUGHES: Got a question all the way
 22 back here.

23 QUESTION: I have two or three questions
 24 and a comment.

25 MR. HUGHES: Can you please just give us

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1 the questions. We gave everybody their three, so just
2 the questions, please.

3 QUESTION: Oh, just the questions. How --
4 will all the animals that will possibly be harvested
5 under the hunting provisions be tested?

6 MR. RUNDLE: You mean for radioactivity?
7 We haven't considered requiring that. We're going to
8 test the deer now. It would make sense that if they're
9 clean now, and the site's being cleaned up and the
10 sources are being removed, it would be unlikely that it
11 would change later. That's a question I might want to
12 pose to the State Health Department to see if they
13 recommend that we do that.

14 QUESTION: That was one issue. The other
15 question I had was: I was curious about how those
16 samples are going to be taken? The samples you're going
17 to be taking, I thought it was 300 samples, was it 100?

18 MR. SATTELBERG: There's about 120

19 samples -- there will be about 120 samples total, but if
20 you count the five subsamples, it's over, like, 570
21 subsamples.

22 QUESTION: What's the actual procedure?

23 Are you just taking -- are going down a certain path?
24 Are you taking the first couple of inches? Tell me how
25 you're doing that.

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1 MR. SATTELBERG: Basically, what
2 they're -- what the sampling plan calls for is less than
3 a square foot, no deeper than 6 feet -- 6 feet? --
4 6 inches, I'm sorry. They collect it. They collect the
5 same volume from each point, put it into a bowl, mix it
6 up, put it into the actual sampling jar to transmit to
7 the lab.

8 QUESTION: If some of those samples that
9 you retrieve violate the standards relative to the amount
10 of contamination that would be permissible, what -- how
11 would you deal with that issue? What would you do?

12 MR. SATTELBERG: Well, all the subsamples
13 are surveyed in; and so we'd go back to that grid, find
14 those five subsamples and probably sample each one
15 individually.

16 QUESTION: Okay. And then, having done
17 that, and then, say, you isolated the area in particular,
18 then what would you do?

19 MR. SATTELBERG: Go through the normal
20 process to see if there needs to be an action taken.

21 QUESTION: Would you remove the --

22 MR. RUNDLE: The surface soil cleanup is
23 50 picocuries. If they find a spot that's hotter than
24 that, the DOE's going to have to expand its cleanup and
25 they'll have a new -- a new site that they'll have to go

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1 in and remediate.

2 QUESTION: So that's the standard you'd be

3 using then to evaluate --

4 MR. RUNDLE: In terms of the required

5 cleanup. But if we found -- you know, from what we know

6 right now, this is all 0 to 1 out here (indicated). If

7 we found 10 someplace, I think we'd start looking at

8 where that came from.

9 And that might affect -- we'd have to

10 consult with the health agencies if they didn't require

11 cleanup, but it was still higher than the 7 that we're

12 looking at now for the retained lands.

13 MR. HUGHES: Good. Question here. Go

14 ahead. And then one over here. Sir, go ahead.

15 QUESTION: I was just going to make a

16 statement that --

17 MR. HUGHES: Actually, we --

18 QUESTION: -- while the website is down,

19 people might be able to find a copy of some of the

20 information on Google or other websites.

21 MR. HUGHES: Please, question?

22 QUESTION: Given the DOE's and EPA's lack

23 of credibility in doing scientific things like this, has

24 anyone proposed, or has it been suggested, that an

25 independent -- truly independent scientific validation be

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1 done of the processes and the methodologies for the

2 testing? Something that passes a scientific, not a

3 political, mandate?

4 MR. RUNDLE: I guess I wouldn't accept

5 that those agencies you mentioned are unreliable in terms

6 of their testing. But there -- and this is really a

7 question that we need to direct to the RFCA parties.

8 My understanding is there has been peer

9 review data -- or peer review analysis of various

10 decisions along the way. So it's not totally RFCA

11 parties in many cases. There have been other reviews.

12 The soil action -- I hope I get this right. Mark, help

13 me if I get it wrong -- the Citizens Advisory Board had a

14 significant grant. They hired an independent contractor

15 to view the original surface soil cleanup levels, and

16 that, I think, did have a significant bearing on changing

17 those levels from what was originally proposed in 1996.

18 You know -- I've -- I haven't been around

19 Rocky Flats for a long time. I've been at the Arsenal

20 four years, pretty close; and I don't see any indication

21 that the Colorado Health Department is in any way

22 inclined to cut slack to federal polluters.

23 And I put a lot of -- you know, CDPHE

24 tells me, Yeah, this is true. I mean -- and that's not

25 that I don't trust DOE and the EPA, but, I mean, you've

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1 got other than federal agencies that have to sign off on
2 this.

3 QUESTION: Just the federal agencies,
4 though?

5 MR. RUNDLE: No, it's the State of
6 Colorado. The State of Colorado does not have a dog in
7 the hunt in terms of -- you know, they're not -- I don't
8 believe the State Health Department, Governor's office,
9 is going to let any fed walk away from an unhealthy site
10 for the citizens of Colorado. That's my personal
11 opinion.

12 MR. HUGHES: Good. Question up front?

13 QUESTION: Is the only place that a person
14 could bring a car and park -- would it be only the access
15 from Highway 93?

16 MR. RUNDLE: That is correct. In all
17 alternatives, the only vehicular access to the site would
18 be through the current west access gate, going north,
19 just at the corner of Section 16 and to the trailhead.
20 That orange line (indicated), that would be the only
21 vehicular access, except for parking lots along the
22 perimeter of the trailheads.

23 QUESTION: So then, would there still be
24 access for hikers, then, to come to the south side of the
25 refuge? Or would they be strictly -- after they park

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1 their car, would they only be able to go on the north
2 side of the refuge?

3 MR. RUNDLE: Well, they could go south,
4 but they'd either have to make a long hike, or -- you
5 know. We were asked for loops and we were asked for
6 connectivity. So I think if you wanted to hike the south
7 side or the north side, you could park and do one of the
8 loops that's there. If you wanted to hike all the way
9 through, you'd probably have to leave a vehicle at both
10 ends.

11 MS. SHANNON: Are you asking whether you
12 can access from Arvada? Is that the question?

13 QUESTION: No. I was wondering, though,
14 how -- if you had to park, which is more on the north, I
15 don't see a connecting trail where people could then walk
16 from their cars and then hike on the south side.

17 MR. RUNDLE: Oh, I see what you're saying.

18 QUESTION: Is there a trail?

19 MR. HUGHES: There's a trail. It starts
20 right here (indicated).

21 MR. RUNDLE: Yeah. There is a proposal
22 out there for the front range trail to run from, like,
23 Pueblo up to Fort Collins, or at least the Springs to
24 Fort Collins. That's not sited there. That's a state
25 park lead. We think that's going to go someplace around

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1 the 93 corridor, so we'd have a trail going out the west
 2 gate area, not precisely sited right now, that would
 3 connect up with that one.

4 MS. SHANNON: If it went along that
 5 corridor, it may not.

6 MR. RUNDLE: It could go east too.

7 MS. SHANNON: There's been a suggestion
 8 that it go east too, like, going that way (indicated).

9 MR. RUNDLE: As Laurie said, we did not
 10 put a -- you know, the east side along Indiana is not the
 11 most scenic or exciting part of the site. You don't get
 12 that rolling topography. You're out of the tall grass.

13 No decision made yet. We think it's
 14 likely there will be a transportation corridor
 15 improvement, and how we're involved in that is in their
 16 scoping, and what we're telling the corridor people is
 17 that you need to provide a multi-modal route there if
 18 you're going to have a highway or widen Indiana. You
 19 need to make provisions there for bikes and equestrians
 20 and pedestrians within that right-of-way as opposed to
 21 giving the right-of-way up, and then taking more refuge
 22 land for more trails.

23 MR. HUGHES: Question here.

24 QUESTION: When you're talking about your
 25 wildlife first viewpoint, have you taken into

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1 consideration that -- I mean, how have you looked at the
 2 cancer latency period with animals that live on the site?
 3 You're saying you have an endangered species on this
 4 site. How is this endangered species being affected by
 5 the contamination on the site? Have you done any studies
 6 on that -- or how it might surface? I mean, these
 7 animals don't live 20 to 30 years, which is the cancer
 8 latency period.

9 MR. RUNDLE: Uh-huh.

10 QUESTION: So how might you, you know,
 11 determine whether or not these animals are being killed
 12 off just naturally by death? Or if, you know, the cancer
 13 is actually having an effect on these already
 14 endangered -- you know, their numbers are already
 15 relatively small? How are you going to put an animal
 16 that's already endangered on a site that could endanger
 17 them more?

18 MR. RUNDLE: Well, they're already there.
 19 And that's -- to me -- and we don't have a lot -- I don't
 20 have any data on whether the Preble's meadow jumping
 21 mouse, which is the threatened species out there -- we
 22 don't have any sampling for those. We try not to use
 23 lethal techniques to sample an endangered species.

24 But the bioassay is that these animals are
 25 there -- there are actually sites within the DOE retained

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1 lands in Walnut Creek and Woman Creek, that have
 2 successful mouse populations. Now, I don't think that --
 3 I don't know the particular biology of the species
 4 extremely well, but you're talking about a
 5 one-to-two-year life cycle max on a mouse. So you're
 6 right. It would be unlikely that mortality would be
 7 caused by cancer from plutonium.

8 We have looked -- there have been studies
 9 of wildlife uptake and plants done by Colorado State
 10 University in the '70s and '80s; we've looked at that.
 11 We're going to look at the deer now. And, so far, we
 12 have not -- of the data that's available -- had an
 13 indication that radionuclide contamination is impacting
 14 wildlife populations.

15 I'm not aware of any die-offs or
 16 abnormalities in wildlife that are on the site. And
 17 that's -- typically how we monitor on national wildlife
 18 refuges is, we don't have the resources to do a lot of
 19 analytical testing of soil and water and vegetation, but
 20 we do get to things -- because that's one of the great
 21 values of wildlife, is that they are such a great
 22 indicator of the environmental health for people. If you
 23 have rich and abundant wildlife -- I mean, those critters
 24 out there -- I mean, they spend their whole life there,
 25 not a thousand hours a year and not a couple of hours a

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1 month.
 2 If, you know, they're doing pretty well
 3 and they're reproducing well and their populations are
 4 stable within their normal fluctuations, I think that's a
 5 very good indicator. In fact, for a lot of urban youth,
 6 when we do education, they say, What good is wildlife? I
 7 don't hunt and fish. And it's the wildlife that tells
 8 you if that's a safe place for people.

9 QUESTION: Okay. So what happens when,
 10 you know, maybe they're not dying off from the cancer,
 11 but perhaps the contamination is creating gene mutations
 12 and everything like that, throughout all their multiple
 13 generations. A couple of years down the line, you might
 14 see mutations and stuff like that. Who's going to be --
 15 what's going to happen if that ends up --

16 MR. RUNDLE: We will continue to monitor
 17 the populations and the habitat quality for the
 18 endangered species. If you look in the wildlife
 19 management -- parts of the CCP -- and so there will be
 20 live capture. And if our biologists are finding animals
 21 that are abnormal, you know, then -- that's when we start
 22 asking questions and start asking for funding to look at
 23 why that's happening.

24 Or if the habitat's good, you know, in
 25 terms of stem density and species composition, and we get

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1 a handle on the weeds and things, and we still see
 2 population problems, you know, that's the kind of thing
 3 where we'll go and seek funding to do more in-depth
 4 testing. But we kind of use that population monitoring
 5 on refuges, because we are a management entity and not a
 6 research entity. And that's where we go look, is when we
 7 start seeing things.

8 QUESTION: At that point, would you keep
 9 humans off the land?

10 MR. RUNDLE: You know, I don't know. I
 11 think it would depend on what we're seeing and where --
 12 and where it was. We're trying to keep people out of the
 13 Preble's habitat pretty much. If you look at this trail
 14 system, we're staying out of the more sensitive
 15 riparian -- I mean, you mentioned in testimony the need
 16 for -- to look at corridors and its effects on wildlife.
 17 Alternative A, all the roads and the culverts that
 18 fragment habitat could stay in. Alternative B, we're
 19 pulling most of that fragmentation out and greatly
 20 reducing the amount of trail fragmentation.

21 So most of the trails are not in the
 22 Preble's areas.

23 But I think in Rocky Flats for a
 24 considerable amount of time, we'll be pretty sensitive to
 25 any changes we see and consulting with the RFCA parties.

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1 And I think that's -- I think these discussions that are
 2 upcoming about long-term stewardship and what level of
 3 monitoring will go on in the future and whether that
 4 would include biomonitoring. Those are important
 5 discussions and I would encourage you, if you have ideas
 6 on how to incorporate biomonitoring into the long-term
 7 monitoring, then we'd like to hear that; and DOE, I
 8 think, would like to hear that as well.

9 MR. HUGHES: Okay. Good. Two more.

10 QUESTION: Dean, isn't it the case that
 11 the sampling method that you referred to actually would
 12 have the effect of diluting plutonium concentrations in
 13 two ways? One is depth. If you're taking 6 inches
 14 instead of the plutonium on the surface, like 3
 15 centimeters or something like that. And the other way
 16 that you dilute it is that you take five samples from 30
 17 acres and then average them together. So if there's
 18 really a higher level in there, it gets averaged away.

19 MR. RUNDLE: Clearly, there's dilution --
 20 and Mark can jump in -- but I think what Mark said
 21 earlier is that what we think is that there is -- what
 22 the current science tells us is it's so low, that if
 23 there's anything elevated, we're going to go back and
 24 look, because there's probably one of the samples was a
 25 hotter spot than the others. So if we see things that --

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1 what's the krig -- what's the name of that map?
 2 MS. SHANNON: Kriging.
 3 MR. RUNDLE: Kriging map, you know, and we
 4 see a -- you know, less than one, and we pull a composite
 5 of that area that's a three, I figure you're going to see
 6 a lot more sam -- I'm going to ask for a lot more
 7 sampling in the area -- additional sampling from where
 8 that was taken to find out what the maximums are.
 9 I think that -- and, Mark, if I'm stepping
 10 on it, let me know -- it's like, if you see those
 11 elevated levels, you're going to look for more. And the
 12 sampling gives us the opportunity to look at more dirt
 13 this way than taking the smaller samples that are less
 14 than we --
 15 QUESTION: You don't really answer my
 16 question --
 17 MR. RUNDLE: I'm sorry. Mark, why don't
 18 you try?
 19 QUESTION: -- as far as it dilutes the
 20 sample.
 21 MR. SATTELBERG: Well, as far as the two
 22 dilution factors. The first one going down to 6 inches,
 23 they get as much as they can at the surface. It's Rocky
 24 Flats, so there's a lot of rocks in there. And the
 25 rocks, you can't analyze for it. So they have to take

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1 the rocks off until they get the sample.
 2 Secondly, if we were looking for a hot
 3 spot, yes, we would probably be diluting the sample; but
 4 we're not expecting to see the hot spots in the buffer
 5 zone. We're looking for the aerial dispersion, and so we
 6 think it's going to be pretty homogeneous as far as the
 7 concentrations across the buffer zone.
 8 And so we don't think we're going to be
 9 diluting. We're actually just, basically, averaging what
 10 we're seeing over that 30 acres.
 11 QUESTION: I want to ask a second
 12 question. It has to do with your statement that the
 13 concentrations of plutonium in the buffer zone are
 14 between 0 and 1 picocurie. The only map I've seen is 5
 15 picocuries or less, and that's over the whole buffer
 16 zone. There's a lot of difference between 5 picocuries
 17 and 1 or 0.
 18 MR. RUNDLE: I agree that there's a lot of
 19 difference. And I think I said two things. I think once
 20 I said that all the area that's proposed outside the
 21 refuge transfer, that the highest levels we know of in
 22 that are 5. And that's over on this side (indicated).
 23 But in the northern and western buffer
 24 zones, that map that I've seen shows 1 or less. So,
 25 yeah, 5 out here (indicated) --

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1 QUESTION: Could you get me that map? I
 2 haven't seen it.
 3 MR. RUNDLE: Yeah, we can get it for you.
 4 MR. HUGHES: Okay. Good. One more
 5 question up here, and we're out of time.
 6 QUESTION: I'll phrase it as a question, I
 7 think.
 8 MR. HUGHES: Okay.
 9 QUESTION: I think it's great that the
 10 Fish & Wildlife Service recognizes the opportunity to
 11 restore the area to a presettlement fire regime with the
 12 noxious weed burning and prescribed burning. I also
 13 noticed in the DEIS that equestrian uses will be used in
 14 certain places in some of the alternatives. I'm
 15 wondering if the Fish & Wildlife Service has considered
 16 the introduction of noxious weed seeds from horse manure
 17 in there?
 18 MR. RUNDLE: Right.
 19 QUESTION: And also on trails where
 20 there's a higher chance that noxious weeds would plant
 21 and take up residence there.
 22 MR. RUNDLE: It's a real good question.
 23 And what immediately comes up internally within the
 24 Agency -- horses, weeds. I think a lot of studies have
 25 been done that -- you know, I'm not sure that it's not a

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1 red herring, because weeds can also come in vibrant soles
 2 and bicycles tires and the wind. And if you look at the
 3 draft compatibility determination that's in the plan for
 4 allowing horse and bicycle use, you will see one of the
 5 stipulations there is that we have a volunteer
 6 cooperative agreement with an equestrian group that will
 7 police manure up off the trails on a weekly basis.
 8 So if we don't get one of the equestrian
 9 groups that requested access to step up and say, Yeah,
 10 we'll come in and take the manure and weed source out,
 11 then we're not going to have equestrian use. We've made
 12 that a stipulation in order for that use to be
 13 compatible.
 14 I can tell you, though, that there are
 15 significant inva -- there's great natural biodiversity on
 16 the site and the botanical community sod has never been
 17 broken. It wasn't farmland.
 18 The mining activities are almost an
 19 unlimited source of weed infestation. And the
 20 surrounding -- I mean, we're not alone in this. The open
 21 spaces that are managed by local governments also have
 22 difficulties. So the weed war is going to be really
 23 important to us.
 24 I don't think that with the amount of
 25 disturbance caused by the -- this industrial mining over

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1 here (indicated), which really creates that root hold for
 2 these noxious weeds to get a foothold and spread, that
 3 the recreational uses are a significant weed source.
 4 We are going to really cut down on the
 5 width of the -- we're going to put our trails where
 6 there's gravel roads now, 90 percent of it. We'll be
 7 narrowing those corridors where weeds are common now. As
 8 road grading goes on that was needed for the DOE security
 9 maintenance, you know, we'll reduce those disturbances.
 10 So they won't be zero, but I don't think that horses or
 11 hikers are going to be the primary source of weeds at
 12 Rocky Flats.

13 MR. HUGHES: Okay. Do you want to hear
 14 something from Joe?

15 MR. RUNDLE: Sure.

16 UNIDENTIFIED SPEAKER: He doesn't really,
 17 but . . .

18 MR. LEGARE: I just want to make sure that
 19 something -- it wasn't misconstrued, and I'll get to my
 20 question.

21 And it was: You were talking about an
 22 additional 500 samples or so in the buffer zone in the
 23 methodology, but isn't it true that that's in addition to
 24 about 130,000 samples in 10,000 locations of surface
 25 water, ground water, surface soil, and subsurface soil

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1 that we've already taken, that have been qualified?
 2 The actual total number of samples is much
 3 greater than 130,000, but those are the ones where we've
 4 had qualification at the EPA, and the State has seen as
 5 well. And that's really the basis to date for what we
 6 know about the site.

7 In addition, you were talking about these
 8 other spots on these 30-acre grids, where there's no
 9 suspected contamination, but where we've negotiated and
 10 agreed that it was reasonable to take a look there
 11 anyway.

12 MR. RUNDLE: Yes.

13 MR. HUGHES: Having stretched the ground
 14 rules to the absurd, go see Joe on the 14th of April.
 15 Any last questions that have to be answered, or shall we
 16 say good night?

17 QUESTION: One question. Could you repeat
 18 the location and the time of the meeting on April 14th.

19 MR. LEGARE: City Hall.

20 QUESTION: Oh, I'm sorry.

21 MR. LEGARE: Oh, is it up there?

22 MR. HUGHES: Broomfield City Hall, six to
 23 eight, April 14th. Okay. Done?

24 MR. RUNDLE: Thank you. Thank you very

25 much.

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1 MR. HUGHES: Thank you for your comments.
 2 . . . WHEREUPON, the public hearing was
 3 concluded at 8:40 p.m.
 4

1 CERTIFICATE OF DEPOSITION OFFICER

2 STATE OF COLORADO)
) Ss.
 3 COUNTY OF DENVER)

4 I, CHERYL M. ROBINSON, a court reporter
 5 and Notary Public within and for the State of Colorado,
 6 commissioned to administer oaths, do hereby certify that
 7 previous to the commencement of the examination, the
 8 witness was duly sworn by me to testify the truth in
 9 relation to the matters in controversy between the said
 10 parties; that the said deposition was taken in stenotype
 11 by me at the time and place aforesaid and was thereafter
 12 reduced to typewritten form by me; and that the foregoing
 13 is a true and correct transcript of my stenotype notes
 14 thereof.

10 That I am not an attorney nor counsel nor
 11 in any way connected with any attorney or counsel for any
 12 of the parties to said action nor otherwise interested in
 13 the outcome of this action.

13 My commission expires February 25, 2007.

14 IN WITNESS WHEREOF I have affixed my
 15 signature and seal this 30th day of March, 2004.

17 _____ CHERYL M. ROBINSON
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 19 FERA 1735 East 16th Avenue
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 21 303-329-8618

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