

**Rocky Flats
National Wildlife Refuge**

**Comments and Responses on the
Draft Environmental Impact Statement**

**Appendix H
to the
Final Comprehensive Conservation Plan and
Environmental Impact Statement**

September 2004

Prepared for:

U.S. Fish and Wildlife Service
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1. Introduction

This document is Appendix H to the Final Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). This document includes the following components:

- Copies of written comments from agencies, businesses, and organizations, with responses to those comments
- A summary of comments from individuals, and responses to individual comments
- A summary of petitions and form letters received
- Transcripts of the public hearing testimony

The Draft Rocky Flats National Wildlife Refuge CCP/EIS was released to the public for a 45-day comment period on February 19, 2004. In addition, the U.S. Fish and Wildlife Service (Service) held a series of four public hearings in Westminster, Boulder, Arvada, and Broomfield to allow public input on the proposed rehabilitation plan and alternatives. The Service received over 5,000 comments through public hearing testimony, letters, emails. Comments came from 251 individuals and 34 agencies or organizations. The Service also heard from 933 people through form letters and petitions. This Appendix addresses the substantive comments. Comments, as defined by NEPA compliance guidelines, are considered substantive if they:

- Question, with reasonable basis, the accuracy of the information in the document
- Question, with reasonable basis, the adequacy of the environmental analysis
- Present reasonable alternatives other than those presented in the environmental impact statement
- Cause changes or revisions in the proposal

Comments and responses are divided into two sections. The first section includes copies of the substantive comments made by government agencies, organizations, and businesses. Beside each reproduced letter is the numbered response of the U.S. Fish and Wildlife Service (Service) corresponding to each specific comment.

The second part of the response to comments includes a summary of the comments made by the general public or other entities. Many of the comments made by the public were similar to the range of issues and concerns that are addressed in the first section. Rather than print every letter from individuals, the Service has summarized the main topics of the comments received and has responded to the comment topics that are substantive. All public comments and hearing testimony will be available for review at the Front Range Community College Library, Rocky Flats Reading Room or at the Rocky Mountain Arsenal National Wildlife Refuge Visitor Center on weekends. Where appropriate, the text of the Final CCP/EIS has been revised to address comments.

2. Agency, Business, and Organization Comments

1. U.S. Department of Energy
2. U.S. Environmental Protection Agency
3. Colorado Department of Public Health and Environment
4. Colorado Division of Wildlife
5. Colorado Department of Transportation
6. Colorado Department of Agriculture - State Weed Program
7. Rocky Flats Coalition of Local Governments
8. City of Arvada
9. City of Boulder – City Council
10. City of Boulder – Open Space and Mountain Parks
11. City and County of Broomfield
12. City of Westminster
13. Town of Superior
14. Boulder County Commissioners
15. Boulder County Parks and Open Space
16. Jefferson County
17. City of Golden – Mayor’s office
18. City of Golden – City Manager
19. Woman Creek Reservoir Authority
20. Alliance for Nuclear Accountability
21. Boulder Area Trails Coalition
22. Boulder County Horse Association
23. Church Ranch
24. Colorado Wildlife Federation
25. League of Women Voters – Jefferson County
26. National Wildlife Federation
27. Plan Jeffco
28. Prairie Preservation Alliance
29. Rocky Flats Citizen Advisory Board
30. Rocky Flats Cold War Museum
31. Rocky Mountain Peace and Justice Center
32. Sierra Club
33. Wheelin’ Sportsmen
34. Wildlife Management Institute

Comment #	Letter #1	Response
<p>1-1</p> <p>1-2</p>	 <p style="text-align: center;">Department of Energy ROCKY FLATS PROJECT OFFICE 10808 HIGHWAY 93, UNIT A GOLDEN, COLORADO 80403-8200</p> <p style="text-align: center;">APR 21 2004</p> <p style="text-align: center;">RECEIVED APR 27 2004</p> <p style="text-align: right;">04-DOE-00274</p> <p style="text-align: center;"><i>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</i></p> <p>Mr. Ralph Morganweck Regional Administrator Rocky Flats National Wildlife Refuge Building 111 Commerce City, CO 80022</p> <p>Dear Mr. Morganweck:</p> <p>The Rocky Flats Project Office has reviewed the Comprehensive Conservation Plan (CCP)/Environmental Impact Statement describing management alternatives for the Rocky Flats National Wildlife Refuge. Additionally, I have received considerable positive feedback regarding the public process implemented by you and your staff. Let me compliment you on both an excellent document and an open process that presented many opportunities for local governments, special interest groups, and the general public to fully participate.</p> <p>The U.S. Department of Energy (DOE) is not recommending any particular use options identified in the CCP, and DOE does not believe any of the use options will impact completed or contemplated response actions. Also, let me assure you that the site will be safe for any of the use options you have identified. In fact, cleanup will be well beyond that required to be protective of the future refuge worker and refuge visitor.</p> <p>As you know, the Environmental Protection Agency (EPA) must certify completion of cleanup and closure of the site before administrative jurisdiction of any land can be transferred to the Department of Interior for use as a National Wildlife Refuge. The DOE intends to seek this certification from EPA as soon as practicable following cleanup and closure of Rocky Flats. Given the conservative nature of the cleanup, I am optimistic that this certification can be obtained quickly, and am confident that the management alternative you select will make Rocky Flats a valuable addition to the National Wildlife Refuge System.</p> <p style="text-align: center;">Sincerely,  Frazer R. Lockhart Manager</p> <p>cc: R. Roberts, EPA D. Benevento, CDPHE D. Rundle, USFWS C. Franklin, RFPO L. Shannon, USFWS</p>	<p>1-1. Thank you for your comments.</p> <p>1-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure.</p>

Comment #	Letter #2	Response
<p>2-1</p> <p>2-2</p>	 <p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 999 18TH STREET - SUITE 300 DENVER, CO 80202-2466 Phone 800-227-8917 http://www.epa.gov/region08</p> <p>APR 23 2004</p> <p>RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>Ref: EPR-N</p> <p>Laurie Shannon Planning Team Leader Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan U.S. Fish and Wildlife Service Rocky Mountain Arsenal- Building 121 Commerce City, Colorado 80022</p> <p>RE: Rocky Flats National Wildlife Refuge DEIS and CCP</p> <p>Dear Ms. Shannon,</p> <p>In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the U.S. Fish and Wildlife Service's (FWS) <i>Rocky Flats National Wildlife Refuge (NWR), Environmental Impact Statement and Comprehensive Conservation Plan Draft Environmental Impact Statement</i> (DEIS), dated February 2004. We appreciate the time and effort that went into the productive April 21, 2004 meeting between EPA and FWS. The following letter is based on our review of the DEIS and is also intended to reflect the discussion at the April meeting.</p> <p>At the conclusion of the Department of Energy (DOE)/ Colorado Department of Public Health and the Environment (CDPHE)/ EPA Rocky Flats cleanup and closure process, EPA will certify that cleanup and closure have been completed, except for operation and maintenance concerned with response actions, and that all response actions are operating properly and successfully. Administrative jurisdiction over the property that is to comprise the refuge will be transferred to the Department of the Interior, the refuge will be established, and FWS will commence administration of this property in accordance with the Rocky Flats National Wildlife Refuge Act of 2001 (the Act). In order to fulfil the intent of the Act and to ensure the long-term integrity of the cleanup, recreational access to some areas of the DOE parcel may be restricted as delineated through the cleanup process. EPA is confident that all DEIS action alternatives will ensure that Refuge staff, recreationists and animal inhabitants will not experience harmful levels of exposure through their experience at the NWR.</p> <p> Printed on Recycled Paper</p>	<p>2-1. Thank you for your comments.</p> <p>2-2. Thank you for your comments.</p>

Comment #	Letter #2 continued	Response
<p>2-3</p>	<p>For future administration of the NWR, the FWS proposes to govern recreation and ecological restoration activities while promoting and preserving wildlife habitat. The action alternatives each uphold the principles of the Refuge Act while allowing for varying intensities of potentially compatible recreation activities. Alternative A is the “no action” alternative and includes only the continued implementation of the Rock Creek Reserve Integrated Natural Resource Management Plan. Alternative B is the proposed action and analyzes the activities that balance wildlife habitat effectiveness with public use. Alternative C emphasizes ecological restoration and includes only limited public access, and Alternative D focuses on a greater intensity of wildlife-dependent public activities.</p> <p>The DEIS adequately analyzes many of the multi-use pressures and management actions within the jurisdictional boundaries of the Refuge that could threaten or enhance the Refuge’s “wildlife-first” mission. The DEIS considers recreation and resource management that would not contribute to the degradation of ecosystem processes, including efforts to minimize the risk of noxious and invasive weed establishment and spread. The DEIS also clearly identifies most potential impacts from the proposed gravel mining operations within the Rocky Flats DOE boundary and identifies the incompatibility of these operations with successful FWS Refuge management.</p>	<p>2-3. Thank you for your comments.</p> <p>2-4. The appropriate sections have been revised in the FEIS to better describe the DOE retained area, issues related to an adjacent transportation corridor, regional population growth, and gravel mining. Responses to comments 2-7 through 2-15 discuss these issues in greater detail.</p> <p>2-5. See response to comment 2-4.</p>
<p>2-4</p>	<p>While the DEIS does an excellent job analyzing the possible management actions on the lands that will be directly under FWS jurisdiction, the DEIS does not adequately discuss the cumulative analysis area and the potential pressures that may be outside of FWS jurisdiction but may significantly affect the ability to attain Refuge ecological goals. Specifically, these activities include restoration and maintenance of the DOE retained lands, transportation corridor development, population growth in the area and gravel mining. While we recognize that FWS may have little control in decisions that are made regarding adjacent activities, the use and management of adjacent lands can adversely effect the NWR’s mission and should be disclosed in the context of the resources the Refuge intends to protect. This analysis is important to inform citizens, local governments, and government agencies of general Refuge needs and help each party to integrate their planning processes where possible. These suggestions are further described in the enclosed Detailed Comments and largely parallel the main topics of discussion at the April 21 meeting.</p>	
<p>5</p>	<p>Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS, the Proposed Actions identified by the DEIS for the <i>Rocky Flats NWR CCP</i> analysis will be listed in the <u>Federal Register</u> in the category EC-2, “Environmental Concerns- Needs Information.” This rating means that, without additional discussion of environmental impacts from adjacent land uses, the potentially large impacts to the Refuge will be difficult to control, avoid or mitigate. The DEIS should include additional information regarding potential indirect impacts of the proposed development of the transportation corridor, identify feasible mitigation measures to offset those impacts, and include further discussion of the DOE retained area in terms of weed dispersal and projected final contamination levels. We have enclosed a summary of EPA’s rating criteria and definitions.</p>	

Comment #	Letter #2 continued	Response
2-6	<p>We have found that NEPA can be a powerful tool to connect and inform local processes and decisions. The DEIS often refers to FWS's desire to engage in partnerships with adjacent land users, and we earnestly support these efforts. As a composite analysis of the proposed project in the landscape, this DEIS should disclose all available information and anticipated requirements to facilitate such discussions and to guide future decisions toward protection of Refuge functions. We would be happy to participate and assist with these efforts.</p> <p>We appreciate that the FWS has taken the time to discuss these concerns with us. If there are any additional questions about these issues or you would like further assistance incorporating this information into the project, please call me at 303-312-6004 or Amy Bergstedt at 303-312-6647.</p> <p>Sincerely,</p>  <p>Larry Svoboda Director, NEPA Program Office of Ecosystems Protection and Remediation</p> <p>cc: Daniel Miller, State of Colorado Steven Gunderson, CDPHE Representative Mark Udall Joe Legare, DOE Steven Sherman, CDOT Region 6</p> <p>3</p>	<p>2-6. The FEIS discloses the cumulative effects of all reasonably foreseeable activities on the Refuge.</p>

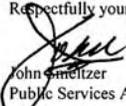
Comment #	Letter #2 continued	Response
2-7	<p style="text-align: center;">EPA'S DETAILED COMMENTS FOR THE FWS'S ROCKY FLATS NWR, DRAFT ENVIRONMENTAL IMPACT STATEMENT AND COMPREHENSIVE CONSERVATION PLAN</p> <p>As stated in EPA's scoping comments (June 10, 2003), "in order for the FWS to protect the vision of the NWR, it will be essential to carefully manage any activities that could contribute to the degradation of internal and external wildlife corridors, ecosystem processes (including important natural disturbances such as fire), and increased risk of noxious and invasive weed establishment and spread." Because ecosystem processes occur over landscapes irrespective of jurisdictional boundaries, it will be impossible to manage such processes in isolation. Attempting to do so could result in rendering efforts to establish a functional ecosystem expensive and potentially futile.</p> <p>EPA's review of the DEIS found the primary weakness is the lack of analysis and discussion of the potential for adjacent actions and land uses to adversely affect the ability of the Refuge to meet its ecological goals and objectives. The most significant adjacent activities include the DOE-retained land following cleanup, gravel mining operations, the likely transportation infrastructure development (i.e. Northwest Corridor or Indiana Street expansion), and the population growth expected in the surrounding area. Our concerns are similar with each of these activities.</p> <p><i>Non-Native Vegetation</i></p> <ul style="list-style-type: none"> • Due to the suburban atmosphere, anticipated recreation and adjacent land use, weed migration is likely to become a significant management issue. The DEIS should recommend weed mitigation measures (i.e. prevention, control, and native species guidance) specific to adjacent lands that could increase the chance the Refuge will maintain low weed populations and desired ecological functions. <p>2-8</p> <ul style="list-style-type: none"> • The DEIS should also discuss the risk that adjacent properties, including the DOE-retained lands and disturbed soil therein, could become an epicenter for weed migration. The DEIS should disclose the potentially significant economic and ecological impact to the Refuge from having weed hot spots on DOE or other adjacent lands. For adjacent properties, the DEIS should also recommend vegetation and soil management practices, including suggested quantitative standards for native vegetation and limits for noxious species that could reduce the likelihood of impacts to the Refuge if implemented. <p>2-9</p> <p><i>DOE-Retained Lands</i></p> <ul style="list-style-type: none"> • Since the Refuge will fully surround the DOE-retained cleanup lands, the DEIS should include environmental information associated with the DOE parcel. EPA is ultimately responsible for certifying cleanup and closure that will insure acceptable levels of risk associated with hazardous materials and establish performance criteria to insure successful revegetation of the DOE-retained parcel. However, the projected guidelines (e.g., acceptable risk to Refuge workers, visitors and ecological populations, establishment of native vegetation, prohibition of noxious <p>2-10</p>	<p>2-7. Specific responses to these concerns are addressed in response to comments 2-8 through 2-15.</p> <p>2-8. Adjacent properties are subject to state and county weed laws. The Service will continue to work with adjacent property owners and local governments to minimize the establishment and spread of noxious weeds.</p> <p>2-9. DOE has had an on-going weed management program to control noxious weeds. Weed management in the DOE retained area will be addressed in the final cleanup plans. The Service will continue to work with the DOE, EPA and CDPHE (RFCA parties) to ensure post-cleanup revegetation plans will minimize the establishment and spread of noxious weeds. The potential cumulative effects of weeds from DOE retained land on the Refuge are discussed in the <i>Cumulative Impacts</i> section of Chapter 4.</p> <p>2-10. The FEIS was revised to include a discussion about issues related to residual contamination and the DOE retained area (Section 1.8). In the DEIS, the Service and DOE indicated their goal was that the demarcation between the Refuge and the DOE retained area be "seamless" with few obvious visual differences. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. With regard to specific habitat and weed management recommendations, see response to comment 2-9.</p>

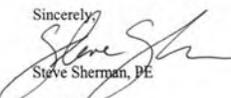
Comment #	Letter #2 continued	Response
<p>2-11</p> <p>2-12</p> <p>2-13</p>	<p>weeds) and expected institutional controls (e.g., unobtrusive fencing design) associated with closure of the contaminated area should be discussed to clearly establish how potential impacts from the lands adjacent to the Refuge are expected to be managed. Please disclose the expected guidelines that have been established in order to meet the objectives of the Refuge and to meet the goals for establishing a "seamless property" (DEIS p.1; s.4).</p> <p><i>Potential Transportation Corridor Development</i></p> <ul style="list-style-type: none"> The DEIS should describe the likely direct, indirect, and cumulative effects of building transportation infrastructure in the area surrounding Rocky Flats, specifically including the development of the easement corridor along the East edge of the Refuge, which is a reasonably foreseeable action. Impacts to the Refuge could include habitat loss, loss of habitat connectivity, direct or indirect mortality, avoidance behavior, competition with increased non-native plant and animals, noise, and loss of night security to street lighting. It is therefore important the FEIS recommend mitigation measures that would prevent or reduce likely adverse impacts from highway or road development to the Refuge and its ecological function. This EIS is an opportunity to discuss the standards and practices that would assure the Refuge could continue to function optimally as the surrounding area develops. Such practices could include: development alterations such as restricted or angled lighting, noise walls, creating or obstructing wildlife migration corridors across roadways, under- or overpasses, interchange placement, and storm water best management practices, etc.. Similarly, EPA did not find an analysis in the DEIS of the potential effects to refuge ecological function from existing, adjacent transportation corridors (Hwy 93, 128, 72 and Indiana St.). If there are actions or management practices – such as those suggested in our previous comment – that could reduce the impact of these roads to Refuge functions and values, they should be identified in the FEIS to inform future decisions regarding the maintenance and enhancement of these routes. <p><i>Area Growth Projections/ Cumulative Effects</i></p> <ul style="list-style-type: none"> Since substantial population growth and development is projected for the area neighboring the Refuge (see DRCOG projections), we recommend the DEIS disclose potential impacts of these changes to maintaining wildlife and other Refuge functions. Such impacts could include: unfavorable interactions between resident predators and domestic animals; increased popularity and associated degradation of the NWR; increased wildlife isolation, decreased mobility to adjacent open space, changes to water quality and air quality. We suggest these impacts be addressed in the urban development discussions. Again, participating in open discussions with neighboring partners during local planning processes will help these impacts to be universally understood and potentially offset. <p style="text-align: center;">2</p>	<p>2-11. The Service believes under NEPA that the cumulative effects of reasonably foreseeable activities when combined with the proposed action must be disclosed. The Service believes some transportation improvements in the area surrounding Rocky Flats is a reasonably foreseeable activity, but the location of any particular transportation improvement, such as along the east edge of the Refuge, is speculative and not reasonably foreseeable.</p> <p>The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>2-12. The effects of existing adjacent transportation corridors surrounding Rocky Flats are disclosed as part of the affected environment.</p> <p>2-13. Urban growth and development was identified in the DEIS and FEIS as a reasonably foreseeable activity. Much of the land surrounding the Refuge is open space and will not host any urban growth and development (see Figure 11). The FEIS was revised to include additional projections of regional urban growth near the Refuge, based on DRCOG projections. Additional analysis of the potential impacts of regional urban growth is included in the cumulative impact sections of Chapter 4.</p>

Comment #	Letter #4	Response
2-14	<p><i>Gravel Mining Operations</i></p> <ul style="list-style-type: none"> Please disclose to what extent the existing and permitted mining operations could adversely affect the hydrology at the NWR. If the hydrology in connected aquatic systems is subsequently altered through vegetated but persistent 30-40 feet deep mining depressions, this would adversely affect FWS's restoration of portions of the watershed and associated Endangered Species habitat. 	<p>2-14. Section 2.10 – <i>Reasonably Foreseeable Activities</i> has been revised to include a discussion of mining impacts to groundwater based on information in the existing mining permits. The cumulative effects discussions in Chapter 4 for water resources, vegetation communities, wildlife, and threatened and endangered species have also been revised to include an additional discussion of the potential impacts of gravel mining on these resources.</p>
2-15	<p>Seamless Property</p> <ul style="list-style-type: none"> The EIS (p.1; s.4) refers to the concept of “seamless property” as being important to the function of the Refuge. EPA strongly supports the concept of seamless property management, a goal which is also reflected in the Rocky Flats National Wildlife Refuge Act of 2001, Section 3172 (a) (4): “The national interest requires that the ongoing cleanup and closure of the <i>entire site</i> be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and <i>managed so as to preserve the value of the site for open space and wildlife habitat</i>” (<i>emphasis added</i>). The EIS should clearly identify the intention to establish a seamless property, and indicate that FWS will work with DOE to create property boundaries that meet the management goals (when feasible), as intended by the Act. 	<p>2-15. See response to comment 2-10.</p>

Comment #	Letter #3	Response
	<p style="text-align: center;">STATE OF COLORADO</p> <p>Bill Owens, Governor Douglas H. Benevento, Executive Director</p> <p>Dedicated to protecting and improving the health and environment of the people of Colorado</p> <p>4300 Cherry Creek Dr. S. Laboratory Services Division Denver, Colorado 80246-1530 8100 Lowry Blvd. Phone (303) 692-2000 Denver, Colorado 80230-6928 TDD Line (303) 691-7700 (303) 692-3090 Located in Glendale, Colorado http://www.cdphe.state.co.us</p>  <p style="text-align: center;">Colorado Department of Public Health and Environment</p> <p style="text-align: center;">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 23, 2004</p> <p>Ms. Laurie Shannon U.S. Fish and Wildlife Service Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan Building 121 Commerce City, CO 80022</p> <p>RE: Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS)</p> <p>Dear Ms. Shannon:</p> <p>3-1 The Colorado Department of Public Health and Environment (CDPHE) has reviewed the Draft Rocky Flats CCP and EIS. Department representatives have also attended CCP/EIS public agency scoping meetings and workshops that were hosted by FWS, and have participated in discussions along with FWS concerning the CCP/EIS process and Draft with the Rocky Flats Citizens Advisory Board and Rocky Flats Coalition of Local Governments.</p> <p>3-2 Final cleanup decisions related to Rocky Flats will be determined after completion of the Comprehensive Risk Assessment, which will lead to the Remedial Investigation/Feasibility Study (RI/FS) and ultimately the Corrective Action Decision/Record of Decision (CAD/ROD). The ultimate determination on the precise boundaries between lands transferred to FWS to become part of the Refuge and lands retained by DOE, and the physical and institutional controls required to protect the cleanup remedy (including any needed fencing) will be made at the time of the CAD/ROD. DOE will retain under their jurisdiction the current Industrial Area, the Buffer Zone retention ponds, ground water treatment systems, the two existing landfills, and the area of surface plutonium contamination located east of the 903 Pad with contamination levels above approximately 7 picocuries per gram. These lands will not become part of the Refuge, and will not be available for public access.</p> <p>The soil and water action levels that are being used to conduct the cleanup work currently underway at the site are deemed to be protective to the maximum exposed individual who is anticipated to be present</p>	<p>3-1. Thank you for your participation in the CCP process.</p> <p>3-2. The Service acknowledges that final cleanup decisions have not yet been determined, and that prior to Refuge establishment, remaining contaminant concentrations will be protective of Refuge visitors, workers, the general public, and wildlife.</p>

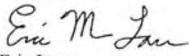
Comment #	Letter #3 continued	Response
	<p>on site, the wildlife refuge worker. Accordingly, CDPHE anticipates that the final remedy for Rocky Flats will be protective to both refuge workers and members of the public for all four refuge alternatives as described in the Draft CCP/EIS.</p> <p>Sincerely,</p>  <p>Steven H. Gunderson Rocky Flats Project Coordinator</p>	

Comment #	Letter #4	Response
<p>4-1</p> <p>4-2</p> <p>4-3</p>	<p>STATE OF COLORADO Bill Owens, Governor DEPARTMENT OF NATURAL RESOURCES DIVISION OF WILDLIFE AN EQUAL OPPORTUNITY EMPLOYER Bruce McCloskey, Acting Director 6060 Broadway Denver, Colorado 80216 Telephone: (303) 297-1192</p> <p>APR 19 2004 RECEIVED U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p>  <p>April 14, 2004</p> <p>Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR Commerce City, Colorado 80022</p> <p>Dear Ms. Shannon,</p> <p>Thank you for the additional opportunity to review the DRAFT Comprehensive Conservation Plan and Environmental Impact Statement for Rocky Flats National Wildlife Refuge and to submit written comments regarding the proposed management alternatives. As expressed in our first letter, the Colorado Division of Wildlife supports the U.S. Fish and Wildlife Service (USFWS) in their selection of "Alternative B" - as described in the as the preferred management alternative.</p> <p>In addition, we want to articulate our support for the language in the most recent DRAFT in which the USFWS recognizes the potential to expand hunting opportunities beyond the initial youth and disabled hunt program. Minimizing the restrictions on wildlife management tools will allow our agencies the flexibility needed to respond to future resource conditions and to wildlife recreation demands.</p> <p>As previously expressed in our first comment letter and also in public meetings, we believe the management strategy described in "Alternative B" promotes wildlife and habitat conservation while allowing compatible wildlife related recreation and educational uses. Specific aspects of "Alternative B" in which CDOW maintains particular interest include, but are not limited to: conservation and restoration of native plant communities and wildlife habitat; continued management of noxious weeds; evaluation of the suitability of native wildlife species re-introduction; and plans to provide opportunities for hunting, wildlife viewing recreation, education and wildlife-related research.</p> <p>The CDOW remains dedicated to working in partnership with the USFWS in planning for the future resource management on the refuge. We also look forward to continuing this cooperative effort once a management alternative is in place.</p> <p>Respectfully yours,  John Smeltzer Public Services Administrator</p> <p>cc: Scott Hoover, Jim Guthrie; Eliza Moore; Eric Odell; Aaron Linstrom; Sherri Huwer; Michael Wedermyer</p> <p>DEPARTMENT OF NATURAL RESOURCES, Russell George, Executive Director WILDLIFE COMMISSION, Philip James, Chair • Jeffrey Crawford, Vice-Chair • Brad Phelps, Secretary Members, Bernard Black • Tom Burke • Rick Enstrom • Claire O'Neal • Robert Shoemaker • Ken Torres Ex Officio Members, Russell George and Don Ament</p>	<p>4-1. Thank you for your comment.</p> <p>4-2. The Service acknowledges the flexibility that would be gained by allowing the expansion of the public hunting program, if it is warranted by future resource conditions. To that end, the Service has added language to Objectives 1.6 (<i>Deer and Elk Management</i>) and 2.10 (<i>Hunting Program</i>) to better relate the proposed hunting programs to future evaluations of target populations and habitat conditions.</p> <p>4-3. Thank you for your comment. The Service appreciates the continued interest and involvement of the Colorado Division of Wildlife in the CCP/EIS process looks forward to a cooperative relationship during the future management of the Refuge.</p>

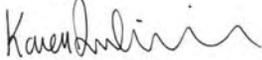
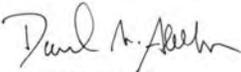
Comment #	Letter #5	Response
<p>5-1</p> <p>5-2</p> <p>5-3</p> <p>5-4</p>	<p style="text-align: center;">STATE OF COLORADO</p> <p>DEPARTMENT OF TRANSPORTATION Region 6</p> <p>2000 South Holly Street Denver, Colorado 80222 (303) 757-9385</p> <p style="text-align: right;"></p> <p style="text-align: center;">RECEIVED APR 19 2004</p> <p style="text-align: center;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>DATE: April 12, 2004</p> <p>TO: Laurie Shannon, USFWS</p> <p>FROM: Steve Sherman, Northwest Corridor EIS Environmental Manager</p> <p>SUBJECT: Comments on Rocky Flats National Wildlife Refuge EIS</p> <p>Dear Ms. Shannon, <i>Laurie</i></p> <p>Thank you for the opportunity to review the EIS for the Rocky Flats Wildlife Refuge and discuss my comments at the agency workshop on March 4. I circulated the EIS to others in CDOT but received no other comments, so the ones I mentioned at the workshop will be the extent of CDOT comments.</p> <p>To reiterate the comment most important to us: On page 67-68 and perhaps elsewhere, The Northwest Corridor Transportation Study is mentioned by name and shown on the map on Page 68. It has always been our understanding that transportation-related Reasonably Foreseeable Activities are those that are already included in the DRCOG Regional Transportation Plan. The Northwest Corridor (NWC) EIS is in early stages of development and is not in the Plan; therefore it would be our preference for the specifics of the NWC EIS study to be removed from this Rocky Flats EIS. Impacts that a general transportation facility may have to the ROW on the east side of Rocky Flats does require analysis, as has been done, but it is much too early in the process to assume Northwest Corridor utilization of this ROW. For this reason, please definitely remove any lines on a map or such inferences regarding potential NWC alignments. For example the last sentence of the fourth paragraph stating, "the transfer would be designed to help meet the transportation needs of the northwest corridor," should be stricken.</p> <p>My additional comments are related to my experience in expectations of NEPA documentation. Primarily, I was surprised to find very little discussion of hazardous materials/waste in the document. I understand the reluctance to fully address the entire history and all aspects of hazardous materials/waste of the Rocky Flats site within this EIS and I don't think that is necessary, but it is my clear understanding that a NEPA document must address the impacts of the defined action to the existing environment. In other words, Refuge actions to the area under its purview such as mowing, site visits, fires, erosion, and etc. should be addressed in the document. It is my understanding that remediation work is complete in all areas to become part of the Refuge. What does it mean that remediation is complete? What are the residual levels of contamination? Will future Refuge actions cause risk to users or workers of the facility as well as off site receptors? I believe most of these questions have been asked of the regulatory agencies and answered satisfactorily, so why not document these conclusions in the document. As a direct impact to the existing environment, it seems necessary.</p> <p>One additional comment is regarding Table 10, Impact threshold definitions. Maybe I missed where these "negligible, minor, moderate, and major" definitions were used, but if they weren't they seem extraneous.</p> <p>Thank you, and we look forward to continuing discussions.</p> <p>Sincerely,  Steve Sherman, PE</p> <p>CC: Project File</p>	<p>5-1. Thank you for your comments.</p> <p>5-2. The Service believes some transportation improvements in the area surrounding Rocky Flats is a reasonably foreseeable activity, but the location of any particular transportation improvement, such as along the east edge of the Refuge, is speculative and not reasonably foreseeable. In the FEIS, Figure 9 was revised and does not show any particular alignment.</p> <p>The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>5-3. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure. The FEIS was revised to provide additional information about the steps to becoming a refuge, existing plutonium concentrations, and projected plutonium concentrations after cleanup.</p> <p>5-4. Descriptions of impact thresholds (negligible, minor, moderate, and major) are used throughout Chapter 4 of the EIS to describe the magnitude of anticipated impacts.</p>

Comment #	Letter #6	Response
	<p style="text-align: center;">STATE OF COLORADO</p> <hr/> <div style="display: flex; justify-content: space-between;"> <div data-bbox="323 365 556 488"> <p>DEPARTMENT OF AGRICULTURE Noxious Weed Management Program</p> <p>700 Kipling Street, Suite 4000 Lakewood, Colorado 80215-8000 (303) 239-4182 FAX (303) 239-4177</p> </div> <div data-bbox="995 362 1083 451">  </div> </div> <div style="text-align: center; margin-top: 20px;"> <p>RECEIVED APR 26 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="323 620 638 774"> <p>April 26, 2004</p> <p>Rocky Flats NWR CCP Laurie Shannon, Planning Team Leader USFWS Rocky Mountain Arsenal – Bldg 121 Commerce City CO 80022</p> </div> <div data-bbox="995 496 1119 618"> <p>Bill Owens Governor Don Ament Commissioner Greg Yando Deputy Commissioner</p> </div> </div> <p>Dear Ms. Shannon,</p> <p>On behalf of the State of Colorado, I am pleased to provide these comments with regard to the noxious weed management issues raised in the Draft CCP/EIS for Rocky Flats National Wildlife Refuge. The Draft adequately addresses the need for noxious weed management in order to protect and maintain the diverse native plant communities and the wildlife that they sustain. However, there are several substantive comments that must be made and I request that they be addressed during the preparation of the Final EIS:</p> <p>6-1 1. The Colorado Noxious Weed Act (C.R.S. 35-5.5) stresses the application of integrated pest management on all lands of the State to achieve state and local noxious weed management objectives. By this criterion, the State prefers Alternatives B and C because they emphasize the fullest use of a wide range of biological, chemical, cultural, and mechanical techniques to control the spread and impact of noxious weeds. However, since these two alternatives are virtually identical with respect to the use of IPM (pp.74-75) at the refuge, neither one is more preferred than the other.</p> <p>6-2 2. The Draft devotes little discussion to how weed management priorities will be established. Given the recent changes to the Colorado Noxious Weed Act and the adoption of new permanent rules pertaining to the administration and enforcement of this statute (8 CCR 1203-19), I request that you consider how Rocky Flat's weed management program can explicitly complement the state's recent and future efforts to set regional watershed and statewide management priorities. Colorado's Noxious Weed Act was revised in 2003 by the Colorado General Assembly to provide a legal framework by which the state can implement</p>	<p>6-1. Thank you for your comment.</p> <p>6-2. The Service's Proposed Action (Alternative B) proposes integrated pest management as the best approach to control the establishment and spread of noxious weeds.</p> <p>6-3. Objective 1.5 – <i>Weed Management</i> has been revised to more specifically identify weed management priorities, and to achieve consistency with recent changes to the Colorado Noxious Weed Act. Weed management would be addressed more specifically in a step-down Integrated Pest Management Plan, which would be provided to the Department of Agriculture for review and comment.</p>

Comment #	Letter #6 continued	Response
	<p>Colorado’s strategic plan to stop the spread of noxious weeds, a plan endorsed by USFWS in 2001. New rules (enclosed) require the statewide eradication of a number of rare noxious weeds (List A) and identify a number of more well-established weed species for which the State will develop statewide management plans to stop their continued spread (List B). I hope that the invasive plant management plan ultimately adopted by Rocky Flats will facilitate complementary actions to those of local, regional, and state management efforts. It should specifically include consideration of state weed management priorities when determining how, when, and where to control invasive plants in the Refuge.</p> <p>3. While Alternatives B and C put an extraordinarily high value and allocation of resources to the management of fire on the Refuge (3 FTE), too few resources (particularly staff) are dedicated to the management of noxious weeds and native plant communities. Given the current condition of the native and non-native plant communities at Rocky Flats, only Alternative C approaches an adequate allocation of FTE (pg. 243) to manage noxious weeds and restore native plant communities. While I believe that the Draft does appropriately address the need for noxious weed management and sets out some suitable management objectives, the Service will fall short of attaining its plant community and habitat goals unless vegetation management is staffed more adequately. I strongly recommend increasing the FTE allocation in Alternative B to correspond with that of Alternative C. To achieve basic plant community objectives and manage noxious weeds at an acceptable level, the Refuge will need the attention of a full time biologist (although other duties such as wildlife management will also occupy this person’s attention), a full time noxious weed/vegetation management professional, and a six-eight month seasonal. This is all the more important if the Service anticipates fire, natural or prescribed, to occur with any frequency, at the Refuge because fire will stimulate the germination and establishment of noxious weeds already present in the seed bank.</p> <p>In addition to the substantive comments made above, I submit the following suggestions/corrections:</p> <p>6-5 Pg 12, last paragraph – there are opportunities for scientific research regarding native and non-native plant communities and the management of noxious weeds. CU and CSU would welcome the opportunity to collaborate.</p> <p>6-6 Pg 31, Weed Management section – goats and cattle can be used to graze noxious weeds as part of an IPM program. Do not emphasize goats over cattle. The prescription should be site specific, not livestock specific.</p> <p>6-7 Pg 35, Alternative B first paragraph – relating success to cover is a broad measure at best that is not very helpful in achieving more healthy native plant communities that are resistant to invasion. I recommend setting the following goals: prevent the introduction of new noxious weeds to the Refuge, eradicate weed species with small populations, stop the spread of more well established species within the Refuge, and restore native plant communities of significant environmental value.</p> <p>6-8 Pg 38, Obj 1.5 first sentence – strike “generally.” They are always non-native by definition.</p>	<p>6-4. The Service believes that the proposed staffing will be sufficient to comply with weed laws and implement the objectives. Staff from the Rocky Mountain Arsenal NWR can supplement weed management and restoration efforts at Rocky Flats, and fire management staffing at Rocky Flats are funded separately from Refuge management.</p> <p>6-5. The Service welcomes opportunities to partner with CU, CSU and other universities regarding research on noxious weeds or other topics. Such partnerships are envisioned as part of the Proposed Action’s “working with others” objective (Objective 5.3).</p> <p>6-6. The weed management objective has been revised to ensure that there is adequate flexibility in applying managed grazing to site-specific conditions.</p> <p>6-7. The Service believes that the species composition targets for the xeric tallgrass community are appropriate, because they can be based upon existing studies of that community.</p> <p>6-8. The background for Objective 1.5 was revised to indicate noxious weeds are nonnative plant species.</p>

Comment #	Letter #6 continued	Response
6-9	Pg 39, first paragraph – controlled grazing by either goats or cattle is a biological or cultural tool that can be used for weed management purposes. In the next paragraph, I would strike field bindweed. I don't believe it is a serious threat to the grasslands. However, both species of teasel are threats to wetlands in this area.	6-9. The Service has found that field bindweed is encroaching in disturbed areas throughout Rocky Flats, and teasel is currently not a problem.
6-10	Pg 39, Alternative B first paragraph – Change “limit and control” to “prevent.” 1.5.6 – take out goats	6-10. While the Service agrees with the philosophical goal of preventing any new weed infestations, the current terminology is more achievable, which is one of the criteria for developing objectives.
6-11	Pg 65, table – check the numbers in the Restoration and Implementation column – something is not quite right I suspect.	6-11. The cost figures for Restoration and Implementation do not include staff labor, which reduces the overall budget of that program. Staffing costs are included in Annual Operations.
6-12	Pg 103, Noxious Weeds – St. Johnswort is no longer in a position to threaten native plant communities at the Refuge due to the enormous success of biological controls. Instead, cheatgrass and perhaps jointed goatgrass should be added as prime threats to the native plant communities. Also, sulfur cinquefoil is a new invader to the area and may have already built up substantial populations at the Refuge.	6-12. The FEIS was revised to reflect these recommendations.
6-13	Pg 199, Organizations – Dr. George Beck should be moved to page 198 under the Federal, State and Local Agencies section. For some reason, you have listed me as Colorado Native Plant Society. When I participated in the October 2002 Focus Group for Vegetation Management I did so as the state weed coordinator. Please list my affiliation as the Colorado Department of Agriculture and move me to page 197. Also, Len Ackland and Tim Seastadt should be moved to the same section as they are affiliated with the University of Colorado, a state agency of higher education.	6-13. The FEIS was revised to reflect these recommendations.
6-14	Pg 233 – You are missing Executive Order 13112, Invasive Species (1999).	6-14. Executive Order 13112, Invasive Species has been added to the list of relevant laws and executive orders.
6-15	Pg 250 – At the time of printing, this list was incomplete with respect to designations of state noxious weeds. The list has changed more recently (see enclosed). Please recheck any species marked with an “*” to make sure it is still designated a noxious weed. Also, a number of species were not originally marked including oxeye daisy, houndstongue, and bouncingbet.	6-15. The FEIS was revised to reflect these recommendations.
6-16	Lastly, you should note that the picture used for the front cover of the Draft has Dalmatian toadflax in the background (it's the yellow stuff – check under the “&”).	6-16. The Service is aware that the cover to the Draft CCP/EIS shows Dalmatian toadflax, which is found throughout the site. The cover of the Final CCP/EIS has been changed because it is a different document.
6-17	<p>If you have any questions regarding the three substantive comments provided above, please contact me at 303-239-4182 or eric.lane@ag.state.co.us. I appreciate the seriousness with which noxious weeds are recognized as a threat to the native plant communities and wildlife of the Refuge and I appreciate the opportunity to share my concerns with you.</p> <p>Sincerely,  Eric Lane State Weed Coordinator</p>	6-17. Thank you for you comments.

Comment #	Letter #7 continued	Response
7-4	<p>While the seven Coalition governments may disagree on elements of the proposed management plan, this disagreement should not be interpreted as suggesting a lack of support for the refuge. The principles articulated in the op-ed hold true.</p> <p>2. <i>Limit Access to DOE Retained Lands</i> The Coalition remains concerned that USFWS is proposing to allow access to the refuge without defining how the federal government (either USFWS or DOE) will restrict access to DOE retained lands. It is our understanding that the vast majority of the groundwater monitoring wells, settling ponds, caps, surface water monitoring stations, and other controls designed to implement and protect the remedies will remain under DOE's jurisdiction. These lands, we understand, will be off-limits to refuge visitors. It remains imperative that USFWS and DOE decide how access to these lands will be restricted prior to opening up the refuge for visitors.</p> <p>We recognize there are various mechanisms that can be employed, and that the respective roles of DOE and USFWS in restricting access to the entire Site and to the DOE retained lands must still be decided. Regardless of the legal mechanism(s) that USFWS and DOE ultimately adopt (including but not limited to the past-due congressionally mandated MOU between DOE and the Department of the Interior), USFWS must clearly acknowledge in the CCP/EIS that implementation of the visitor plan is contingent on resolution of this issue.</p>	<p>7-4. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary within the Refuge, will be decided by the RFCA parties. The Service will continue to provide input to the RFCA parties. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. The Service has provided these recommendations to the RFCA parties.</p>
7-5	<p>3. <i>Additional Analysis Needs to Be Completed</i> The Coalition understands that DOE, CDPHE, and EPA believe additional sampling of the buffer zone must be completed prior to the closure of Rocky Flats and transfer of jurisdiction of lands to USFWS. The Coalition believes this sampling is essential for a number of reasons, including but not limited to confirming that residual levels of contamination on the lands to be transferred to USFWS are protective of refuge workers and thus of visitors. Additionally, we believe ongoing post-closure monitoring must be conducted in the buffer zone to verify the ongoing safety of these lands.</p>	<p>7-5. The Service will continue to provide input to the RFCA parties regarding cleanup issues, and support the need for ongoing monitoring of the buffer zone by the DOE to ensure the effectiveness of the cleanup and the safety of Refuge visitors. The additional sampling of the buffer zone is completed. The FEIS was revised to provide additional information about the steps to becoming a refuge, existing plutonium concentrations, and projected plutonium concentrations after cleanup.</p>
7-6	<p>While we understand this sampling requirement is driven by the Rocky Flats Cleanup Agreement (RFCA) and not the CCP/EIS, we believe that USFWS must take this information into account in the CCP/EIS when finalizing decisions about public access to the refuge. Please note, though, that the Coalition remains steadfastly committed to the provision in "The Rocky Flats National Wildlife Refuge Act of 2001" that vests authority for certifying whether Rocky Flats meets regulatory standards and is thus protective in the EPA and not in the USFWS. We believe, as we posited during the drafting of the refuge bill, that the determination as to what is protective is not, as both a matter of science and public policy, the domain of the USFWS. That said, public policy also suggests that USFWS remain engaged on this certification analysis and the potential impacts on the refuge planning process.</p>	<p>7-6. The Service is assured the EPA will require DOE to complete a cleanup that is protective of a Refuge worker and visitors before certifying the site in accordance with the Refuge Act.</p>
7-6	<p>4. <i>A Protective Cleanup</i> Recently, a segment of the community has been arguing that any level of radioactive contamination above background is dangerous, and thus USFWS should, from a human health and safety perspective, prohibit all access to the refuge. Provided that the aforementioned additional sampling confirms that the lands transferred to USFWS contain levels of residual contamination that are protective of refuge workers and visitors, we reject this argument.</p>	

Comment #	Letter #7 continued	Response
7-7	<p>The Rocky Flats Soil Action Level Oversight Panel's review of cleanup levels at Rocky Flats concluded that lands contaminated with up to 80pCi/g of plutonium would be protective of a resident rancher that lived on the most contaminated parts of Rocky Flats, grew all their vegetables at the site, received all of their drinking water from the site, and also grazed their livestock at the site. This Panel included, among others, local government representatives and the Rocky Mountain Peace and Justice Center.</p> <p>Following that study, an intensive review of cleanup levels determined that lands contaminated with up to 50pCi/g of plutonium would be protective of a refuge worker. This scenario presumes that the refuge worker spends 50 weeks a year, 40 hours per week at the most contaminated portion of the site.</p> <p>It is our understanding that lands which include contamination >7pCi/g of plutonium will be retained by DOE – and that these lands, as discussed above, will be off limits to refuge visitors. Based on the aforementioned studies, to suggest that the lands to be transferred will be dangerous to the community if the RFCA standard is met belies sound science and sound public policy.</p> <p>The Coalition remains committed to ensuring that the cleanup is protective of human health and the environment. We understand this latter point is well beyond the bounds of the CCP/EIS but, given the nature of the current public dialogue, we felt it important to reiterate our position on this critical cleanup issue.</p> <p>Thank you for your consideration of these issues. We trust that although some of these issues are beyond the bounds of the CCP/EIS, we will continue to dialogue about them with the USFWS in the appropriate forum.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  Karen Imbierowicz Chair </div> <div style="text-align: center;">  David M. Abelson Executive Director </div> </div> <p>Cc: Frazer Lockhart, DOE Doug Benevento, CDPHE Max Dodson, EPA Senator Wayne Allard Representative Mark Udall Representative Bob Beauprez</p> <p style="text-align: center;">3</p>	7-7. Thank you for your comments.

Comment #	Letter #8	Response
8-1	 <p data-bbox="531 250 888 298">CITY OF ARVADA</p> <p data-bbox="485 318 926 386">MAYOR AND CITY COUNCIL FACSIMILE: 720-898-7515 ▲ TDD: 720-898-7869 PHONE: 720-898-7500</p> <p data-bbox="363 415 478 435">April 26, 2004</p> <p data-bbox="363 461 693 571">Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Bldg. 121 Commerce City, CO 80022</p> <p data-bbox="747 418 1014 438">Via Fax: 303-289-0579</p> <p data-bbox="737 423 894 516">RECEIVED APR 27 2004</p> <p data-bbox="701 516 869 597">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="363 594 1003 636">RE: Comments on the Draft CCP EIS for the Rocky Flats National Wildlife Refuge</p> <p data-bbox="363 659 512 678">Dear Ms. Shannon:</p> <p data-bbox="363 704 1045 860">On behalf of the Arvada City Council, we would like to thank you for this opportunity to comment on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge. Since this process started nearly two years ago, the City has continued to appreciate the hard work of you, Dean Rundle and the entire Fish and Wildlife Service team. We especially appreciate your willingness to openly invite comment and to engage the public on the sometimes contentious subject of the future of Rocky Flats.</p> <p data-bbox="363 883 1045 990">First, let us state that the City, as stated previously in our June 18, 2003 letter, supports the Proposed Action, Alternative B. Although we support Alternative B, there are a number of issues that we feel compelled to comment on within the Draft. Below please find both general statements regarding the Proposed Action and specific comments about Alternative B and the draft document.</p> <p data-bbox="363 1016 596 1036"><u>Comments on Alternative B:</u></p> <p data-bbox="363 1042 1020 1127">With consideration of the Planning Goals of the Refuge, the public input, and the requirements of a National Wildlife Refuge, Alternative B offers the most appropriate balance between the conservation of wildlife and their habitat while allowing some wildlife-dependent public use.</p> <p data-bbox="363 1149 1045 1305"><u>Ecology and Environmental Management:</u> The ecology and environmental management plans presented in Alternative B implement the extensive habitat and wildlife management that is expected of a refuge. Especially important is the broad range of habitat restoration tools and commitment to a broad range of methods to manage and protect wildlife on the site. It is imperative that the USFWS keep all options available for habitat restoration and wildlife management and implement a full range of strategies throughout the Refuge.</p> <p data-bbox="401 1380 1003 1399">P.O. Box 8101 ▲ 8101 RALSTON ROAD ▲ ARVADA, COLORADO ▲ 80001-8101</p>	<p data-bbox="1230 529 1955 678">8-1. Thank you for your comments. The Service believes the Proposed Action would best balance habitat restoration and wildlife management with public use in accordance with the Refuge Act, the National Wildlife Refuge System Improvement Act, and Service's policies.</p>

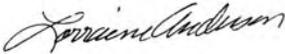
Comment #	Letter #8 continued	Response
8-2	<p>Although the City supports the ecology and management plan presented in Alternative B, we feel the plan can be strengthened in several areas:</p> <p>1. <u>Weed Management</u>: Additional emphasis should be placed on the aggressive management of noxious, non-native weeds on the site. The plan to use Integrated Pest Management (IPM) practices is crucial. With the proliferation of noxious weeds at the Refuge, it is imperative that all weed removal options be available to USFWS. The City is in agreement that this should include the use of herbicides, biological controls, mechanical removal, prescribed fire, and controlled grazing. As noted in the Draft CCP/EIS, the lack of prescribed fire has resulted in the fact that, <i>"a fuel load of dead vegetation has been building up in the grasslands of Rocky Flats for at least 30 years. This buildup has contributed to an invasion of noxious weeds on site..."</i></p>	<p>8-2. Alternative B, the Service's Proposed Action, would provide a full range of weed management tools through an Integrated Pest Management approach. The Service agrees that while highly aggressive weed management is needed, the level of weed management in Alternative B would be reasonable, given funding constraints and other priorities.</p>
8-3	<p>2. <u>Prairie Dogs</u>: The City suggests that USFWS reexamine the 750 acres devoted to prairie dogs in Alternative B. The Alternative C limit of 500 acres appears more sustainable and increases the odds of a healthy population that will continue to contribute to the area ecology. The 500 acres is still an enormous increase of colonization over historic population on the site and will contribute to the Refuge as a whole.</p>	<p>8-3. The Service acknowledges that a limit of either 500 or 750 acres of prairie dog colonies would be an increase over the current extent (10 acres) of existing populations. Prairie dogs a native grassland species, and the Service has an obligation to manage the species on the Refuge. The Service believes that a maximum threshold of 750 acres of prairie dog colonies is still within the limits of what the Service could effectively manage and what would be sustainable.</p>
8-4	<p>3. <u>Natural Habitat Management</u>: The City supports USFWS' plan for wildlife habitat management. However, it is important that USFWS acknowledge that when the infrastructure and buildings of the Industrial Area are gone and the area revegetated, there may be significant changes in surface water levels and drainage on various parts of the Refuge. These changes may impact riparian and Preble's areas. The City is not in favor of artificially maintaining these areas through the importation of water and feel that it should be stated in the CCP/EIS that this would not be an option considered by the USFWS.</p>	<p>8-4. Future hydrologic conditions are discussed in the DEIS and FEIS under section 3.3, <i>Water Resources</i>. DOE has initiated informal consultation with the Service to minimize impacts on the Preble's from hydrologic changes of site closure. The Refuge Act protects existing property rights on the Refuge, including water rights and ditches. The Service does not plan on expanding riparian habitat areas, but will instead focus on protecting what is currently there.</p>
8-5	<p><u>Public Use</u>: Creating an accessible, open wildlife refuge has always been an issue of primary concern to Arvada. The City has continued to advocate for direct access to the Refuge via the Arvada trail system, and the trail systems within the surrounding communities. It is gratifying that the park and open space work of the surrounding communities has been incorporated into the planning of Alternative B to allow these trail connections. The City commends the USFWS commitment to working with the surrounding communities on this issue. The City feels that the overall public use plan is reasonable for Alternative B and within the spirit of the Refuge System. In fact, the public uses proposed in Alternative B are minimal in relation to the over 5,000-acre size of the refuge and the location adjacent to a large urban area. There are three issues that the City would like to see changed in the Public Use portion of Alternative B.</p>	<p>8-5. The Service believes the Proposed Action would best balance habitat restoration and wildlife management with public use and future funding.</p>
8-6	<p>1. <u>Trails</u>: Although great strides have been made to improve the proposed trail system from the first draft of the alternative plans, the City still strongly believes that the trail system in the southern portion of the Refuge is inadequate. In our June 18, 2003 letter, we discussed the need for loop trails and additional trails in</p>	<p>8-6. The Service believes that the level of public use proposed in Alternative B would be appropriate for the size and purposes of the Refuge. In response to these and other comments, Alternative B has been revised to include another off-site trail connection to the southwest that will enable the City of Arvada to complete a trail loop along Big Dry Creek south of the Refuge. In addition, the alignment of the southern multi-use trail has been changed to diversify and improve the trail experience for visitors and complement future connections to other jurisdictions. The Service believes that any significant additions beyond those just described would no longer strike an appropriate balance between public use and habitat management, and would increase trail maintenance costs.</p>

Comment #	Letter #8 continued	Response
<p>8-7</p> <p>8-8</p>	<p>the southern area abutting Arvada. We proposed that two additional foot trails be added to the area in conjunction with the multi-purpose perimeter trail proposed at the time. However, as currently proposed, Alternative B eliminates the perimeter multi-use trail west of the Arvada trail connection and creates one loop connection to the east. The single loop connection is positive, but it loses much of its appeal without the continuation of the perimeter trail. The City strongly advocates the reintroduction of the perimeter trail as originally shown west of the Arvada trail connection. This trail can follow the existing road along the south and west perimeter of the Refuge. Not only would this trail enhance the experience of users in the southern portion of the Refuge, it would do so with minimal impact and create better connectivity within the Refuge, especially to the Contact Station and Lindsay Ranch. It is reasonable to deduce that, if the planned development immediately to the south of the Refuge occurs, there will be high demand for more than just the trail proposed. The addition of the perimeter trail would spread visitor impact, enhance visitor experience and decrease the potential for creation of informal "social" trails in delicate habitat.</p> <p>2. <u>Equestrian Use:</u> The City of Arvada supports the allowance of equestrian uses within the Refuge. As Alternative B is now written, equestrian uses would only be allowed in the southern portion of the Refuge. The City supports equestrian uses on all multiple use trails within the Refuge, not only the southern portion. Equestrian use is an accepted form of transportation within the Refuge system for the purposes of wildlife observation and, as stated in the Compatibility Determination of the Draft CCP/EIS, "<i>disturbance resulting from trail use is anticipated to be biologically insignificant.</i>"</p> <p>3. <u>Phasing of Development:</u> The City appreciates the fifteen-year timeline that the USFWS has to implement a management plan for the Refuge. It is, however, important to work with the surrounding communities to most quickly open sections of the Refuge to the public. The Refuge will be a long-anticipated regional asset by the time USFWS takes over and we feel it would be easy and beneficial to open at least a portion of the Refuge almost immediately. We strongly encourage USFWS to open more than just a trail to the Lindsay Ranch within the first five years. Based on the planned use of existing roads and the lack of sound environmental contaminant concerns in the areas slated for public access, there is little reason why access could not be granted very quickly in some areas. At a minimum, USFWS should reduce the timeline from 5-7 years to 3-5 years for the completion of 75% of trails. In addition, if a surrounding community is prepared to create a link to the Refuge within the first five years, USFWS should work with them to create that link and increase access to the Refuge.</p> <p><u>Additional Issues:</u> Below are a number of additional comments related to individual issues raised by the Draft CCP/EIS.</p>	<p>8-7. Equestrian access was not widely supported by the public comments, and raises issues about potential ecological impacts. 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 regard to ecological impacts.</p> <p>8-8. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the public use implementation plan of Alternative B was not changed. 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 begin.</p>

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8-9	<p><u>Environmental Concerns:</u> The City will always have concern regarding environmental issues within the Department of Energy retained lands. At the same time, we feel that the areas proposed for public access in Alternative B are more than protective for the activity of refuge workers and visitors. In fact, it should be noted that the City is aware of no credible data related to contamination that would not support the use of the Refuge in the manner proposed. Based on the standards being implemented in the clean up of Rocky Flats and the lands to be retained by DOE, for any party to suggest that the Refuge will be unsafe is irresponsible and unfounded.</p>	<p>8-9. Thank you for your comment. Note that an expanded discussion of cleanup related issues is included in Sections 1.8, 3.2, and 4.2.</p>
8-10	<p>That being said, the City urges USFWS to resolve all outstanding issues related to access to DOE retained lands. It is our understanding that the actual methods of limiting access and instituting controls to restricted areas have not been determined at this time. The City does not support one particular method of control over any other, but rather, believes that a number of controls with varying degrees of restrictiveness will be necessary depending upon the type and location of each area requiring restricted access. However, the City does agree with and support the statement in the Draft CCP/EIS that it is the goal of both the USFWS and DOE, <i>“that Rocky Flats will be a seamless property, to the extent possible, with no or few obvious visual differences between Refuge and retained lands.”</i></p>	<p>8-10. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p>
8-11	<p><u>Transportation Right-of-Way:</u> Generally, the City’s position as stated in the letter of June 18, 2003, is unchanged with regard to USFWS’ inclusion of the potential transportation right-of-way within the Draft CCP/EIS. The City continues to support USFWS studying the transportation corridor as it relates to the management of the Refuge. However, the City is extremely disappointed in the manner in which USFWS has chosen to study the right-of-way. It has always been our position that whatever the impact to the refuge, it will be most notable if the entire 300 feet of right-of-way is used for transportation and therefore, the entire 300 feet of right-of-way should be studied by USFWS. It only makes sense that if the actual roadway width is less, the impact to the operations and management of the Refuge can only be less.</p> <p>Instead of studying the 300 feet of right-of-way as listed in the Rocky Flats Wildlife Refuge Act, USFWS has arbitrarily divided the right-of-way and studied the impacts of various widths. The numbers used and the assumptions made by USFWS in their division of the potential right-of-way are not based on any fact related to the actual transportation corridor. The legislation only says <i>“up to 300 feet.”</i> which means any number between 0 and 300, not 50, 125, or 300. <u>The City is aware of no predetermination by the Colorado Department of Transportation that concludes only those three widths are available. Nor is the City aware of a predetermined route that would require the entire length of the Indiana right-of-way to be used for the potential transportation corridor.</u> Yet, throughout the Draft those misleading and incorrect assumptions are made, to the detriment of every member of the public that may read this Draft.</p>	<p>8-11. The Refuge Act directed that the land to be made available for transportation improvements should not extend more than 300 feet from the Indiana Street right-of-way. The DEIS identifies those resources that fall within a distance of 50, 125, 300 feet from Indiana. The three different widths (50, 125, and 300 feet) were chosen to provide a range of widths and amount of each resource that would be within each width, up to 300 feet. The selection of three widths is not intended to imply a preference for any particular width that may be transferred, or any implication that only the three widths analyzed would be available.</p> <p>The Service acknowledges that the transfer of land for the purposes of transportation improvements is the responsibility of the DOE. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p>

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8-12	<p>It is not and should not be the function or responsibility, nor is it certainly the expertise, of the USFWS to determine potential widths and lengths of a transportation corridor. This is especially true, and disconcerting, as the Colorado Department of Transportation is just beginning the public Northwest Corridor Transportation Study.</p> <p>In addition to the general methodology, the Draft also contains several statements that, at a minimum need clarification and more support or should not be included in the Draft as written. For example, on page 162, it is stated that, "<i>Construction of a highway between the refuge and Standley Lake may pose a physical barrier to Preble's movement and psychological barrier to bald eagle movement.</i>" First, there is no indication given that Preble's movement now exists between Rocky Flats and Standley Lake. Second, it seems that Indiana Street already poses a physical barrier to Preble's movement, yet no comparison is given of the impact of Indiana versus a larger roadway. Third, the statement that an enlarged roadway may pose "<i>a psychological barrier to bald eagle movement</i>" simply makes no sense. There is an existing population of bald eagles that freely moves throughout the urbanized area. The eagles regularly move between Standley Lake, Barr Lake and all points in between (such as lakes surrounded by houses and roadways like East Lake and Hunter's Glen Lake) and along the South Platte corridor, crossing numerous roadways, including I-25 and I-76.</p>	<p>8-12. The FEIS was revised based on this comment.</p> <p>8-13. The Service acknowledges that it is impossible to evaluate the visual impacts of future transportation improvements, if any, until a roadway is designed. However, the Refuge Act does direct the Service to make recommendations on land that could be made available for transportation improvements. While the referenced text has been removed from the FEIS, an additional discussion of the potential effects of any transportation improvements near the Refuge been added as Section 4.16, and does include an evaluation of potential visual impacts, recognizing that plans for any transportation improvements do not currently exist.</p>
8-13	<p>Another example of a poorly written statement is found on page 168. It reads: "<i>The transfer of a right of way and subsequent development of a larger roadway would adversely affect easterly views from portions of the Refuge.</i>" On its face this might make some intuitive sense, however, there are two issues that need to be considered. First, the existing easterly view is of an urban reservoir surrounded by housing and an urbanized area including downtown Denver, hardly a pristine prairie setting. Second, until a roadway is designed, it is difficult to determine how views will be impacted. By way of example, one should look at the most recently built area highway, the Northwest Parkway. In many places, the Northwest Parkway was intentionally built below grade to minimize impacts on the surrounding land. If the Draft, at a minimum said, "<i>could</i>" instead of "<i>would</i>" at least some recognition that the outcome and final design of the potential roadway is unknown would be present.</p>	<p>8-14. The existing barbed-wire fence would remain under the Service's proposed action.</p>
8-14	<p><u>Perimeter Fencing:</u> As stated in previous communication with the USFWS, the City advocates minimal perimeter fencing at the Refuge. The City is in no way interested in sacrificing the quality of the Refuge or the safety of the surrounding community through minimizing fencing. However, minimizing fencing should absolutely be a goal of the Refuge.</p> <p>There are several reasons the City feels strongly about this matter. First, the Refuge will abut a prominent entry into our City and the appearance of the Refuge will directly reflect upon Arvada. Second, and closely related, the portion of Arvada that borders the Refuge is privately owned and is zoned and proposed for</p>	

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8-15	<p>development. Large chain link and barbed wire, or other barrier type fences are not the kind of outward impression that we feel a regional asset such as the Refuge should give to its neighbors. In addition, as stated above, there is no environmental reason to create such a barrier. The City supports the USFWS plan to maintain the traditional three-strand fence around the perimeter of the Refuge.</p> <p><u>Site Signage:</u> In at least one public forum during this comment period, USFWS has stated that the final CCP/EIS will have specific signage language for the site related to safety and/or contaminant concerns. The City is not comfortable with specific language being set at this stage of the cleanup and closure of Rocky Flats. At this time there are simply too many variables for the USFWS to know what is appropriate language on any signage. With institutional controls not yet determined, cleanup incomplete, and additional buffer zone sampling incomplete, the City questions the logic of developing specific signage language. It may be appropriate to acknowledge within the CCP/EIS the need for some signage, but to determine the language to be used on the signage does not fit within the purpose or scope of the CCP/EIS.</p>	<p>8-15. Since the public meetings, the Service has decided to not include specific signage. However, the expanded discussion of contamination issues in Section 1.8 elaborates that signage will include information on residual contamination and related safety issues.</p> <p>8-16. The Refuge Act provides for the preservation and maintenance of the Lindsay Ranch structures in accordance with the National Historic Preservation Act. After evaluating the condition of the structures, the Service has concluded that the farm house is weathered beyond repair, and that appropriate restoration would significantly detract Refuge resources away from other management needs. For these reasons, the Service proposes to actively rehabilitate the barn only.</p>
8-16	<p><u>Lindsay Ranch:</u> The City supports the stabilization and interpretation of the entire Lindsay Ranch site. We do not agree with USFWS' plan to only stabilize and interpret the barn. As many structures as possible should be stabilized and maintained, including outbuildings, fences, and the house and the barn. If it is impractical for the house to be stabilized then it should be allowed to fall naturally in place. However, the house site should still be preserved and interpreted along with the entire ranch. As USFWS knows, the legislative intent was to preserve the Lindsay Ranch physical structures, not just the barn. It is disheartening that there is no plan to do as was intended by Congress.</p>	<p>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 agrees 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.</p>
8-17	<p><u>Maps:</u> One issue related to the actual document itself involves the maps used to depict the site. By completely shading the DOE retained lands, it is very difficult to understand the site in its entirety and the maps lose much of their meaning and effectiveness. It would be much more preferable to make the DOE retained land transparent by either lightly shading the area or using a dotted line around the perimeter. Otherwise, there is no possibility to understand the relationship of the center of the site (topography, habitat, drainage, etc.) with the Refuge lands.</p>	<p>8-17. While the depiction of the DOE retained area on the maps may be visually obtrusive, it is intended to convey the fact that the Service is not responsible for resource management within the retained area. The maps have been revised to make the retained area transparent. The Service, however, will provide recommendations to DOE regarding resource management issues.</p>
8-18	<p>After review of the entire Draft CCP/EIS it is clear that Alternative B adheres to all of the Planning Goals stated for the CCP/EIS. The balance of ecological restoration and management with public access is appropriate for a site of this nature and with its history. The City fully supports the implementation of Alternative B and asks that the suggested changes discussed above be addressed by the Refuge Planning Team in the Final CCP/EIS.</p> <p>It is the strong desire of the City to continue the positive relationship we have built with the USFWS due to our good fortune of having the Two Ponds National Wildlife Refuge</p>	<p>8-18. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p>

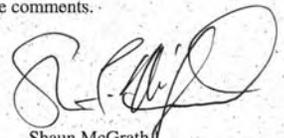
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8-19	<p>within the City. Now is the time to start working on specific projects together in order to best facilitate public access and community involvement once the Refuge is open. We look forward to any opportunities to partner in the development of trails, public access, and the formation of volunteer community groups in support of the Refuge.</p> <p>Thank you for the opportunity to comment on the Draft CCP/EIS. Please do not hesitate to contact the City for any additional information or assistance.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>Ken Fellman Mayor Arvada Alternate – RFCLG Board</p> </div> <div style="text-align: center;">  <p>Lorraine Anderson Councilmember Arvada Member – RFCLG Board</p> </div> </div> <p>cc: City Council Clark Johnson, Assistant to the City Manager Gordon Reusink, Director of Parks, Golf, and Hospitality Bill Ray, Director of Public Works David Abelson, Executive Director, RFCLG</p>	8-19. Thank you for your comments.

Comment #	Letter #9	Response
<p>9-1</p> <p>9-2</p> <p>9-3</p> <p>9-4</p> <p>9-5</p>	<div data-bbox="275 245 1142 1409" style="border: 1px solid black; padding: 10px;">  <p>CITY OF BOULDER CITY COUNCIL OFFICE</p> <p>Will Toor, Mayor Thomas Eldridge, Deputy Mayor Robin Bohannon, Councilmember Crystal Gray, Councilmember Shaun McGrath, Councilmember Gordon Riggie, Councilmember Mark Ruzzin, Councilmember Andy Schultheiss, Councilmember Jack Stoakes, Councilmember</p> <p>April 20, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Building 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon,</p> <p>We are writing on behalf of the City of Boulder to submit the following comments on the Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge.</p> <p>The City supports Alternative C, Ecological Restoration, as the best alternative for the wildlife refuge at the Rocky Flats site. We believe that the unique conditions at Rocky Flats warrant a conservative, "go slow" approach. This is the first former nuclear weapons facility that will be designated as a wildlife refuge. In that respect, it is unlike any of the other, more pristine land enrolled in the wildlife refuge system and should be managed accordingly. This plan will govern the first 15 years of the wildlife refuge, a proverbial drop in the bucket compared to the 24,000-year half-life of the plutonium known to have been on the site. This first plan should therefore focus on verifying the long-term safety of the land for future generations. If no problems are found during the first 15 years, we believe a discussion on greater level of public access and use could be warranted.</p> <p>However, until we have gained the benefit of having managed these lands over the 15-year time period, we believe that the focus should be on ecological restoration over public access/use. To open the site to the public without this first being accomplished would be short sighted and would not serve the broad, long-term community interests.</p> <p>The City has long-advocated for closure and clean up of the weapons production facility at Rocky Flats. We continue to work with the other local governments in the area through the Rocky Flats Coalition of Local Governments (RFCLOG) to argue for federal funding and attention to the issue. Proper cleanup of the site remains our first priority.</p> <p>Beyond the cleanup and closure, the City supported the Udall-Allard legislation in 2001 which resulted in having the site designated a national wildlife refuge. This was important to the City of Boulder not only to protect the site from future development but</p> <p>P.O. Box 791 • Boulder, Colorado 80306-0791 • (303) 441-3002 • Fax (303) 441-4478 • www.ci.boulder.co.us Printed on 100% Post Consumer Waste Paper</p> <div style="text-align: right; border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>RECEIVED APR 25 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> </div>	<p>9-1. Thank you for your comments.</p> <p>9-2. Although the Refuge will not be established until cleanup is completed, and the EPA and CDPHE have verified that all proposed refuge activities would be safe for the refuge worker and visitor, the Service believes that the proposed action for Refuge management and public access (Alternative B) would best balance wildlife and habitat management, and public access. Under Alternative B, most of the Refuge would be restricted to public access for the first 5 years to allow time for restoration efforts to be initiated. The Service does not believe that the proposed action imprudently rushes public access.</p> <p>Rocky Flats will not be the first refuge established on a former nuclear facility. Saddle Mountain NWR was established in Washington in 1971, with over 30,000 acres in the buffer zone of the DOE's Hanford Site. Saddle Mountain was included in the Hanford Reach National Monument, created as part of the Refuge System in 2000. Over 50,000 acres of the Hanford Reach National Monument is currently open to public use. Unfortunately, with the Refuge system there are dozens of sites that have to deal with a variety of contaminant issues related to former and/or adjacent land uses.</p> <p>9-3. The Service acknowledges that weed management and ecological restoration would be major issues on the Refuge, and for this reason the Service has elected to focus the first 5 years of Refuge management on these issues. After 5 years, the Service believes that the amount of public use proposed in Alternative B would be compatible with on-going restoration efforts and other Refuge needs. The Service believes that wildlife-dependent recreation such as interpretation and environmental education can provide the public with opportunities to observe how the Service is meeting its restoration and other management objectives.</p> <p>9-4. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure.</p> <p>9-5. Thank you for your comment.</p>

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	<p>also to preserve federal ownership of the site. Protection from development was an important part of our vision for the landscape given the efforts made by Boulder and Boulder County in setting aside open space adjacent to the site. Federal ownership was critical in our view to address the uncertainty of public health issues so that if any problems are detected in the future, the liability will be with the federal government – not local communities – to address those problems.</p> <p>To that end, we would like to point out language (p. 8) of the CCP/EIS that says the “USFWS will not assume full responsibility for the refuge until the EPA has deemed the cleanup complete”. According to the Rocky Flats National Wildlife Refuge Act, if any problems are found - even after transfer to USFWS - the DOE will be responsible for addressing them. We support that provision, and urge you to revise the CCP/EIS to be clear that USFWS should never have to assume “full” responsibility for the site.</p> <p>This is the first such site in the country to be transformed from a nuclear weapons production facility into a wildlife refuge, and it is imperative we proceed carefully. We believe a conservative approach is still appropriate when considering trails and public use, as we should remain cautious about public health risks and the potential for contamination. Local experience indicates that unforeseen issues do arise when managing sites that have been involved in the production and storage of toxic or hazardous materials:</p> <ul style="list-style-type: none"> • At the Rocky Mountain Arsenal (RMA), a former chemical production site being cleaned up and managed as a wildlife refuge, sarin bombs were found as recently as 2001, prompting a temporary closure and re-evaluation of that site. • In 2003 at the former Air Force Base at Lowry, asbestos was found during redevelopment of the site which includes new homes and schools. • In fall 2003 at Rocky Flats, an incinerator was discovered during clean-up remediation at the uranium ash pits, another site discovered only 2 years prior to 2003. <p>We also are concerned that there should not be a rush to cleanup and transfer. The DOE and USFWS are two very different agencies with different funding situations, missions and capacities. Prior to opening the site for public access, additional time should be provided for both agencies to work out details of the mandated land transfer. A memorandum of understanding about the details of this transfer is past due and needs to be completed by DOE as soon as possible.</p> <p>Additionally, we insist on continual post-closure monitoring of the site, even after transfer to USFWS. This is required according to the provisions of the Rocky Flats National Wildlife Refuge Act, and we would like to ensure there is sufficient post-closure monitoring on the Refuge lands. Post-closure monitoring in the buffer zone – conducted by DOE – is critical in verifying the long-term safety of the site. The CCP does not mention post-closure monitoring, nor does it include a contingency plan if post-closure monitoring detects exceedences. The CCP should be revised to address both post-closure monitoring and contingencies. This is particularly important if the CCP allows more public access, e.g. Alternative B or D.</p>	<p>9-6. Under the Refuge Act, the DOE will be responsible for any future cleanup-related response actions on the Refuge. The Final CCP/EIS includes additional discussion about DOE’s long-term responsibilities in Chapter 1 – <i>Purpose and Need</i>.</p> <p>9-7. See response to comment 9-2. The contamination levels in the area to become the Refuge are currently low enough not to require any response actions. All of the previously unknown contamination sites that have been discovered at Rocky Flats are all located within the area to be retained by DOE. Identifying and remediating such sites is purpose of the current cleanup efforts.</p> <p>9-8. It is the intent of the Service not to accept the transfer of administrative jurisdiction for any lands at Rocky Flats until the Memorandum of Understanding between DOE and DOI, required by the Refuge Act, is finalized. The Service is not “in a rush” to transfer. While the MOU has not yet been completed, the Service and DOE have continued to work cooperatively on many long-term transition issues.</p> <p>9-9. The CCP/EIS does not address post-closure contaminants monitoring on refuge lands because none is anticipated. The Service is currently unaware of any remedy-related monitoring that will be required on the lands currently identified for transfer into the National Wildlife Refuge System. DOE is responsible for all post-closure monitoring of the remedy, and is required by the Refuge Act to retain jurisdiction of any lands that require long-term monitoring. The Service does not believe that the RFCA parties are going to require long-term monitoring of Buffer Zone areas that are transferred to the Service. The City should address this concern to the RFCA parties and identify the “post-closure monitoring in the buffer zone” that the City believes is “critical.”</p>
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Comment #	Letter #9 continued	Response
9-10	<p>In the end-state agreement signed by 5 members of the 7-member RFCLOG, the decision was made to focus the clean up more on surface remediation than on the subsurface. Specific areas in the subsurface of the DOE-retained lands are contaminated and will be left as such; institutional controls including caps and other monitoring systems will be put in place. It is critical that the public be kept away from these institutional controls. One concern we have is that black-tailed prairie dogs are present on the site. We know cleanup of the site is to about 1 foot (6-9 inches is most common), but black-tailed prairie dogs dig as deep as 15 feet. There must be monitoring for any contamination that may be brought later by the prairie dogs or other species involved in bioturbation which brings subsurface material to the surface.</p>	<p>9-10. The Refuge Act requires that the DOE retain jurisdiction and responsibility over all engineering structures or facilities and institutional controls related to cleanup. These areas are included in the DOE retained area. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. The FEIS was revised to elaborate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p>
9-11	<p>Prior to allowing access to the site, DOE and USFWS must clearly state how access to the DOE-retained lands will be restricted. The purpose is to ensure that no one plays in the settling ponds, walks on the caps, damages the groundwater and surface water monitoring stations, etc. These important controls will be retained by DOE and we want to ensure that visitors to the refuge stay clear of these systems.</p>	<p>The Service has also recommended to the RFCA parties that DOE retained lands be posted with signs that prohibit public entry, and the Service is not opposed to more robust barriers around specific remedy monitoring sites and facilities that may be deemed appropriate by the RFCA Parties.</p>
9-12	<p>In addition, we support the need for a fence that will distinguish between DOE-retained lands and the Wildlife Refuge. We believe there must be a clear separation between the two, because public safety is more important than a “seamless” site (as referenced on p. 8 of the CCP). We expect there will also be some perimeter fencing as well – not a wall around the site, but some type of fencing to separate the Refuge lands from adjacent properties, similar to how we treat our open space holdings. New development anticipated to the south and east of the site will bring additional near-by users of the Refuge from residential areas and will place more pressure on recreational uses. It is critical to maintain public safety and keep the public out of harm’s way.</p>	<p>Regarding prairie dogs, the EPA and CDPHE have verified that subsurface contamination is not an issue in the area that will become the Refuge. The Service agrees with the City that continuous long-term monitoring and management of DOE retained lands to limit and quickly detect any pioneering of prairie dogs into areas where contaminants are left in the subsurface is an important issue that must be addressed in DOE’s long-term stewardship planning. Prairie dogs can disperse from a natal colony for distances over 10 miles, in a single movement and, therefore, could invade DOE retained lands from off-site as easily as from within the Refuge. The Service looks forward to working with adjacent landowners, including the City, in the long-term management of prairie dogs in this landscape.</p>
9-13	<p>As previously stated by the City, we support the Wildlife Refuge vision as desirable and compatible with our community goals. As a neighboring landowner, the City supports the draft goals, which include conserving and enhancing native ecosystems, plant communities and wildlife species. The proximity of the Refuge lands to other open space lands provides an extraordinary conservation opportunity. The Refuge lands will make important contributions in regional efforts to protect the values of native grasslands, shrublands and foothill riparian areas.</p>	<p>9-11. See response to comment 9-10.</p>
9-14	<p>The City maintains that the focus of management planning should be:</p> <ol style="list-style-type: none"> 1) The unique conservation opportunity of preserving a large and rare habitat unmatched anywhere along the Front Range of Colorado, and 2) The restoration of native plant and animal communities. <p>Management actions for USFWS-controlled lands should focus on the following:</p> <ul style="list-style-type: none"> ◆ Work to restore lands that have been degraded – including vegetation and wildlife. ◆ Proceed with caution due to the potential of elevated soil contamination levels. 	<p>9-12. See response to comment 9-10. In regard to external fencing, the CCP/EIS recommends ongoing maintenance of the existing barbed-wire boundary fence, with appropriate boundary signage identifying the Refuge boundary.</p> <p>9-13. Thank you for your comment.</p>

Comment #	Letter #9 continued	Response
9-15	<ul style="list-style-type: none"> ◆ Keep further fragmentation of Refuge lands to a minimum. ◆ Plan conservation areas and visitor facilities with regional focus that considers connections with surrounding trail systems, protected areas and the location of existing or proposed development. <p>We continue to offer our support and partnership in coordinating refuge planning and management with our City of Boulder Open Space and Mountain Parks north and west of the site. Under any alternative, we expect to coordinate conservation practices and management of visitor use on Open Space and Mountain Parks lands with the Refuge. We have directed staff to provide technical comments on the CCP/EIS under separate cover. Please contact Mark Gershman, Environmental Planner, at (303) 441-2046 or gershmanm@ci.boulder.co.us to follow up on this issue.</p>	<p>9-14. The Service acknowledges that ecological restoration, habitat protection, and regional conservation will be important components of and benefits from the establishment and management of the Refuge. The Service believes that the Proposed Action, Alternative B, would best achieve these goals.</p> <p>9-15. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p>
9-16	<p>We are also working with our colleagues on the RFCLOG to determine if all 7 affected local governments can support a common alternative for the management of the refuge. While we may have different opinions on the details of the refuge, we all are clearly in agreement on the following principles:</p> <ol style="list-style-type: none"> 1. The site should be preserved as a wildlife refuge. 2. Access to the lands remaining under DOE control should be restricted, due to the institutional controls that will be put in place. 3. Additional analysis needs to be completed prior to the closure of Rocky Flats and transfer of jurisdiction of lands to USFWS. 4. There must be a thorough cleanup to acceptable levels (as defined and certified by the regulators of the Site – Environmental Protection Agency and Colorado Department of Public Health and Environment) before the Site is transferred to ensure protection of human health and the environment. 	<p>9-16. See response to comments 9-2 and 9-10.</p> <p>9-17. See responses to comments 9-8 and 9-10.</p> <p>9-18. Thank you for your comment.</p>
9-17	<p>We would like to know the status of DOE-USFWS discussions on an MOU regarding the site. Again, we are concerned that the liability should remain with the federal government and more specifically with DOE as they have the funding and expertise to address any problems. USFWS should not have to carry that burden, and likely cannot considering their limited budget. We want assurances that if additional federal funds and attention are needed at this site, they will be available. We question what types of contingency plans are in place in case USFWS has insufficient or no funding – the plan must explain how the refuge will be operated under such circumstances. (See p. 58 of the CCP which details refuge operations “based on available funds”.)</p>	<p>9-19. The Service acknowledges that the Refuge Act prohibits the construction of any roads through the site, and there has been no proposal to bisect the Refuge with a road.</p>
9-18	<p>We complement the USFWS on the language (p. 119) regarding mineral rights, as well as the recognition that properties between the west edge of Rocky Flats and Highway 93 need to be acquired/protected.</p>	
9-19	<p>On p. 67, the CCP mentions the Northwest Corridor Transportation Study. Boulder firmly supported the language in the Udall/Allard bill that prohibits construction of any roads through the site. We believe it is inappropriate to bisect the site for a roadway purpose, especially as we do not see a need for a major roadway in or around the Rocky Flats site as much of the land is open space and protected from future development. We</p>	

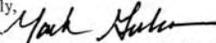
Comment #	Letter #9 continued	Response
9-20	<p>also believe it is consistent with our "go-slow" approach to be careful when considering any use of the site. There is a separate EIS underway for the Northwest Corridor (Jefferson, Broomfield and Boulder counties), and the current recommendation by the consultant for that study is to eliminate any option that would cut through Rocky Flats. We support that recommendation.</p> <p>As some of these comments are beyond the scope of the CCP/EIS, we have copied the Department of Energy, Colorado Department of Public Health and the Environment, and the United States Environmental Protection Agency.</p> <p>Please contact Amy Mueller, Policy Advisor, at (303) 441-3005 or muellera@ci.boulder.co.us if you have any questions.</p> <p>Thank you for your consideration of these comments.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  William R. Toor Mayor </div> <div style="text-align: center;">  Shaun McGrath Council Member and RFCLOG Director </div> </div> <p>Cc: Boulder City Council Rocky Flats Coalition of Local Governments Frazer Lockhart, DOE Doug Benevento, CDPHE Max Dodson, EPA Senator Wayne Allard Senator Ben Nighthorse Campbell Representative Mark Udall Representative Bob Beauprez</p> <p style="text-align: center;">5</p>	9-20. Thank you for your comment.

Comment #	Letter #10	Response
<p>10-1</p> <p>10-2</p> <p>10-3</p>	 <p data-bbox="527 277 1083 402"> City of Boulder Open Space and Mountain Parks Department 66 S. Cherryvale Road, Boulder, CO 80303 303-441-3440 http://www.ci.boulder.co.us/openspace </p> <p data-bbox="989 402 1104 423">April 23, 2004</p> <p data-bbox="291 444 615 548"> Ms. Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, Colorado 80002 </p> <p data-bbox="291 570 384 586">Dear Laurie:</p> <p data-bbox="291 607 1094 688"> Thank you for the opportunity to comment upon the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge (the Refuge). I am providing these technical comments to supplement the official position of the City of Boulder, Colorado which was sent under separate cover in a letter dated April 20, 2004 from Mayor Will Toor and Councilmember Shaun McGrath. </p> <p data-bbox="291 709 1094 769"> As indicated in the comments from Mayor Toor and Mr. McGrath, the City supports Alternative C, Ecological Restoration, as the best alternative for the wildlife refuge at the Rocky Flats site. It is the City's position that the unique conditions at the proposed refuge warrant a conservative, "go-slow" approach. </p> <p data-bbox="291 790 1104 932"> The City supports the vision of a wildlife refuge at Rocky Flats as desirable and compatible with community goals. As neighboring landowners, the City supports the conservation of natural systems through a range of management actions that focus on restoration and threat abatement. The proximity of the proposed Refuge to Open Space and Mountain Parks lands provides us with excellent conservation opportunities that could have been lost if the Rocky Flats were developed for other uses. We look forward to working with the Fish and Wildlife Service (the Service) in collaborative efforts to protect the values of native species, communities and ecological systems in and around the proposed Refuge. </p> <p data-bbox="291 953 1104 1094"> At the request of the Boulder City Council, Open Space and Mountain Parks staff has reviewed the draft CCP/EIS and prepared the following comments. These comments are intended to provide feedback as requested by the Service on the merits of the alternatives discussed. Every effort has been made to provide substantive comments using the criteria provided by the Service. Each comment is preceded by a reference number in parenthesis which gives the page number in the draft CCP/EIS document. Each comment is followed by a number intended to identify which of the criteria the comment is intended to meet. The numbers refer to the Service's criteria as follows: </p> <ol data-bbox="323 1094 932 1192" style="list-style-type: none"> 1. Question, with reasonable basis, [the] accuracy of information in the document, or 2. Question, with reasonable basis [the] adequacy of the environmental analysis, or 3. Present reasonable alternatives other than those presented in the EIS 4. Cause changes revisions to the CCP or 5. Provide additional information relevant to the analysis. <p data-bbox="291 1213 1094 1338"> The Open Space and Mountain Parks Department would like to complement the Service and their planning team for the timely and thorough work presented in the draft CCP/EIS. The planning framework is clearly presented, and the analyses are thorough. A large amount of information has been obtained and processed in a remarkably brief time to produce a strong draft plan. The Open Space and Mountain Parks Department shares an interest and commitment to the range of natural resource management issues included in the plan, including the control of invasive exotic plant species, and the conservation of special habitats such as tallgrass prairie and riparian areas. </p> <div data-bbox="848 418 1037 574" style="border: 1px solid black; padding: 5px; transform: rotate(-15deg);"> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="text-align: center;">APR 27 2004</p> <p style="text-align: center; font-size: 0.8em;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div>	<p data-bbox="1226 245 1629 272">10-1. Thank you for your comments.</p> <p data-bbox="1226 293 1955 354">10-2. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p> <p data-bbox="1226 375 1913 461">10-3. Thank you for your comment. The Service believes that partnerships with neighboring jurisdictions will be an important component of Refuge management.</p> <p data-bbox="1226 482 1898 542">10-4. The Service acknowledges the landscape and ecological context of the Refuge.</p> <p data-bbox="1226 563 1976 948">10-5. The Service acknowledges that complete restoration to pre-settlement conditions is probably not achievable or even socially acceptable (e.g., natural wildfires, grizzly bears). The Service's goals in this area would be to restore, to the extent possible, native species and ecological processes that existed at the time of settlement and remove as many of the changes introduced by Euro-Americans as possible. In the pre-settlement era, it is likely that prairie dog populations on this site fluctuated over the centuries and it is likely that those populations will continue to fluctuate in the future. The Service believes its goals for prairie dog populations are achievable, socially acceptable, and with the range of habitation that may have occurred in the pre-settlement era – without unnecessarily threatening the integrity of the DOE remedy.</p> <p data-bbox="1226 969 1955 1055">10-6. Thank you for your comment. Working with others is one of the six planning goals of the Refuge, and compatible scientific research is a refuge purpose.</p> <p data-bbox="1226 1076 1976 1408">10-7. The Service agrees that the use of fencing to prevent overgrazing by wild ungulates in Preble's habitat/riparian areas is not a feasible or reasonable practice. The FEIS has been changed to reflect that. The Service anticipates that ungulate management through hunting, culling, or hazing would be sufficient to prevent degradation of riparian habitats by wild ungulates. Temporary fencing may be used to control movement of livestock used in grazing prescriptions and the Service would retain an option to use fencing to exclude wild ungulates from smaller and specific rare or unique plant communities, such as the tall upland shrubland community.</p>

Comment #	Letter #10 continued	Response
	<p>We are especially appreciative of the Services development of Goal 5—fostering partnerships with government agencies to promote resource conservation, compatible wildlife-related research, public use, and infrastructure—and look forward to continuing our collaboration with the Service in these areas.</p> <p>The comments which follow have been gathered from land managers who have many years experience managing for visitor use, agricultural production and natural resource conservation in an area similar to the site of the proposed Refuge. We intend these comments as contributions to enhance the value of the plan in meeting the goals of the Service and the Rocky Flats Refuge Act.</p> <p>(S.3.) These wildlife communities are supported by the regional network of protected open space that surrounds Rocky Flats on three sides and buffers wildlife habitat from the surrounding urban development. (5)</p> <p>(S.4.) In the summary chapter, the goal of restoration is stated as striving to replicate pre-settlement condition. If this is the case, how was prairie dog management integrated? Is occupation of 20% of suitable habitat considered a presettlement condition? The Open Space and Mountain Parks land managers have found it difficult to manage for a specific or narrow range of prairie dog occupancy. (1)</p> <p>(S.5) The City of Boulder Open Space and Mountain Parks department has a natural resource research program. We look forward to opportunities to collaborate with the Service on important research questions associated with the urban/wildland interface.</p> <p>Given the restoration goal, how does the Service see it appropriate to construct fencing to exclude ungulates from Preble’s meadow jumping mouse habitat? Did these species not co-exist in pre-settlement times? Will hunting or culling not be sufficient to adjust herd size? Other management strategies have been used elsewhere to direct elk away from sensitive habitats such as providing hay or other food sources away from areas where protection is sought. (1)</p> <p>The CCP/EIS proposes under some alternatives to erect fencing to protect riparian habitat of Preble’s from native ungulate grazing. Wouldn’t such fencing be a significant barrier to movement for many other species in addition to deer and elk? How does the severity of effect of fragmentation by fencing compare with the effect of fragmentation by abandoned roads and trails?</p> <p>(37) A general restoration goal of pre-settlement condition suggests that roads, trails etc. should be minimized. The discussion of fragmentation under objective 1.4 describes how roads, trails and other disturbances create possibly hostile environments. Is this meant as a general description of one of the elements of fragmentation or do the Refuge managers believe that roads, trails or other disturbances function in this way at the Refuge? How? What sorts of “other disturbances?” If roads etc. are creating corridors for predators, are they not doing so for other species? It that significant? (1,2)</p> <p>(S.3) The summary of the draft CCP/EIS resources section states that many areas of the site have remain undisturbed for the last 30 to 50 years, allowing them to retain diverse habitat and associated wildlife. This gives the impression that disturbance does not perpetuate diversity and wildlife. Natural disturbances such as fire, grazing, floods are critical in supporting diverse and healthy ecological systems. Does the Service mean is “isolated from intense human activity, and land uses” rather than “undisturbed”. (1)</p> <p>(20) The CCP gives the impression that that “efforts to connect visitors to their natural resource heritage would distinguish the visitor experience from visits to nearby county and city open space properties”. This is not the case. Building connections between visitors and natural resources is a major focus of the City of Boulder Open Space and Mountain Parks’ and Boulder County Parks and Open Space’s education and outreach programming. Recent community surveys have indicated that the community values this connection as one of the key purposes of Open Space. We look forward to working with the Service to build these connections in a collaborative manner. (1)</p>	<p>10-8. The discussion about the effects of fragmentation is intended to be a general description of the types of effects that have the potential to occur on the Refuge. The Service is not aware of any studies that document the specific effects of habitat fragmentation on natural resources at Rocky Flats. No such studies were conducted as part of the CCP/EIS development and analysis.</p> <p>10-9. As suggested by the comment, the term “relatively undisturbed” is intended to imply that the land has been isolated from human activity, and has not been totally undisturbed. The suppression of natural grassland fires is an example of how human intervention has altered the ecological systems at Rocky Flats.</p> <p>10-10. The FEIS was revised as to not mischaracterize the efforts of other jurisdictions.</p> <p>10-11. The Service’s goal in any cattle grazing prescription would attempt to emulate the pre-settlement bison grazing regime, using an intensive short-term rotation – flash grazing. The Service acknowledges that there will be costs for temporary electric fencing to implement such a grazing program, and that there may be difficulty in finding cooperative ranchers to participate in such a program. In that case, it may be necessary to use other means (such as prescribed fire or mowing) to restore a more natural disturbance regime. The Service does not believe that longer, market-driven rotations will produce the desired ecological benefits to Refuge grasslands. However, the Service looks forward to exchanging information with adjacent land managers to see if other grazing regimes may be suitable for refuge application.</p> <p>10-12. Depending on how it is applied, grazing would be used as a weed management tool, an ecological restoration tool, or both. The Service anticipates that grazing prescriptions applied for achieving the ecological integrity of habitats will generally involve cattle, to emulate bison grazing, and that most weed control prescriptions would involve other livestock species such as goats. Grazing is mentioned under several different objectives (1.2 – <i>Xeric Tallgrass Management</i>, 1.3 – <i>Mixed Grassland Prairie Management</i>, and 1.4 – <i>Weed Management</i>) as a tool that would be available to achieve that objective. In the DEIS, Table 4 incorrectly identified prescribed fire and grazing as a management tool under Mixed Grassland Prairie Management. The FEIS has been revised.</p>
	<p>2</p> <p style="text-align: center;"><i>Open Space...Preserving a Wild Ideal</i></p>	

Comment #	Letter #10 continued	Response
10-11	<p>(37) Why limit grazing to “flash grazing” in alternatives B and C? By including such language, the Service seems to un-necessarily limit the management practices that may best achieve its goals. Are there no other grazing regimes which the Service could ever anticipate being beneficial? There are also feasibility and cost concerns. Some ranchers may not be able to respond to the Services needs for flash grazing. We have found that although some local ranchers are willing to address the non-traditional grazing requests associated with species and habitat conservation, most are not interested in grazing opportunities for less than three weeks. It may be possible, but it could be costly to find people who would be available for contract grazing. However, negotiating a grazing regime that is sustainable for an agricultural operator and the Service may be preferable because it would be revenue neutral, or even generate revenue from lease receipts. Furthermore, the lack of pasture fencing at the Refuge will require temporary fencing, increasing the costs and/or reducing the likelihood of effective containment. It is likely that the Service would need to have some flexibility to negotiate a mutually beneficial lease. (1,2,5)</p>	<p>10-13. The Service agrees that some experimentation with a variety of grazing techniques would provide useful, adaptive management guidance. Such experimentation would be considered in a step-down Vegetation Management Plan.</p> <p>10-14. The FEIS was revised to incorporate the suggestion.</p> <p>10-15. The Service anticipates that the extent of noxious weed infestations and the reduction of those infestations would be measured by their areal extent, and the relative density/severity of the infestations. The objective text was revised to include this information. Specific measures would be outlined in a step-down Integrated Pest Management Plan.</p>
10-12	<p>(39) It is unclear why the Service would seek to distinguish the role of grazing as an ecological restoration tool (rather than a weed management tool) in alternatives with grazing. By suggesting the full range of IPM tools is available in alternatives B and C, but grazing is not to be considered a weed management tool, the Service sets up contradictory or at least confusing guidance. (1,2,5)</p>	<p>10-16. The Service agrees with your assessment that the role of the prairie dog as a “keystone species” is a subject of scientific debate, while their contribution to grassland ecosystems is what is important. The text of Objective 1.7 was revised accordingly.</p>
10-13	<p>The draft CCP/EIS suggests that research will be needed to inform resource management on the Refuge. Experimenting with a variety of grazing treatments could provide information that would help the Service achieve its vegetation management goals. (5)</p>	<p>10-17. The FEIS has been revised to clarify the relationship between prairie dog colonies and noxious weed infestations.</p>
10-14	<p>(38) The following sentence in objective 1.5 (Weed Management), is difficult to understand. “Infested native plant communities are reduced in capacity to support wildlife populations and a diversity of organism”. Weedy areas can be more floristically diverse than undisturbed native habitats. It appears what is needed here is a statement that indicates that weeds alter the composition and structure of ecological systems, reducing the degree to which these systems support native plant and animal populations. (1,5)</p>	<p>10-18. The Service agrees that it can be difficult to manage and control prairie dogs, and that existing natural barriers are more effective. However, the Service does believe that it would be much easier to manage 750 acres of colonies than 2,400 acres, given projected future funding constraints. The limits on population expansion in Alternatives B and C are intended to provide a guideline that would allow sustainable population expansion while establishing a threshold at which the Service would intervene and control populations. A secondary purpose of limiting prairie dog expansion is to ensure that they would not colonize the DOE retained area, riparian habitat, or xeric tallgrass habitat.</p>
10-15	<p>(39) As a neighbor, the Open Space and Mountain Parks Department appreciates and shares the Service’s concern about the spread of weeds. The Service describes Alternative C and B as reducing the spread of other noxious weed species. How would this be measured? (2)</p>	<p>With regard to plague control, the Service agrees that prairie dog to human plague transmission is very rare. However, the Service does believe that plague control is a prudent preventative safety measure. The Service currently controls for plague at the Rocky Mountain Arsenal NWR in areas where visitors are present.</p>
10-16	<p>(41) Objective 1.7 describes that prairie dogs as a keystone species because they “provide food and shelter for many other grassland species”. Is it important to establish whether prairie dogs are a keystone species (a much debated topic in ecology)? Would it not be sufficient to indicate that “by virtue of their digging, clipping and feeding, prairie dogs significantly modify the environment and create habitats for species not found in grasslands undisturbed by prairie dogs”? (1,2)</p>	
10-17	<p>Not only do prairie dogs create habitat for other native species, their ground clearing and burrowing creates ideal seed beds for the germination of exotic invasive plant species. If the CCP/EIS notes this important relationship, it is not clearly identified as an important (albeit complicating) consideration for meeting the integrated weed management goals of the CCP. (2,5)</p>	
10-18	<p>Alternative B (and C?) implies that smaller prairie dog colonies mean fewer management issues or expenses. The City of Boulder Open Space and Mountain Parks Department’s experience is that management costs are not proportional to colony size. The easiest colonies to manage are those with effective barriers to dispersal (e.g. abrupt vegetation changes, roadways, wooded areas) and better isolation from neighboring conflicting land uses. Managing small colonies without good barriers or where the colony’s dispersal conflicts with adjacent land use is costly and typically ineffective. (1,5)</p> <p>It is unclear why visitors need to be protected from prairie dogs If it is because of concerns over plague, this concern should be stated explicitly (Prairie dog to human plague transmission is very rare). (2)</p> <p>3</p> <p style="text-align: center;"><i>Open Space...Preserving a Wild Ideal</i></p>	

Comment #	Letter #10 continued	Response
10-19	No mention was found in the document of how the Service will work with the Jefferson County Health Department on plague related issues.	10-19. As described in Objective 5.2 – <i>Conservation</i> , the Service will work with local governments to coordinate resource management issues. This would include issues related to plague.
10-20	(113) City of Boulder Open Space and Mountain Parks department’s local experience indicates that prairie dogs are in no way restricted to habit that fit the 1989 Habitat Suitability Index (HSI) model. With the exception of soil conditions (depth and composition), we have found low fidelity of actually prairie dog distribution with the predictions of the habitat suitability model. It is unclear how the HSI (Clippinger 1989) was used in drafting the analysis or strategies associated with prairie dog management/conservation. (1,5)	10-20. The 1989 Habitat Suitability Index model was used to estimate the location and extent of potential prairie dog habitat on the Refuge, as shown in Figure 17. The Service is aware that prairie dogs often colonize areas that are outside of predicted habitat areas. Indeed, there is historical documentation of potential prairie dog colonies within the xeric tallgrass community where both the soils and the vegetation structure do not fall within the parameters of the model. However, the Service believes that it is likely that the historical prairie dog colonization of the tallgrass community was related to market-driven grazing practices by former landowners. For these reasons, the HIS model was used for general guidance and the prairie dog management objectives were designed to allow for intervention to prevent the colonization of “non-habitat” areas such as the xeric tallgrass prairie.
10-21	(98) While it may be true to changes to hydrology are beyond the scope of the CCP/EIS, these changes may have persistent and cascading effects upon the ecological systems on the site, especially upon riparian areas and habitat for the federally listed Preble’s meadow jumping mouse. Given the potential significant impact upon some key conservation issues, how can the Service conclude that they are beyond the scope of the plan? (2) (136) Similarly, the environmental effects of mining upon groundwater, riparian vegetation and subsequently Preble’s meadow jumping mouse are not fully analyzed. (2)	10-21. The Service agrees that potential hydrological changes related to site closure and permitted mining may have substantial effects on Refuge resources. From a NEPA standpoint, these changes will occur before the CCP/EIS takes effect, essentially altering the “baseline” conditions. These changes are discussed under Future Baseline Conditions in Section 3.3, <i>Water Resources</i> . DOE is consulting with the Service to minimize impacts on the Preble’s from these hydrologic changes.
10-22	(99) After describing how wind-blown sand from adjacent mining areas disturbed xeric tallgrass stands, the CCP does not identify any strategies to abate the threat of future wind deposition onto the refuge. Why isn’t a strategy proposed in the vegetation management section? (6)	It is noteworthy that the best Preble’s habitat at Rocky Flats appears to be in the Rock Creek drainage where there is no imported water. The hydrologic changes will surely impact other plant and animal resources at the site. Unfortunately, the Service is required by the Refuge Act to complete the CCP before the RFCA parties approve final plans for re-configuring the site’s industrial watersheds and it is not possible to determine what resources may be impacted, and how, by those hydrologic changes.
10-23	(138-9) The use of “average patch size” is an interesting approach to quantifying levels of fragmentation. However, would it not be more informative to compare the distribution of patches of varying size, rather than their average size? Distribution is more informative because it reflects on the ground conditions, where as average values don’t provide much information about the landscape context. Without information on number of patches, it is not even possible to gain a sense of the variance or range in patch size. Is this concept introduced as an illustrative part of the plan or a way of measuring or communicating success? Consider alternative presentations that may better describe the situation(e.g. include a map color coded by fragment size or a table/chart of fragment size distribution). Does the Service attach significance to the degree that trails, two tracks, or roadways (seldom or unused) create fragments? (1,2,5)	10-21. The Service agrees that potential hydrological changes related to site closure and permitted mining may have substantial effects on Refuge resources. From a NEPA standpoint, these changes will occur before the CCP/EIS takes effect, essentially altering the “baseline” conditions. These changes are discussed under Future Baseline Conditions in Section 3.3, <i>Water Resources</i> . DOE is consulting with the Service to minimize impacts on the Preble’s from these hydrologic changes.
10-24	(140) It is appropriate for the Service to conclude that there is only “remote potential” for biological controls to affect non-target plant species. For example, one of the biocontrol agents identified in the CCP/EIS, the field bindweed mite, has the potential for significant adverse impacts upon a native hedge bindweed (<i>Calystegia sepium</i>) which is a locally uncommon rare plant species. This native species has been collected on the site of the proposed refuge. This species has been recently documented (24 June 1999) at Rocky Flats. It is also known from the following Front Range counties: Boulder, Denver, Weld and Larimer. (1,2,5)	10-22. The FEIS has been revised to note that the Service would work with the mining operators and appropriate regulatory agencies to minimize and mitigate the effects of windblown soil deposition on the Refuge.
10-25	(7) The City of Boulder Open Space and Mountain Parks Department supports the conservation of lands adjacent to the site’s western boundary.	It is noteworthy that the best Preble’s habitat at Rocky Flats appears to be in the Rock Creek drainage where there is no imported water. The hydrologic changes will surely impact other plant and animal resources at the site. Unfortunately, the Service is required by the Refuge Act to complete the CCP before the RFCA parties approve final plans for re-configuring the site’s industrial watersheds and it is not possible to determine what resources may be impacted, and how, by those hydrologic changes.
10-26	(35) Strategy 1.2.6 identifies regional efforts to implement tallgrass prairie conservation. The City of Boulder Open Space and Mountain Parks has worked with the Colorado Natural Areas program to designate a state Natural Area for the conservation of tallgrass prairie. The Department looks forward to opportunities to work with the Service in conserving tall grass prairie; and suggests that Refuge managers contact the Colorado Natural Areas Program to discuss the appropriateness of state Natural Area designation for the site.(5)	It is noteworthy that the best Preble’s habitat at Rocky Flats appears to be in the Rock Creek drainage where there is no imported water. The hydrologic changes will surely impact other plant and animal resources at the site. Unfortunately, the Service is required by the Refuge Act to complete the CCP before the RFCA parties approve final plans for re-configuring the site’s industrial watersheds and it is not possible to determine what resources may be impacted, and how, by those hydrologic changes.
10-27	(41) The City of Boulder Open Space and Mountain Parks department has some experience in prairie dog mapping, which would be happy to share with the Refuge managers. (5)	10-22. The FEIS has been revised to note that the Service would work with the mining operators and appropriate regulatory agencies to minimize and mitigate the effects of windblown soil deposition on the Refuge.
4	<i>Open Space...Preserving a Wild Ideal</i>	

Comment #	Letter #10 continued	Response
10-28	(42) Reintroduction efforts for plains sharp-tailed grouse and fish. The cooperative grouse reintroduction project of 2003 resulted in over two dozen birds being introduced to the wild, not five. (5)	10-23. The presentation of “average patch size” is intended to be a general indicator of habitat fragmentation to compare the alternatives. For the purposes of the patch size analysis, all roads, regardless of their size, were considered equally. Although other, possibly more complex indicators are possible, they were not considered during the analysis process.
10-29	(55) City of Boulder Open Space and Mountain Parks rangers are certified peace officers and wildland firefighters capable of providing emergency response. The COB Open Space and Mountain Parks Department looks forward to discussing appropriate coordination of services. (5)	10-24. Objective 1.5 – <i>Weed Management</i> has been revised to elaborate that the use of biological control agents will be carefully planned to reduce potential impacts on native species.
10-30	(56) Objective 5.2 (Conservation) For many years, representatives of Boulder and Jefferson County resource management agencies met periodically at a “Resource Manager’s Roundtable”. These meetings lapsed in the 1990’s. The Service’s commitment (under Alternative B, C and D) to meet annually with local agencies, could provide impetus to re-establish these meetings and leverage communication among many agencies rather than just between each agency and the Service. (5)	10-25. The Service appreciates regional collaboration in protecting the ecological function of the Refuge and its interaction with neighboring open space areas. Working with others is one of the six planning goals of the Refuge.
10-31	The Service has proposed ways of measuring success and informing an adaptive management approach for most of the recommended strategies. However, there is almost no monitoring described for the objectives and strategies associated with Goal #5. We are very interested in working with the Service to develop strong, indicators of agency coordination and cooperation. (2,4,5)	10-26. The Service looks forward to opportunities to work with the City of Boulder and other jurisdictions/agencies in the regional conservation of tallgrass prairie.
10-32	Please feel free to contact me if you have questions about these comments. Good luck with the next phase of the planning process. The City of Boulder Open Space and Mountain Parks Department looks forward to continued collaboration with the Service.	10-27. Thank you for the offer of the City’s assistance. Working with others is one of the six planning goals of the Refuge.
	<p>Sincerely,</p>  <p>Mark Gershman, Environmental Planner</p> <p>720-564-2046 gershmanm@ci.boulder.co.us</p>	10-28. Section 3.5 of the FEIS was revised.
	<p>cc:</p> <p>Will Toor, Mayor, City of Boulder Shaun McGrath, Council Member, City of Boulder Mike Patton, Director City of Boulder Open Space and Mountain Parks Amy Mueller, Policy Advisor, City of Boulder, City Manager’s Office Dave Kuntz, Division Manager Planning and Technical Services, City of Boulder Open Space and Mountain Parks</p>	10-29. The Service is dedicated to working with other jurisdictions to coordinate management and emergency response efforts, and looks forward to working with the City.
		10-30. The Service would support the establishment of periodic “roundtable” meetings to better coordinate regional resource management efforts.
		10-31. The Service acknowledges that many of the measures for Goal 5 – <i>Working With Others</i> are qualitative and subjective. However, the objectives illustrate the Service’s desire to work with the City and other entities on regional resource management issues.
	<p>5</p> <p style="text-align: center;"><i>Open Space...Preserving a Wild Ideal</i></p>	10-32. Thank you for your comments.

Comment #	Letter #11	Response
11-1	 <p style="text-align: center;">CITY AND COUNTY OF BROOMFIELD One DesCombes Drive • Broomfield, CO 80020 • Phone: (303) 469-3301</p> <p>May 14, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal - Building 121 Commerce City, CO 80022</p> <p>Re: Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for the Rocky Flats National Wildlife Refuge (RFNWR)</p> <p>Dear Ms. Shannon:</p> <p>The City and County of Broomfield is providing this revision to our previous comment letter dated April 23, 2004 on the Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for the Rocky Flats National Wildlife Refuge (RFNWR), dated February 2004. Our Rocky Flats Coalition of Local Governments representatives have requested revisions to our previous letter. Broomfield continues to support "Alternative B – Wildlife, Habitat & Public Use," and we wish to revise certain aspects regarding that support. The proposed alternative emphasizes the conservation of wildlife and their habitats while allowing a moderate level of public use.</p> <p>The City and County of Broomfield appreciates the efforts the Service has made to work with us to ensure the proposed alternative is compatible with Broomfield's vision and goals for public use of our open space and protection of wildlife and habitat. Broomfield supports the draft proposed action "<i>Alternative B – Wildlife, Habitat & Public Use.</i>"</p> <p>Throughout our letter, we use the phrase "DOE retained lands" referring only to those lands that will remain under the jurisdiction of the DOE which are generally in and around the current Industrial Area. While our comments primarily address the wildlife area of the refuge, it is assumed that wildlife will migrate into and out of the DOE retained areas. Words in italics are direct quotes from the CCP/EIS.</p> <p>The City and County of Broomfield has used the following general comment categories associated with the CCP/EIS which will be presented in this letter;</p> <ol style="list-style-type: none"> 1. Memorandum of Understanding 2. Wildlife and Habitat Management 3. Public Use, Education, and Interpretation 4. Refuge Operations, Safety and Partnerships 	<p>11-1. Thank you for your comments.</p> <p>11-2. The MOU between the Service and DOE will be signed prior to Refuge establishment. The physical boundaries and how the lands retained by DOE will be demarcated will be defined by the RFCA parties and will not be identified in the MOU.</p> <p>11-3. See response to comment 11-2.</p> <p>11-4. See response to comment 11-2.</p> <p>11-5. See response to comment 11-2.</p> <p>11-6. Current Preble's populations at Rocky Flats have been documented by the DOE and are included in the Preble's Meadow Jumping Mouse Protection Area shown on Figure 16 – <i>Wildlife Resources</i>. Riparian and wetland vegetation is shown in Figure 13 – <i>Vegetation</i>.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 2 of 11</p> <p>The remainder of this document presents Broomfield’s comments in each of these general topic categories.</p> <p>1. Memorandum of Understanding</p> <p>1.1. Broomfield is apprehensive the Memorandum of Understanding (MOU) between the Department of Interior (DOI) and the Department of Energy (DOE) has not been finalized. The MOU was to be finalized on June 28, 2003.</p> <p>1.2. The MOU should clearly identify the physical boundaries and areas of management responsibilities by DOI and DOE. Based on assumptions that areas with residual contamination will be clearly demarcated and controlled</p> <p>1.3. The MOU should state that the Service will only receive lands with less than 7 pCi/g.</p> <p>1.4. <i>Alternative B</i> is our preferred alternative. It is imperative the Service identify a caveat in the CCP/EIS plan that the finalized activities and step-down management plans (operational documents) will be contingent on resolution of the MOU.</p> <p>2. Wildlife and Habitat Management</p> <p>2.1. <u>Preble’s Habitat Management</u> - We support the proposed surveys of the Preble’s habitat and protection of the Preble’s Meadow Jumping Mouse (PMJM).</p> <p>2.1.1. Broomfield is concerned the current population of the PMJM is not clearly known nor are the riparian areas clearly delineated in the maps within the CCP/EIS.</p> <p>2.1.2. We are not clear on the Service’s objective to protect the PMJM and riparian areas in the event surface water flow will no longer support the PMJM or its habitat on Walnut Creek. As water right owners of surface water flowing through the site, it is imperative our rights are preserved and not diverted for protection of the PMJM and associated riparian habitat that would otherwise degrade without imported water.</p> <p>2.2. <u>Road Restoration and Revegetation</u> - The plan identifies the need to restore 25 miles of road and 13 stream crossings for Alternative B. We understand road restoration and revegetation will require funding, labor, and time to allow vegetation to mature.</p> <p>2.2.1. While the phased-in approach and reasoning presented in the plan is acceptable, we ask that in addition to the Lindsay Ranch trails, the other planned trails be opened as soon as possible so that the public may visit and enjoy these areas.</p> <p>2.2.2. Long-term stewardship activities by DOE and potentially the regulators will require maintained roads to access the retention ponds, monitoring stations, landfills, treatment units, and areas of high erosion. Broomfield will also require maintained roads to access and maintain their ditches. We ask that you work with us to ensure maintained roads are available to access the DOE retained lands and the above mentioned stewardship locations</p> <p>2.3. <u>Weed Management</u> - The City & County of Broomfield supports the identified tools for weed management for Alternative B. The bullets which follow are individual issues Broomfield wishes to address within this topic.</p> <p>2.3.1. We ask to be consulted and allowed to participate in the development of an Integrated Pest Management (IPM) plan for the RFNWR.</p>	<p>11-7. It is the intention of the Service to manage Preble’s populations within the constraints that will exist at Refuge establishment. Reduced surface water flow is anticipated to be one of those constraints. The Refuge Act specifically protects existing private property rights on the Refuge, including water rights and related easements. However, the Service will not preclude future voluntary acquisition of water rights on a willing-seller basis.</p> <p>11-8. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service has elected to maintain the public use implementation plan that was proposed in the DEIS. The Service would be 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. The Service has considered expanding the amount of trail to be opened in the first 5 years, and has revised Objective 2.13 – <i>Recreation Facilities</i> to allow greater flexibility to open additional trails in the first five years if restoration objectives are met and there is funding to open additional trails. The Service will not open trail connections to adjacent open space lands until those regional connections are in place.</p> <p>11-9. See response to comment 11-7. In addition, the Refuge access roads were designed to provide reasonable access to the McKay Ditch, the Upper Church Ditch, and other private property rights at Rocky Flats. The Service will work with the City and County of Broomfield to ensure reasonable access to ditches and associated easements.</p> <p>11-10. The Service would solicit the input and participation of the City and County of Broomfield, other jurisdictions, stakeholders, and the public during the development of an Integrated Pest Management Plan.</p>
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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 3 of 11</p> <p>2.3.2. Chemical Control, herbicide application, should only be used with assurances that surface water quality will not be negatively impacted. DOE currently maintains a list of chemicals used to control weeds and has a process in place to provide us with an annual updated list of potential chemicals. The service should continue to provide us with an annual list of chemicals to be utilized for weed management and inform us any time chemicals are used within the Walnut Creek drainage areas.</p> <p>2.3.3. DOE also informs us any time aerial controls are used. We ask the Service to assume this role. Per previous meetings with the Service, it is our understanding the Service does not plan on using aerial chemical spraying to manage weeds.</p> <p>2.3.4. Prescribed fire used as a restoration tool is a very volatile topic for surrounding communities.</p> <p>2.3.4.1. We ask that we be included with the development of the Prescribed Burn Plan, specifically the size of the area to be burned at one time, air quality monitoring, pre-burn notification and the public involvement process.</p> <p>2.3.4.2. Broomfield does not support prescribed burns in the DOE retained lands.</p> <p>2.3.5. Biological Control should be used very carefully to not adversely affect native, non-target plant species.</p> <p>2.3.5.1. Clarify the potential affects to current native species if the bindweed mite is used at the Refuge.</p> <p>2.3.6. Grazing is proposed for Alternatives B and C.</p> <p>2.3.6.1. We have no issue with the use of transient grazing if controls are in place to ensure cattle, goats, or other livestock do not have access to the DOE retained lands.</p> <p>2.3.7. Weed Mapping is essential as a management tool to provide the Service information to respond to new infestations and implement weed control strategies.</p> <p>2.3.7.1. Clarify if the mapping will be provided to the public on an annual basis. This information will also serve surrounding open space land management agencies with their weed management strategy.</p> <p>2.3.7.2. If the Service intends to have an annual public meeting, we would partner with you and volunteer to host the meetings.</p> <p>2.4. <u>Deer and Elk Management</u> - Deer and Elk Management per the CCP/EIS will be maintained by the Service and the Colorado Department of Wildlife (CDOW). The plan states the deer and elk population will meet targeted numbers for Alternatives B, C, and D after three years.</p> <p>2.4.1. Clarify how the target populations will be identified. If the population is not managed, overgrazing or overbrowsing of vegetation would have potential minor adverse effects.</p> <p>2.4.2. With the impacts resulting in minor effects, will the target population numbers be similar for the different alternatives? The current population of deer and elk at the site do not seem to have an adverse impact to the current habitat; therefore, there may not be a need to cull the populations.</p> <p>2.4.3. We also ask the Service to defer its final decision on hunting at the RFNWR until analytical data is received from the frozen deer tissue to evaluate the uptake of</p>	<p>11-11. See response to comment 11-10. The Service is committed to working with the City and County of Broomfield and other jurisdictions in addressing your concerns about weed management at the Refuge. A step-down Integrated Pest Management Plan would incorporate those concerns, as well as many of the current practices that are employed by DOE.</p> <p>11-12. The Service would solicit the input and participation of the City and County of Broomfield, other jurisdictions, stakeholders, and the public during the development of a step-down Vegetation Management Plan and a specific Fire Management Plan. While the Service does not have management jurisdiction over the lands to be retained by DOE, it is our understanding that because of public concerns, prescribed fire would not be used within the retained area. 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 10).</p> <p>11-13. Biological control measures would be carefully applied to avoid adverse effects to native species. The FEIS has been revised to include this language.</p> <p>11-14. Grazing programs would be highly managed, and would include adequate fencing to keep livestock out of the DOE retained area or other non-target areas.</p> <p>11-15. While the specific protocols for weed mapping and data sharing are not addressed in the CCP, the Service would be willing to share the annual weed mapping data with other jurisdictions and the public.</p> <p>11-16. The Service looks forward to partnering with the City and County of Broomfield, as well as other jurisdictions during all aspects of Refuge management.</p> <p>11-17. Target populations would be quantified based on habitat and population conditions and would be based on the professional judgment of Service and CDOW staff.</p> <p>11-18. If target populations were to be determined for each alternative, they would likely vary depending on the level of public use in the alternatives, as well as the habitat conditions that would vary between alternatives.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 4 of 11</p> <p>plutonium and/or uranium in ungulates. Once a White Paper is drafted on the final analysis and evaluation of uptake, we request a copy of the White Paper.</p> <p>2.5. <u>Prairie Dog Management</u> - Prairie Dog Management goals in the plan are not inclusive of the need to control prairie dogs for the entire site. The plan will trap and relocate prairie dogs from riparian areas if they have the potential to impact the riparian areas. Alternative B, C, and D, would relocate the dogs to protect xeric tallgrass habitat.</p> <p>2.5.1. Of key concern to the City & County of Broomfield is the need to control the population of prairie dogs to prevent colonizing into the DOE retained lands. Prairie dogs are known to burrow to seven-foot depths, and we do not want subsurface contamination brought to the surface to allow it to be dispersed into the environment. We ask a specified distance from the DOE retained areas to the prairie dog colonies be identified in the Prairie dog management plan to require a corrective action to relocate the prairie dogs. The corrective action will ensure protection of the remedy and maintain control of residual contamination.</p> <p>2.5.2. Under no circumstances should prairie dogs be relocated to the RFNWR from surrounding communities to avoid over populating the areas that will be proposed for them in the refuge.</p> <p>2.5.3. Alternative B would allow up to 750 acres to be occupied by prairie dogs, and this could have a negative impact on ecological habitats. Such a large amount of land set aside for prairie dog colonies will lead to an expansion of prairie dog colonies and adverse impacts to grassland communities.</p> <p>2.5.4. To assist in properly managing the prairie dog population, the number of acres allocated for prairie dog habitat should reflect the funding level for the Refuge management activities and the number of full-time employees assigned to the RFNWR.</p> <p>2.5.5. The CCP/EIS states human recreation is a significant component of Alternative B. Plague control methods may be used in prairie dog management for the protection of visitors. Clarify what is meant by “plague control methods regarding prairie dogs.”</p> <p>2.6. In the event pesticides have to be used to control prairie dogs, we also ask to be informed of the chemicals utilized and provided with a list of pesticides on an annual basis.</p> <p>2.7. <u>Species Reintroductions</u> - Species Reintroductions should be considered with the impact to surrounding communities and with our input.</p> <p>2.7.1. While we also support the federal preservation of endangered and threatened species, Broomfield is specifically concerned if introduced species to the site migrate onto Broomfield-owned property. We do not wish to incur additional costs to manage federally protected species on Broomfield-owned lands.</p> <p>2.7.2. We understand the CDOW would be primarily responsible for the implementation, management, and control of the consequences of introduction. We ask to be apprised of <u>all</u> the species' reintroduction and review of the management plan for the proposed species.</p> <p>2.7.3. We support the introduction of the sharp-tailed grouse on the Refuge per the plan.</p>	<p>11-19. 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.</p> <p>11-20. The EPA and CDPHE have verified 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 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.</p> <p>11-21. Alternative D would allow for prairie dog relocation from other jurisdictions. Alternative B, the Proposed Action, does not.</p> <p>11-22. The prairie dog is an integral component of the prairie ecosystem. While there is about 2,400 acres of potential prairie dog habitat, there are currently about 10 acres of prairie dog colonies at Rocky Flats. The Service believes that it is prudent to manage for some prairie dog expansion, and that the 750-acre maximum threshold for prairie dog expansion would allow for a reasonable limit on sustainable prairie dog expansion. Prairie dogs would not be permitted to colonize riparian or wetland habitat, xeric tallgrass habitat, or the DOE retained area.</p> <p>11-23. The Service believes that the proposed funding levels would be adequate to manage prairie dogs and other Refuge resources.</p> <p>11-24. Plague control methods include the dusting of burrows to control fleas that spread plague. The discussion in Objective 1.7 – <i>Prairie Dog Management</i> has been revised to clarify that plague control methods will be used to protect prairie dog populations as well as Refuge visitors.</p> <p>11-25. The Service will provide this information to the City and County of Broomfield.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 5 of 11</p> <p>2.7.4. To succeed with the introduction of a species, we ask CDOW and the Service to work closely with the surrounding open space land management agencies.</p> <p>3. Public Use, Education, and Interpretation</p> <p>3.1. <u>Public Access</u>. The plan states between 2.4 – 3.0 acres of xeric tallgrass and mixed grassland prairie communities will be disturbed to construct new trails.</p> <p>3.1.1. If funding allows, there are no negative impacts to revegetated prairie communities, and Service’s staff is able to enforce appropriate trails use, we ask the Service to open additional trail segments within the 5-year timeframe. The RFNWR will provide visitors with vistas of xeric tallgrass and mesic prairies, upland shrub, wetland habitats, native wildlife, downtown Denver skyline, and mountain backdrops. It is our desire for the public to have the opportunity to enjoy the valuable resources at the site and appreciate its historical value. <i>Alternative B</i> provides a balance of protection for wildlife and habitat with compatible public use.</p> <p>3.2. <u>Designation of Impact Threshold Definitions</u>. The CCP/EIS identifies terms such as negligible, minor, moderate, and major in Table 10.</p> <p>3.2.1. Clarify the basis for the terminology to measure impacts from public use and activities at the Refuge.</p> <p>3.2.2. Broomfield does not agree if an air quality standard is exceeded due to actions by the Service at the Refuge that the impact should be considered only a “moderate” impact.</p> <p>3.3. <u>Trail Use</u>.</p> <p>3.3.1. In support of other local governments, Broomfield supports the position that trails on the southern side of the Refuge should have loops to prevent trails which are detrimental to the eco-system.</p> <p>3.3.2. The multi-use trails should be closely monitored to identify long-term impacts to the surrounding ecological communities, especially from equestrian and biking use. With hikers, bikers, and horseback riders all utilizing the same multi-use trail, some public visitors may not see these activities as compatible on the same trail. Clarify the process to ensure hikers will have a quality recreational use of the trails while still understanding the needs of the bikers and equestrian users.</p> <p>3.4. <u>Horses</u></p> <p>3.4.1. Broomfield is concerned with the potential impacts from horses to introduce imported noxious weed seeds in their manure, hooves, and coat. We are pleased to learn equestrian use at the site is contingent upon equestrian organizations volunteering to maintain the multi-use trail on the south side of the site.</p> <p>3.4.2. We do not support equestrian use on the northern half of the Refuge due to the sensitive habitat and wildlife located in Rock Creek and Walnut Creek drainages.</p> <p>3.5. <u>Trails Routes & Features</u></p> <p>3.5.1. Broomfield would like to thank the Service for working with us to connect a northern east/west trail on the RFNWR to our Open Space trail north of Great</p>	<p>11-26. The Service would work with the City and County of Broomfield, as well as other neighboring jurisdictions, in developing plans for any species reintroductions to the Refuge.</p> <p>11-27. The Service would like to clarify that between 1.4 and 3.2 acres of xeric tallgrass prairie would be disturbed by the new trails alignments (including those revised from the Draft CCP/EIS) that are proposed in Alternative B. With regard to trail implementation, see response to comment 11- 8.</p> <p>11-28. The basis for evaluating the impacts from public use or other Refuge activities (Table 10) were determined on an resource-specific basis, considering the nature of that resource on the Refuge and the range of possible effects to that resource.</p> <p>11-29. Air quality impact thresholds in Table 10 have been revised.</p> <p>11-30. The proposed trail configuration for Alternative B in the southern portion of the Refuge was revised to improve connectivity and provide a higher quality and more diverse visitor experience. While trail revisions slightly extend the length of trails proposed in Alternative B, they are still within a range that is reasonable for the Service’s goals for Alternative B. The Service does not believe that the benefits of significant trail additions warrant the increased construction and maintenance expense that they would require.</p> <p>11-31. Trail design, signage, education, and law enforcement would be used to promote a positive trail experience for all users.</p> <p>11-32. Thank you for your comments and participation.</p> <p>11-33. The Service recognizes the importance of coordinated trail planning, and is encouraged by the efforts of neighboring jurisdictions to develop trail connections that complement Refuge trails, including a north-south connection on the east side of Indiana Street. As described in strategy 2.13.13, trail connections could include a trail underpass at Indiana Street.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 6 of 11</p> <p>Western Reservoir. The plan references a pedestrian crossing. Clarify that this connection could also be an underpass beneath Indiana Street.</p> <p>3.5.2. Westminster open space management agency is working with our open space management agency to connect a south/north trail east of Great Western Reservoir to provide a loop around the RFNWR on the eastern side of the Refuge.</p> <p>3.5.3. We support the access points identified in the plan for Alternative B that directs visitors to orientation information, trailheads, and parking areas.</p> <p>3.5.4. Portable restroom facilities should be provided at high-use trailheads.</p> <p>3.5.5. We support the proposed SH 128 trailhead, but it may be more appropriate to site the parking lot at a lower elevation that is visible from SH 128. Access by hiking or biking would connect the parking lot and the northern Refuge trail.</p> <p>3.5.6. We support visitation at the site from dawn to dusk.</p> <p>3.5.7. Clarify the signage and wording for the access points that will inform visitors about conservation practices and priorities that may differ from surrounding open space areas.</p> <p>3.6. <u>Off Trail Use</u></p> <p>3.6.1. We support off-trail use based on the assumption that controls will be in place to prevent access from the general public into the DOE retained lands.</p> <p>3.6.2. Off-trail use should be allowed in the southern half of the site.</p> <p>3.6.3. In the northern half of the site, pedestrian off-trail use should be limited to areas that will not interfere with the PMJM and its habitat.</p> <p>3.7. <u>Multi-Use Trails</u></p> <p>3.7.1. Broomfield concurs with the Multi-Use (Equestrian, Bicycle, and Foot access) Trails compatibility determination on pages 224 through 227.</p> <p>3.7.2. We agree with the draft plan that equestrian and bicycle use are a form of transportation and recreation.</p> <p>3.7.3. We agree with the identified stipulations as noted in the compatibility determination.</p> <p>3.8. <u>Wildlife Observation and Photography</u> - Wildlife Observation and Photography are valuable activities that will allow the public to observe and appreciate the wildlife and overlooks at the RFNWR.</p> <p>3.8.1. The City & County of Broomfield agrees with the draft compatibility determination and stipulations necessary to insure compatibility identified on pages 228 through 231.</p> <p>3.9. <u>Hunting</u></p> <p>3.9.1. Broomfield believes that hunting is incompatible with the public use of the Refuge and for safety concerns since the Refuge is near populated areas.</p> <p>3.10. <u>Education</u>.</p> <p>3.10.1. We support the environmental education program proposed for Alternative B, which targets both on-site and off-site environmental education.</p>	<p>11-34. Thank you for your comment and participation.</p> <p>11-35. Portable restrooms will be available at the visitor contact station and main trailhead, but not at the perimeter trailheads.</p> <p>11-36. The proposed trailhead along SH 128 was located because of existing access and an existing disturbed area, access to striking views from the pediment top overlooking the Rock Creek drainage, and easy and low impact access to internal trails. A specific location that is closer to the grade of the existing roadway would be considered in the design process.</p> <p>11-37. Objective 2.2 – <i>Public Access</i> has been revised to elaborate that the access hours will be from dawn to dusk.</p> <p>11-38. Objective 2.13 – <i>Recreation Facilities</i>, has been revised to elaborate on the nature of interpretive signage at the Refuge entrances.</p> <p>11-39. Thank you for your comments and participation.</p> <p>11-40. Thank you for your comments and participation.</p> <p>11-41. Thank you for your comment and participation.</p> <p>11-42. The Service believes that a limited, highly managed hunting program would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations. Note that Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs.</p> <p>11-43. Thank you for your comment and participation.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 7 of 11</p> <p>3.10.2. It is crucial to encourage a search or independent study of the site’s natural and cultural resources. We would like to partner with you to develop a sound education program to focus on the natural, cultural, and historical aspects of the site.</p> <p>3.10.3. To ease public apprehension about the site and make visitors feel welcome, safe, and comfortable, it is imperative to communicate the cleanup results and ongoing safety measures performed by DOE and the regulators for both the Refuge area and the DOE retained lands. We once again volunteer to partner with the Service to develop a volunteer program focused on helping the public and site visitors understand efforts that have been made to ensure the safety of site users. As a surrounding community of the RFNWR, it is important for our citizens to feel safe and welcome to experience the Refuge.</p> <p>3.10.4. Keep us apprised of Refuge events and the progress of the CCP’s implementation.</p> <p>3.10.5. We ask that you work with us to identify the wording on signs, brochures, website, and other means to convey safety information.</p> <p>3.10.6. We could also serve as a contact to convey safety information during off-seasons.</p> <p>3.11. <u>Interpretive Facilities</u> - The anticipated initial cost of \$76,000 to develop interpretive facilities may not come to fruition if appropriate funding is not available.</p> <p>3.11.1. We will partner with the Service to work with non-profit organizations, other local governments, and government and state agencies to develop interpretive facilities and environmental education programs.</p> <p>3.11.2. We strongly support the self-study training program to be used by educators. The interpretation and environmental education program will definitely increase public appreciation for the Refuge System and conservation of our community’s natural resources.</p> <p>3.11.3. Including historical information of the site in the educational program will assist long-term stewardship efforts to ensure that maintenance and monitoring continues as long as it is needed to verify the effectiveness of the remedy which will promote public confidence in visiting the Refuge.</p> <p>3.12. <u>Interpretive Planning</u>.</p> <p>3.12.1. The plan addresses the development of a Visitor Services Plan, yet we struggle to understand how such a plan can be developed without knowing the mechanisms to control access to the DOE retained lands, ensure protection of Institutional Controls, and Engineering Controls.</p> <p>3.12.2. Signs on tours should not just address cultural and natural themes, but should also include signs addressing restrictions to the DOE retained lands. The signs should not stigmatize the Refuge, but rather inform and educate visitors of the need for the prohibition of access into the DOE retained lands.</p> <p>4. Refuge Operations, Safety and Partnerships</p> <p>4.1. <u>McKay Ditch and Upper Church Ditch</u> - The McKay Ditch and Upper Church Ditch, in which Broomfield owns water rights, are located on the west side of the Industrial Area and will continue to require maintenance for optimum operations. We have worked with</p>	<p>11-44. The Service welcomes Broomfield’s input to education programs, as well as independent research proposals.</p> <p>11-45. The CCP/EIS is written under the premise that the land will be sufficiently remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP would be safe.</p> <p>However, the Service also acknowledges the concerns of many members of the public regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, we have added an additional discussion of contamination issues in Section 1.8. The Service welcomes Broomfield’s input into public outreach and interpretation efforts.</p> <p>11-46. The Service welcome’s Broomfield’s input and participation during the development of a step-down Visitor Services Plan, as well as throughout the Refuge management process.</p> <p>11-47. See response to comment 11-46.</p> <p>11-48. The Refuge would include signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge. These would be developed in a step-down Visitor Services Plan.</p> <p>11-49. All step-down plans, including a Visitor Services Plan, would be completed after the MOU is completed and cleanup protocols are in place. No step-down plans will be developed until after the site becomes a refuge.</p> <p>11-50. See response to comment 11-48.</p>

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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 8 of 11</p> <p>DOE to access the ditches while ensuring protection of the PMJM and riparian/wetland areas.</p> <p>4.1.1. We ask the Service to work with us to ensure access to McKay and Upper Church Ditch to make certain our actions are protective of the composition and integrity of riparian and wetland habitats to ensure a continued protection suitable for PMJM habitat.</p> <p>4.1.2. It is imperative our water, which conveys across Rocky Flats to the east and northeast, is protected</p> <p>4.2. <u>Fencing.</u></p> <p>4.2.1. We support using the existing barbed wire boundary fence to delineate the boundaries of the Refuge. The current fence appears to allow the movement of wildlife species onto and off of the site.</p> <p>4.2.2. We understand the CCP/EIS plan does not address control of the DOE retained lands. The draft document states: It is the goal of both the Service and DOE that to the extent possible, Rocky Flats will be a seamless property, with no or few obvious visual differences between Refuge and retained lands. Broomfield disagrees with this statement and is adamant the DOE retained lands should be clearly demarcated.</p> <p>4.2.3. If it is decided that a fence will be used to accomplish this, Broomfield recommends that only a standard, three-wire agricultural-type fence be constructed to prevent accidental access to the DOE retained lands. As a community downgradient from Rocky Flats, our goal is to ensure protection of surface water quality entering our community. This goal can only be achieved through protection of the remedy and protection of the monitoring equipment to evaluate the remedy. Per the recent public meetings held in March, it is apparent the public desires a fence around the DOE retained lands to control access to areas with residual contamination.</p> <p>4.3. <u>Partnerships.</u></p> <p>4.3.1. The City & County of Broomfield wants to be the first to volunteer to partner with the Service and provide the opportunity for our community to appreciate and visit the Refuge. We look forward to discussing our wildlife and wildlife habitat management strategies with the Service along with networking with other open space agencies to enhance our community's natural resources. Per the plan, this dialogue will improve and expand the range of available habitat for many species and protect wildlife movement corridors between properties.</p> <p>4.4. <u>Restrooms.</u> The plan states: The only restrooms at the Refuge would be located near and/or within the visitor contact station.</p> <p>4.4.1. The Service may want to consider having portable restrooms at the high-use trailheads to accommodate visitors taking long hikes.</p> <p>4.4.2. Clarify how water will be made available to the restrooms at the visitor contact station.</p> <p>4.4.3. If the contact station is staffed seasonally, will the restrooms be serviced during off-seasons?</p>	<p>11-51. See response to comments 11-7 and 11-9.</p> <p>11-52. Thank you for your comment and participation.</p> <p>11-53. In the DEIS, the Service recommended that the demarcation between the Refuge and the DOE retained area be “seamless” with few obvious visual differences. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>11-54. The Service looks forward to working with Broomfield and other adjacent jurisdictions to coordinate and improve the regional management of wildlife and their habitat.</p> <p>11-55. See response to comment 11-35.</p> <p>11-56. The Service plans on installing a cistern or other storage system to provide water to the visitor contact station, offices, and maintenance facilities.</p> <p>11-57. Regular routine maintenance activities, including servicing restrooms, would occur independent of whether a visitor contact station is staffed.</p>
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	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 9 of 11</p>	
11-58	<p>4.5. <u>Staff and Visitor Safety</u>. It is our understanding both of the security butler buildings will remain on-site for use by the Service for storage. Both of the buildings are within the DOE retained lands.</p>	<p>11-58. The transfer of existing structures for a Refuge maintenance facility will likely occur prior to Refuge establishment.</p>
11-59	<p>4.5.1. To reduce unneeded access to DOE retained lands and reduce stress to the topography to prevent erosion, the butler buildings should be transferred to the lands transferred to DOI.</p>	<p>11-59. The additional discussion of contamination issues in Section 1.8 emphasizes that the EPA and CDPHE concur that the lands to become the Refuge will be safe for any proposed Refuge management activities.</p>
11-60	<p>4.5.2. It is vital to emphasize both EPA and CDPHE have concurred that the Refuge will be safe for public use.</p>	<p>11-60. The Service does not anticipate a constant law enforcement presence on the Refuge. However, the Service does believe that the proposed levels of staffing are sufficient to implement the management objectives that are proposed in the CCP.</p>
11-61	<p>4.6. <u>Law Enforcement</u> - A law enforcement presence on-site is important to educate visitors to adhere to the rules of the Refuge.</p>	<p>11-61. See response to comment 11-53.</p>
11-62	<p>4.6.1. Broomfield is concerned the Service may not have sufficient funding to staff enforcement officers to protect wildlife and habitat and ensure visitor access to the DOE retained lands is prohibited.</p>	<p>11-62. The Service agrees that surface mining would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. The Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p>
11-63	<p>4.6.2. Broomfield is concerned the CCP/EIS does not identify the physical controls for DOE retained lands, nor does it identify who will be responsible for controlling access to these lands. We are making decisions and providing recommendations for future use at the Refuge based on DOE and the Service having a robust plan in place to protect the remedy and prevent public access to DOE retained lands.</p>	<p>11-63. Chapter 4 has been revised to include additional analysis of the potential cumulative effects of mining on Refuge resources.</p>
11-64	<p>4.6.3. A layered institutional control program should be utilized to educate visitors and prohibit access to DOE retained lands.</p>	<p>11-64. See response to comment 11-62. There is no plan to transfer land from DOE to DOI prior to closure of the site.</p>
11-65	<p>4.7. <u>Mining</u></p>	<p>11-65. The CCP/EIS is written under the premise that the land will be sufficiently remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP will be safe. The exact nature of the certification, as well as issues related to the de-listing of the site or portions thereof from CERCLA, are matters for the EPA and the other RFCA parties. The RFCA parties have sought input from the Service on the certification standards.</p>
11-66	<p>4.7.1. Broomfield is very concerned the mining rights issue has not been resolved and the MOU has not been signed.</p>	<p>11-66. See response to comment 11-65.</p>
11-67	<p>4.7.2. The impacts from future aggregate mining are clearly not compatible with the goals of a Refuge.</p>	
11-68	<p>4.7.3. The adverse effects of aggregate mining were not clearly identified in the CCP/EIS.</p>	
11-69	<p>4.7.4. Broomfield is apprehensive about the future of the Refuge if the mineral rights issue cannot be resolved. If DOI and DOE cannot come to an agreement about this one topic, we have reservations about the decision-making process to transfer lands from DOE to DOI prior to closure of the Rocky Flats Technology Site.</p>	
11-70	<p>4.8. <u>Transfer of Property</u></p>	
11-71	<p>4.8.1. The Rocky Flats Environmental Technology Site is currently listed as a Comprehensive Environmental Response, Compensation, and Liability (CERCLA) site and is identified on the National Priority List (NPL). The CCP/EIS does not address how or when transfer of lands between DOE and DOI will take place. The Bill addresses certification of the land, and we are not clear on the criteria for certification or its relationship to delisting CERCLA lands.</p>	
11-72	<p>4.8.2. We ask that any land be de-listed prior to transfer of lands to DOI. We also request clarification for the certification process and the comparison to the delisting</p>	

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<p>11-67</p> <p>11-68</p>	<p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 10 of 11</p> <p>process. Revise the document to include the process to transfer lands and the public process.</p> <p>4.9. <u>Transportation Right-of-Way</u></p> <p>4.9.1. The transportation right-of-way easement is of key concern for Broomfield.</p> <p>4.9.2. The City & County of Broomfield wants to reiterate its position that the boundaries of the transportation right-of-way shall be at least 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of the enactment of the Rocky Flats National Wildlife Refuge Act of 2001.</p> <p>4.9.3. We agree the environmental impact of the right-of-way should be addressed in the Northwest Corridor EIS. Broomfield will also work through the Northwest Corridor process, including the EIS to ensure movement corridors for deer and elk from the site to nearby habitat areas are protected.</p> <p>The City & County of Broomfield expects that we will continue to be involved, informed, and allowed to participate and comment on the final CCP/EIS and step-down plans. Broomfield anticipates our issues and comments will be addressed at a future scheduled meeting. Broomfield once again appreciates the opportunity to share our community's vision and goals of open space to enhance and compliment wildlife, habitat, and public use activities at the RFNWR. If you have any questions, please feel free to call Shirley Garcia of my staff, at 303-438-6329.</p> <p>Sincerely,</p>  <p>Dorian Brown Director of Public Works</p> <p>pc: Gary Brosz, City & County of Broomfield City Council Lori Cox, City & County of Broomfield City Council Charles Ozaki, Deputy City and County Manager Kevin Stanbridge, Assistant City and County Manager Mike Bartleson, City & County of Broomfield Kathy Schnoor, City & County of Broomfield Kristan Pritz, City & County of Broomfield Shirley Garcia, City & County of Broomfield Sam Dixon, City of Westminster City Council Al Nelson, City of Westminster Dean Rundle, Service Manager for RFNWR Mark Sattelberg, Fish and Wildlife Service Hank Stovall, RFCLoG Steve Gunderson, CDPHE Mark Aguiler, EPA David Abelson, RFCLoG Ray Plieness, DOE</p>	<p>11-67. The Refuge Act directed that the land to be made available for transportation improvements should not extend more than 300 feet from the Indiana Street right-of-way. The Service acknowledges that the transfer of land for the purposes of transportation improvements is the responsibility of the DOE and would occur prior to the establishment of the Refuge. However, the Refuge Act directs the Service to make recommendations on land that could be made available for transportation improvements. To that end, the FEIS includes a new Section 4.16, which discusses potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>11-68. Thank you for your comments and participation.</p>

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	<p data-bbox="317 224 611 293">Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 11 of 11</p> <p data-bbox="375 313 533 358">Joe Legare, DOE John Rampe, DOE</p>	

Comment #	Letter #12	Response
<p>12-1</p>	 <p>WESTMINSTER</p> <p>APR 25 2004 RECEIVED</p> <p>APR 27 2004</p> <p>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL, HWR</p> <p>April 23, 2004</p> <p>Laurie Shannon Planning Team Leader Rocky Mountain Arsenal National Wildlife Refuge Building 121 Commerce City, Colorado 80022-1748</p> <p>City of Westminster Office of the City Manager</p> <p>4800 West 92nd Avenue Westminster, Colorado 80031</p> <p>303-430-2400 FAX 303-430-1809</p> <p>Re: <i>The Draft Comprehensive Conservation Plan and Environmental Impact Statement</i>, dated February 2004</p> <p>Dear Ms. Shannon:</p> <p>The City of Westminster appreciates the opportunity to review and provide comments on the <i>Draft Comprehensive Conservation Plan and Environmental Impact Statement</i> (CCP/EIS) for the Rocky Flats National Wildlife Refuge (RFNWR). Westminster appreciates the effort the Service has made to work with the community collaboratively towards a common goal and objective.</p> <p>Westminster supports the draft proposed action "<i>Alternative B – Wildlife, Habitat & Public Use.</i>" Alternative B provides a balance between public use and protection of wildlife and habitat, while still controlling access to areas with residual contamination. Please reference our letter dated June 24, 2003, which addressed previous comments and concerns pertaining to the RFNWR. Some of our issues associated with stewardship controls are still outstanding from last year's letter and we anticipate they will be resolved through future dialogue and comments prior to the finalization of the CCP/EIS. City staff has very thoughtfully and thoroughly reviewed the CCP/EIS and has the following comments and recommendations:</p> <p><u>Objective 1.1 - Preble's Meadow Jumping Mouse (PMJM) Habitat Management</u></p> <p>We are concerned about the level of protection for the PMJM if the water available after remediation does not support a riparian habitat. This issue has not been clearly resolved.</p> <p>Riparian Area (wetlands, riparian areas & creeks) - As the amount of surface water is reduced, we do not want the Service to maintain any man-made areas requiring importation of water to maintain habitats within these areas. This issue has not been clearly resolved. Riparian and wetland habitat management in Alternative B would include the option for selective exclusion of grazing/browsing animals from sensitive riparian areas using fences. Additional characterization of the Buffer Zone will only include surface soils and</p> <p><small>*Printed on recycled paper</small></p>	<p>12-1. Thank you for your comments.</p> <p>12-2. DOE has been working with the Service to minimize impacts on the Preble's from hydrologic changes of site closure. It is the intention of the Service to manage Preble's populations with the resources that will exist when the Refuge is established. Reduced surface water flow is anticipated to be one of the hydrologic changes. The Refuge Act specifically protects existing property rights on the Refuge, including water rights and related easements. However, the Service would consider future voluntary acquisition of water rights on a willing-seller basis.</p> <p>12-3. See response to comment 12-2.</p> <p>Any residual contamination in the buffer zone is limited to surface contamination that is well below cleanup levels that are required to protect public safety. All areas with significant surface or subsurface contamination will be within the lands to be retained by DOE, and will be remediated. For that reason, the EPA and CDPHE have verified that Refuge operations, including the digging of fence posts, would not expose additional contamination to Refuge workers or the public.</p>
<p>12-2</p>		
<p>12-3</p>		

Comment #	Letter #12 continued	Response
	<p data-bbox="478 245 594 305">Laurie Shannon April 23, 2004 Page 2</p>  <p data-bbox="478 350 1045 428">contamination could potentially be encountered during the process to dig holes for posts for fencing to exclude ungulates. Provide the City with any short-term or long-term plans, if any, to monitor and/or sample for contamination during excavation or any soil disturbance.</p> <p data-bbox="478 448 808 469">Objective 1.2 - Xeric Tallgrass Management</p> <p data-bbox="478 488 1045 626">Support if areas already contain xeric tallgrass. We do not want to expend additional funds that may be taken from long-term stewardship (LTS) activities. Biomes will eventually mature to shrubland and we do not know what the Service's plans will be to maintain the xeric tallgrass. If soil is disturbed, will a Radiological Control Technician (RCT) be available to monitor for contamination? We need the cost estimate to restore large areas of grassland and the potential for the habitat restoration to be successful.</p> <p data-bbox="478 646 879 667">Objective 1.3 - Mixed Grassland Prairie Management</p> <p data-bbox="478 686 1045 764">Tilling and any disturbance of soil will have to have controls in place to ensure contamination is not dispersed into the environment or that the footprint of the Industrial Area (IA) is enlarged. If soil is disturbed, will a RCT be available to monitor for contamination? We support revegetation of the hay fields.</p> <p data-bbox="478 784 858 805">Objective 1.4 - Road Restoration and Revegetation</p> <p data-bbox="478 824 1045 980">We will require roads to access monitoring stations and remedies. Further discussion is required. If soil is disturbed, will a RCT be available to monitor for contamination? We need to ensure roads are maintained to treatment units, caps, and monitoring areas such as wells, drainages, and air monitoring stations. We support the removal of culverts in areas where roads will no longer be required, but they should be kept in areas where vehicle traffic will be used to monitor the remedy. We ask that you work with us to ensure maintained roads are available to access the IA and the above mentioned stewardship locations.</p> <p data-bbox="478 1000 743 1021">Objective 1.5 - Weed Management</p> <p data-bbox="478 1040 1045 1101">The City supports the identified tools for weed management for <i>Alternative B</i>. We ask to be consulted and allowed to participate in the development of an Integrated Pest Management (IPM) plan for the RFNWR.</p> <p data-bbox="478 1120 1045 1243">Grazing - We support grazing in the non-IA, if goats are used for weed management. We support use of cattle in the hay fields to contribute to a more diverse ecological ecosystem. Animals must be controlled by temporary electric fences. Due to the potential risk of remaining contamination on the surface and in the sub-surface, grazing is not acceptable in the IA. Other options are acceptable if controlled and a plan is in place and the public has an opportunity to</p>	<p data-bbox="1226 167 1980 678">12-4. The budget for Refuge management activities, including habitat restoration and revegetation would be allocated separately through Department of the Interior appropriations. Long-term stewardship of the DOE retained area will be funded through DOE appropriations. Xeric tallgrass management activities on the Refuge would not affect budgets for DOE long-term stewardship. Maintenance of the xeric tallgrass prairie is one of the reasons Congress authorized the Refuge. The Service's plans for maintaining xeric tallgrass are described in Objective 1.2 – <i>Xeric Tallgrass Management</i>. It is the Service's belief that the xeric tallgrass community has persisted for a very long time, and is the climatic vegetative community on the portions of the site it occupies. The Service believes there is insufficient annual precipitation at this site to allow the xeric tallgrass community to advance successional into a shrubland. If that were the case, a shrub/scrub community likely would have replaced the tallgrass prairie in the time since DOE acquired most of the land in 1951.</p> <p data-bbox="1226 716 1980 894">The Service does not plan to employ a Radiological Control Technician to monitor habitat restoration activities. The CDPHE and EPA have verified that such activities can be conducted on future refuge lands without threatening human health. In regard to general issues about residual contamination, see the response to comment 12-3, as well as the expanded discussion in Section 1.8 of the FEIS.</p> <p data-bbox="1226 914 1980 971">12-5. See response to comment 12-3, as well as the expanded discussion in Section 1.8 of the FEIS.</p> <p data-bbox="1226 992 1980 1138">12-6. The Refuge access roads were designed to provide reasonable access to the DOE retained area, all monitoring facilities, ditches and other private property rights at Rocky Flats. The DOE will retain responsibility for all of the lands and access roads related to the cleanup and remedy facilities.</p> <p data-bbox="1226 1157 1980 1247">12-7. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of an Integrated Pest Management Plan.</p>

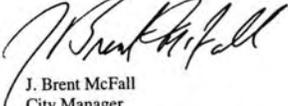
Comment #	Letter #12 continued	Response
	<p data-bbox="485 240 596 298">Laurie Shannon April 23, 2004 Page 3</p>  <p data-bbox="485 342 1045 380">publicly comment. Our decision will also be based on the sampling methodology for the Buffer Zone and White Spaces and the results of the sampling.</p> <p data-bbox="485 402 1045 480">12-9 Prescribed fire - If using prescribed fire, work with Westminster on comprehensive burn plan. The maximum area to be burned should not exceed the current maximum area allowed in the Revegetation Plan. Air monitoring and qualified RCT should both be in place during the burns.</p> <p data-bbox="485 500 1045 578">12-10 Pesticides and Herbicides Use - Support limited use with an approved list of chemicals and that pesticide or herbicide application should only be used with assurances that surface water quality will not be negatively impacted. Utilize current process of notification to local governments.</p> <p data-bbox="485 597 798 618">12-11 <u>Objective 1.6 - Deer and Elk Management</u></p> <p data-bbox="485 638 1045 854">We will withhold judgment on hunting until the results of the tissue sampling that is being carried out, is completed. We reiterate that the service should defer its final decision on hunting at the RFNWR until analytical data is received from the frozen deer tissue to evaluate the uptake of plutonium and/or uranium in ungulates. Hunting must be limited to archery or crossbow only; we do not support the use of shotguns or muzzleloaders due to the proximity of high use highways and commercial and residential areas. Will the site have the same protocols for releasing culled animals off-site? If the animals are not consumed, how will FWS dispose of carcasses? At this point we do not support an expanded hunting program with such a short phased in approach. The two-year reinvestigation for opening the site to other hunters should be at least five years.</p> <p data-bbox="485 873 1045 932">12-12 The CCP/EIS should delineate exactly where on the refuge possible hunting areas will be located. The areas must have a definite exclusion area from surrounding public and private lands.</p> <p data-bbox="485 951 791 972">12-13 <u>Objective 1.7 – Prairie Dog Management</u></p> <p data-bbox="485 992 1045 1128">We support, if they do not impact the remedy. We ask a specified distance from the Industrial Area to the prairie dog colonies be identified in the prairie dog management plan to require a corrective action to relocate the prairie dogs. The corrective action will ensure protection of the remedy and maintain control of residual contamination. Under no circumstances should prairie dogs be relocated to the RFNWR from surrounding communities. Any colonies near remedy areas MUST be relocated or eradicated.</p> <p data-bbox="485 1148 770 1169">12-14 <u>Objective 1.8 - Species Reintroduction</u></p> <p data-bbox="485 1188 1045 1232">We support, if they do not impact the remedy and their migration to adjoining properties is strictly controlled.</p>	<p data-bbox="1228 167 1969 407">12-8. Depending on how it is applied, grazing by both goats and cattle can serve as a weed management tool, an ecological restoration tool, both, or neither. Grazing is mentioned under several different objectives (1.2 – <i>Xeric Tallgrass Management</i>, 1.3 – <i>Mixed Grassland Prairie Management</i>, and 1.4 – <i>Weed Management</i>) as a tool that is available to achieve that objective. As noted by the State Weed Coordinator in comment 6-6, it is important to maintain flexibility in applying managed grazing to site-specific conditions.</p> <p data-bbox="1228 440 1976 589">The Service does not have management jurisdiction over DOE-retained lands, including most of the Industrial Area. The Service has not recommended any grazing activities within DOE retained lands and is not aware of any proposal by the RFCA parties to graze those lands for any reason.</p> <p data-bbox="1228 609 1976 971">12-9. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of a step-down Fire Management Plan. The EPA and CDPHE have verified that all of the proposed Refuge management activities, including prescribed fire, would be safe. However, in response to concerns about residual contamination associated with the 903 pad, the Service has taken a conservative approach and 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). The Service will rely on CDPHE recommendations and requirements regarding air monitoring during any application of prescribed fire.</p> <p data-bbox="1228 990 1976 1260">12-10. See response to comment 12-7. The Service is committed to working with the City of Westminster and other jurisdictions in addressing concerns about weed management at the Refuge. A step-down Integrated Pest Management Plan would incorporate those concerns, as well as many of the current DOE practices. The Service complies with EPA-approved labels. All proposed pesticide applications on the Refuge would go through a rigorous Pesticide Use Proposal review process in accordance with DOI policy, prior to use on the Refuge.</p>

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<p>12-15</p> <p>12-16</p> <p>12-17</p> <p>12-18</p> <p>12-19</p>	<p>Laurie Shannon April 23, 2004 Page 4</p>  <p>Objective 2.2 - Public Access</p> <p>Trails - Final decisions will be based on the institutional controls of the IA. Westminster would like an additional foot trail from the Westminster access point on Indiana to the Overlook in the southern part of the site. The multiuse trail along the southern boundary must be far enough from the planned Arvada development so as to have a buffer between the two. In support of other local governments, trails on the southern side of the Refuge should have loops to prevent social trails. The multi-use trails should be closely monitored to identify long-term impacts to the surrounding ecological communities, especially from equestrian and biking use. With hikers, bikers, and horseback riders all utilizing the same multi-use trail, some public visitors may not see these activities as compatible on the same trail. Clarify the process to ensure hikers will have a quality recreational use of the trails while still understanding the needs of the bikers and equestrian users.</p> <p>Equestrian use – We do not support equestrian use on the northern half of the Refuge due to the sensitive habitat and wildlife located in Rock Creek and Walnut Creek drainages. We support equestrian use on southern trails only, but have the following questions:</p> <ul style="list-style-type: none"> • How will riders stay on designated trails? • Who will enforce the activity and ensure the activity is only on designated trails? • Horses will have to be kept out of the IA and drainages. What controls will be in place to protect the water? • We need to review the studies of equestrian use at other Department of Defense (DoD) and Department of Energy (DOE) sites and their impacts to ecological systems and remedies. <p>Mountain biking – We support mountain biking on all perimeter trails, but have the following questions:</p> <ul style="list-style-type: none"> • How will riders stay on designated trails? • Who will enforce the activity and ensure the activity is only on designated trails? Bikes will have to be kept out of the IA and drainages, what controls will be in place to protect the water? <p>Off-trail use – We support during seasonal activities such as possible hunting or bird watching. We need more information about the type of activity and controls in place to protect the remedy. This activity must be closely monitored to ensure it is pedestrian only and NO horses or bicycles go off-trail. Controls must be in place to keep people off the remedy and out of DOE maintained areas.</p> <p>Phased in approach – We support the Lindsay Ranch trail being opened during the first five years and the plan to revegetate specific areas and open the other areas as they are prepared for public use.</p>	<p>12-11. 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.</p> <p>12-12. The exact structure and locations of the proposed hunting programs would be documented in a step-down Hunting Plan. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of this plan. The Final CCP/EIS has been revised to propose only archery and shotguns for deer/elk hunting. The proposal to allow use of muzzle-loading rifles has been removed in consideration of safety comments received during public review of the Draft CCP/EIS.</p> <p>12-13. The EPA and CDPHE have verified 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 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.</p> <p>During their annual dispersal from natal colonies, prairie dogs may move as far as 10 miles or more, pioneering into new areas. Hence, it is as likely that prairie dogs could invade DOE retained lands from areas outside Rocky Flats as they could from within the Refuge. There is no biologically sound, or practical management reason to establish any specific distances to keep prairie dogs away from DOE retained lands. Other issues such as vegetative structure and natural barriers are more important than distances. In any case, DOE will need to develop a robust stand of vegetation in the Industrial Area and maintain long-term monitoring to prevent burrowing animals from compromising the remedy.</p>

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	<p data-bbox="470 250 583 310">Laurie Shannon April 23, 2004 Page 5</p>  <p data-bbox="470 354 1050 477">Access Hours – We support that the refuge will be open only during the day with identified hours of operation. We support the access points identified in the plan for Alternative B that directs visitors to orientation information, trailheads, and parking areas. Clarify the signage and wording for the access points that will inform visitors about conservation practices and priorities that may differ from surrounding open space areas.</p> <p data-bbox="470 496 1050 557">Balance between refuge activities and IA protection – We need the memorandum of understanding (MOU) so we can better understand how this issue is going to be resolved.</p> <p data-bbox="470 576 1050 699">Controls - DOE needs to address this issue in their remediation documents and closure documents such as the Corrective Action Decision/Record of Decision (CAD/ROD) or post-Rocky Flats Cleanup Agreement (RFCA). Remedy protection will always have priority over refuge goals and activities. We support remediation of the old firing range. Erosion controls have to be evaluated on their long-term impacts and remedial action goals.</p> <p data-bbox="470 719 1050 779">Adjacent Land Protection – The City supports the Service’s proposal to pursue habitat-protection partnerships, conservation easements and/or acquisition of lands west of the refuge.</p> <p data-bbox="470 799 852 820"><u>Objective 2.8 - Environmental Education Planning</u></p> <p data-bbox="470 839 1050 1040">Support - We foresee the opportunities the refuge may have for education of ecological, environmental, and historical information. Educating the public and preserving the historical memory of the site will service several different functions. One function is to preserve and educate people on the past use of the site during the Cold War era. If B060 could be acquired for the Museum/Visitor’s Center, it could be used to remind future generations of areas with residual contamination and the need to maintain institutional controls. The Center would also allow the Service a facility in which to conduct their education and outreach programs as well as an operations and maintenance facility to house staff.</p> <p data-bbox="470 1060 730 1081"><u>Objective 2.10 - Hunting Program</u></p> <p data-bbox="470 1101 915 1122">See comment under Objective 1.6 - Deer and Elk Management</p> <p data-bbox="470 1141 747 1162"><u>Objective 2.13 - Recreation Facilities</u></p> <p data-bbox="470 1182 1050 1242">There should be no parking for horse trailers at trailheads where direct equestrian access to the refuge for equestrian use is not allowed. Biking only on perimeter trails.</p>	<p data-bbox="1226 167 1969 282">12-14. The Service would work with the City of Westminster, as well as other neighboring jurisdictions, in developing plans for any species reintroductions to the Refuge. Such language has been added to Objective 1.8 – <i>Species Reintroduction</i>.</p> <p data-bbox="1226 302 1969 667">12-15. The Service considered additional trail configurations, including those requested by the City of Westminster, other jurisdictions, and organizations. The proposed trail configuration for Alternative B in the southern portion of the Refuge was revised to improve connectivity and provide a higher quality and more diverse visitor experience. The overall length of trails in Alternative B was increased only slightly, so it would not significantly increase the cost of maintaining Refuge trails. As described in Objective 1.5 – <i>Weed Management</i>, trails would be informally surveyed for new weed infestations and other ecological issues. Trail design, signage, education, and law enforcement would be used to promote a positive trail experience for all users.</p> <p data-bbox="1226 686 1927 802">12-16. All public uses, including equestrian access, would be managed through a combination of signage, education, and law enforcement. These methods have proven to be effective at other Refuges and in many open space areas.</p> <p data-bbox="1226 837 1969 1081">The Service believes that these same controls would be effective in keeping the public out of the DOE retained area. However, in response to concerns about access to the DOE retained area, the Service has recommended to the RFCA parties that a barbed-wire agricultural fence and/or permanent obelisks demarcating the interior property boundary could be used to delineate the retained area without adversely affecting the movement of wildlife or aesthetics on the Refuge.</p> <p data-bbox="1226 1101 1654 1122">12-17. See response to comment 12-16.</p> <p data-bbox="1226 1141 1969 1417">12-18. Off-trail use would be allowed on a seasonal basis, for pedestrian access only, in the areas south of the primary multi-use trail in the southern part of the Refuge (see Figure 25). Use restrictions would be managed through signage, education, and law enforcement. In regard to specific concerns about residual contamination, the EPA and CDPHE have verified that any proposed public uses, including off-trail use, would be safe. In addition, the proposed off-trail use areas are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).</p>

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	<p data-bbox="459 240 579 302">Laurie Shannon April 23, 2004 Page 6</p>  <p data-bbox="459 347 667 367">Objective 3.1 - Staff Safety</p> <p data-bbox="459 386 1043 428">Workers shall meet all the regulatory training requirements: including but not limited to: OSHA, Radiation Worker, Emergency Response, etc.</p> <p data-bbox="459 451 684 470">Objective 3.2 - Visitor Safety</p> <p data-bbox="459 490 1043 672">We believe a process should be in place to prevent access to the IA from the general public. We suggest fencing as well as signs posted around the IA to prevent access to the area. The signs could state "Environmental Restoration and Study Area, No Public Access Allowed." This wording will not convey that there is residual contamination in the area, but still provides a reasonable precaution. The IA will contain residual contamination in the soils and contaminated groundwater and we prefer access to the area only be given to FWS or to personnel performing stewardship activities. Activities allowed at the refuge will be based on controls for the IA and presence of the Service at the site.</p> <p data-bbox="459 695 657 714">Objective 4.1 – Outreach</p> <p data-bbox="459 734 1003 753">Vision? Needs? Still waiting for the MOU to determine needs and funding.</p> <p data-bbox="459 776 695 795">Goal 5 - Working with Others</p> <p data-bbox="459 815 1010 834">Mineral Rights - This is still an outstanding issue. We need further dialogue.</p> <p data-bbox="459 854 1043 1198">MOU - The City is apprehensive that the MOU between the Department of Interior (DOI) and the DOE has not been finalized. The MOU was to include valuable information, which would clearly identify the physical boundaries and areas of management responsibilities by DOI and DOE. Based on assumptions that areas with residual contamination will be clearly demarcated and controlled and the Service will only receive lands with less than 7 pCi/g, <i>Alternative B</i> is our preferred alternative. It is imperative the Service identify a caveat in the CCP/EIS plan that the finalized activities and step-down management plans (operational documents) will be contingent on resolution to the MOU. Westminster is very concerned the mining rights issue has not been resolved and the MOU has not been signed. The impacts from future aggregate mining are clearly not compatible with the goals of a Refuge. The adverse effects of aggregate mining were not clearly identified in the CCP/EIS. Westminster is apprehensive about the future of the Refuge if the mineral rights issue cannot be resolved. If DOI and DOE cannot come to an agreement about this one topic, we have reservations about the decision making process to transfer lands from DOE to DOI prior to closure of the Rocky Flats Technology Site.</p> <p data-bbox="459 1221 1043 1279">Partnerships - The City wants to be the first to volunteer to partner with the Service and provide support to ensure our community appreciates and utilizes the opportunities the Refuge will provide. We look forward to discussing our</p>	<p data-bbox="1226 165 1629 185">12-19. Thank you for your comment.</p> <p data-bbox="1226 211 1969 360">12-20. Objective 2.2 – <i>Public Access</i> has been revised to elaborate that public access would be limited to daylight hours. Objective 2.13 – <i>Recreation Facilities</i> has been revised to include the City’s specific suggestion about the Refuge and its distinction from nearby open space areas.</p> <p data-bbox="1226 383 1969 620">12-21. It is the Service’s intent not to accept transfer of administrative jurisdiction of any lands at Rocky Flats until the MOU between DOE and DOI, as required by the Refuge Act, is finalized. It will be up to the RFCA parties to determine how the response actions are protected, while the EPA will determine what lands are certified. As outlined in the Refuge Act, any issues related to maintaining response actions will take precedence over Refuge management activities.</p> <p data-bbox="1226 643 1955 695">12-22. As the City is aware, the RFCA parties, and not the Service, are not responsible for cleanup related decisions and documentation.</p> <p data-bbox="1226 717 1629 737">12-23. Thank you for your comment.</p> <p data-bbox="1226 763 1961 941">12-24. The establishment of the Cold War Museum is outside the jurisdiction of the Service and the scope of the CCP/EIS. However, the Service has expressed that it would prefer to co-locate some Refuge interpretation facilities center with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p> <p data-bbox="1226 964 1654 984">12-25. See response to comment 12-11.</p> <p data-bbox="1226 1010 1927 1062">12-26. Objective 2.13 – <i>Recreation Facilities</i> has been revised to specify the recommended location of horse trailer parking areas.</p> <p data-bbox="1226 1084 1927 1136">12-27. Safety requirements are addressed in Objective 3.1 – <i>Staff Safety</i>.</p> <p data-bbox="1226 1159 1654 1179">12-28. See response to comment 12-16.</p> <p data-bbox="1226 1205 1629 1224">12-29. Thank you for your comment.</p> <p data-bbox="1226 1250 1969 1399">12-30. As described in Section 3.8 of the FEIS, the Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p>

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	<p data-bbox="470 240 588 298">Laurie Shannon April 23, 2004 Page 7</p>  <p data-bbox="470 344 1054 448">wildlife and wildlife habitat management strategies with the Service along with networking with other open space agencies to enhance our community's natural resources. Per the plan, this dialogue will improve and expand the range of available habitat for many species and protect wildlife movement corridors between properties.</p> <p data-bbox="130 474 1054 526">12-33 Funding – The City will investigate the feasibility of acquiring additional funding for the FWS from entities, i.e. GOCO, to be used to accelerate trail construction and access to the site.</p> <p data-bbox="130 552 1054 630">12-34 <u>Objective 5.1 – Emergency</u> Support, but believe emergency response agreements must be in place when the FWS gains possession of the refuge not by one year later.</p> <p data-bbox="130 656 1054 831">12-35 <u>Objective 5.2 – Conservation</u> Easements for ditches and other existing utility easements need to be maintained and preserved. Work closely with the City to develop a Water Protection Plan to ensure the security of the following areas: groundwater wells, surface water monitoring stations, treatment units, drainage areas flowing into the retention ponds on Woman Creek and the Smart Ditch drainage. Boundaries of transportation corridor right-of-way should be 300 ft from the eastern edge of the site. Water Protection Plan - Water Protection Plan should include: methods to secure the areas to prevent spread of contamination; fencing, use of storm water, BMPs, other controls measures; and, identify access requirements.</p> <p data-bbox="130 857 1054 909">12-36 <u>Objective 6.3 – Fencing</u> We believe a process should be in place to prevent access to the IA from the general public. We suggest using the current four-strand barbed wire fencing as well as signs posted around the IA to prevent access to the area. The signs could state "Environmental Restoration and Study Area, No Public Access Allowed." This wording will not convey that there is residual contamination in the area, but still provides a reasonable precaution. The IA will contain residual contamination in the soils and contaminated groundwater and we prefer access to the area only be given to FWS or to personnel performing stewardship activities. Activities allowed at the refuge will be based on controls for the IA and presence of the Service at the site. For defense in depth, we suggest that each individual monitoring station, landfill cap, treatment unit, etc., be fenced as well.</p> <p data-bbox="130 935 1054 1279">12-37 The City expects that we will continue to be involved, informed, and allowed to participate and comment on the final CCP/EIS and step-down plans. Westminster anticipates our issues and comments will be addressed at a future</p>	<p data-bbox="1226 168 1659 194">12-31. See response to comment 12-21.</p> <p data-bbox="1226 214 1927 272">12-32. Thank you for your comment and participation. Working with others is one of the six planning goals of the Refuge.</p> <p data-bbox="1226 292 1969 383">12-33. The Service is encouraged by the efforts of the City and other neighboring jurisdictions to develop trail connections that complement Refuge trails.</p> <p data-bbox="1226 402 1944 513">12-34. While the Service will seek to coordinate with neighboring jurisdictions as early as possible, it will not be feasible to develop formal arrangements until adequate budgets and staffing have been established.</p> <p data-bbox="1226 532 1957 747">12-35. The Refuge Act specifically protects existing property rights on the Refuge, including water rights and related easements. In addition, see response to comment 12-16. The DOE is solely responsible for the maintenance and security of water quality protection facilities. However, the Service will work with the DOE and other stakeholders to ensure that Refuge activities do not affect the effectiveness of the remedy.</p> <p data-bbox="1226 766 1659 792">12-36. See response to comment 12-16.</p> <p data-bbox="1226 812 1961 902">12-37. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of the step-down management plans.</p>

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12-38	<p data-bbox="464 240 583 302">Laurie Shannon April 23, 2004 Page 8</p>  <p data-bbox="464 342 1052 448">scheduled meeting. We once again appreciate the opportunity to share our community's vision and goals of open space to enhance and compliment wildlife, habitat, and public use activities at the RFNWR. If you have any questions, please feel free to contact Ron Hellbusch (303) 430-2400 ext. 2177 or Al Nelson (303) 430-2400 ext. 2174 of my staff.</p> <p data-bbox="464 472 583 492">Sincerely yours,</p>  <p data-bbox="464 570 583 610">J. Brent McFall City Manager</p> <p data-bbox="464 634 1066 894">cc: City Council, City of Westminster Ron Hellbusch, Director Public Works and Utilities, City of Westminster Al Nelson, Rocky Flats Coordinator, City of Westminster Senator Wayne Allard Congressman Mark Udall Congressman Bob Beauprez Gary Brosz, City Councilor, City & County of Broomfield Lori Cox, City Councilor, City & County of Broomfield Shirley Garcia, Environmental Coordinator, City & County of Broomfield Mark Aguilar, Environmental Protection Agency Steve Gunderson, Colorado Department of Public Health and Environment Dean Rundle, Refuge Manager, Rocky Mountain Arsenal David Abelson, Rocky Flats Coalition of Local Governments</p>	12-38. Thank you for your comments.

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<p>13-1</p> <p>13-2</p> <p>13-3</p> <p>13-4</p> <p>13-5</p> <p>13-6</p>	 <p>RECEIVED APR 26 2004</p> <p>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 19, 2004</p> <p>Mr. Dean Rundle, Refuge Manager U.S. Fish and Wildlife Service Rocky Mountain Arsenal National Wildlife Refuge Building 111 Commerce City, CO 80022-1748</p> <p>Dear Mr. Rundle:</p> <p>Thank you for the opportunity to comment on the Rocky Flats National Wildlife Refuge (RFNWR) draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). We appreciate the efforts of the U.S. Fish and Wildlife Service (USFWS) to work with the communities surrounding the Rocky Flats site to reach common goals and objectives.</p> <p>On behalf of the Superior Town Board of Trustees, I am submitting this letter as formal comment on the draft CCP/EIS. We have previously submitted comments to USFWS in 2003, stating our preference for Alternative C – Ecological Restoration, with the following modifications:</p> <ul style="list-style-type: none"> • Allowance for a Rocky Flats Cold War Museum/Visitor Center to be located on the RFNWR site. • The addition of two visitor overlook sites, one that would overlook the old industrial site, and one that would overlook the north end of the site (Rock Creek Reserve). • Trail connections should be limited to serve museum/visitor center and overlooks. • Ensure that all public access is limited to daylight hours. • Preserve and maintain all of the Lindsay Ranch buildings. • Secure Federal ownership of mineral rights. <p>Our preference for this plan has not changed. However, in addition to restating our preference for Alternative C, with the above modifications, we would also like to provide the following comments for consideration by USFWS.</p> <p>Regardless of the adopted alternative, The Town of Superior:</p> <ul style="list-style-type: none"> • supports the creation of the Rocky Flats National Wildlife Refuge. • strongly recommends the use of security fencing and signage around the Dept. of Energy (DOE) retained lands to keep the public off these areas. • strongly discourages the authorization of any public hunting on the site. <p>124 E. Coal Creek Drive • Superior, CO 80027 • (303) 499-3675 Fax: (303) 499-3677 • www.townofsuperior.com</p>	<p>13-1. Thank you for your comments.</p> <p>13-2. Thank you for your comments.</p> <p>13-3. Thank you for your comment.</p> <p>13-4. Thank you for your comment.</p> <p>13-5. In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. The Service has provided these recommendations to the RFCA parties.</p> <p>13-6. The Service believes that a limited, highly managed hunting program would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations, if necessary. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i> was revised in the FEIS to better correlate the establishment and analysis of target population size and public hunting programs.</p>

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<p>13-7</p> <p>13-8</p> <p>13-9</p> <p>13-10</p> <p>13-11</p> <p>13-12</p>	<ul style="list-style-type: none"> • recommends the USFWS engage in proactive control of invasive weeds throughout the site. • supports the use of prescribed burns only as a control method of last resort, and strongly recommends that prescribed burns never be used on DOE retained lands. • recommends that public access to the site be limited to pedestrian access only. We feel that equine and bicycle uses would have detrimental impacts to the site's trails and wildlife habitats. • strongly recommends that public access to the site be limited to on-trail access only. We feel that safety and habitat concerns outweigh any need for public off-trail access. • recommends that the USFWS not rush to meet arbitrary implementation deadlines. The Town supports the allowance of ample time to ensure the site is safe for public access and that the potential ecological impacts of public access have been fully considered. <p>Again, on behalf on the Superior Town Board of Trustees, I thank you for this opportunity to comment on the draft CCP/EIS. We look forward to continued cooperative efforts to make the Rocky Flats National Wildlife Refuge an asset for all our communities.</p> <p>Sincerely,</p>  <p>Susan K. Spence Mayor</p> <p>Cc: Superior Town Board of Trustees Bruce Williams, Town Manager, Superior Devin Granbery, Management Analyst, Superior David Abelson, Exec. Dir., Rocky Flats Coalition of Local Governments</p>	<p>13-7. The Service believes that the proposed weed management objectives would take a proactive approach to reducing weed infestations over the life of the CCP.</p> <p>13-8. 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. The Service does not intend to use prescribed fire in the DOE retained lands and is not aware of any plans for the DOE to use prescribed fire.</p> <p>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). However, in the interest of caution and respect for the concerns of the public, 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 10).</p> <p>13-9. In Alternative B and D, the Service would allow equestrian and bicycle access as modes of transportation that would facilitate access to priority public uses of the Refuge. A secondary benefit would be the ability to complement and improve regional trail connectivity. The size of the Refuge also would warrant other modes of access besides hiking. For example, in Alternative B the trail distance between the proposed trail connection near the Town of Superior and the visitor contact station would be 3.5 miles one way, which may be too far round-trip for some Refuge visitors.</p> <p>As noted in the Compatibility Determination, 72% of the multi-use trails would be constructed using existing roads that would be converted to trails. Such access would have very few additional habitat impacts. While weed dispersal, social trails, wildlife disturbance and other impacts to natural resources would be a concern, the Service does not believe that these impacts would be substantially reduced by excluding bicycles and equestrians from the Refuge.</p>
Comment #	Letter #13 continued	Response

13-10. Seasonal off-trail hiking access would be allowed in the southern portion of the Refuge in Alternative B as a practical means of allowing amateur naturalists, wildlife photographers or others better access to their subjects. It is anticipated that off-trail use in this area would be limited in numbers and highly dispersed and would not adversely affect vegetation communities or wildlife. With regard to safety concerns, the Service believes that those visitors who participate in off-trail access on the Refuge would be responsible for their own physical safety, as would be the case on other public lands open to the public. In regard to specific concerns about residual contamination, the EPA and CDPHE have verified that any proposed public uses, including off-trail use, would be safe. In addition, the proposed off-trail use areas (Figure 25) are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).

13-11. The Refuge will not be established until the EPA certifies that the land has been cleaned up to be safe for the proposed Refuge uses. Once the Refuge is established, the Service proposes to initially focus on habitat restoration in the first 5 years before expanding public use opportunities. The 5-year target date is not a firm deadline, and is contingent on successful habitat restoration and sufficient funding to construct and manage visitor use facilities. As conditions change and the Refuge condition evolves, the Service would be adaptable to those changes.

13-12. Thank you for your comments.

Comment #	Letter #14	Response
<p>14-1</p> <p>14-2</p> <p>14-3</p>	 <p data-bbox="856 269 1094 285">Post Office Box 471 • Boulder, Colorado 80306</p> <p data-bbox="499 305 1060 342">Board of County Commissioners</p> <p data-bbox="506 350 1050 367">13th & Pearl Streets • Boulder County Courthouse • Boulder, Colorado 80302 • (303) 441-3500</p> <p data-bbox="338 456 401 472">4/22/04</p> <p data-bbox="338 505 1041 553">Formal Comments from Boulder County Commissioners to Department of Fish & Wildlife on the Rocky Flats Refuge Proposals CCP/EIS</p> <p data-bbox="338 578 1031 699">As a member of the Rocky Flats Coalition of Local Governments, Boulder County has provided regular and consistent input and discussion on the clean-up of Rocky Flats, and to its use as a wildlife refuge consistent with the provisions of the Rocky Flats National Wildlife Refuge Act of 2001.</p> <p data-bbox="338 740 1031 967">Boulder County supported the passage of the Refuge Act and supports the transfer of use of this land from a former weapons site to a wildlife refuge. We feel this is the highest and best use of these lands, given their former history of use and contamination. However, we believe that there should be no rush to open this land to the public, and that methodical oversight and planning procedures need to be in place prior to opening. The county's comments are submitted in the spirit of obtaining the best and safest cleanup, and the best refuge management practices.</p> <div data-bbox="338 1000 1094 1341" style="border: 1px solid black; padding: 10px;"> <p data-bbox="411 1065 957 1146">Boulder County's position: We support Fish & Wildlife Proposed Alternative A as our first priority, with Alternative C as our second priority.</p> <p data-bbox="411 1195 1010 1276">Both of these alternatives would permit far reduced access than either Alternative B, which Fish & Wildlife is recommending, or Alternative D, which provides the greatest public access.</p> </div> <p data-bbox="348 1390 464 1414">Paul Danish County Commissioner</p> <p data-bbox="642 1390 758 1414">Ronald K. Stewart County Commissioner</p> <p data-bbox="926 1390 1041 1414">Tom Mayer County Commissioner</p>	<p data-bbox="1230 342 1629 367">14-1. Thank you for your comments.</p> <p data-bbox="1230 391 1619 415">14-2. Thank you for your comment.</p> <p data-bbox="1230 448 1965 659">Although the Refuge will not be established until the cleanup is completed, and the EPA and CDPHE have verified that all refuge activities would be safe for the refuge worker and visitor, the Service believes that the proposed plan for Refuge management and public access is appropriately conservative and responsive to concerns. Most of the refuge would be restricted to public access for the first 5 years to allow time for restoration efforts to be initiated.</p> <p data-bbox="1230 675 1619 699">14-3. Thank you for your comment.</p>

Comment #	Letter #14 continued	Response
14-4	<p style="text-align: center;">-2-</p> <p>1. Restricting public access to lands retained by DOE</p> <p>Boulder County believes that public access should not be permitted in the section of the refuge held by the Department of Energy as defined on Fish and Wildlife maps as of this date. This includes the Industrial Area, areas to the east that contain monitoring stations and solar ponds, and the Old Landfill. The public should not be allowed access to such facilities in the DOE zone as the monitoring stations, retention ponds, or landfill caps, for reasons of their safety as much as for reasons of ensuring that paths, erosion, and other impacts do not damage the integrity of the remediation, and protection from intentional acts of vandalism. We are sure that both the DOE and F&W agree with this. Yet, neither the DOE nor the F&W in this current plan have outlined how they intend to keep the public from hiking, biking, horseback riding, fishing, swimming, or exploring around these areas.</p>	<p>14-4. Section 1.8 of the FEIS was revised to indicate that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. The DOE will be responsible for the management and security of cleanup related facilities.</p> <p>The CCP/EIS does specifically define the area of the future refuge where public uses would be authorized. This has the same result as specifically designating “off-limits” areas because no use of a National Wildlife Refuge is allowed unless it is specifically authorized. Access to DOE lands is clearly outside the scope of the CCP/EIS. However, the Service has recommended to the RFCA parties that the DOE retained lands be posted with signs that prohibit public entry.</p>
14-5	<p>Representatives from the Department of Energy, at its Rocky Flats Cleanup Availability Session on April 14, said that they had not yet determined what specific “institutional controls” were necessary to keep people out of certain areas, nor had they even identified the specific areas that warrant public access controls. This is particularly disturbing, since local governments and citizens affected by the clean up and by refuge use decisions are being asked to submit their formal public comments on the CCP/EIS governing Fish & Wildlife use of the refuge by April 26. Since the DOE-held areas in question are within the perimeter of the current Rocky Flats property, we think that this fundamental question of <i>which</i> specific areas will be off-limits to the public, and <i>how</i> public access controls will be institutionalized, must be resolved before the surrounding buffer area is opened to the public. Vague references to “institutional controls” should not substitute for adequate, robust fencing.</p>	<p>14-5. See response to comment 14-4.</p>

Comment #	Letter #14 continued	Response
14-6	<p data-bbox="415 280 443 302">-3-</p> <p data-bbox="415 347 1052 634">Until the Department of Energy has specified in detail exactly which portion of Rocky Flats it intends to keep under its jurisdiction and protection, we do not believe that any lands should be transferred to Fish and Wildlife. The decision of specifically which lands are to be included in the DOE-retained area, and any institutional controls that will be implemented to prevent public access, must be made <u>before</u> Fish and Wildlife decides how the remaining surrounding area is to be used. Decommissioning of Rocky Flats and its transfer to refuge status should not occur unless a substantial and sufficient barrier around DOE-retained lands is in place.</p>	<p data-bbox="1228 342 1969 610">14-6. A Refuge Comprehensive Conservation Plan is a document that describes the desired future conditions of the Refuge and provides long-range guidance and management direction to achieve the purposes of the Refuge. The Refuge Act specifically required the Service to develop a CCP by December 31, 2004 in consultation with the RFCA parties, the RFCLOG, and others. The Act specifically requires the Service to address and make recommendations on a number of issues including the feasibility and location of a visitor center.</p> <p data-bbox="1228 634 1969 932">The CCP will not be implemented until after the site has been certified by the EPA and transferred to the Service. The Service has been in continued contact with the DOE during the CCP planning process and has been apprised of the approximate boundaries of the lands that will be retained. Obviously, the Service can only accept transfer of lands that DOE is not required to retain, and offers up for transfer. The Refuge Act requires DOE to retain all property needed to ensure the long-term protectiveness of the remedy. The Service will not ask DOE for any lands that the DOE does not offer for transfer.</p> <p data-bbox="1228 956 1969 1159">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 would be included in the Refuge will not change. For these reasons, the Service is confident that it is both reasonable and effective to complete the CCP process at this time. See response to comment 14-4 regarding the demarcation of the DOE retained area.</p> <p data-bbox="1228 1183 1969 1268">14-7. As stated in responses to comments 14-4 and 14-6, any public access would not occur prior to certification and transfer of lands to the Service.</p>
14-7	<div data-bbox="359 781 1085 1078" style="border: 1px solid black; padding: 10px;"> <p data-bbox="428 824 1052 1011">Before the public is allowed on the Refuge, the Department of Energy must first define exactly which area it will retain. Before public access, Fish & Wildlife and the Department of Energy both have the responsibility to clarify specifically how they will keep the DOE-retained lands strictly “off-limits” to the public. Among other approaches, Boulder County believes that DOE-retained areas must be contained by robust fencing.</p> </div>	

Comment #	Letter #14 continued	Response
14-8	<p style="text-align: center;">-4-</p> <p>2. Funding for the Fish and Wildlife Department must be adequate to achieve and maintain any potentially hazardous situations that may be discovered at Rocky Flats in the future.</p> <p>While the Fish & Wildlife Draft CCP/EIS reiterates its commitment to goals of safety (pages 3 and 4), we fear that Fish and Wildlife has not been given sufficient resources to guarantee this end. Commissioner Paul Danish recommended in March to Chris Kearney, Deputy Assistant Secretary for Policy, Department of the Interior, that cold war sites and prior nuclear weapons sites that are being converted to wildlife refuges be treated and staffed in a fundamentally different manner from other wildlife refuges that do not have the same kind of contamination history that Rocky Flats and other similar sites have.</p> <p>It is unreasonable to expect the Department of Interior and Fish and Wildlife to manage these highly problematic properties through reliance on a reallocation of their already-scarce resources. The Department of Interior should ask Congress for additional funds as this serious oversight mandate should not be allowed to go unfunded. We re prepared to pursue this matter with our congressional delegation.</p>	<p>14-8. Thank you for your comment.</p> <p>14-9. Thank you for your comment.</p>
14-9	<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p>The funding for the Department of Interior and Fish and Wildlife should be increased accordingly to reflect its increased levels of responsibility for the Rocky Flats Wildlife Refuge.</p> </div>	

Comment #	Letter #14 continued	Response
14-10	<p style="text-align: center;">-5-</p> <p>3. Potential for identification and management of future “surprises”</p> <p>Despite continued efforts by Kaiser-Hill to clean up contamination, we have seen far too many examples over the past few years of “surprise” findings of hot radionuclide spots. There has been a history of contamination being discovered in unexpected places. Thus, we do not have the confidence we need to support an alternative such as Alternative B, which would permit extensive public use on the buffer portion of the refuge in the near future.</p> <p>While there have been no indications to date that there are any “hot spots” in the refuge buffer area, nor do we have the confidence that there has been adequate characterization of the buffer areas where public access is proposed, which would be needed to ensure that the refuge is a safe place for humans and horses.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>The Coalition is working through the RFCA process to make sure that the characterization of the buffer zone represents what’s really out there. We need the adequate time to work through this process, without rushing to permit access prematurely.</p> <p>We also believe procedures must be spelled out that clearly deal with future discoveries of hazardous materials.</p> </div>	<p>14-10. The Refuge will not be established until the EPA certifies that cleanup is complete, and that all of the lands that will become the Refuge would be safe for all of the proposed Refuge management activities, including public use. The Service has confidence that the characterization of the land that will become the Refuge is sufficient. The Service believes that it is very unlikely that significant contamination will be discovered on lands transferred to become the Refuge, but acknowledges that the discovery of previously unknown releases is possible. The Service does not intend to accept the transfer of administrative jurisdiction for any land at Rocky Flats until the Memorandum of Understanding between DOE and DOI, required by the Refuge Act, is finalized. It is the Service’s intent to ensure that the final MOU will contain specific provisions for responses to discovery of previously unknown contaminant releases. The FEIS was revised to include additional discussion of cleanup-related issues in Section 1.8.</p>

Comment #	Letter #14 continued	Response
14-11	<p data-bbox="352 302 380 323">-6-</p> <p data-bbox="352 383 569 404">4. Ecological impacts</p> <p data-bbox="411 427 1045 581">Our wildlife biologist staff in our Parks and Open Space Department, which monitors habitat immediately north of the Rocky Flats Refuge, states that the trail alignments in the Fish & Wildlife proposed Alternative B are all in sensitive riparian habitat in Rock Creek and Woman Creek, which would be counterproductive to the high wildlife value that these areas currently support.</p>	<p data-bbox="1230 342 1976 672">14-11. As noted in detail in response to comments made by Boulder County Parks and Open Space (letter #15), the Service disagrees with the assertion that the proposed trail alignments “are all in sensitive riparian habitat.” During the planning process, the Service took special care to plan trail configurations that would avoid and minimize impacts to riparian habitat. Of the 16.5 miles of trails that are planned for Alternative B, 0.4 miles, or 2% of trail would be within riparian habitat areas. The 0.4 miles of trail that are within riparian habitat areas are trail crossings, most of which are on existing roads. Adequate bridging and habitat restoration will be used to minimize trail impacts at these crossings.</p>
14-12	<p data-bbox="411 626 1035 813">Alternative B, proposed by Fish & Wildlife, would only allow five years of time to implement restoration and conservation efforts before public access would be allowed beyond access to Lindsay Ranch. The two alternatives Boulder County supports would each allow 15 years to keep the public out of the area while further analysis of the contamination level of the refuge is determined, which secondarily benefits most wildlife on the refuge.</p>	<p data-bbox="1230 695 1976 992">14-12. The Service acknowledges that weed management and ecological restoration would be a major issue on the Refuge, and for this reason the Service has elected to focus the first 5 years of Refuge management on habitat restoration. After 5 years, the Service believes that the modest amount of public use proposed in Alternative B would be compatible with on-going restoration efforts and would be protective of wildlife habitat needs. The Refuge would not be established until the EPA has certified that the characterization and analysis of the site is sufficient, and that subsequent cleanup activities have been completed.</p>
14-13	<div data-bbox="352 857 1136 1052" style="border: 1px solid black; padding: 10px;"> <p data-bbox="422 899 1087 987">In order to best protect wildlife on the refuge, which is the highest priority use as defined in the authorizing legislation, public access should not be permitted in ecologically sensitive areas.</p> </div>	<p data-bbox="1230 1015 1976 1192">14-13. As discussed in response to comment 14-11, the proposed public use facilities in Alternative B would avoid ecologically sensitive areas to the greatest extent possible. Trails within or in close proximity to sensitive areas such as the Rock Creek drainage would be managed to minimize potential impacts to sensitive wildlife species.</p>

Comment #	Letter #14 continued	Response
14-14	<p data-bbox="415 302 443 323">-7-</p> <div data-bbox="342 480 1127 878" style="border: 1px solid black; padding: 10px;"> <p data-bbox="415 521 1020 623">Conclusion: While we support the conversion of this land to a wildlife refuge, we see no need to rush to this status by permitting premature access by the public.</p> <p data-bbox="415 675 1020 816">We must take the time to make sure the lands where the public would be allowed are clean and safe, and that DOE and Fish & Wildlife have given us a plan to make sure people will not be able to access contaminated areas.</p> </div>	<p data-bbox="1230 342 1640 370">14-14. Thank you for your comments.</p>

Comment #	Letter #15	Response
<p>15-1</p> <p>15-2</p> <p>15-3</p> <p>15-4</p> <p>15-5</p>	<p style="text-align: center;">RECEIVED APR 26 2004</p> <p style="text-align: center;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 26, 2004</p> <p style="text-align: center;"><u>Comments on the draft Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement</u> February 2004 Draft</p> <p>The following general comments regard the four alternative management actions that have been proposed in this draft CCP/EIS. My comments are based on the perspective of a wildlife biologist who is responsible for wildlife management and ecological function of the adjacent Boulder County Parks and Open Space Department public lands:</p> <p>1- Acceptance of Alternative A would allow for a longer period of time (15 years) to keep the public out of the area while further analysis of the contamination level of the refuge was determined. This would secondarily benefit most wildlife on the refuge by eliminating any negative impact resulting from increased recreational activities. This alternative does not allow a sufficient level of active management to occur, however, which is necessary for recovery and maintenance of much of the habitat on the refuge. Thus, this alternative would be my second choice.</p> <p>2- Acceptance of Alternative B, the Preferred Action, would only allocate 5 years to implement restoration and conservation efforts before allowing public access. This shortened timeframe would result in less wildlife conservation management progress as other alternatives that limit public access to the property. When public access begins, resources would then undoubtedly be re-appropriated to provide for public service and would reduce funding for subsequent restoration and management efforts. Also, the trail alignments in Alt. B are all in sensitive riparian habitat in Rock Creek and Woman Creek. This would be counterproductive to the high wildlife value that these areas currently support.</p> <p>3- Alternative C also gives managers 15 years to address restoration issues while providing greater financial resources and staff to implement these activities. This alternative would be my preference, if it allowed hunting as a management tool or provided enough staff resources or CDOW involvement to cull ungulate herds as necessary to maintain ecological integrity. This alternative also minimizes the potential impact from the public by keeping the refuge essentially closed. A downside to this proposal, as written, would be the loss of the Lindsay Ranch homestead.</p> <p>4- Alternative D would not be preferred with respect to wildlife habitat and population restoration and subsequent conservation efforts. This alternative focuses primarily on public recreational use and would encourage more visitation, even though it would receive more funding for restoration and staffing. As mentioned earlier, increased public visitation would have some level of negative impacts to wildlife on the refuge.</p>	<p>15-1. Thank you for your comments.</p> <p>15-2. The Service agrees that Alternative A, No Action, would provide insufficient habitat management that could result in increased degradation of wildlife habitat due to the continued proliferation of noxious weeds. With regard to ongoing site characterization, the Refuge would not be established until the EPA has certified that the characterization and analysis of the site is sufficient, and that subsequent cleanup activities have been completed.</p> <p>15-3. Alternative B does not allocate “only 5 years” to implement restoration and conservation efforts. Those efforts will continue throughout the life of the plan, just as in Alternative C. Alternative B simply provides the first 5 years to concentrate on those restoration and conservation efforts before the majority of public uses are implemented.</p> <p>The Service disagrees with the assertion that the proposed trail alignments in Alternative B “are all in sensitive riparian habitat in Rock Creek and Woman Creek.” In the Rock Creek drainage, 0.3 miles, or 9% of the proposed 3.4 miles of trail would be within riparian areas. All of the trails that would cross through riparian areas would be on existing roads, and would be closed seasonally to protect sensitive wildlife species. The east-west multi-use trail near the Rock Creek drainage would be on the pediment top about 50 vertical feet above the drainage, and would be generally about 175 feet from the slope wetlands and between 300 and 600 feet from the stream bottom.</p> <p>In the Woman Creek drainage, 0.1 miles, or 2% of the proposed 4.6 miles of trail would be within riparian areas. Most of the proposed multi-use trail would be on an existing roads that are no less than about 150 feet from riparian habitat, with the exception of several small stream crossings that would use existing road crossings.</p>

Comment #	Letter #15 continued	Response
	<p>I have the following technical comments as well for some of the stated objectives and goals pertaining to wildlife management and/or habitat:</p> <ul style="list-style-type: none"> <li data-bbox="390 370 1041 521">• Soil types should be considered regarding the decision to accept prairie dogs from outside the refuge in the future. If FWS has to create artificial burrows to accommodate these prairie dogs, they would prove difficult to construct in the cobbly soils that encompass much of the area. Our experience on Boulder County open space north of the proposed refuge has shown this to be the case in very similar habitat. I would recommend wording to indicate that limitation, regardless of which alternative is accepted. <li data-bbox="390 548 1041 743">• The target acreages of prairie dogs in any of these options, from 500 to 1,000 acres, out of a total of 2,460 potentially available acres, could be problematic towards weed control and mixed/tall grass conservation. I suggest that FWS scale back the prairie dog acreage goals and incorporate existing protected prairie dog conservation acreage, on surrounding Boulder County, Jefferson County and City of Boulder public lands, in analyzing the best capacity for prairie dogs based on a landscape analysis, inclusive of these other surrounding protected lands. It would also be beneficial to have cooperative agreements in place with these surrounding jurisdictions to monitor and report sylvatic plague in the region. <li data-bbox="390 771 1041 938">• All current prairie dog colonies appear to be on the edges of the refuge. This will result in conflicts with neighboring landowners and municipalities undoubtedly as these colonies expand to the levels described in each alternative. The plan should outline strategies for buffer zones, containment and other management activities to address this situation. I would strongly recommend some type of IGA with the public land managers of Broomfield, Jefferson and Boulder Counties and the cities of Arvada and Boulder regarding prairie dog habitat and management on these border areas on the north, south and east perimeters of the refuge. <li data-bbox="390 966 1041 1068">• Prairie dog management as proposed in Alt. A could possibly be detrimental to future sharp-tailed grouse reintroductions, if they impacted the tall grass community that this species would utilize for cover. I would either reject this alternative for that reason, or modify it to include active management of prairie dog colonies where necessary, as given in Alt. C. <li data-bbox="390 1096 1041 1230">• The issue of impact to Preble's mouse populations from trail development was brought up in public hearings as well. Dr. Carron Meaney and associates recently completed a study for the City of Boulder OSMP on this topic of Preble's population response to recreational trails. I would recommend this information be incorporated into the decision of trail building along the riparian corridors. It was published in The Prairie Naturalist 34(3/4): September/December 2002. <li data-bbox="390 1258 1041 1317">• The issue of fencing around the DOE-retained core area has been brought up. If fencing is installed, I would encourage that a minimal design is used, just enough to enhance public understanding that it is a closed area, but not enough to inhibit 	<p>During the planning process, the Service took special care to plan trail configurations that would avoid and minimize impacts to riparian habitat. Overall, of the 16.5 miles of trails that are planned for Alternative B, 0.4 miles, or 2% of trail would be within riparian habitat areas. The 0.4 miles of trail that are within riparian habitat areas are trail crossings, most of which are on existing roads. Adequate bridging and habitat restoration will be used to minimize trail impacts at these crossings.</p> <p>15-4. Alternative C would not include public hunting on the grounds that the Refuge would be closed to all public access, with the exception of guided tours. There would be sufficient resources to control wild ungulates, if necessary, through selective culling.</p> <p>15-5. While Alternative D would have greater effects on wildlife and habitat than Alternative B, the Service believes that the effects would be compatible with the habitat management goals of the Refuge. Additional analysis (Table 14) has shown that the length of trail per acre in Alternative D would be lower than other nearby open space facilities.</p> <p>15-6. Section 3.6 of the DEIS and the FEIS, as well as Figure 19, includes an analysis of potential prairie dog habitat on the Refuge. This analysis was based on a habitat model that included soils.</p> <p>15-7. The Service acknowledges that sustainable prairie dog management needs to be balanced against other management concerns. Currently, there are 10 acres of prairie dog colonies at Rocky Flats, most of which are adjacent to Highway 128 and nearby County open space lands. The Service has carefully examined available habitat and historical prairie dog areas at Rocky Flats, and believes that the suggested limits for prairie dog expansion are appropriate guidelines to allow for sustainable prairie dog expansion. One of the purposes of these guidelines is to limit prairie dog expansion into xeric tallgrass communities.</p>

Comment #	Letter #15 continued	Response
<p>15-12</p> <p>15-13</p> <p>15-14</p>	<p>most wildlife movement through the core area (prairie dogs could be the exception to this).</p> <ul style="list-style-type: none"> Each alternative has proposed that grazing be allowed. Most of the focus is on high intensity-short duration grazing. This type of grazing would necessitate some level of prairie dog and/or noxious weed management to follow up this regime. We would suggest that either: having sufficient staff to monitor and control prairie dog/noxious weed growth on these grazed areas (opposite of what is proposed in Alt. A); or have outside researchers involved in monitoring this type of grazing regime and experimenting with alternate grazing regimes to HISD grazing, as proposed. These research contracts should be integral with this CCP. If any alternative besides Alt. A is chosen, then some level of on-the-ground human activity will be introduced to a location that has not experienced this type of human presence for at least 50 years. If one of these alternatives is implemented, we would suggest implementing some type of research on the impacts of human presence to the local wildlife populations, prior to the refuge being opened to the public. This would be an excellent opportunity to gather baseline data on populations, behavior, etc. and compare it to post-recreational impact results to these wildlife populations. <p>Thank you for the opportunity to comment on this CCP/EIS draft document.</p> <p>Mark Brennan Wildlife Specialist Boulder County Parks and Open Space Department</p>	<p>The Service appreciates the County’s suggestion regarding weed control issues, and has revised Objective 1.7 – <i>Prairie Dog Management</i> to better correlate prairie dog expansion and weed management efforts. Objective 5.2 – <i>Conservation</i>, outlines that the Service will work with adjacent jurisdictions to address cross-boundary resource management issues. Specific agreements would be arranged in the future on an as-needed basis.</p> <p>15-8. Objective 5.2 – <i>Conservation</i>, outlines that the Service will work with adjacent jurisdictions to address cross-boundary resource management issues. As most of the prairie dogs at Rocky Flats appear to be associated with populations across Highway 128 on County open space lands, this is a good example of an opportunity for the Service to work with the County on prairie dog management. Specific agreements would be arranged in the future on an as-needed basis.</p> <p>15-9. The Service agrees that unmanaged prairie dog expansion in Alternative A has the potential to adversely impact several sensitive resources, including sharp-tailed grouse habitat. However, this situation reflects realities of the “no action” scenario.</p> <p>15-10. Dr. Meaney’s article was considered in the analysis of potential trail impacts to Preble’s that is found in Section 4.6. In addition, see response to comment 15-3. All of the trails that are planned in Preble’s habitat would be located on existing roads, and that most of these areas would be subject to seasonal closures.</p> <p>15-11. Thank you for your comment. While the exact nature of the fencing around the DOE retained area is the responsibility of the RFCA parties, the Service has recommended a four-strand barbed-wire fence and/or obelisks that allow for the movement of wildlife across the site.</p> <p>15-12. Managed grazing would be permitted in Alternatives B and C. As any grazing regime would be highly managed, Refuge staff would monitor its results and any adverse effects. Specific plans grazing regimes management and monitoring would be identified in a step-down Vegetation and Wildlife Management Plan.</p>

Comment #	Letter #15 continued	Response
		<p>15-13. While the Service agrees that the proposed alternatives would change the nature and frequency of human uses in the buffer zone, these changes are not anticipated to adversely affect wildlife under any alternative. The Service believes that the phased implementation plan would allow for wildlife and Refuge managers to adjust to new human uses on the Refuge. Objective 5.3 – <i>Research</i>, would encourage scientific research related to the impacts of public use on wildlife populations. However, the Service does not believe that it is necessary to suspend public use until such research is completed.</p> <p>15-14. Thank you for your comments.</p>

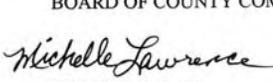
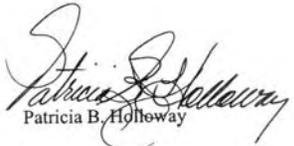
Comment #	Letter #16	Response
16-1	 <p data-bbox="632 264 751 285">April 26, 2004</p> <p data-bbox="856 219 1087 237">Board of County Commissioners</p> <p data-bbox="947 254 1087 357">Michelle Lawrence District No. 1 Patricia B. Holloway District No. 2 Richard M. Sheehan District No. 3</p> <p data-bbox="793 342 989 509">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="312 420 678 553">Rocky Flats NWR Comprehensive Conservation Plan Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR - Building 121 Commerce City, CO 80022-1748</p> <p data-bbox="312 574 974 620">Re: Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge, February, 2004</p> <p data-bbox="312 643 415 662">Dear Laurie:</p> <p data-bbox="312 686 1068 774">Thank you for providing Jefferson County with the opportunity to comment on the "Draft Comprehensive Conservation Plan & Environmental Impact Statement" for Rocky Flats National Wildlife Refuge. We continue to appreciate both yours and Dean Rundle's time and commitment to exploring the best outcome for this area.</p> <p data-bbox="312 797 1068 995">As you are aware, the predominant land area of Rocky Flats is within unincorporated Jefferson County. We therefore have deep appreciation for the assets that the Wildlife Refuge can provide the regional community and at the same time integrate with the surrounding open space programs particularly Jefferson County's Open Space Program. Jefferson County helped pioneer the open space movement in Colorado by establishing a very successful program over three decades ago. We will continue to pledge to make our experience and expertise available throughout the process. We are also one of the founding members of the Rocky Flats Coalition of Local Governments. With that being said we truly have a vested interest in the outcome of the management of the refuge and its integration with our County plans.</p> <p data-bbox="312 1018 1068 1149">In addition, we encourage the continual communication between the Department of Energy (DOE) and the United States Fish and Wildlife Service (Service) to the extent possible, minimize the DOE's footprint within the Industrial area. We will continue to have as our highest priorities the public health safety and welfare of our citizens and visitors to Jefferson County. In so doing, we want to see maximum clean up efforts and minimization of the residual contamination. Thus returning this once weapons factor for the Cold War era to land for creating a wildlife refuge.</p> <p data-bbox="312 1172 1068 1282">We reviewed the document and continue to support the preferred alternative "Alternative B: Wildlife, Habitat & Public Use (Proposed Action)" with modifications. This alternative with modifications encompasses the appropriate balance between compatibility with Jefferson County's planning efforts, the recognition of historic use as a Weapon's production plant, the cleanup efforts by the Department of Energy, public use/safety and the ecological/wildlife</p> <p data-bbox="529 1330 854 1377">100 Jefferson County Parkway, Golden, Colorado 80419 (303) 279-6511 http://jeffco.us</p> 	<p data-bbox="1228 305 1961 362">16-1. Thank you for your comments. The configuration of the DOE retained area will be decided by the RFCA Parties.</p>

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	<p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Two</p> <p>components the site has to offer. The site in itself is so large that people forget to look at the site as a set of subsystems that don't necessarily need to have one solution for the entire site. By example, the Town of Superior is only ¼ the size of the current Department of Energy owned land.</p> <p>In addition to our previous comments documented in the June 20, 2003, letter from the Jefferson County Board of Commissioners to Dean Rundle, we are re-emphasizing some of the issues below:</p> <p>Recommended modifications:</p> <p>Wildlife and Habitat Management:</p> <p>16-2 □ Reaffirmation of Weed Management: Jefferson County employs various options and methods to address weed management issues throughout the County. Given the challenges of many invasive species, Jefferson County feels the Service should keep all its options open to address weed problems and be aggressive in combating the problem. It is also a key to ecological restoration. Prescribed controlled burns, grazing, mowing and spraying programs may be necessary to limit weed infestation on-site as well as the spread of weeds off-site. Close monitoring and coordination with all surrounding jurisdictions is a key to controlling and capturing the synergy of joint efforts.</p> <p>We concur with Alternative B recommendations.</p> <p>Public Use, Education & Interpretation:</p> <p>16-3 □ Lindsay Ranch - We are appreciative of Senator Allard's and Congressman Udall's intent in the Rocky Flats Wildlife Refuge legislation, as requested by Jefferson County, to preserve and where possible rehabilitate the Lindsay Ranch structures. This irreplaceable remnant of our pioneer heritage needs stabilization and reliable funding to continue as a reminder of bygone era. We are unaware of any property in Jefferson County that can provide a more fitting example of early twentieth century ranching than the Lindsay Ranch and once again encourage the total preservation of the Ranch. Recently the Service and Jefferson County staff had discussions and it is our understanding of the Service's interpretation of the bill language is that you still could remove any and all ranch structures. At this time we are adamantly opposed to the demolishing of any structures and request that a detail structural report be completed outlining the costs of rehabilitation, maintenance and interpretation all structures associated with the Lindsay Ranch. Our goal is to see that all structures remain, to provide the contextual relationship of the ranch and be open to the public. Any structures removed diminish the sense the public could gain of this bygone</p>	<p>16-2. The Service agrees that if weed management efforts are to be successful, a broad range of management tools needs to be available. The Service would work with Jefferson County and other jurisdictions in the development of step-down management plans, including an Integrated Pest Management Plan.</p> <p>16-3. During the winter of 2003/2004, the Service, in partnership with DOE, the Cold War Museum, and the Jefferson County Historical Society, stabilized the Lindsay barn, which was severely damaged during the March 2003 blizzard. The east and west wings were essentially rebuilt. After evaluation of the farmhouse, the Service has concluded that it is in a dilapidated condition and may be weathered beyond repair. The Service has retained the option of demolishing the farmhouse if it poses a significant safety hazard to Refuge visitors. Chapter 3 of the Final CCP/EIS includes additional information on the history and present condition of the Lindsay Ranch.</p> <p>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. The Service agrees that the house can be interpreted whether it remains standing or not 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.</p>

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	<p data-bbox="327 250 638 337">Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Three</p> <p data-bbox="384 383 1045 470">era. Therefore, if the house, determined through this structural study (performed by a person experienced with expertise on such issues), proves to be impractical for restoration then it should be allowed to remain until it deteriorates with appropriate safeguards for viewing the exterior.</p> <p data-bbox="384 493 1071 537">Alternative B still does not preserve all the buildings. We encourage the USFWS to pursue keeping all structures.</p> <p data-bbox="144 560 1079 820">16-4 □ Trail Loops: The County appreciates the efforts the Service has engaged in working with the surrounding communities on trailheads and access within the site. Traditionally, the citizens of Jefferson County and those using the Jefferson County Open Space system have visited and appreciated the various ecosystems of the County through carefully planned trail systems. We strongly encourage the addition of carefully planned trail loops, the Rocky Flats Wildlife Refuge can serve its mission through a series of trails that are sensitive to habitat and wildlife needs, and inform neighbors and visitors of this resource. The trail loops provide an inviting experience to the public and minimizes the overuse of any one trail. Our experience shows that dead-end trails increases deterioration of the trail and reduces the enjoyment of trail users. Given the size of the refuge and the existing roads, we believe a balance can be found to meet everyone's needs.</p> <p data-bbox="144 834 1066 1019">16-5 In addition the Draft Comprehensive Conservation Plan & Environmental Impact Statement Alternative B indicates that the only trail to open at the onset of USFWS management is the trail to the Lindsay Ranch. Other trails would not open until 5 years into the 15-year plan. We recommend that if trails, particularly those on the southern portion of the site, can be open sooner, the USFWS should not bind themselves with this document to the 5 years. We believe to put such a limitation of 5 years in the document is too premature. Trail opening could be tied to reduction of the roadway footprint to a trail and to other regional trail connections.</p> <p data-bbox="144 1019 1073 1195">16-6 □ Addition of the analysis of potential Colorado Front Range Trail inclusion on the Refuge -- The vision for the Governor's Colorado Front Range Trail calls for a 725-mile network of trails connecting Fort Collins in the north to Trinidad in southern Colorado. While the issue has been discussed through this planning process, little or no analysis has been provided to look at the reasonableness/viability of such a corridor through the Refuge. We request that this analysis be part of the management planning process to provide factual data on the opportunities and impacts of such a corridor.</p> <p data-bbox="384 1218 722 1239">No analysis was provided in the DRAFT.</p>	<p data-bbox="1226 258 1969 618">16-4. Several jurisdictions have suggested additional trail loops in the southern part of the Refuge. Revisions to the Alternative B trails include a trail connection to the southwest, a more direct connection to the east, and a new southern east-west trail alignment that provides a more diverse and higher quality trail experience. These trail revisions do not significantly change the total length of trails in Alternative B. The Service believes that the significant additions to the trail system would no longer strike the balance between public use and habitat management that Alternative B seeks to achieve, would add to the overall trail length without contributing to the quality of the experience, and would add to the cost of trail maintenance.</p> <p data-bbox="1226 641 1969 971">16-5. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service has elected to maintain the public use implementation plan that was proposed in the Draft CCP/EIS. 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. However, Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow greater flexibility in opening additional trails in the first five years if conditions and funding allow.</p> <p data-bbox="1226 993 1969 1138">16-6. In the DEIS and FEIS, the Front Range Trail was considered to be a Reasonably Foreseeable Activity that was planned to occur outside of the Refuge. None of the alternatives considered incorporating the Front Range Trail onto the Refuge, and thus the effects were not analyzed.</p> <p data-bbox="1226 1161 1969 1369">In developing the alternatives, the Service examined if the Front Range Trail could be accommodated on a portion of the site, and found that there are currently no reasonable alternatives for locating the trail on the Refuge. The Service does not have a lead role in planning the Front Range Trail, but will work with state agencies and local government proponents if any future trail alternatives are developed that include the Refuge.</p>

Comment #	Letter #16 continued	Response
	<p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Four</p> <p>16-7</p> <ul style="list-style-type: none"> □ Equestrian access: Jefferson County with its rich history of pioneer settlement, cattle and horse ranching and equestrian activities continues to this day with its equestrian tradition. Our Open Space areas share hundreds of miles of equestrian trails, the most prolific trail system in Colorado. In addition, access and connections to city and recreation district trails serve both Jefferson County and Boulder County equestrian populations. The Rocky Flats Wildlife Refuge should provide the necessary link between trails. If any issue was strongly expressed by the Jefferson County Open Space Advisory Committee, it was for the inclusion of equestrian trail uses within the refuge. <p>We are pleased that Alternative B is inclusive of equestrian use at least in the south side of the site.</p> <p>Safety: No comments</p> <p>16-8</p> <p>Open & Effective Communication:</p> <ul style="list-style-type: none"> □ We strongly encourage the continuation of the open communication throughout the planning process and continue the coordination/partnership with the surrounding communities once the site officially becomes the Refuge. <p>16-9</p> <p>Working with Others:</p> <ul style="list-style-type: none"> □ We have several resources that the Service should explore that are utilized by Jefferson County including volunteers, the Jefferson County Historical Society, etc. □ As part of the Emergency planning efforts, the County has an Emergency Management Coordinator and the Sheriff's Department that has worked with the site to help with various issues. □ As noted in the document: "Coordinate ... mineral rights issues, and highway planning along Indiana with local open space agencies and adjacent landowners." Please revise to say "with local governments" since some of the issues (mineral rights and transportation) for Jefferson County are coordinated through the County Administrator's office. <p>16-10</p> <p>16-11</p> <p>16-12</p> <p>Refuge Operations:</p> <ul style="list-style-type: none"> □ While we are not in the position to comment on the number of FTEs needed for the management of the Refuge, we do want to express our view of the intent of proper and effective management. The staffing of the Refuge should address the adopted alternative. As in the case of Alternative B providing trail loops, trail heads and interpretation, there should be enough presence to monitor proper use and enforce regulations protecting the sited and resources. There should be adequate staffing to cover the entrances, circulate around the site and be available on-site during the hours the Refuge is open to the public. Certainly an after hour staff presence would be nice, however, contract security may be 	<p>16-7. Alternative B includes equestrian access on the trails in the southern part of the Refuge, under the stipulations that are described in the Compatibility Determination in Appendix B.</p> <p>16-8. The Service is looking forward to continued collaboration with the County and other nearby jurisdictions. Working with others is one of the six planning goals of the Refuge.</p> <p>16-9. The Service would consider these and other resources during the management of the Refuge.</p> <p>16-10. The Service would work with the County to establish appropriate emergency response protocols.</p> <p>16-11. The FEIS was revised accordingly.</p> <p>16-12. The Service does not anticipate a constant law enforcement presence on the Refuge. However, the Service does believe that the proposed levels of staffing are sufficient to implement the management objectives that are proposed in the CCP. Resources would be shared across the refuge complex that includes the Rocky Mountain Arsenal NWR and Two Ponds NWR.</p>

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	<p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Five</p> <p>adequate during those hours. Additionally, we are assuming the number of FTEs includes those who will assist in the restoration efforts.</p> <p>From our expertise it appears that the number of FTEs appears to be ½ of what would be needed to provide adequate management.</p> <p>Other comments:</p> <p>16-13 □ Perimeter Fencing: Early in the process of the draft legislation, a key issue voiced by the city of Arvada was the issue of fence type since the location of Rocky Flats is at the gateway to the city and to Jefferson County. No mention was made in the proposed management plan, so Jefferson County wants to voice their support for the city of Arvada’s position to minimize the use of obtrusive fencing and support the concept of a traditional three-strand cattle fence, with stays, around the perimeter of the Refuge.</p> <p>We do support the position to demarcate lands that will be retained by the Department of Energy and to post any necessary information to communicate to the general public of the restricted access.</p> <p>16-14 □ Transportation Corridor: As you are aware, a major transportation corridor is needed through this portion of Jefferson County. Jefferson County, and the cities of Golden, Lakewood, Wheat Ridge, Arvada and Westminster, completed a two year study known as the Northwest Quadrant Feasibility Study which identified the need to preserve 300-foot of right-of-way generally along the Indiana corridor. The implementation of this finding through the efforts of the Governor and local elected officials has progressed and the Colorado Department of Transportation (CDOT) is initiating the Environmental Impact Statement (EIS) for the corridor. We support the Service in their efforts to identify the impacts of the 300-foot corridor along the west side of Indiana to determine the impacts as it relates to the management of the Refuge. However, we do not see the Service as transportation planners and request the determination of appropriate transportation right-of-way width be a part of the EIS that will be completed by CDOT. The Service analyzing the entire 300-foot width should identify all impacts identified for the Service. It is not the function, nor is it within the expertise of the Service to determine the width of the potential transportation corridor.</p> <p>Analysis was provided within the document however, at times, statements were made without measurable data. Minimal comments should be made and the “Northwest Corridor Environmental Impact Statement” should fully explore each issue and the cumulative impacts.</p>	<p>16-13. As required by the Refuge Act, the Service analyzed different fencing options in Section 4.15 – <i>Fencing Considerations</i>. A barbed-wire boundary fence was recommended for all alternatives. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>16-14. The DEIS and FEIS identify those resources that fall within a distance of 50, 125, 300 feet from Indiana. The Service acknowledges that the transfer of land for the purposes of transportation improvements is DOE’s responsibility and would occur prior to the establishment of the Refuge. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p>

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	<p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Six</p> <p>16-15</p> <ul style="list-style-type: none"> <input type="checkbox"/> Mineral Rights: Jefferson County understands the Service’s position on not managing lands without the acquisition of the mineral rights. However, we have always been clear in our position: We can support Federal ownership of the rights, provided that they can be acquired from a willing seller and request you take appropriate steps to work with the owners of the mineral rights to secure the ownership. <p>16-16</p> <ul style="list-style-type: none"> <input type="checkbox"/> 15-year Phasing: The Rocky Flats site has a long history of closure and restricted access. With the impending changes in land utilization coupled with several very concerned and involved communities along the Front Range, it is important to introduce the public to the site as soon as it is reasonably possible. These are communities that appreciate open lands and wildlife and the values they bring. As with the arsenal site, public access, understanding and appreciation will further the role of the Service in keeping this resource available to millions of Metro Denver’s residents. Unlike the arsenal, this site will be “clean” before the management is turned over to the Service, therefore, public use can be more flexible. Jefferson County, therefore, is hoping that select portions of the Refuge would be opened for public use as soon as is possible – almost immediately. We don’t want to see analysis paralysis. We also encourage the Service, in conjunction with the local government partners, to take advantage of the next three years before the official transfer of the land, to explore the opportunities for immediate public access. For example, large tracts of “buffer” lands never received direct manufacturing impacts from plant operations and have remained virtually the same since our early pioneer days. They are great examples of both tall and short grass prairie lands and prairie ecosystems that can be combined with public use to find the appropriate balance for the Refuge. <p>16-17</p> <ul style="list-style-type: none"> <input type="checkbox"/> Several references were made to “pre-settlement” conditions throughout the document. It would be helpful to quantify what “pre-settlement” conditions are. <p>16-18</p> <p>Thank you once again for the opportunity to comment. Please do not hesitate to contact us or Nanette Neelan, Assistant County Administrator, for any additional information or assistance. We are looking forward to the partnership in this Jefferson County jewel!</p> <p>Sincerely,</p> <p>BOARD OF COUNTY COMMISSIONERS</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Michelle Lawrence Chairman </div> <div style="text-align: center;">  Richard M. Sheehan </div> <div style="text-align: center;">  Patricia B. Holloway </div> </div>	<p>16-15. Thank you for your comments.</p> <p>16-16. See response to comment 16-5.</p> <p>16-17. The FEIS was revised to clarify the meaning of “pre-settlement” conditions to be a conceptual goals for habitat restoration based on ecological conditions that existed prior to ranching and modern use and disturbance of the site. This definition has been added to the glossary.</p> <p>16-18. Thank you for your comments.</p>

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	<p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Seven</p> <p>BCC/mm</p> <p>c: Colorado Congressional Delegation Jefferson County Open Space Advisory Committee David Abelson, RFCLoG Executive Director Patrick Thompson, County Administrator Nanette Neelan, Assistant County Administrator Ralph Schell, Open Space Director Ken Foelske, Open Space Manager Dannie Brindle, Public Works Director Richard Turner, Planning Director</p>	

Comment #	Letter #17	Response
<p>17-1</p> <p>17-2</p>	<div data-bbox="304 214 428 337"> </div> <div data-bbox="430 248 722 295"> <p>City of Golden</p> </div> <div data-bbox="869 237 1136 297"> <p>911 Tenth Street, Golden, Colorado 80401 Telephone: 303/384-8000 - Facsimile: 303/384-8001 www.ci.golden.co.us</p> </div> <div data-bbox="888 318 1045 365"> <p>RECEIVED</p> </div> <div data-bbox="900 371 1024 409"> <p>APR. 25 2004</p> </div> <div data-bbox="856 415 1045 467"> <p>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <div data-bbox="357 342 478 367"> <p>April 22, 2004</p> </div> <div data-bbox="354 409 709 566"> <p>Rocky Flats National Wildlife Reserve Comprehensive Conservation Plan Attn: Planning Team Leader Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, CO 80022</p> </div> <div data-bbox="354 609 512 631"> <p>Dear Ms. Shannon:</p> </div> <div data-bbox="352 651 1052 787"> <p>Golden City Council appreciates your agency taking the time to brief us on the proposed alternatives for wildlife and resource management and public uses at Rocky Flats National Wildlife Refuge (RFNWR). We commend you for your efforts to ensure the project's goals and objectives are compatible with neighboring communities. We welcome the opportunity to review the alternatives and recommend the draft proposed action <i>Alternative B – Wildlife, Habitat & Public Use</i>.</p> </div> <div data-bbox="352 807 1052 987"> <p>This alternative best fits Golden City Council's desire for a balance between public use and protection of wildlife. Alternative B maintains strict control over access to areas with remaining residual contamination. We support plans included in Alternative B for trails in both the northern and southern regions of the site, with equestrian capabilities in the south as well. Alternative B is also desirable due to its openness to limited hunting capabilities and the unique use of part of the site especially for handicapped hunters. We believe the addition of multiple overview sites will provide excellent educational opportunities for visitors to gain perspective.</p> </div> <div data-bbox="352 1005 1050 1076"> <p>In addition to supporting Alternative B, Golden City Council urges you to take all action possible to preserve and restore the Lindsay Ranch barn to the greatest extent possible. The barn is a tremendous piece of history on the site, and provides great insight.</p> </div> <div data-bbox="352 1094 438 1118"> <p>Sincerely,</p> </div> <div data-bbox="352 1154 699 1206"> <p> _____ Charles J. Baroch, Mayor</p> </div> <div data-bbox="732 1117 1041 1206"> <p> _____ Bob Nelson – Mayor Pro-Tem</p> </div>	<p>17-1. Thank you for your comments.</p> <p>17-2. Alternative B includes the stabilization and interpretation of the Lindsay Ranch barn.</p>

Comment #	Letter #18	Response
	 <p data-bbox="436 240 724 284">City of Golden</p> <p data-bbox="877 227 1144 284">911 Tenth Street, Golden, Colorado 80401 Telephone: 303/384-8000 - Facsimile: 303/384-8001 www.ci.golden.co.us</p> <p data-bbox="924 341 1081 389">RECEIVED</p> <p data-bbox="955 397 1081 446">APR 25 2004</p> <p data-bbox="892 446 1081 495">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="331 414 451 435">April 22, 2004</p> <p data-bbox="331 462 640 568">Laurie Shannon Rocky Flats National Wildlife Refuge US Fish and Wildlife Service Rocky Mountain Arsenal Building 121 Commerce City, CO 80022</p> <p data-bbox="331 592 745 613">Via email laurie.shannon@rf.doe.gov and US Mail</p> <p data-bbox="331 657 1050 722">Re: Comments of City of Golden on Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for Rocky Flats National Wildlife Refuge</p> <p data-bbox="331 747 483 768">Dear Ms. Shannon:</p> <p data-bbox="331 795 1071 925">In accordance with the Federal Register Notice at 69 FR 11853, I am submitting this comment letter for the City of Golden (Golden) as an addition to the comments submitted to you on April 21 by Mayor Chuck Baroch and Mayor-Pro Tem Bob Nelson. Golden is one of the cities identified in section 3178(b) of the Rocky Flats National Wildlife Refuge Act of 2001 (Act), Public Law 107-107, as participants entitled to direct involvement in the comprehensive planning process.</p> <p data-bbox="331 950 1081 1063">Golden supports plans to ensure that the Refuge will be managed to provide for conservation and preservation of native habitats and wildlife, as well as further preservation of the unique Mountain Backdrop along the Front Range. It also seeks to ensure that the planning process will adequately identify and minimize the effects that any transportation projects that may be located along the east side of the Refuge will have on the Refuge's resources and the region as a whole.</p> <p data-bbox="331 1079 598 1101">Transportation Corridor Issues</p> <p data-bbox="331 1120 1081 1209">The Act explicitly directs FWS to plan for and make recommendations in the CCP regarding a transportation corridor of up to 300 feet in width along Indiana Street on the eastern boundary of the Refuge. FWS's mandate is to protect the resources contained within the Refuge and ensure the biological viability of wildlife resources and habitat.</p> <p data-bbox="331 1226 1071 1299">Pursuant to the Act, the CCP shall "address and make recommendations on ... the identification of any land" that may be made available for the transportation corridor. Act at § 3178(d)(1). The Act clearly contemplates that FWS will exercise judgment regarding the extent of the 300-</p>	<p data-bbox="1228 259 1627 284">18-1. Thank you for your comments.</p> <p data-bbox="1228 308 1974 454">18-2. The Service does not have the authority to determine the extent (up to 300 feet) of a transportation corridor that could be made available. The transfer of land for the purposes of transportation improvements is DOE's responsibility and will occur prior to the Refuge establishment.</p> <p data-bbox="1228 487 1974 787">The DEIS identifies those resources that fall within a distance of 50, 125, and 300 feet from Indiana. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p>

Comment #	Letter #18 continued	Response
	<p>foot corridor that could be made available and how the transportation corridor will interact with management of the Refuge. FWS has the ability and the obligation to plan for a smaller corridor.</p> <p>If Congress had meant FWS merely to identify the 300-foot maximum corridor already identified in the Act, the language requiring FWS “to address and make recommendations on . . . identification of land . . . that could be made available” would be surplus. The requirement to address the transportation corridor in the CCP, coupled with the requirement in the Act that an applicant show that a project would minimize impacts on FWS’s <i>management</i> of the Refuge, <i>id.</i> at § 3174(e), contemplates that FWS will establish objective criteria regarding the corridor that will inform whether a proposed project would adequately “minimize adverse effects on the management of Rocky Flats as a wildlife refuge.” This the Draft CCP fails to do.</p> <p>18-3 The Draft CCP selects three corridor widths (50, 125 and 300 feet) and, in Chapter 4, attempts to quantify the extent of impact to various Refuge resources in each of these three hypothetical corridors. While this is a useful exercise in predicting the rough parameters of impact, it does not assist in meeting the statutory requirement of providing objective criteria for evaluating an application for a corridor, when submitted.</p> <p>18-4 The Act provides that, upon submission of an application by “any county, city, or other political subdivision of the State of Colorado,” DOE, in consultation with the Secretary of Interior, “shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.” Act at § 3174(e). The application must include documentation demonstrating that: (1) <i>the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge</i>; and (2) the transportation project is included in the regional transportation plan of the Denver Regional Council of Governments (“DRCOG”). <i>Id.</i> The land made available “may not extend more than 300 feet from the west edge of the Indiana Street right-of-way.” <i>Id.</i></p> <p>The Act does not provide explicit standards or criteria by which DOE would determine if a transportation project would minimize potential impacts on the Refuge. However, the language of the Act directed at the minimization of the “adverse effects on the <i>management of Rocky Flats as a wildlife refuge</i>” indicates that FWS – as the designated manager and planner for the Refuge – would provide such standards through the CCP. FWS’s plans for managing and protecting the Refuge resources will provide the criteria for determining how a transportation proposal will affect the Refuge’s management. In this case, the CCP will supply the standards by which minimization of impacts to Refuge management will be determined. FWS must develop these standards as part of its duties under the Act and the Refuge System Act. These standards are omitted from the Draft CCP, and Golden submits that those elements should encompass, at a minimum, the following:</p> <ul style="list-style-type: none"> • <u>Use of the narrowest practicable right-of-way.</u> • <u>Development of a complete inventory of resources in the corridor and assessment of their importance to FWS’s management of the Refuge.</u> 	<p>18-3. The Service disagrees with the City’s interpretation that the Refuge Act requires “objective criteria” for evaluating an application for a corridor. If an application is submitted to DOE for the corridor, the Service would work with the applicant and the DOE to minimize the impacts of transportation improvements to the Refuge. See response to comment 18-4 for additional discussion.</p> <p>18-4. The Refuge Act directs the Service to make recommendations on land that could be made available for transportation improvements. To that end, the FEIS includes a new Section 4.16, which discusses potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p>

Comment #	Letter #18 continued	Response
18-5	<ul style="list-style-type: none"> • <u>Development of standards for the potential use of the transportation corridor to ensure a minimum of impacts to the management of the Refuge pursuant to the Act.</u> A proposed transportation project would minimize impacts to the management of the Refuge only if: <ul style="list-style-type: none"> ○ <i>No other practicable offsite alternative would meet environmentally appropriate transportation objectives.</i> ○ <i>It uses the minimum amount of Refuge property necessary to meet the environmentally appropriate transportation objectives.</i> ○ <i>It provides all reasonably available mitigation measures to minimize impacts to Refuge habitat, migration routes, water quality, air quality, and other resources.</i> ○ <i>It minimizes effects to offsite resources that are important to the management of the Refuge, such as adjacent areas of open space used as habitat by Refuge species, streams, viewsheds, and open space recreational activities, and to the regional environment.</i> 	<p>18-5. See response to comment 18-4.</p> <p>18-6. See response to comment 18-4.</p> <p>18-7. The FEIS was revised to describe the types of cumulative impacts that adjacent urban development may have on the Refuge.</p> <p>18-8. Rocky Flats was not included as critical habitat for the Preble’s because it was designated to become a National Wildlife Refuge and the mouse would be protected as a result. While the DEIS states that the Refuge was not included in the critical habitat designation for the Preble’s, the Service disagrees with the assertion that this statement of fact implies that “its habitat may be taken and used for conflicting purposes.” During the critical habitat designation process, the Service directed that areas outside of the critical habitat designation will continue to be subject to conservation actions and regulatory protections (69 Fed. Reg. 37295).</p>
18-6	<p>Even aside from the specific requirement in the Act to address the transportation corridor, FWS cannot plan for the Refuge without addressing the effects of use of the transportation corridor. The Refuge System Act requires that comprehensive conservation plans identify and describe “significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems.” 16 U.S.C. § 668dd(e). A highway corridor that would cut through critical habitat for an endangered species, wetlands, and rare xeric tallgrass prairie habitat qualifies as a problem that may affect habitat within the planning unit. Therefore, the CCP Plan must identify impacts associated with the use of the transportation corridor and the actions necessary to mitigate them. Discussion of impacts merely as a cumulative impacts issue under NEPA is insufficient.</p> <p>Impacts of Other Nearby, Foreseeable Development on Refuge Resources</p>	<p>The Final CCP/EIS identifies up to 8.5 acres of potential Preble’s habitat that would be included in a 300-foot transportation right-of-way. While the revised discussion in Section 4.16 includes general concerns related to habitat impacts related to Refuge management, it is not the Service’s responsibility to analyze the potential direct impacts of yet unknown transportation improvements.</p>
18-7	<p>The CCP makes only a passing reference to future development adjacent to the southern boundary of the Refuge (CCP at 67). The CCP acknowledges that this development is “Reasonably Foreseeable.” <i>Id.</i> In its dual role as an Environmental Impact Statement and Plan for the Refuge, the CCP must be revised to disclose, discuss and plan for the probable impacts of this intensive residential and commercial development (called Vauxmont) on the Refuge and its resources. 40 CFR 1508.7. As currently drafted, the CCP/EIS inadequately discusses these impacts. Foreseeable development on any of the Refuge’s other external boundaries must likewise be discussed. <i>Id.</i></p> <p>Endangered Species Impacts</p>	
18-8	<p>With respect to the Preble’s Mouse, the Draft CCP states that the proposed Refuge contains no designated critical habitat for the Mouse, implying that its habitat may be taken and used for conflicting purposes. (CCP at 111) While it is accurate to state</p>	

Comment #	Letter #18 continued	Response
	<p>that the final critical habitat rule did not designate critical habitat within the proposed Refuge, see 68 Fed. Reg. 37276 (June 23, 2003), the implication, if it was intended by FWS, is incorrect. The rule makes clear that the refuge contains the <i>de facto</i> critical habitat of the Mouse, and as such that habitat enjoys protection from taking under section 9 of the Endangered Species Act. 68 Fed. Reg. at 37,305 (“The Service will manage the refuge in a manner to conserve the Preble’s. For that reason, we find that the Rocky Flats site is not in need of special management measures.”). <i>See e.g. Palila v. Hawaii</i>, 852 F.2d 1106 (9th Cir. 1988). Again, it is necessary to identify the planning measures by which the CCP can ensure no takings of the Preble’s Mouse, and the conservation of the Preble’s Mouse, in the context of the transportation corridor.</p> <p>Sincerely,</p>  <p>Michael C. Bestor City Manager</p>	

Comment #	Letter #19	Response
19-1	<p style="text-align: center;">CARLSON, HAMMOND & PADDOCK, L.L.C. ATTORNEYS AT LAW</p> <p>MARY MEAD HAMMOND WILLIAM A. PADDOCK LEE H. JOHNSON KARL D. OHLSEN BETH ANN J. PARSONS</p> <p style="text-align: center;">1700 LINCOLN STREET, SUITE 3900 DENVER, COLORADO 80203-4539</p> <p style="text-align: center;">TELEPHONE (303) 861-9000 TELECOPIER (303) 861-9026</p> <p style="text-align: center;">April 23, 2004</p> <p>Laurie Shannon Planning Team Leader Rocky Mountain Arsenal National Wildlife Refuge Building 121 Commerce City, CO 80022-1748</p> <p>Re: <i>The Draft Comprehensive Conservation Plan and Environmental Impact Statement</i>, dated February 2004</p> <p>Dear Ms. Shannon:</p> <p>I am writing on behalf of the Woman Creek Reservoir Authority. The Woman Creek Reservoir Authority ("Authority") appreciates the opportunity to comment on the <i>Draft Comprehensive Conservation and Environmental Impact Statement (CCP/EIS)</i> for the Rocky Flats National Wildlife Refuge (RFNWR). The Authority is a political subdivision and a public corporation of the State of Colorado. Its membership is comprised of the cities of Westminster, Northglenn, and Thornton. The Authority owns property adjacent to the proposed refuge area.</p> <p>The Authority supports the draft proposed action "Alternative B - Wildlife Habitat & Public Use." Alternative B allows for public use of the refuge, protection of wildlife and habitat, and controlled access to areas with residual contamination. In addition, please incorporate by reference the City of Westminster's April 21, 2004 letter containing comments to the CCP/EIS for the RFNWR.</p> <p>The Authority expects that it will be involved in and informed of any future action regarding the RFNWR, and would also like to participate and comment on the CCP/EIS final plans. Thank you, once again, for the opportunity to comment.</p> <p style="text-align: center;">Sincerely,  Lee H. Johnson Attorney for the Woman Creek Reservoir Authority</p> <p>Cc: Bud Hart Mary Fabisiak Ron Hellbusch James Holladay Rocky Flats Coalition of Local Governments LHJ:acj-1548,373</p>	<p>19-1. Thank you for your comments. See responses to the City of Westminster's comments (letter #12).</p>

Comment #	Letter #20	Response
<p>20-1</p> <p>20-2</p> <p>20-3</p>	<div style="text-align: center;"> <h2>Alliance for Nuclear Accountability</h2> <p><i>A national network of organizations working to address issues of nuclear weapons production and waste cleanup</i></p> </div> <div style="text-align: right; margin-right: 50px;">  </div> <p>Member Groups American Friends Service Committee Denver, CO</p> <p>Blue Ridge Environ. Defense League Glendale Springs, NC</p> <p>Carolina Peace Resource Center Columbia, SC</p> <p>Citizen Alert Las Vegas, NV</p> <p>Coalition for Health Concern Benton, KY</p> <p>Concerned Citizens for Nuclear Safety Santa Fe, NM</p> <p>Fernald Residents for Environmental Safety and Health, Inc. Ross, OH</p> <p>Global Resource Action Center for the Environment New York, NY</p> <p>Government Accountability Project Seattle, WA</p> <p>Heart of America Northwest Seattle, WA</p> <p>Miamisburg Envir. Safety & Health Miamisburg, OH</p> <p>National Environmental Coalition of Native Americans Pogon, OK</p> <p>Nuclear Watch of New Mexico Santa Fe, NM</p> <p>Oak Ridge Envir. Peace Alliance Oak Ridge, TN</p> <p>Panhandle Area Neighbors & Landowners Panhandle, TX</p> <p>Peace Action Education Fund Washington, DC</p> <p>Peace Farm Panhandle, TX</p> <p>Physicians for Social Responsibility Washington, DC</p> <p>Portsmouth/Pikeston Residents for Environmental Safety & Security McDermott, OH</p> <p>Rocky Mt. Peace & Justice Center Boulder, CO</p> <p>Shundahai Network Salt Lake City, UT</p> <p>Snake River Alliance Boise, ID</p> <p>Southwest Research and Information Center Albuquerque, NM</p> <p>STAND of Amarillo Amarillo, TX</p> <p>Tri-Valley CAREs Livermore, CA</p> <p>Western States Legal Foundation Oakland, CA</p> <p>Women's Action for New Directions Arlington, MA</p> <p>March 15, 2004</p> <p>Rocky Flats NWR Comprehensive Conservation Plan Attn: Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Building 121 Commercer City, CO 80022</p> <p>RE: Proposal to open the Rocky Flats Wildlife Refuge to public use.</p> <p>Dear Comprehensive Conservation Planning Team:</p> <p>The Alliance for Nuclear Accountability (ANA) is a national network of more than thirty local, regional and national organizations representing the concerns of communities downwind and downstream from U.S. nuclear weapons production and radioactive waste disposal sites.</p> <p>ANA's broad range of member organizations object in the strongest manner to the proposed opening of the Rocky Flats Wildlife Refuge for public recreation. For almost half a century, the exceedingly dangerous work of processing and recovering plutonium and of manufacturing the fissionable plutonium "pits" of nuclear weapons was done at Rocky Flats. Fires, accidents, routine operations, and random dumping during the production scattered plutonium across the whole of the 6,500-acre site. Other toxins, including beryllium, organic compounds, heavy metals, and other radioactive materials were also released into the environment or disposed of on the site. Given that these toxins will still be present in varying amounts when FWS receives the site from DOE, FWS must take on the responsibility of keeping the public away from the area.</p> <p>The Draft Comprehensive Conservation Plan and Environmental Impact Statement for the Rocky Flats National Wildlife Refuge, recently released by FWS, ignores the evidence that the site will remain contaminated until well beyond the 2006 proposed hand-over to FWS. Indeed, the site will remain contaminated essentially forever, because plutonium, with a half-life of 24,400 years, remains dangerously radioactive for a quarter of a million years. Plutonium particles dusted over the surface environment could be stirred up and resuspended by the recreational activities of hiking, biking, hunting, and horseback riding proposed by FWS in its preferred alternative for future use of the site. Tiny particles inhaled, ingested, or otherwise taken into the body may result in cancer, harm to the immune system, or pollution of the human gene pool. Numerous studies indicate that current official standards for permissible exposure seriously underestimate the harm that may result from exposure to a miniscule quantity of plutonium. Moreover, genetic effects on wildlife are very poorly understood. In addition, some scientists fear that wind, floods, fires, geophysical changes, as well as animal and human activity, will bring to the surface plutonium and other dangerous materials being left in the subsurface environment and so increase the danger of exposure to humans. Little is known about the synergistic effects of various toxins in combination.</p> <p>Seattle Office: 1914 North 34th St., Suite 407, Seattle, WA 98103, 206/547-3175, Fax: 206/547-7158 Washington, DC Office: 322 4th Street NE, Washington, DC 20002, 202/544-0217, Fax: 202/544-6143 www.anuclear.org anuclear@earthlink.net</p>	<p>20-1. Thank you for your comments.</p> <p>20-2. There is no scientific evidence that there are dangerous levels of plutonium or other contaminants scattered "across the whole of the 6,500 acre site." Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed a cleanup and closure. The EPA and CDPHE considered the types of recreational activities that may be allowed on the Refuge when the RSALS of cleanup were determined. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP will be safe. However, in response to public interest and concern, an expanded discussion of issues related to site cleanup is included in Section 1.8.</p> <p>20-3. See response to comment 20-2.</p>

Comment #	Letter #20 continued	Response
<p>20-4</p> <p>20-5</p> <p>20-6</p> <p>20-7</p> <p>20-8</p> <p>20-9</p> <p>20-10</p>	<p>Despite these and other alarming indicators of the dangers posed by the site to humans on or near the premises, the site has never been examined to determine the full extent of contamination. The “cleanup” will be completed without knowing whether there are undetected hot spots of various contaminants, which there will likely be. Workers recently uncovered a buried incinerator three stories tall. Of the \$7 billion being spent to close the site by December 2006, no more than \$470 million (about 7% of the total) will be applied directly to cleaning the environment. Cleanup efforts at Rocky Flats do not provide the maximum possible protection for the public.</p> <p>At completion of the cleanup, the site will be divided between the more-contaminated part still managed by the DOE and a less-contaminated portion to be operated by FWS as the Wildlife Refuge. Yet DOE and FWS propose a Rocky Flats site with no fences or warning signs, utilizing only institutional and physical controls (e.g. rules about use, barriers) to keep the public safe. The National Academy of Sciences says such controls will fail.</p> <p>The Alliance for Nuclear Accountability and its 33 member organizations recognize the novelty of FWS being expected to manage as a wildlife refuge the site of a former nuclear weapons production facility. We also realize that making Rocky Flats into a wildlife refuge sets a precedent for other contaminated DOE sites. Clearly, this is not business as usual. Accordingly, we strongly back the following proposals:</p> <ul style="list-style-type: none"> • Due to the contaminated conditions of the Rocky Flats site, the wildlife refuge should be declared off limits to the public for at least two centuries from establishment of the refuge. • A comprehensive research program should be implemented to collect data on the plutonium body burden of wildlife on the site, on the basis of which extrapolations can be made to genetic effects on the wildlife and potential effects on humans at or near the site. • U.S. Fish and Wildlife Service should work closely with DOE’s Legacy Management Office in implementing at Rocky Flats a program of ongoing research on promising technologies that can be applied at the site to reduce contamination with minimal ecological disturbance. • To oversee the foregoing, a broadly representative program of public oversight should be developed and implemented. 	<p>20-4. See response to comment 20-2.</p> <p>20-5. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary within the Refuge will be decided by DOE and the other RFCA parties. The Service is not the final decision-maker in these matters. However, the Service will continue to provide input to the RFCA parties.</p> <p>In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>20-6. The Refuge was established by the U.S. Congress in the Rocky Flats National Wildlife Refuge Act of 2001. Rocky Flats will not be the first refuge established on a former nuclear facility. Saddle Mountain NWR was established in Washington in 1971, with over 30,000 acres in the buffer zone of the DOE’s Hanford Site. Saddle Mountain was included in the Hanford Reach National Monument, created as part of the Refuge System in 2000. Over 50,000 acres of the Hanford Reach National Monument is currently open to public use. Unfortunately, with the Refuge system there are dozens of sites that have to deal with a variety of contaminant issues related to former and/or adjacent land uses.</p> <p>20-7. See response to comment 20-2.</p> <p>20-8. 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.</p>

Comment #	Letter #20 continued	Response
<p>20-11</p>	<p>We hope that in your future deliberations on the desirable end state of the Rocky Flats site, comments submitted by the public will be taken more seriously than they have been in the past. Over 85% of the individuals and organizations that commented on the Rocky Flats Cleanup Agreement proposed in late 2002 rejected the plan as inadequate, yet this fact was ignored by the DOE and the regulators when they adopted the plan in June 2003.</p> <p>Sincerely,</p>  <p>Susan Gordon, Director Alliance for Nuclear Accountability</p> <p>Cc: Senator Wayne Allard Representative Mark Udall Rocky Flats Citizens Advisory Board Rocky Flats Coalition of Local Governments</p>	<p>Extensive studies have been conducted on wildlife and vegetation at Rocky Flats since the mid 1970s, mostly by Colorado State University. These studies include two deer studies as well as studies of small mammals, arthropods (insects), snakes, and cattle. Samples were taken of various species for the Draft Ecological Risk Assessments for Walnut Creek and Woman Creek Watersheds at Rocky Flats Environmental Technology Site (September 1995) and included samples from small mammals, insects, benthic invertebrates, and fish. Additional studies were done by CSU on vegetation uptake of Pu, in both terrestrial and aquatic species. Studies have also been done at other DOE facilities that can be used to compare to Rocky Flats.</p> <p>One of the purposes that the Refuge was established is scientific research. Once the Service takes primary jurisdiction, the Service will review proposals for research on the site. If the Service establishes that the research will be of benefit to science and the advancement of the Refuge, the investigators will be allowed to proceed with the research.</p> <p>20-9. Working with others is one of the six planning goals of the Refuge.</p> <p>20-10. The Service would involve the public in Refuge management decisions in a variety of forums. First, many of the specific management actions would be determined by “step-down” management plans, such as a Fire Management Plan or an Integrated Pest Management Plan. Step-down management plans typically include a public participation process. A second means for citizens to be involved in Refuge management is through the establishment of a “Friends” group for the Refuge (Objective 5.4). Alternatives B and D would implement a volunteer program which is a great way for the public to actively engage in Refuge management. Finally, existing forums for citizen involvement in matters pertaining to Rocky Flats include the Rocky Flats Citizen Advisory Board (RFCAB), and the Rocky Flats Coalition of Local Governments.</p> <p>20-11. Thank you for your comments.</p>

Comment #	Letter #21	Response
<p>21-1</p> <p>21-2</p> <p>21-3</p> <p>21-4</p> <p>21-5</p> <p>21-6</p> <p>21-7</p>	<div style="text-align: center;">  <p>APR 19 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <p>BOARD OF DIRECTORS</p> <p>Guy Burgess</p> <p>Jim Knopf</p> <p>Adam Massey</p> <p>Chris Morrison</p> <p>Gary Sprung</p> <p>Holly Tulin</p> <p>Eric Vogelsberg</p> <p>Suzanne Webel</p> <p>April 11, 2004</p> <p>To: Ms. Laurie Shannon U. S. Fish and Wildlife Service</p> <p>Subject: Management Alternatives for the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement</p> <p>References:</p> <ol style="list-style-type: none"> 1) Memo to Senator Allard from the Boulder Area Trails Coalition, June 24, 2000 2) Memo to Ms. Laurie Shannon from the Boulder Area Trails Coalition, October 2, 2002 3) Memo to Ms. Laurie Shannon from the Boulder Area Trails Coalition, June 14, 2003 <p>The Board of Directors of the Boulder Area Trails Coalition would like to take this opportunity to comment on the draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge. As we've noted before, we're delighted with the opportunities the refuge offers for public appreciation of this important wildlife resource.</p> <p>We support the Fish and Wildlife Service's Proposed Action (Alternative B). We recommend some enhancements which we believe will advance the Fish and Wildlife objectives and better serve the public. In particular:</p> <ul style="list-style-type: none"> • Develop a phased implementation plan which allows gradually increasing visitor access to the trail system over the initial five years of operation, rather than closing most of the property to visitors for that period • Provide a short trail segment paralleling the gravel road between the parking lots on the west side of the refuge to create a north-south connection between the two major east-west trail alignments • Provide a trail to the northwest to connect with Boulder City Open Space and Mountain Parks trails • Make provision in the plan to include a north-south trail connection along the eastern side of the property in any future highway expansion along that corridor • Allow equestrian access to a north-south trail to provide connection to the Boulder City and County Open Space properties to the north of Rocky Flats that are open to equestrian use <p>BATCO ♦ PMB 201 ♦ 1705 14TH St. ♦ Boulder, CO 80302</p>	<p>21-1. Thank you for your comments.</p> <p>21-2. Thank you for your comments.</p> <p>21-3. Based on the interest of the Coalition and several members of the public, the Service considered expanding initial public access opportunities on the Refuge. Due to the proposed restoration, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service maintained the public use implementation plan for all alternatives. 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.</p> <p>21-4. A parallel trail along the north-south access road has been incorporated into Alternatives B and D.</p> <p>21-5. The Draft CCP/EIS acknowledges that there would be 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. Based on the concerns of the Coalition, the City of Boulder, and several citizens, the planning team re-visited this decision, but did not include such a connection in the Proposed Action. A connection would not be provided because the Rock Creek drainage is the most ecologically sensitive portion of the Refuge, and therefore 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.</p> <p>21-6. Throughout the planning process, there has been community interest in a trail along the east side of the Refuge. 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 concerns about contamination issues. While the Service does not hesitate to accept cleanup decisions related to protecting the safety of Refuge visitors and workers, the Service is aware of and</p>

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<p>21-8</p> <p>21-9</p> <p>21-10</p>	<p style="text-align: center;">- 2 -</p> <p>We recognize that the ongoing cleanup activities at Rocky Flats are not the responsibility of the Fish and Wildlife Service and are beyond the scope of the draft Comprehensive Conservation Plan and Environmental Impact Statement. However, we feel compelled to address the very vocal concerns about the cleanup that have been expressed by some Boulder residents. These concerns do not represent the majority of our citizens. We've attached an editorial on the subject from the Daily Camera that we believe much more accurately reflects the viewpoints of most of our residents. It certainly reflects our position and the consensus of our members. We are confident that no public access will be allowed until the EPA has certified the success of the cleanup activities and we are comfortable with the safety of the Fish & Wildlife Service's proposed management actions.</p> <p>We were disappointed by the negative positions taken by the City of Boulder and the Boulder County Commissioners. We feel these positions are not fair representations of the public's interest. The City Council and the County Commissioners based their responses on the recommendations of a few individuals who had agendas of their own. Public input was not solicited and there was little opportunity for comment or discussion. It would most unfortunate if a few disgruntled activists were to succeed in denying reasonable public access to the Rocky Flats Wildlife Refuge.</p> <p>We are excited about this opportunity to create a significant public facility in our neighborhood. Please don't let a vocal minority derail the process.</p> <p>Sincerely,</p> <p>The Board of Directors of Boulder Area Trails Coalition</p> <p style="text-align: center;">BATCO ♦ PMB 201 ♦ 1705 14TH St. ♦ Boulder, CO 80302</p>	<p>sensitive to public perceptions and concerns about residual contamination on the eastern edge of the Refuge and therefore does not propose a north-south trail along the west side of the Indiana Street corridor. However, the Service has added to the CCP/EIS a discussion of preliminary recommendations regarding transportation improvements along the Refuge boundaries (Section 4.16). A north-south trail connection along the Indiana Street corridor is among those recommendations.</p> <p>21-7. See response to comment 21-5 regarding connections to trails to the north. In regard to north-south equestrian access, the Service anticipates that the Front Range Trail, which is conceptually proposed along the Highway 93 corridor, would provide north-south regional equestrian access. As noted in response to comment 21-6, the Service recommends that a north-south multi-use trail be included in any major transportation improvements along the Refuge.</p> <p>21-8. Issues related to ongoing cleanup activities are beyond the scope of the CCP/EIS and outside of the Service's decision-making authority. Due to the high level of public interest and concern, and expanded discussion of issues related to site cleanup is included in Section 1.8.</p> <p>21-9. The Service recognizes that the question of future public access to the Refuge is a sensitive political issue, and is confident in the EPA and CDPHE's position that once the site is certified to be safe, it would be safe for all Refuge activities, including public use.</p> <p>21-10. Thank you for your comment.</p>

Comment #	Letter #22	Response
<p>22-1</p> <p>22-2</p> <p>22-3</p> <p>22-4</p> <p>22-5</p>	 <p>BOULDER COUNTY HORSE ASSOCIATION</p> <p><i>The Voice for Horses and Horse People in Boulder County</i></p> <p>RECEIVED MAR 11 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan US Fish & Wildlife Service Rocky Mountain Arsenal – Bldg. 121 Commerce City, CO 80022</p> <p>Mar. 11, 2004</p> <p>The Boulder County Horse Association (BCHA) supports a meaningful system of non-motorized recreational trails at the Rocky Flats National Wildlife Refuge. We have been active participants in the public input process as the dialogue progressed regarding trails and recreation. We sincerely appreciate your inclusion of equestrians on at least a few trails at the southern periphery of the Refuge in Alternative B, your Proposed Action.</p> <p>However, we would like to take this opportunity to make a few comments about Alternative B in general and about equestrian considerations in particular.</p> <p><u>Alternative B Trail Plan</u></p> <p>1) We appreciate the care you have put into designating most of the trail corridors. It appears most of these will utilize existing alignments such as old roads, which is fine with us. It appears that a variety of trail experiences will also be offered.</p> <p>2) We support the creation of some (shorter) trails for pedestrians only, such as those shown on the northwest portion of your map.</p> <p>3) We support the creation of the main Reserve entrance (the “contact station”, including a trailhead, restrooms, and seasonal staff) at the western location.</p> <p>4) We believe the proposed trailhead parking at the northern edge of the Reserve should be placed across Highway 128 from the existing Coalton Drive Trail. Your current proposed location is more than a mile east of that point, forcing trail users to hike, walk or ride along this busy and very dangerous highway if they want to get from one trail system to another. There is plenty of room for a trailhead parking at the appropriate location (in fact, one of your alternatives shows it as a possible site for the Cold War museum!) so why not put it there?</p> <p>PO Box 19601 • Boulder, Colorado 80308-2601 • web site: www.boulderhorse.org</p>	<p>22-1. Thank you for your comments.</p> <p>22-2. Thank you for your comments. The Refuge trail system was designed to provide minimize impacts to natural resources, provide meaningful visual or physical access to the Refuge attributes, and to provide interesting experience for trail users.</p> <p>22-3. Thank you for your comment.</p> <p>22-4. Thank you for your comment.</p> <p>22-5. Early in the planning process, the existing pull-off area along Highway 128, adjacent to the Rock Creek drainage and across the road from Boulder County’s Coalton Trail access was considered as a potential trailhead location. This trailhead location was not included in any of the alternatives for several reasons, all related to the sensitive natural resources in the Rock Creek drainage. First, the aforementioned location is bounded to the south by slopes that the Service believes are too steep for an ecologically sensitive trail connection. Second, due to the resources in the Rock Creek drainage, all trails in that area would be hiking only and closed seasonally. If a trailhead or multi-use trail connection were established at that location, 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 natural resources. Finally, the northern trailhead location is not intended to be a regional trail connection. Instead, it is envisioned to be a starting off point for access to the Refuge trails and views for the communities to the north of Rocky Flats.</p> <p>The Service understands the desire of some users to have a northern connection to the Refuge, but in balancing the ecological concerns of the area, the proximity of the Wind Technology Site, and the potential mining of most of the western portion of the site, the Service was not able to identify a compatible trail connection to Boulder’s open space lands. The Service believes that there are other options that exist adjacent to the Refuge and would encourage user groups to explore other options.</p>

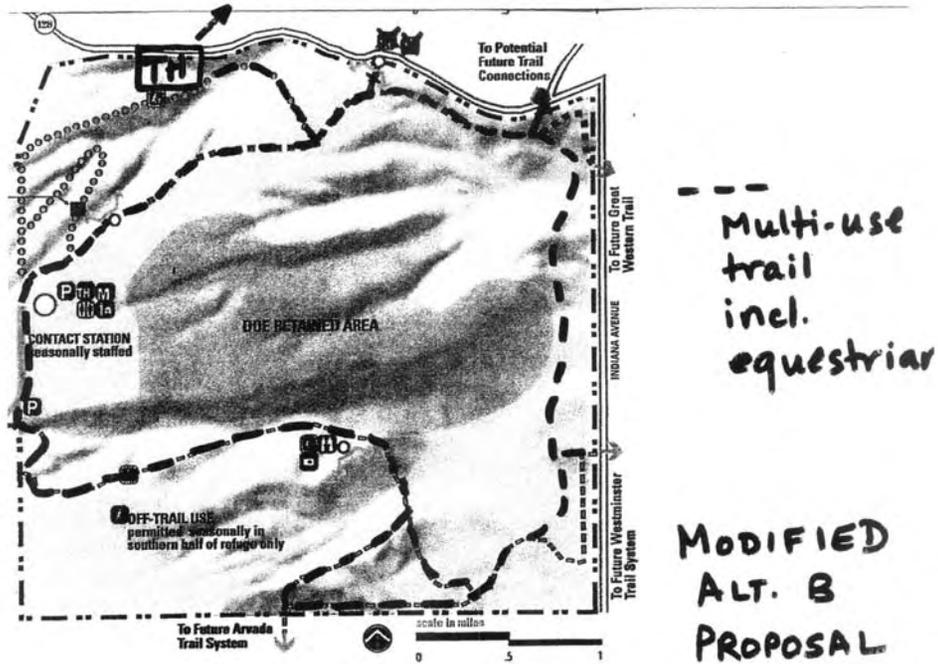
Comment #	Letter #22 continued	Response
22-6	<p>5) Your Figure No. 5 (Visitor Use Map, Alternative B) shows your proposed trails connecting to “future” trail systems on the north, east, south and west sides of Rocky Flats – yet your Figure No. 21 (Regional Trails) shows these future proposed trails connecting through Rocky Flats only northward at the northeast corner (“to Potential Future Trail Connections” – sure, right where the Northwest Corridor highway will be built!) and at the southern boundary (“to Future Arvada Trail System”). Specifically, a trail connection is not indicated between Colorado Hills or Standley Lake to the southeastern trail arrow shown on your map, and the entire northwest corner of the Standley Lake property is closed for eagle habitat so achieving any proposed trail there is dubious at best. The future of a trail along the northern boundary of the Great Western Reservoir is in doubt, inasmuch as there is a gun range there, as well as new developments. The Front Range Trail is shown in an abominable location along Highway 93 (the subject of many future but separate discussions!) with no connection to Rocky Flats other than along the proposed gravel entrance road. Even the proposed southern trail connection “to Future Arvada Trail System” is questionable, as your Figure No. 9 (Reasonably Foreseeable Activities) and accompanying text shows that this trail would have to traverse the Vauxmont Development – which doesn’t sound like a desirable situation.</p>	<p>In regard to the potential Cold War Museum location along Highway 128, that location, referenced in Section 2.10 – <i>Reasonably Foreseeable Activities</i>, was recommended as a potential site in the 2003 Museum Feasibility Study. The Study suggested a site near the entrance to the National Wind Technology Center, which is about ¼ mile west of the aforementioned Coalton Trail access point.</p> <p>22-6. The proposed trails shown in Figure 21, Regional Trails, are based on existing plans and documents that were provided by adjacent jurisdictions. While some have been proposed by individual jurisdictions in anticipation of Refuge establishment, most were planned and documented prior to the CCP/EIS planning process. For this reason, the Service sought to establish trail connections to other planned trails where practicable. It is understood that some trail connections to the Refuge (such as Colorado Hills Open Space) would need to be established in the future whether or not they are in the current plans for those areas. It is the intent of the Service to work with nearby jurisdictions to establish regional trail connectivity.</p>
22-7	<p>6) Alternative B makes no provision for north-south recreational connections other than the proposed Front Range Trail out west by Highway 93. We see the future Northwest Corridor highway alignment as an obstacle to quality trail connectivity (to the east), making a north-south trail alignment on the eastern part of the Reserve even more important.</p>	<p>22-7. The Service acknowledges that Alternative B does not provide a direct, north-south trail connection on either the east or west sides of the Refuge. Based on the concerns and recommendations of others, the planning team reconsidered the trail configuration in Alternative B and added a north-south trail along the visitor access road, as well as a trail connection to the southwest.</p>
22-8	<p>7) Finally, the time frame proposed for trail development is way too long. There is no reason for this modest plan to take 15 years. Use volunteers to help get the job done – but please, get it done in our lifetimes!</p>	<p>As specified in the Refuge Act, an area with a width of up to 300 feet may be used for highway improvements along Indiana Street. In addition, it is not known at this time what the final boundary will be for the eastern edge of the DOE retained land and if there will be any Refuge boundary between the two. Further, the Service believes that a trail along the eastern edge of the site should be included as part of any roadway widening project.</p>
22-9	<p><u>Equestrian Considerations</u></p> <p>1) We are pleased that you note that “equestrian use is authorized in most units of the National Wilderness System, and is deemed appropriate with preservation of wilderness values” (Compatibility Determination, p. 226). We agree. Furthermore, we note that the equine population of the Front Range has declined drastically in the past two decades, in part because of urbanization of Colorado and in part because of a decline in quality places to ride. The horse community needs access to public lands – and support from public land managers – to help us preserve our way of life.</p>	<p>22-7. The Service acknowledges that Alternative B does not provide a direct, north-south trail connection on either the east or west sides of the Refuge. Based on the concerns and recommendations of others, the planning team reconsidered the trail configuration in Alternative B and added a north-south trail along the visitor access road, as well as a trail connection to the southwest.</p>
22-10	<p>2) We would like to explore further your apparent concern with equestrian use. In many parts of the Draft CCP&EIS this concern is not evaluated or supported other than by isolated references to “messes on trails” or concern about potential user conflicts. Only toward the end of the document does it appear that the real issue may be trail erosion or the spread of noxious weeds.</p>	<p>22-8. Prior to full implementation of the public use plans for the Refuge, the Service will be obligated to address ecological concerns related to noxious weeds and 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. Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow for more flexibility in opening trails.</p>
22-11	<p>The report cites two articles; we are familiar with both, and we have problems with using them as definitive works. The Weir (2000) article seeks to justify mountain bicycling on public land in Canada, which is fine as long as we all realize that that is its objective. It appears to be a non-scientific, no-peer-review compilation of some of the literature on Impacts of Non-Motorized Trail Use, by an author with no clear professional affiliation. The entire study is full of unsupported statements and the expression of vague accusations about non-bicycle user groups. It does state clearly that there is a paucity of objective data about the effects of recreational trail users on trail sustainability, and that “more thorough study is needed before conclusive</p>	<p>22-8. Prior to full implementation of the public use plans for the Refuge, the Service will be obligated to address ecological concerns related to noxious weeds and 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. Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow for more flexibility in opening trails.</p>

Comment #	Letter #22 continued	Response
22-12	<p>judgments can be made about the relative trail erosion impacts of different users” (p.4). It goes on to declare that “In normal system trail use, trampling of vegetation is a minor factor. Trails facilitate travel in part because of their minimal vegetation and bare ground. Bicycles generally remain on trails, in contrast to hikers and equestrians.” [We take issue with that unsupported statement, submitting that equestrians generally do remain on designated trails – although we appreciate the privilege of being able to go off-trail occasionally!]. It acknowledges that “recreationists can introduce parasitic and exotic species” by the use of contaminated feed for pack stock (as in Banff), by the lack of cleanliness (as in muddy bicycle tires, hiking boots and clothing which may carry non-native species seed and spores in the transported soil); and by the importation of firewood (“as happened with the Dutch Elm Disease” [well, whoa there! are they claiming that Dutch Elm Disease was introduced by recreationists????]. One thing this work does not do is specifically point to horses as disproportionate or even primary vectors for noxious weeds, even though it refers to the work described below [as by Benninger-Traub, a citation error curiously – coincidentally? – perpetuated in the USFWS Rocky Flats document]. In summary, this study has some valid contents, but we feel that overall it is flawed and lacks objectivity.</p> <p>The work by Benninger-Traub (1993) has similar flaws with regard to objectivity. The author initially conducted this study as as a student in Ohio in 1989 and reworked it for later publication. She collected horse manure [referred to derogatorily in the study as “scat”] from stables and trails outside and inside Rocky Mountain National Park, was successful in finding some viable seeds therein, observed weeds growing along trails in greater (but unmeasured) abundance near the trails than elsewhere, and concluded that horses are dispersal agents for weeds. The report contains no acknowledgement that other studies have been conducted which yielded far more ambivalent results, nor any recognition that other vectors may have been responsible for any perceived increase in weeds along horse trails. Fortunately, the management of Rocky Mountain National Park chose to ignore this report in any of the subsequent revisions of its management plan!</p>	<p>22-9. Thank you for your comment.</p> <p>22-10. 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 regard to ecological impacts.</p> <p>22-11. The Service is aware that there are many divergent opinions and conflicting studies regarding the specific impacts of various trail uses on the environment. As noted, there is a “paucity of objective data about the effects of recreation trail users on trail sustainability.” In preparing the DEIS, the Service was careful to acknowledge that the context and conditions of specific studies may or may not apply to the Rocky Flats environment. However, the types of general effects that are possible as a result of various trail uses, as described in Section 4.4, appear to be a reasonable assessment. Given the general effects that may occur, the EIS concludes that the proposed trail uses would result in “localized, long term effects” that could be mitigated by appropriate trail maintenance and visitor use management. This discussion has been revised to better reflect the general nature of the types of potential effects, and the specific impacts that are likely to result from the alternatives.</p>
22-13	<p>BCHA would like to refer the US Fish & Wildlife Service and its consultants, instead, to the Colorado Department of Agriculture Weed Coordinator, Eric Lane (303-239-4100). We have worked extensively with him on the subject of horses and noxious weeds, and are in the process of publishing a brochure on this subject for statewide distribution. He is extremely clear that horses are not a disproportionate vector for the spread of noxious weeds, either in their hair coats or in their manure. Indeed, Lane points to the wind, the water, the wildlife, and truck tires as being far more responsible for the spread of noxious weeds in Colorado. He also believes that any increase in nitrogen content along horse trails from manure is insignificant and does not contribute a favorable environment for seed germination; that it is the initial trail construction disturbance itself that may create a temporarily weedy situation, which subsides rapidly upon establishment of the trail. Indeed, Lane asserts strongly that you shouldn’t restrict equestrian access to any Rocky Flats trails based on a generalized fear of horses spreading weeds there (personal communication, March 11, 2004).</p>	<p>22-12. While there is disagreement in the scientific and recreation community about the extent that recreationists in general and equestrians in particular contribute to the dispersal of noxious weeds along trails, the Service believes that it is reasonable to assume, as stated in the EIS, that bicycles and horses have the potential to carry and disperse weed seeds. The Benninger-Traub (1992) article describes observations that noxious weeds were more concentrated along trails. Other studies have confirmed this observation. The Service does not find reason to validate speculation in these or other articles that equestrians or any other particular trail users are more or less responsible for weed dispersal. The Service has taken relevant observations from the articles cited and is not inclined to speculate on the policy intentions or the adequacy of the methods used in these or other studies.</p>
22-14	<p>There are many ways to reduce or eliminate introduction of weeds related to horses, including a requirement that only certified weed-free hay be brought onto the Reserve (as is currently enforced by the National Park Service and by the USDA Forest Service, and recommended by various city and county open space agencies). The Colorado Department of Agriculture has a Certified Weed-Free Hay program whose products can easily be verified.</p>	<p>22-13. Mr. Lane has been actively involved in CCP/EIS process, and has provided useful comments to the DEIS.</p>

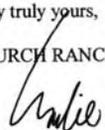
Comment #	Letter #22 continued	Response
22-15	<p>The Draft CCP&EIS acknowledges that weeds are already a problem throughout the Reserve, even now when there are no trails and no public access (e.g. p.103). Therefore, we are perplexed as to why the Draft CCP&EIS singles out horses and suggests that equestrian access be "contingent" on working out commitments from equestrian groups to pick up manure from the trails twice monthly. We believe this proposal is excessive and not supported by the data; we urge you to eliminate this aspect of the plan. Instead, we urge you to replace it with voluntary adopt-a-trail commitments whose participants would be responsible for weed control in general along all trails they adopt – not just equestrians. Gather quantitative baseline data now, monitor the situation for a reasonable period; then use adaptive management to correct problems if they arise. Please don't start out with excessive restrictions. Don't fix it if it ain't broke!</p>	<p>22-14. The use of weed-free hay on the Refuge would be encouraged through education and outreach. The Service believes that due to limited resources and the proximity of the site to many potential horse users, it would be difficult to enforce a weed-free requirement. Therefore, the Service believes that education and outreach would be more effective.</p> <p>22-15. The Service acknowledges that weeds have become a serious ecological issue at Rocky Flats in the absence of equestrian or any public use. While natural resource protection is a priority of Refuge management, equestrian or bicycle access are not priority public uses of the Refuge. The inclusion of equestrian use, as a mode of access, would be permitted with the stipulation that equestrian groups would remove horse manure on a volunteer basis. This stipulation is given in the interest of protecting native habitat from increased weed dispersal. While the Service recognizes the debate about whether horse manure is indeed a vector for weed dispersal, natural resource protection is a higher priority than equestrian access so the Service has elected to take a conservative approach.</p>
22-16	<p>We want this Reserve to be a healthy ecological community – and a good neighbor to adjacent landowners -- as much as anyone else. Controlling weeds is an essential part of this relationship. Therefore, we urge you to allocate more budget and more designated (or even seasonal) personnel to winning the weed war at Rocky Flats -- not by restricting visitors.</p>	<p>Another concern about equestrian access is the aesthetic impact of horse manure on trails. Extensive amounts of manure on trails can increase user conflicts and complaints from other Refuge visitors. This is another reason why equestrian use would be permitted with the stipulation that equestrian groups would remove horse manure on a volunteer basis.</p>
22-17	<p>CONCLUSIONS</p> <p>Although it is not specifically stated in the mission of the Fish and Wildlife Service, providing benefits to people is a very important part of the equation in public land management in the United States. We are part of the ecosystem, and we want to have meaningful access to public lands for the enhancement of our mental and physical well-being. Only by being able to get out there personally to appreciate nature will we be able to continue supporting public land acquisition and management programs.</p>	<p>22-16. Weed management would be a critical component of any Refuge management scenario. The Service believes that the proposed weed management budget in Alternative B would be sufficient to achieve the weed reduction targets described in Objective 1.5.</p>
22-18	<p>Attached please find a summary of a new book written by Michael Manfreda, a professor at CSU, entitled "Wildlife Viewing: a management handbook." It provides an excellent model for achieving harmony among public land managers, recreationists, and environmental protectionists, based on emphasizing the benefits provided by public land management programs. We urge all involved to read the book and to consider its implications.</p>	<p>22-17. Thank you for your participation.</p> <p>22-18. Thank you for your comment.</p>
22-19	<p>Also attached please find a map of a modified Alternative B trail system for the Rocky Flats National Wildlife Refuge as we would like to see it.</p>	<p>22-19. The attached map was reviewed by the planning team. Its consideration is addressed in the responses to comments 22-5, 22-6, and 22-7.</p>
22-20	<p>Thank you for your consideration of our input. We look forward to working with you on this important project.</p> <p><i>Suzanne Weibel</i></p> <p>Suzanne Weibel External Vice President, Trails & Public Lands Chair</p> <p>RKYFLTS3.LET</p>	<p>22-20. Thank you for your input.</p>

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ROCKY FLATS NATIONAL
WILDLIFE REFUGE

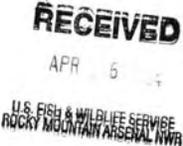


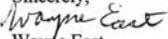
BOULDER COUNTY HORSE ASSOC.
3/11/04

Comment #	Letter #23	Response
<p>23-1</p> <p>23-2</p>	<div style="text-align: center;">  </div> <p>February 25, 2004</p> <p>Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mtn Arsenal Building 121 Commerce City CO 80022</p> <p>RE: Rocky Flats CCP/EIS</p> <p>Dear Laurie:</p> <p>Thanks for getting me a copy of the Rocky Flats CCP/EIS so quickly. Preliminarily I would like to make the following suggestions:</p> <p>Page 118 Please expand this map to include OU-11. See example of map modification with notations. Mineral Rights – include the West Spray Field OU-11 area</p> <p>Page 119 Water Rights - The Smart Reservoir system includes both ponds D-1 & D-2, and the ponds work in tandem. They are know by us as the upper and lower Church Ponds.</p> <p>As I continue to review I will make more comments.</p> <p>Very truly yours, CHURCH RANCH  Charles C. McKay</p> <p>CCM/krm</p> <p>cc: Gregg Bradbury Perry McKay Bruce Nickerson</p> <div style="text-align: right;">  </div>	<p>23-1. Figure 19 and the discussion in Section 3.8 of the FEIS have been revised to reflect the approval of the West Spray Field mining permit.</p> <p>23-2. Thank you for your comment.</p>

Comment #	Letter #23 continued	Response
23-3	<div data-bbox="373 256 1102 462" data-label="Image"> </div> <p data-bbox="342 462 451 483">April 22, 2004</p> <p data-bbox="342 521 617 643">Laurie Shannon Planning Team Leader Rocky Flats National Wildlife Refuge US Fish and Wildlife Service Rocky Mtn. Arsenal, Building 121 Commerce City, CO 80022</p> <p data-bbox="342 662 470 683">RE: CCP/EIS</p> <p data-bbox="342 704 436 725">Dear Laurie:</p> <p data-bbox="342 747 1043 813">Thank you for your work on the CCP/EIS. We support Plan B as outlined in the draft EIS for the Rocky Flats National Wildlife Refuge since this land is owned by the tax payers, there should be public trail access to the property.</p> <p data-bbox="342 833 470 854">Yours very truly,</p> <p data-bbox="386 820 483 912"> </p> <p data-bbox="342 914 457 935">Charles McKay</p> <p data-bbox="342 954 420 976">CCM/krm</p> <p data-bbox="342 997 420 1018">enclosure</p>	23-3. Thank you for your comment.

Comment #	Letter #23 continued	Response
	<div data-bbox="373 256 1024 462" data-label="Image"> </div> <p data-bbox="436 344 529 389">(303) 469-2534 (303) 469-1873</p> <p data-bbox="869 370 995 386">Fax: (303) 469-4293</p> <p data-bbox="373 461 516 483">February 20, 2004</p> <p data-bbox="373 526 634 636">Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mtn Arsenal Building 121 Commerce City CO 80022</p> <p data-bbox="373 656 604 678">RE: Rocky Flats CCP/EIS</p> <p data-bbox="373 701 474 724">Dear Laurie:</p> <p data-bbox="142 743 1024 812">23-4 As a neighboring landowner I would like to request a copy of the Rocky Flats CCP/EIS when it becomes available. After I reviewed your planning update I agree with the service identification of Alternate B with a moderate level of public use.</p> <p data-bbox="142 831 1003 876">23-5 Please do not remove interior truck trails as they will be needed to access private water rights, points of diversion, head gates, etc..</p> <p data-bbox="373 899 508 922">Very truly yours,</p> <p data-bbox="373 945 529 967">CHURCH RANCH</p> <p data-bbox="373 1032 520 1055">Charles C. McKay</p> <p data-bbox="373 1078 457 1101">CCM/krm</p> <div data-bbox="856 474 1066 669" data-label="Image"> </div>	<p data-bbox="1226 214 1633 237">23-4. Thank you for your comments.</p> <p data-bbox="1226 259 1969 376">23-5. The proposed access roads have been designed to provide reasonable access to ditches, utility easements, and other private property rights on the Refuge. The Service would work with Church Ranch to ensure reasonable access to those facilities.</p>

Comment #	Letter #24	Response
<p>24-1</p> <p>24-2</p> <p>24-3</p> <p>24-4</p>	<div style="text-align: center;">   </div> <p>April 22, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal Bldg. 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>The Colorado Wildlife Federation has reviewed the draft Comprehensive Conservation Plan & Environmental Statement for the Rocky Flats National Wildlife Refuge. Congratulations on a well-written, comprehensive document.</p> <p>The CWF strongly endorses the Proposed Action (Alternative B – Wildlife, Habitat, and Public Use), which covers these three important goals: “Implement extensive habitat and wildlife management and conservation focused on the restoration to pre-settlement conditions. Accommodate wildlife-dependent public use. Facilitate compatible scientific research that focuses on habitats, wildlife, and public use.”</p> <p>The proposed practices that we endorse include (a) using a variety of management techniques (including prescribed fire and grazing) to restore disturbed areas, (b) conserving native plant communities and wildlife (including re-introduction of native fish and sharp-tailed grouse), (c) reducing coverage of invasive weeds, (d) using a graduated approach to allowing various public uses (e.g., hiking, biking, horse riding), (e) teaching environmental education to high school and college students, (f) using partnerships to address habitat conservation across boundaries, (g) implementing a volunteer program to assist refuge staff, (h) maintaining stock fences, and (i) instituting a organized youth/disabled hunting program.</p> <p>We think the hunting program is particularly important to institute as a management tool because we already have situations on the Front Range (e.g., Rocky Mountain National Park and Rocky Mountain Arsenal NWR) where the deer and elk populations are too high. The result has been habitat destruction for themselves and other wildlife. As we have learned at the Arsenal, non-hunting forms of control are expensive, management intensive, and often ineffective. Furthermore, we promote increasing opportunities for youth to learn how to hunt under a managed situation. Most youth, especially in urban environments, are not learning about this important heritage and the enjoyment of being outdoors and participating in ethical chase. In addition, there is a real need to increase opportunities for disabled who like to hunt.</p> <hr/> <p>445 Union Blvd., Suite 302, Lakewood, Colorado 80228 (303) 987-0400 Fax (303) 987-0200 www.coloradowildlife.org • E-Mail cwfed@coloradowildlife.org</p>	<p>24-1. Thank you for your comments.</p> <p>24-2. Thank you for your comments.</p> <p>24-3. Thank you for your comments.</p> <p>24-4. The Service agrees that public hunting would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation. The Final CCP/EIS has been revised to propose only archery and shotguns for deer/elk hunting. The proposal to allow the use of muzzle-loading rifles has been removed in consideration of safety comments received during the public review of the Draft CCP/EIS.</p>

Comment #	Letter #24 continued	Response
24-5	<p>We suggest that the objective of <u>reducing coverage</u> of invasive weeds be changed to <u>elimination</u> of invasive weeds. These species pose one of the biggest threats to wildlife habitat in our country. The Refuges Program has an obligation to set a standard for other public land managers, such as the managers of the Corps' reservoirs in Denver, city and county open space, BLM lands, and forests. The goal should be elimination even if it is practically impossible to reach without spending a lot of money.</p>	<p>24-5. Noxious weed infestations at Rocky Flats are among the greatest natural resource concerns on the site. The Service supports that philosophical goal of eliminating weeds at Rocky Flats during the 15-year life of the CCP. However, one of the Service's guidelines for writing management objectives is that the objectives are achievable. To that end, the Service believes that an incremental approach to weed reduction resulting in a 60 percent total reduction in 15 years would be achievable, and would have significant ecological benefits.</p>
24-6	<p>Your report recognizes the potential impact of mining in the headwaters of the drainages on the refuge lands. Such recognition does not go far enough. As we discussed in correspondence to the Congressional delegation from this state before the refuge authorizing language was passed, the Department of Energy needs to support a special appropriation for acquisition of the mining rights on this property as part of the costs of closing the facility and turning it over to the USFWS. Why should the USFWS be burdened with this problem? Please substantiate this funding need in the final documents.</p>	<p>24-6. The Service agrees that potential additional surface mining on Refuge land in the headwaters of the Refuge streams would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. As the DEIS and FEIS discusses under Mineral Rights of Section 3.8, the Service will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p>
24-7	<p>We were pleased to see research emphasized because it is key to adaptive management. For example, monitoring your efforts to protect and improve riparian habitat for the Preble's Meadow Jumping Mouse is important. While it isn't clearly spelled out in the report, we assume such monitoring will include hydrological studies. Determining effects in changes in hydrology for the mouse as well as the Ute Ladies'-Tresses could also provide important information for recovery efforts elsewhere and help evaluate effects of future mining.</p>	<p>24-7. If funding becomes available, the Service is interested in pursuing research and monitoring related to potential hydrological changes related to ongoing mining activities at Rocky Flats.</p>
24-8	<p>Another hydrological aspect that needs to be considered is maintaining a sufficient number of the existing monitoring wells. Because groundwater can move slowly, future monitoring will be important to ensure that cleanup operations were successful and to collect baseline data before additional mining is begun on the bench in the headwater area.</p>	<p>24-8. As part of the DOE's long-term stewardship responsibilities, all monitoring equipment, including groundwater monitoring wells, will remain in place. This applies to wells throughout the lands that will become the Refuge, in addition to the DOE retained area.</p>
24-9	<p>We recognize that during the Rocky Flats clean up the U.S. Fish and Wildlife Service is in a position far different than its role in the Rocky Mountain Arsenal clean-up. With respect to the Arsenal, the Service was privy to the progression of projects and conferred regularly with the Army and Shell Oil Company. At Rocky Flats, the Service should be assured that it possesses adequate information to assess the risk to human health in the buffer zone before making decisions on public use. This is just one reason why we stated above that we support continued research and a graduated approach to allowing access.</p>	<p>24-9. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed cleanup and closure. The Service is not a decision-maker in matters regarding cleanup.</p>
24-10	<p>Thank you for the opportunity to comment. If you have questions about this letter, please contact Dennis Buechler, Emeritus Board Member and former Chair, at (303) 627-0997 or at his email address: wetlandsandwater@comcast.net.</p> <p style="text-align: center;">Sincerely,  Wayne East Executive Director</p> <p style="text-align: center;">2</p>	<p>24-10. Thank you for your comment.</p>

Comment #	Letter #25	Response
	 <p data-bbox="386 228 663 334">THE LEAGUE OF WOMEN VOTERS JEFFERSON COUNTY, COLORADO</p> <p data-bbox="312 407 422 427">April 8, 2004</p> <p data-bbox="312 451 684 561">Mr. Dean Rundle Refuge Manager, Division of Refuge Planning Region 6, Fish and Wildlife Service Box 25486, Denver Federal Center Denver, CO 80225-0486</p> <p data-bbox="312 610 453 630">Dear Mr. Rundle,</p> <p data-bbox="312 654 1087 764">The Jefferson County League of Women Voters has had a long interest in the Rocky Flats Clean-up Process. We have a strong position on Environmental Planning and Management. Having attended the recent hearings on the DRAFT Comprehensive Conservation Plan and Environmental Impact Statement, we wish to comment on the proposed alternatives for the wildlife refuge.</p> <p data-bbox="312 789 1073 878">There remains a great deal of concern about the safety of the site. The refuge should not be opened to the public until extensive and thorough monitoring of air, water, soil, vegetation, and animals has taken place over a length of time. Consistent, negative results are needed for some time before people can use the site.</p> <p data-bbox="312 902 1087 1037">Access to the DOE industrial area is another real concern and careful planning needs to be of the highest priority if Alternatives B or D are chosen and this area remains unfenced. Responsible use of the refuge will be absolutely essential. Therefore, good trail placement and signage must be carefully considered. In addition, the public must be informed. Full use of the media in this regard is important. A Visitor's Center for Alternative B as well as D is important so that visitors can be informed and kept out of the DOE industrial area.</p> <p data-bbox="312 1062 1094 1172">Our understanding is that a private firm owns the mineral rights to about 1/4 of the acreage at Rocky Flats. This is unfortunate, and although we know that the Service cannot change that, it is our hope that the U.S. Government will be able to purchase the mineral rights so that that land might be usable by the public in the future. Thank you for giving us the opportunity to participate in this very important process.</p> <p data-bbox="312 1196 401 1216">Sincerely,</p> <p data-bbox="312 1240 527 1276"><i>Flodie Anderson</i></p> <p data-bbox="312 1292 667 1333">Flodie Anderson, President Jefferson County League of Women Voters</p> <p data-bbox="270 1414 1129 1433">1425 Brentwood Street, Suite 7, Lakewood, CO 80214 ♦ 303/238-0032 ♦ www.lwvjeffco.org</p> 	<p data-bbox="1226 306 1629 332">25-1. Thank you for your comments.</p> <p data-bbox="1226 355 1955 466">25-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed a cleanup and closure. The FEIS includes additional discussion of cleanup-related issues in Section 1.8.</p> <p data-bbox="1226 488 1974 911">25-3. All public use would be managed though a combination of signage, education, and law enforcement. These methods have proven to be effective at other Refuges and in many open space areas. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p data-bbox="1226 933 1974 1170">25-4. The Service believes that surface mining of Refuge land would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. As the DEIS and FEIS discusses under Mineral Rights of Section 3.8, the Service will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p>

Comment #	Letter #26	Response
<p>26-1</p> <p>26-2</p> <p>26-3</p>	 <p>NATIONAL WILDLIFE FEDERATION® <i>People and Nature: Our Future Is in the Balance</i> Rocky Mountain Natural Resource Center www.nwf.org*</p> <p>April 26, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon, Planning Team Leader United States Fish & Wildlife Service Rocky Mountain Arsenal, Building 121 Commerce City, CO 80022</p> <p>Subject: Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge</p> <p>Dear Ms. Shannon:</p> <p>The National Wildlife Federation (NWF) respectfully submits our comments on the Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge.</p> <p>As the nation's largest member-supported conservation education organization, the National Wildlife Federation unites people from all walks of life to protect nature, wildlife, and the world we all share. NWF has educated and inspired families to uphold America's conservation tradition since 1936. Our common sense approach to environmental protection brings individuals, organizations, and governmental agencies together to ensure a brighter future for people and wildlife.</p> <p>The NWF strongly favors Alternative B – <i>Wildlife, Habitat, & Public Use</i> (Proposed Action). We agree with the approach of emphasizing both wildlife and habitat conservation along with a moderate level of wildlife-dependent public use. We are especially pleased that the Plan addresses efforts to restore xeric tallgrass prairie, the removal and restoration of 25 miles of roads, and the restoration of riparian areas.</p> <p>However, we do have some comments relating to the proposed action. We will present these comments below:</p> <p>Wildlife and Habitat:</p> <p>Concerning the management of the Preble's meadow jumping mouse and its habitat, we encourage you to consider not putting trails within Preble's habitat.</p> <p>We would encourage you to accelerate the schedule for restoration of the xeric tallgrass prairie. We would request that Objective 1.2 be revised to read, "Maintain the total number of native species to be at least 100 percent of the . . . plant species . . . in the tallgrass community. . . ."</p> <p>2260 Baseline Road, Suite 100, Boulder, CO 80302 Tel: 303-786-8001</p> 	<p>26-1. Thank you for your comments.</p> <p>26-2. The proposed trails were carefully planned to avoid impacts to Preble's habitat. To that end, all of the proposed trails within Preble's habitat would use existing roads and road crossings, and most would be subject to seasonal closures to protect the mouse. The Service believes that these measures, coupled with Preble's habitat restoration, would not adversely affect the species.</p> <p>26-3. The Service supports the philosophical goal of managing for 100 percent native species composition in the xeric tallgrass communities during the 15-year life of the CCP. However, one of the Service's guidelines for writing management objectives is that the objectives are achievable. To that end, the Service believes that an incremental approach to weed reduction and xeric tallgrass management resulting in a 80 percent native species composition in 15 years would be achievable, and would have significant ecological benefits.</p>

Comment #	Letter #26 continued	Response
	<p>Rocky Flats National Wildlife Refuge April 25, 2004 Page 2</p>	
26-4	<p>The map for Alternative B does not clearly identify the area for restoration of the mixed grassland prairie. Is the area identified as the disturbed area the area for restoration?</p>	<p>26-4. The area identified as “disturbed area” in the DEIS maps would be restored to mixed grassland prairie. The maps in the FEIS have been revised.</p>
26-5	<p>We are encouraged by the efforts to restore and revegetate roads. The Plan states these will be restored within the life of the CCP, but does not indicate if these roads will be closed in the first year. We encourage you to close these roads immediately to avoid them being used by Refuge staff and the public, which will make them more difficult to close later.</p>	<p>26-5. With the exception of the main access road, none of the roads would be accessible to the public for motorized vehicle use. Some existing roads would be converted for use by the public as pedestrian or non-motorized multi-use trails. Objective 2.2 – <i>Public Access</i> has been revised to clarify this point. Other roads that would be restored would be closed as soon as possible, but may not be closed immediately following Refuge establishment due to funding constraints.</p>
26-6	<p>Concerning weed management, we recognize the need for using all methods listed in the CCP. However, we are concerned about the use of grazing by goats and especially cattle. Our prime concern is the impacts these animals can have on riparian areas. Also, it would be important that these animals be quarantined prior to entering the Refuge to prevent the introduction of additional noxious weeds.</p>	<p>26-6. Besides grazing prescriptions as part of an Integrated Pest Management (IPM) program, intense, short-rotation cattle grazing may be prescribed to restore natural ecological processes. In that instance, cattle would be used to emulate the bison grazing to restore the natural disturbance regime required by a healthy grassland. The Service anticipates that grazing programs would require a system of temporary electric fences to manage livestock, including exclusion of cattle from Preble’s habitat, riparian areas, and other sensitive habitats such as tall upland shrubland communities. Grazing programs will be designed and managed to minimize the introduction of additional weeds to the Refuge. Specific strategies would be outlined in a step-down IPM plan.</p>
26-7	<p>As you note, the black-tailed prairie dog is a controversial species on the forefront of conservation in the United States. Since the population in the Refuge has been so drastically reduced by plague, we do not agree that prairie dogs should be controlled to facilitate human recreation. We believe that the USFWS mandate for “wildlife first” should be followed.</p>	<p>26-7. The primary purpose of plague control on the Refuge would be for the protection of human safety and prairie dog populations. The language of Objective 1.7 – <i>Prairie Dog Management</i> has been revised to clarify those priorities. The Service does not propose to control prairie dogs to facilitate recreation. However, the Service will manage prairie dogs to facilitate resource conservation and maintain the protectiveness of cleanup facilities. The black-tailed prairie dog is a short-grass prairie species. It would be unnatural and detrimental to native ecosystems to encourage or allow prairie dog colonization of sensitive plant communities such as the xeric tallgrass community or riparian areas. Although the Service will not be responsible for management of DOE retained lands, the Service will work with DOE to reduce the potential for prairie dogs and other burrowing animals to invade and compromise the remedy by burrowing in DOE areas of residual subsurface contamination.</p>
26-8	<p>We are encouraged by the proposed action including the reintroduction of species including the sharp-tailed grouse, northern redbelly dace, and common shiner. We would encourage you to consider working cooperatively with the Colorado Division of Wildlife (CDOW) to reintroduce pronghorn to the Refuge.</p>	<p>26-8. The Service consulted with CDOW in preparation of the Draft CCP/EIS and discussed the issue of pronghorn reintroduction. At this time, CDOW is not in favor of pronghorn reintroduction at Rocky</p>
26-9	<p>We support the removal of interior stock fencing for facilitating wildlife movement within the Refuge. However, since the perimeter of the Refuge is currently fenced, the USFWS should explore ways to mitigate the impacts the fences have on the movement of wildlife. Also, if Highway 93 is improved and/or expanded, the USFWS should work with the Department of Transportation to install wildlife crossings to decrease wildlife/human conflicts. We feel this is extremely important in light of the fact that elk currently cross Highway 93 and the installation of wildlife underpasses or overpasses would greatly minimize wildlife related accidents and improve public safety.</p>	
26-10	<p>Public Use, Education and Interpretation</p> <p>We support your plan for a limited youth and/or disabled hunting program on the Refuge. Hunting is an important management tool which will aid in the population dynamics of the mule deer herd.</p>	
26-11	<p>Because of the history of the site, we recommend the USFWS moving cautiously with opening the Refuge to public use and should only be opened when reasonable assurance that post-cleanup soil levels meet standards set to ensure public safety on the property.</p>	

Flats due to a lack of sufficient unfragmented habitat and proximity to highways and urbanized areas. The Service defers to CDOW in this matter and will not consider pronghorn reintroduction without the cooperation of CDOW.

Comment #	Letter #26 continued	Response
26-12	<p>Rocky Flats National Wildlife Refuge April 25, 2004 Page 3</p> <p>We would discourage the use horses in the Refuge as they would be a potential source for the spread of noxious weeds.</p> <p>Working with Others</p> <p>We are encouraged by the Refuge's desire to work closely with Jefferson County, City of Boulder, Boulder County, City and County of Broomfield, City of Westminster, Town of Superior, City of Arvada and CDOW to coordinate habitat management and resource conservation strategies. The Refuge should seek formal agreements with these entities to work efficiently and cost effectively on such issues as noxious weeds and other resource management issues that cross Refuge boundaries.</p> <p>Research</p> <p>We support your approach of advancing knowledge about the resources of the Refuge through research. We encourage the Refuge to establish cooperative working relationships with universities and other resource agencies, such as CDOW and USGS.</p> <p>Thank you for this opportunity to comment. If you have questions about this letter, please contact Dyanne Singler, Land Stewardship Manager, at 303/786-8001 x23 or singler@nwf.org.</p> <p>Sincerely,</p>  <p>Stephen C. Torbit, Ph.D. Center Director & Senior Scientist</p>	<p>26-9. The Service believes that the existing barbed-wire boundary fence, which is proposed for all alternatives, would not pose a barrier to the movement of wildlife. With regard to nearby transportation improvements, Section 4.16 includes an expanded discussion that outlines the Service's potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93, and recommendations for mitigating potential impacts.</p> <p>26-10. Thank you for your comment.</p> <p>26-11. The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have indicated that all activities proposed in the CCP would be safe (Appendix D). However, the Service also acknowledges the concerns of many members of the public regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, an additional discussion of contamination issues has been added in Section 1.8.</p> <p>26-12. While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement within the scientific and recreation communities on that point. Recognizing this uncertainty, the Service proposes to allow limited equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).</p> <p>26-13. The Service would support opportunities to collaborate with other jurisdictions in matters regarding regional resource management issues.</p> <p>26-14. The Service is looking forward to working with researchers from a variety of organizations to advancing our knowledge of refuge resources.</p> <p>26-15. Thank you for your comments.</p>

Comment #	Letter #27	Response
<p>27-1</p> <p>27-2</p> <p>27-3</p> <p>27-4</p> <p>27-5</p>	<p>April 26, 2004</p> <p>Laurie Shannon, Planning Team Leader CCP/EIS, US Fish & Wildlife Service Rocky Mtn Arsenal, Bldg 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>Several PLAN Jeffco members are actively following the plans for a wildlife refuge at Rocky Flats, and PLAN Jeffco has long supported preservation of the native prairies in the Rocky Flats area. PLAN Jeffco is a citizen organization established in 1971 to create the Jefferson Co. Open Space system; we continue to serve in an oversight capacity, working with the Open Space staff and others to provide citizen review of plans, acquisitions, and other issues. We are pleased to provide the following general comments on some aspects of the alternatives proposed. At the end, we have indicated which alternative(s) we support for each Refuge goal (table attached).</p> <p>First, we would like to establish clearly that when we refer to "Rocky Flats" throughout this letter, we are referring to the buffer zone areas that are to be included in the Refuge, and NOT to the contaminated plant site that will be retained in DOE ownership. We certainly would not support any public use of the latter area, and urge that you take any steps necessary to preclude public use, even by accident. We understand that this falls into DOE jurisdiction at this time, and fully expect that USFWS will ensure that any lands made accessible are safe for the public. Our comments further rely on your statements that USFWS will not take control of the areas to be included in the Refuge until EPA deems the cleanup complete on those lands. While the primary responsibility for public safety rests with EPA and DOE, the Service will also have to ensure itself that it is safe to proceed with the plans for the Refuge.</p> <p>As a general comment, we'd like to mention that Open Space has found it valuable, when establishing a new park or acquiring a new area, to clarify the primary use(s) for which an area is intended. Some sites are protected with an eye to maintaining their values as natural areas, while others are intended for development of recreational facilities, including creating ballparks and building recreation centers. We believe the evidence of the last several years (Colorado Natural Heritage Program report, 1993; Rock Creek Reserve establishment documents; Grassland studies reports by David Buckner, ESCO Assoc.) has shown the incredible value of the Rocky Flats area as an ecosystem connector, wildlife corridor, and a significant remnant native prairie with important wildlife habitat. We note that you have strongly stated that these natural values are central to the significance and purpose of the new refuge (DEIS, p 3), as noted in your "Wildlife First" interpretive theme as well, and urge that these statements be established as a legal mandate for management of the property. If these are to be the core purpose and value of the Refuge, we believe that intensive or uncontrolled recreational use, as proposed in Alternative D, is not supportable. As detailed below, we support elements of Alternatives A, B and C that allow limited use while ensuring adequate protection for all ecosystem components.</p> <p>Recreational use</p> <p>We do believe that <i>very limited</i> recreational use, in the buffer zone only, could be appropriate if properly managed. Large areas of native grassland and the riparian drainages on the western part of the buffer zone have not been subject to plowing or other soil disturbance and thus are unlikely to represent a health risk to the public. Any areas that are questionable as to contamination should, of course, be restricted completely; we believe adequate fencing is necessary to restrict public access to the non-Refuge (DOE maintained) areas.</p> <p>Very limited peripheral trails, especially through trails, are acceptable as connectors with regional trail systems. Trails should be, as proposed, along existing roads or other access routes, avoiding additional ground disturbance, and as close as possible to the north and south boundaries. We think that the trail density and open use allowed under Alternative B is excessive: we strongly recommend that there be no "off-road" area, and that unguided public access be allowed only on the through trails, e.g., on the north and south sides of the area. Soil disturbance, such as that caused by off-trail use or additional trail construction, could mobilize any contaminants that may be present, and thus should be avoided.</p>	<p>27-1. Thank you for your comments.</p> <p>27-2. The Service agrees with your assumptions.</p> <p>27-3. The purposes of the Refuge and the priorities by which it should be managed are established in the Rocky Flats National Wildlife Refuge Act of 2001 (Appendix A), and the National Wildlife Refuge Improvement Act of 1997. This policy guidance is described in section 1.1. The Service designed all alternatives, including Alternative D, to fulfill the letter and intent of those policies. The Service disagrees with the assessment that Alternative D provides either "intensive or uncontrolled" recreational use. While the impacts of recreational use would be greater in Alternative D, they are still compatible with the Refuge purposes and goals. Additional analysis (Table 14) has shown that the length of trail per acre in Alternative D would be lower than other nearby open space facilities.</p> <p>27-4. The EPA and CDPHE have indicated that all of the lands that will become the Refuge would be safe for all of the proposed Refuge management activities, including public use. To minimize the impacts of public use on native grassland, riparian areas, and other sensitive natural resources, most of the trails would be converted from existing roads.</p> <p>With regard to the delineation of the DOE retained area, the Service recommended in the DEIS that the demarcation be "seamless" with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS elaborates that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>27-5. The Service agrees that the re-use of existing roads would provide an opportunity to avoid additional ground disturbance. To that end, 72 % of the proposed trails would be converted from existing roads. The Service believes that the proposed trail locations and density of Alternative B would best balance habitat preservation and public use, and does not agree that the trail density would be</p>

Comment #	Letter #27 continued	Response
27-6	<p>There are two other reasons why we believe vehicular use (even bicycles) and off-trail use should be prohibited on the Refuge. The first is that all too often, smaller forms of wildlife tend to be neglected in management plans. Insects, spiders, snakes, lizards, salamanders, and even small mammals are important ecosystem components on these prairies. The presence of ground-nesting birds and a variety of other wildlife means that off-trail use, especially by bicycles and motorized vehicles, will be extremely disruptive of wildlife—and of the vegetation on which all wildlife depends. An "off-road" area is a sacrifice area, incompatible with the purpose of a Refuge protecting wildlife and prairie. The "charismatic megafauna" always gets full consideration; let's not forget the equally valuable, but often overlooked, microfauna.</p>	<p>“excessive.” As shown in Table 14, the trail density in Alternative B would be similar to, or less than other nearby open space areas including Jefferson County’s White Ranch Park and the City of Boulder’s Mesa/South Boulder Creek open space area.</p>
27-7	<p>The second is that proliferation of access trails fragments habitats and increases the spread of noxious weeds. For the latter reason, we also question the potential use by horses. Horses are great at disseminating weeds, which pass undigested through their systems. There are many other areas of Open Space in the region where horses are allowed. It seems unnecessary to make the Refuge accessible also. The potential for damage from off-trail use by horses and bicycles is high, especially as level grasslands offer ready temptation to explore off the trails. Trails need to be monitored for weed invasion in any event, and any tendency for social footpaths and bikepaths to develop should be discouraged. The best way to prevent such excursions is to ensure that only guided trips are allowed beyond the peripheral trails, with strict signage—and enforcement—prohibiting off-trail activities.</p>	<p>With regard to seasonal off-trail use, the Service believes that the potential localized impacts of off-trail use would be minor and would not adversely affect vegetation communities or wildlife. In regard to specific concerns about residual contamination, the EPA and CDPHE have indicated that any proposed public uses, including off-trail use, would be safe (Appendix D). In addition, the proposed off-trail use areas (Figure 23) are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).</p>
	<p>Protection of grasslands and other sensitive areas</p>	
27-8	<p>We support the public access strategy outlined in Alternative C, that is guided tours only and limited facilities placed only in previously disturbed areas. We do not support development of a public trail in the Rock Creek drainage or to the Lindsay Ranch area. We believe public use in sensitive areas, such as the historic ranch buildings and the ecologically important Rock Creek drainage, should not be encouraged, except on guided trips where visitors can be closely monitored by Refuge staff. The Nature Conservancy has long restricted access to its sites in this way, with the concept that the ecosystem is primary and public use is secondary, as your statement of significance and purpose suggests. This is a good way to ensure that historical groups, birders, botanists, ecologists, biologists, geologists, and others with an interest, professional or general, can be allowed to see or study these areas. This would have to be accomplished while ensuring that the natural values of the Refuge are protected and unmonitored access and potential disturbance do not occur.</p>	<p>27-6. With the exception of Service access for resource management purposes, motorized vehicles would not be permitted on any Refuge trails in any alternative. Objective 2.2 – <i>Public Access</i> has been revised to clarify that point. Off-trail use would be limited to pedestrian access only, on a seasonal basis, as to avoid disturbance to ground-nesting birds and other wildlife species. With these restrictions, the Service does not agree that the off-trail use area would be a “sacrifice area,” but rather it would provide a reasonable opportunity for amateur naturalists, wildlife photographers, and others to access their subjects and would be compatible with the purposes of the Refuge and the NWRS.</p>
27-9	<p>Although we consider the native grasslands of critical importance here, we do not support returning the entire site to "pre-settlement" condition. The historical record will not be served by removal of certain remnants of long-ago occupancy, such as the surviving apple trees. In keeping with your interpretive theme of historic use, some evidence should remain. Restoration needs to be carefully and selectively applied, with an emphasis on preventing further degradation. That is, focus on control of knapweed, smooth brome, and noxious weeds—a critical need—before undertaking massive revegetation to pre-settlement condition.</p>	
27-10	<p>High trail density, in addition to improving weed migration, will increase the potential for wildlife disturbance by bringing more trail users in conflict with wildlife and provoking more frequent flight reactions. Again, if this large, relatively undisturbed ecosystem and corridor is to be protected intact, we should focus primarily on managing the visitors to ensure the goals of the Refuge are met!</p>	<p>The Service agrees that insects, reptiles, and other “microfauna” are often underrepresented in management plans. In consideration of these and other species, the Service has taken the approach that the conservation and restoration of native habitat communities on the Refuge would benefit the native species that depend on them, including microfauna. While such species were considered in the impacts analysis, the text relating to “smaller species” on page 157 has been revised to be inclusive of all microfauna.</p>
27-11	<p>Weed management and prescribed fire</p> <p>Prescribed fire is an important management tool. It helps maintain native prairies in good condition. The buffer zone grasslands, due to decades of protection from grazing, have major buildups of plant litter that are choking out the very native prairie the Refuge is established to protect. These areas are long overdue for prescribed fire or other appropriate management. EPA has indicated that, based on results of the test burn in 2000, they foresee no need to restrict the use of prescribed fire. We agree that such controlled fires pose little or no hazard to the public, especially noting that the native grasslands of primary interest and management need are west (upwind) of the contaminated areas. We support the use of fire as a management tool. Proper timing of fire can also help suppress cool-season introduced species where appropriate.</p>	
27-12	<p>Likewise, dormant season grazing has been shown to help maintain the native warm-season grasslands at Rocky Flats. We support limited, carefully monitored, grazing for management purposes where the goal is to improve the overall health of</p>	<p>27-7. As explained in response to comment 27-6, off-trail access would be open for pedestrian use only. Under existing conditions, there are about 55 miles of roads in the area that would become the Refuge. In Alternative B, about 25 miles of roads would be revegetated, while another 15 miles of roads would be converted and reduced in width to trails. The length of newly constructed trails would be about 1.5 miles. While the Service agrees that trails can</p>

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27-13	<p>the ecosystem. The amount of forage removed and the season of grazing should be monitored to ensure that adequate mass is left to sustain the production and reproduction of native vegetation. Grazing should be restricted in the summer and fall when warm-season grasses are actively growing and producing seed, and used to help control expansion of introduced cool-season grasses, such as Canada bluegrass (<i>Poa compressa</i>), at the expense of native warm-season species. Heavier grazing in the early spring months will help reduce competition from the more undesirable species.</p> <p>In summary, we appreciate and support your focus on the overriding interest here—that of preserving an incredible complex of grassland communities and native wildlife species in a wildlife refuge setting. We endorse the management tools necessary to accomplish this in the face of pressure for increased public use. Fire, grazing, and other weed control techniques will be imperative, but limiting public use will also be a substantial challenge. Because this special ecosystem needs to be an exception to the heavily used parks we see elsewhere, we recommend that "people management" be your primary tool for maintaining the Refuge as, indeed, a REFUGE—for wildlife of all kinds, and for plant species and grassland communities that rarely occur elsewhere, and thus must be preserved here.</p> <p>Thank you for your consideration of our comments. Please contact Sally White (sally_white@msn.com) if you have questions or need clarification.</p> <p>Sincerely,</p> <p>John Litz, Vice-President</p> <p style="text-align: center;">Summary Table of Plan Jeffco Recommendations</p> <table border="1" data-bbox="254 771 1215 1315"> <thead> <tr> <th>Objective:</th> <th>We support strategies as in</th> </tr> </thead> <tbody> <tr><td>Preble's habitat management</td><td>Alternative C</td></tr> <tr><td>Xeric Tallgrass management</td><td>Alternative B, C</td></tr> <tr><td>Mixed Grassland management</td><td>Alternative B, C</td></tr> <tr><td>Road restoration and revegetation</td><td>Alternative C</td></tr> <tr><td>Weed management</td><td>Alternative B, C</td></tr> <tr><td>Deer and Elk management</td><td>Alternative A</td></tr> <tr><td>Prairie dog management</td><td>Alternative D</td></tr> <tr><td>Species reintroduction</td><td>Alternative A</td></tr> <tr><td>Public access</td><td>Alternative A or C</td></tr> <tr><td>Interpretation</td><td>Alternative A, C</td></tr> <tr><td>Environmental education</td><td>Alternative A, C</td></tr> <tr><td>Hunting</td><td>Alternative A, C</td></tr> <tr><td>Recreation facilities</td><td>Alternative A, limited C</td></tr> <tr><td>Staff safety</td><td>Alternative A, B, C</td></tr> <tr><td>Visitor safety</td><td>Alternative A, C</td></tr> <tr><td>Conservation</td><td>Alternative B, C</td></tr> <tr><td>Research</td><td>Alternative B, C</td></tr> <tr><td>Volunteer program</td><td>Alternative A, C (no strong position on this; volunteers may be beneficial)</td></tr> <tr><td>Staffing</td><td>Alternative A</td></tr> <tr><td>Operation and Mngt facilities</td><td>Alternative A</td></tr> <tr><td>Cultural resource management</td><td>Alternative A or C</td></tr> </tbody> </table>	Objective:	We support strategies as in	Preble's habitat management	Alternative C	Xeric Tallgrass management	Alternative B, C	Mixed Grassland management	Alternative B, C	Road restoration and revegetation	Alternative C	Weed management	Alternative B, C	Deer and Elk management	Alternative A	Prairie dog management	Alternative D	Species reintroduction	Alternative A	Public access	Alternative A or C	Interpretation	Alternative A, C	Environmental education	Alternative A, C	Hunting	Alternative A, C	Recreation facilities	Alternative A, limited C	Staff safety	Alternative A, B, C	Visitor safety	Alternative A, C	Conservation	Alternative B, C	Research	Alternative B, C	Volunteer program	Alternative A, C (no strong position on this; volunteers may be beneficial)	Staffing	Alternative A	Operation and Mngt facilities	Alternative A	Cultural resource management	Alternative A or C	<p>fragment habitats, the extent of proposed trails in Alternative B would be compatible with Refuge goals, and the extensive restoration of existing roads would have a net benefit on wildlife habitat.</p> <p>In regard to noxious weed impacts, the Service recognizes that public use can increase the spread of weed species along trails. While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement within the scientific and recreation communities on that point. Recognizing this uncertainty, the Service would allow limited equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).</p> <p>27-8. As established in the National Wildlife Refuge System Improvement Act of 1997, one of the goals of the NWRS is to provide the public with compatible, wildlife-dependent public use. When it is deemed compatible, this public use guidance applies to all members of the public, not just organized groups. The Service believes that the level of access presented in Alternative B would be compatible with the habitat protection goals of the Refuge, and would best balance resource conservation and the provision of wildlife-dependent recreation.</p> <p>27-9. With the exception of the Lindsay Ranch structures, no other historical resources would be removed under any of the alternatives. There are no structures remaining associated with the apple orchard near Woman Creek – in Alternative C the orchard would be allowed to die off over time.</p> <p>27-10. The Service believes that the proposed level of trail use would not have any significant impacts on natural resources on the Refuge. See responses to comments 27-5, -6, and -7 for more specifics.</p> <p>27-11. The Service agrees with your assessment of grassland management and prescribed fire, and appreciates your comment.</p> <p>27-12. The Service agrees with your assessment of grassland management and the utility of managed grazing, and appreciates your comment.</p> <p>27-13. Thank you for your comments.</p>
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Comment #	Letter #28	Response
28-1	<p style="text-align: center;">PRAIRIE PRESERVATION Alliance</p> <p style="text-align: right;">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 26, 2004</p> <p>Rocky Flats Refuge National Wildlife Refuge DRAFT Comprehensive Conservation Plan & Environmental Impact Statement Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal - Building 121 Commerce City, CO 80022</p> <p>Re: DRAFT Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>Dear Ms. Shannon:</p> <p>Thank you for accepting these comments on behalf of the members and affiliates of Prairie Preservation Alliance (PPA). We sincerely appreciate the opportunity to provide the U.S. Fish and Wildlife Service (FWS) with our concerns during this public process. We feel that the scope of the Comprehensive Conservation Plan & Environmental Impact Statement (EIS) is incapable of achieving this step of the process without more complete information concerning the cleanup of the Refuge. Regardless, we offer the following ideas and input.</p> <p style="text-align: center;">Summary</p> <p>The goal of the DRAFT Comprehensive Conservation Plan & Environmental Impact Statement (DCCP) is to "guide management of Refuge operations, habitat restoration and visitor services for the next 15 years. Guidance will be provided in the form of goals, objectives, strategies and compatibility determination." (DCCP, p. 1.) While we agree with the need to plan for the time when the Refuge will be placed under the management of the FWS, we believe it is impossible to plan to the level of detail contained in the DCCP until cleanup activities reach a point where documentation is available that clearly defines the amounts of contamination that remain and the precautions that must be taken to ensure the safety of the public.</p> <p style="text-align: center;">P.O. Box 12485 • DENVER, CO 80212-0485 • (303) 638-4672 www.prairiepreservationalliance.org</p>	<p>28-1. Thank you for your comments.</p> <p>28-2. See responses to the specific comments that follow. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed the cleanup and closure. The Service is required by the Refuge Act to complete a CCP by December 31, 2004.</p>
28-2		

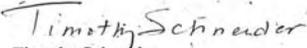
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	<p>At this time, and with the amount of necessary information regarding the effects of the contamination that will remain after cleanup activities are completed, the alternative that is most acceptable to PPA is ALTERNATIVE C/"Ecological Restoration". The addition of Multiple Use Trails on the periphery would be acceptable, but hunting, grazing, on site interpretive programs and all other public uses must not be permitted.</p> <p style="text-align: center;">Comments</p> <p>Comments will be divided into general and specific. General comments will address Goals that are included in multiple Alternatives, and are relative to the DCCP as a whole. Specific comments will be offered for each Objective, in order to give as much structure as possible to them.</p> <p>General</p> <p><u>Cleanup.</u> Goal 3, Safety, states that the Refuge will be managed "in accordance with the final Rocky Flat's cleanup decision documents"(DCCP, p.4.) and yet those documents do not yet exist. Until they are published, we feel it is impossible to submit a plan that complies with those findings.</p> <p>28-3</p> <p>28-4 Figure 2, Comprehensive Conservation Planning Process (DCCC, p. 5.) does not include the cleanup process or the findings that will result. While we understand that the authors of the DCCP are not involved in cleanup of the area, the implications to human health and safety must be available before the planning process can proceed to the part D, the development of and analysis of reasonable alternatives. PPA strongly suggests that the planning process remain in Part C, which includes the determination of significant issues, until final cleanup documents are available. Surely the safety and health of Refuge visitors and staff must be determined and ensured before alternatives can be proffered.</p> <p>28-5 Correspondence from the Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE), and included in the DCCC, repeatedly warns the FWS to minimize or prohibit soil disturbances. (DCCC, pp. 235-238.) Until the levels of plutonium and americium can be positively stated, no activity that possibly disturbs the soil should be permitted. This would include driving, walking, horseback riding, bicycling, hunting, and scientific research—mainly all active and passive activities that can take place in the interior of the Refuge.</p> <p>28-6 <u>Public Use and Species Conservation.</u> Goal 1, Wildlife and Habitat Management, and Goal 2, Public Use, Education and Interpretation may be mutually exclusive goals. Goal 1 strives to conserve the unique, mountain/prairie interface "with particular consideration given to threatened and endangered species"(DCCP, p. 4.). It is unclear what documents</p>	<p>28-3. While many of the cleanup decision documents have not been finalized, the Service has worked closely with the RFCA parties to develop a plan that is consistent with the anticipated cleanup results. The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge. Should the assumptions regarding the general nature, location, and safety of the Refuge land prove incorrect prior to the finalization of cleanup documents, the Service would revise the CCP appropriately.</p> <p>28-4. See response to comment 28-3. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have indicated that all activities proposed in the CCP would be safe. However, the Service also acknowledges concerns regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, we have added an additional discussion of contamination issues in Section 1.8.</p> <p>28-5. In their 2003 letters that are included in Appendix D, the EPA and CDPHE advise the Service to minimize soil disturbances in areas with between 7 and 50 picocuries/gram of soil contamination. As shown in Figure 4, these areas are almost entirely contained within the DOE retained area, and do not contain any areas that are planned for public use, scientific research, or other Refuge management activities. Section 3.2 – <i>Geology and Soils</i> contains an expanded discussion of residual soil contamination levels.</p> <p>28-6. The Service believes that both goals can be achieved at the Refuge without compromising one another. The alternatives were developed considering the input and professional experience of Service biologists, planning team members, the Colorado Division of Wildlife, and representatives from local government agencies.</p>

Comment #	Letter #28 continued	Response
	<p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>and biology were used to guarantee their protection. Neighboring Boulder City and County manages thousands of acres of protected grassland. Have their management practices been tapped as a tool that may enable the Refuge to be operated in the manner that most effectively cares for the plant and animal species there?</p>	<p>28-7. A National Wildlife Refuge is not necessarily the same thing as a dictionary definition of a “refuge.” As established in the National Wildlife Refuge System Improvement Act of 1997, one of the goals of the NWRS is to provide the public with compatible, wildlife-dependent public use. Congress has determined that such uses should be provided for if they are compatible. The Service believes that the level of access presented in Alternative B would be compatible with the habitat protection goals of the Refuge, and would best balance resource conservation and the provision of wildlife-dependent recreation.</p>
28-7	<p>Refuge is defined as “safe or sheltered from pursuit, danger, or trouble.” (The New Oxford American Dictionary 2001, p. 1433.) Hunting, interior trails for hikers, bikers, and horses, scientific research, and prescribed fire do not provide for a safe or sheltered environment for the flora and fauna that do/will use the site as a refuge. If these activities are to be allowed, then we recommend the name be changed to the Rocky Flats National Recreation Area.</p>	<p>28-8. The Service disagrees with the assessment that the proposed trails and use of prescribed fire would increase, rather than decrease the threats to species extinction. The trails were carefully planned to use existing roads to the greatest extent possible, and trails in the most sensitive habitat areas would be subject to seasonal closures. In addition to using existing roads, most of the trail development includes reducing the width of the roadbed to the width of a trail (about 8 feet), and restoring the adjoining areas. Prescribed fire is widely recognized as an important tool for grassland restoration, and would be used to improve the overall health and function of grassland communities at Rocky Flats.</p>
28-8	<p>Most threatened and endangered species are in danger of becoming extinct because of loss of habitat and consumptive use. By allowing trails, prescribed fire, and consumptive uses in the Refuge, additional habitat is made unavailable to those who seek refuge there—increasing, rather than decreasing the threats to extinction. Allowing for the natural return to a balanced ecosystem will create a healthier, more fully functional prairie preserve. Wildlife would then remain for the enjoyment of those wishing to view or photograph them from the periphery.</p>	<p>28-9. See responses to comments 28-6 and 28-7. In addition, the Service believes that the limited hunting program in Alternatives B and D are unlikely to affect wildlife viewing opportunities.</p>
28-9	<p><u>Vision.</u> The vision for the Refuge is laudable. We agree that it can provide “opportunities to appreciate the Refuge resources in an urbanized area through compatible wildlife-dependent public uses and education” (DCCP, p. 4.). PPA recommends the use of the 2001 U.S. Fish and Wildlife Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation to strengthen the vision. The survey found that wildlife watchers spent \$38 billion, and increase of 5% over their 1996 survey. On the other hand, hunters spent \$21 billion, a decrease of 7% over their 1996 survey. We recommend the optimization of opportunities that allow for passive interaction with wildlife through viewing and photographic experiences. Viewing and photographing from the periphery will ensure the wildlife remains comfortable occupying all portions of the interior and also ensure that grasses are free from human disturbance and more able to proliferate.</p>	<p>28-10. See response to comments 28-3 and 28-4.</p>
28-10	<p>Passive recreation from the periphery will also increase the probability of a visit free from the effects of contamination.</p>	

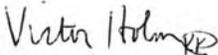
Comment #	Letter #28 continued	Response
28-11	<p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>Specific</p> <p>1. Preble's Habitat Management. In the opinion of PPA, Preble's habitat management is comprehensively addressed. We agree with the objectives and strategies as presented.</p>	<p>28-11. Thank you for your comment.</p>
28-12	<p>2. Xeric Tallgrass Management. PPA disagrees with the use of prescribed fire, grazing, and other tools. Manipulative management practices have resulted in catastrophic events in the past (e.g., the Dust Bowl) simply because the results of the actions could not be foreseen. Here now is an opportunity to allow the natural forces to chart the course of events. Yellowstone National Park accepted the challenge of managing the Park without suppressing natural wildfires, prescribed fire and grazing. Although people may not agree with the non-invasive management practices used, still a rather complete range of flora and fauna is represented in the Park.</p> <p>Mowing is the agricultural equivalent to natural ungulate and rodent grazing. We recommend only natural strategies be employed to clip grasses in the Refuge. While we reluctantly agree that goats can sometimes be beneficial, we strongly disagree with the strategy of using domesticated cattle to achieve grazing. Our reasons for recommending against cattle grazing are contained in the next paragraph.</p>	<p>28-12. While most of the Refuge area has been undisturbed by human activity in the last 30 to 50 years, the combined effects of road construction, site management, adjacent mining activities, and historical grazing have left its grasslands in a distressed condition that are increasingly vulnerable to noxious weed infestations. Managed grazing, mowing, and prescribed fire are commonly accepted grassland restoration tools that, if carefully applied, would reduce noxious weeds and stimulate native plant growth. All wildfires would be suppressed, since the use of "natural fires" in an urban environment like Rocky Flats would be a greater hazard to public safety than prescribed fire would be. Adaptive management would be a critical component of any grassland management regime to ensure that any management tools would not have catastrophic effects.</p>
28-13	<p>Grazing is addressed in AGRO's Comments on BLM's Grazing Program as follows:</p> <p>Livestock grazing has degraded the West. Sheep and cattle are ubiquitous on BLM lands although they are not native and they cause profound environmental problems such as diminishment of forage required by native grazers and browsers. When that forage is gone, native wildlife's food supply and hiding places are substantially reduced. In the Southwest, cattle have been overwhelmingly implicated in the historic and continued conversion of desert grasslands to scrub. In particular, it is well documented that livestock destroy riparian areas, the lifeblood for countless species in the arid West. Livestock remove stabilizing and shading plants, promoting erosion and problems with instream flows—increasing flood events but stopping summer flow and reducing the water table. Some 80% of vertebrates in Arizona and New Mexico use riparian areas for some of their life history needs and over half of vertebrates in these states are riparian obligates. Three-quarters of wildlife across the West depend on riparian areas. Riparian areas are disappearing rapidly and as a result, the number of species in the West has also plummeted in diversity and richness. Livestock's excrement and carcasses foul water. They deposit bacteria into streams that increase nutrient</p>	<p>28-13. See response to comment 28-12. In addition, the use of grazing at Rocky Flats would be highly managed, for short periods of time, to emulate the effects of grazing by bison under which the native grasslands evolved. This type of management would not result in the types of ecological damage that is referenced in the comment.</p>

Comment #	Letter #28 continued	Response
<p>28-14</p> <p>28-15</p> <p>28-16</p> <p>28-17</p>	<p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>content, water turbidity, and water temperatures—all of which lead to impacts on cold-water fishes and other species. (Grazing Comments, pp. 2-3.)</p> <p>In the face of such evidence, it would be unconscionable to move forward with plans to include cattle grazing on the Refuge. Moving cattle in and out of the Refuge must surely be accompanied by the influx of noxious weed seeds, resulting in further degradation of the native landscape.</p> <p>3. Mixed Grassland Prairie Management. PPA agrees with the objectives and strategies in this section with the exception noted in 2. above, regarding prescribed fire and mowing, and the suppression of all natural wildfires.</p> <p>4. Road Restoration and Revegetation. PPA agrees with the objectives and strategies presented in this section.</p> <p>5. Weed Management. We recommend against employing the Integrated Pest Management (IPM) approach because it uses cultural and chemical tools to address a problem that was created in part by the use of these tools and is becoming an ever-increasing problem. The same cultural and chemical tools have been unsuccessful in the past and will be unsuccessful in the future in managing noxious weeds. Reverting to natural tools such as biological approaches ensures that additional chemicals and toxins are not added to those already in the soils.</p> <p>We urge the creation of a comprehensive IPM plan that includes only biological strategies along with grub and handpull. The construction of fences to catch tumbleweeds are not acceptable since they may interfere with the movement of wildlife from one side to the other.</p> <p>6. Deer and Elk Management. We disagree with the objectives and strategies presented in this section. It is unrealistic to assume the CDOW can establish target populations for deer and elk. The CDOW has been unable to protect deer and elk from chronic wasting disease, increase fawn to doe ratios in mule deer herds, accurately inventory mountain lion populations, or control coyote populations. The FWS can certainly work with the CDOW to inventory populations of all wildlife populations in the Refuge, but not for purposes of seeking their direction regarding management practices, since these methods have proven unsatisfactory in the past.</p> <p>5</p>	<p>28-14. See response to comment 28-12 and 28-13.</p> <p>28-15. Thank you for your comment.</p> <p>28-16. Due to the extent of noxious weed infestations at Rocky Flats and the effect that weeds have on native ecosystems, the Service believes it would be important to retain a full suite of pest management tools, including chemical herbicides, grazing, mowing, prescribed fire, biological controls, temporary fencing, and grubbing and handpulling. Each of these tools would be used as appropriate to reduce noxious weed infestations while minimizing adverse environmental effects. Often a combination of tools is required for weed control.</p> <p>28-17. The Service is confident in the ability of Service biologists, along with the Colorado Division of Wildlife, to establish target populations that would be appropriate for Refuge management.</p>

Comment #	Letter #28 continued	Response
28-18	<p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>Population targets are not realistic since populations fluctuate from month to month depending on conditions such as weather, disease, forage, predation, disease, etc. To attempt to see into the future may cause irreparable damage.</p> <p>Hunting as a management strategy is addressed in the general section on pages two and three above. In addition, we wish to state here that no hunting should be allowed on the Refuge. There are thousands of acres in the State of Colorado that are open to hunting of all sorts. The State can afford to create a refuge that does not allow consumptive use of the resources on this public property.</p>	<p>28-18. The Service believes that limited public hunting would be compatible with Refuge purposes and management, and that it would provide an additional management tool for deer and elk populations.</p> <p>28-19. In Alternative B, the Service proposes limiting prairie dog expansion to a threshold of 750 acres. 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, 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 would contribute to the health and diversity of grasslands, but an overpopulation of prairie dogs across the entire Refuge would 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 5000% increase over the current population size, which the Service believes would be sufficient for a sustainable and dynamic prairie dog population.</p> <p>Another reason that the Service intends to restrict unlimited expansion of prairie dog colonies is due to concerns related to residual, subsurface contamination within the DOE retained area. The EPA and CDPHE have indicated that subsurface contamination does not exist in the area that will become the Refuge. However, 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 would not be responsible for prairie dog management 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.</p> <p>28-20. Prairie dog populations would be managed using visual barriers, on-site relocation, and other non-lethal methods.</p> <p>28-21. 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 in the response to</p>
28-19	<p>7. Prairie Dog Management.</p> <p>The objective for prairie dog management must be increased to include the entire 2460 acres of identified habitat (DCCP, p. 21.). In this way, prairie species will enjoy the many benefits that prairie dogs provide the prairie ecosystem: food, shelter, improved soil aeration, more nutritious vegetation, etc. (John L. Hoogland, <u>The Black-Tailed Prairie Dog</u>, 1995.) Allow the black-tailed prairie dog to expand naturally into the 2460 available acres to achieve a fully functional prairie.</p>	
28-20	<p>Strategies for managing prairie dogs should not include any lethal methods, including extermination, or donations to ferret or raptor foundations. The use of barriers to control the dispersal of prairie dogs into sensitive habitat areas should be employed, rather than trapping and relocating animals within the Refuge.</p>	
28-21	<p>Prairie dogs from off-site locations should be accepted until its carrying capacity of 18000 animals is achieved (75% of 2400 acres = 1800 acres X 10 prairie dogs per acre = 18,000). This figure allows for 25% expansion over time. The carrying capacity may be extrapolated over a multi-year period since it is probably impossible to translocate that many animals in a lesser time frame.</p>	
28-22	<p>Visitors should never be allowed to enter areas occupied by prairie dogs. By applying this criterion, plague will not be an issue for visitors. The DCCP states that management will include the informal monitoring for plague. PPA would like the statement to be defined more clearly, as it is difficult to understand how one "informally monitors plague". Additionally, "plague control methods" (DCCP, p.41.) are mentioned but not defined. Please expound on the strategy in future documentation.</p>	

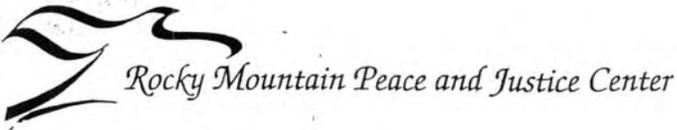
Comment #	Letter #28 continued	Response
<p>28-23</p> <p>28-24</p>	<p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>8. Hunting.</p> <p>Under no circumstances should hunting be allowed on the Refuge! There is no way to guarantee the animals are free of contaminants. There is no way to guarantee the young or disabled are not more susceptible to the contaminants that remain on-site than the general public.</p> <p>In summary, Prairie Preservation Alliance sees much value in the Comprehensive Conservation Plan for Rocky Flats National Wildlife Refuge. We would like to see less orientation toward active recreation and more concern over the cleanup activities and schedule before proceeding further with the Plan. We would like to see the Refuge allow prairie-dog relocations from off-site locations. Finally, we strongly disagree with the recommendation to allow hunting on the Refuge. It is not necessary and will greatly detract from the overall experience of the Refuge. It is not a management tool in the true sense of the word (and may be detrimental to the participants), but a form of recreation that serves an ever-decreasing portion of the population. To pander to their wishes at the expense of the 61 million people who spend \$38.6 billion annually in the pursuit of wildlife viewing and photography flies in the face of reason.</p> <p>Sincerely,</p>  <p>Judy Enderle Prairie Preservation Alliance judy@prairiepreservationalliance.org</p>  <p>Timothy Schneider Friends of Native Ecosystems timsfam@indra.com</p> <p>7</p>	<p>comment 28-19, the Service proposes to allow natural expansion of existing and adjacent prairie dog populations in a manner that is ecologically sustainable.</p> <p>28-22. Any outbreaks of plague in prairie dog colonies would be monitored through the observation of on-site Refuge staff. Informal monitoring is relatively simple, as outbreaks of plague in prairie dog colonies are readily and quickly apparent.</p> <p>28-23. 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. The EPA and CDPHE have indicated that all of the proposed Refuge management objectives, including hunting, would be safe for the public.</p> <p>28-24. Thank you for your comments.</p>

Comment #	Letter #29	Response
<p>29-1</p> <p>29-2</p> <p>29-3</p> <p>29-4</p> <p>29-5</p> <p>29-6</p>	 <p>Rocky Flats Citizens Advisory Board An Advisory Board to the U.S. Department of Energy</p> <p>April 1, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal Building 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>The Rocky Flats Citizens Advisory Board (RFCAB) is pleased to submit the following comments related to the draft Comprehensive Conservation Plan / Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge.</p> <p>As you know, RFCAB is a federal advisory committee chartered to provide advice and recommendations to the Department of Energy, the regulators and others on matters related to the cleanup and closure of the Rocky Flats site. Our membership represents a diverse cross-section of the community. The Board develops its recommendations by consensus, which when considering the diversity of our membership represents a careful balance of the views and opinions shared by our members.</p> <p>In considering the information presented in the draft CCP/EIS, the Board does not have consensus on whether one of the proposed alternatives, A, B, C, or D, should be chosen for future management of the refuge. Further, nothing in this letter should be construed to imply that the Board has reached consensus on whether there should be public access to the refuge. We do have agreement, however, on certain aspects of the overall management plan irrespective of whatever management alternative is ultimately selected and offer them as follows.</p> <ol style="list-style-type: none"> 1) No dogs should be allowed on the refuge. 2) In the event that an alternative is chosen that allows public access, there should be no motorized vehicles allowed except in public parking areas or for site maintenance. 3) The Board supports the overall goal of ecological restoration at the site, particularly the protection and development of the tall-grass prairie ecosystem. 4) In order to prevent access to the DOE-retained portions of the site, there should be a permanent and clearly demarcated boundary. The U.S. Fish and Wildlife Service should be an active decision-maker in the establishment of this boundary. Members of the community should also be involved in the decision. <p>10808 Highway 93, Unit B, Building 60, Room 107B Golden, Colorado 80403</p> <p>(303) 966-7855 ▲ Fax (303) 966-7856 ▲ Email: rfcab@indra.com</p>	<p>29-1. Thank you for your comments.</p> <p>29-2. Thank you for your comments.</p> <p>29-3. Dogs would not be permitted on the Refuge in any alternative.</p> <p>29-4. Motorized vehicles would not be permitted on the Refuge except for designated parking/access areas, Refuge maintenance and fire access, and access to utility easements, ditches, and private mineral rights. Objective 2.2 – <i>Public Access</i> has been revised to specify that motorized vehicles would not be permitted on Refuge trails and roads except for the above uses.</p> <p>29-5. The Service agrees that ecological restoration and the protection of the xeric tallgrass ecosystem are important components of any Refuge management plan.</p> <p>29-6. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary with the Refuge will be decided by DOE and the other RFCA parties. The Service is not the final decision-maker in these matters. However, the Service will continue to provide input to the RFCA parties.</p> <p>In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p>

Comment #	Letter #29 continued	Response
<p>29-7</p> <p>29-8</p> <p>29-9</p> <p>29-10</p> <p>29-11</p>	<p>5) It is important to preserve the history of ranching as part of the story of the Rocky Flats land, but preservation of the actual remaining ranching structures is not a top priority for the Board.</p> <p>6) Because of its close association with the tall-grass prairie ecosystem, mining is not a compatible land use for the refuge. The Board supports the U.S. Fish and Wildlife position that no land be transferred into the refuge until the mineral rights have been acquired or after such time that mined lands have been reclaimed. The responsibility for resolving the outstanding issues related to the mineral rights remains with the Department of Energy.</p> <p>7) While not in agreement on the final location, the Board supports the development of a combined refuge interpretive center and museum related to Rocky Flats history.</p> <p>8) The Board supports a strong environmental education program focusing on the ecological resources at the refuge, but is not in agreement on whether these programs should include access to the site.</p> <p>The Board is also forwarding to you the results of a survey on the refuge management alternatives and related issues completed by our members. These survey results do not represent any official position of the Board, but do provide an insight into the development of our comments outlined above.</p> <p>We thank you for the opportunity to provide our comments.</p> <p>Sincerely,</p>  <p>Victor Holm Chair</p> <p>cc: Frazer Lockhart, DOE-RFPO Steve Gunderson, CDPHE Mark Aguilar, EPA</p>	<p>29-7. The Service agrees that the preservation of the actual Lindsay Ranch structures is not necessary to preserve the agricultural history of the site, or to meet the requirements of the Refuge Act. To that end, Alternative C calls for the removal of the structures and interpretation of the history of the site. However, the Service also acknowledges that there is public interest in the preservation of the structures, as well as the visual character that they add to the Refuge. For that reason, the Service recommends continued stabilization and interpretation of the Lindsay Ranch barn in Alternative B.</p> <p>29-8. The Service agrees that surface mining of Refuge land would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRs. The Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p> <p>29-9. 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.</p> <p>29-10. In the Service's preferred alternative, Alternative B, on-site environmental education would be targeted towards high school and college age students. On-site education programs would be implemented after 5 years of Refuge operations. The establishment of the Refuge and any ensuing public access is predicated by certification by the EPA that the cleanup is complete and proposed uses would be safe for the public. Cleanup decisions will not be made by the Service and are outside the scope of this EIS. However, due to public interest and concern, an expanded discussion of cleanup related issues is included in Section 1.8.</p> <p>29-11. Thank you for your comments.</p>

Comment #	Letter #30	Response
<p data-bbox="142 841 201 865">30-1</p> <p data-bbox="142 1052 201 1076">30-2</p> <p data-bbox="142 1206 201 1230">30-3</p>	<div data-bbox="323 305 667 456" style="text-align: center;">  <p>Rocky Flats Cold War Museum</p> </div> <div data-bbox="856 293 1052 456" style="text-align: right; border: 1px solid black; padding: 5px; transform: rotate(-15deg);"> <p>RECEIVED APR 21 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <p data-bbox="323 565 428 589">April 3, 2004</p> <p data-bbox="323 605 632 760">Laurie Shannon Planning Team Leader United States Department of the Interior Fish and Wildlife Service Rocky Flats National Wildlife Refuge c/o Rocky Mountain Arsenal, Bldg. 121 Commerce City, Colorado 80022</p> <p data-bbox="323 776 474 800">Dear Ms. Shannon,</p> <p data-bbox="323 816 1045 930">Thank you for the opportunity to comment on how the Rocky Flats Cold War Museum (RFCWM) can continue to work with the USFWS and the Department of Energy to create a significant and sustainable legacy for Rocky Flats after site closure. As with our previous input to the Rocky Flats Refuge planning process, our intention is to partner closely with the USFWS wherever our goals can be mutually advanced and our visitors optimally served.</p> <p data-bbox="323 946 1035 1011">As outlined in the museum's comprehensive feasibility study completed last August, there are several areas where we anticipate close cooperation with USFWS at the Rocky Flats. These include:</p> <ul data-bbox="359 1036 1052 1295" style="list-style-type: none"> • Collaboration on exhibit development and fabrication. The museum's mission, in addition to the cold war era and clean-up history, also addresses the natural history and the long-term stewardship of the site. We anticipate working closely with the USFWS during this process to insure that these exhibits also serve the anticipated needs of the Service. • Sharing physical space (either at the building 060/061 or at other locations depending on how the museum develops). The museum intends to undertake a capital campaign to secure or build its facility, portions of which could be leased back to other stakeholders. The museum, in response to feedback from the many community stakeholders who were interviewed during our feasibility study, would preferably be co-located with USFWS operations. 	<p data-bbox="1226 204 1814 228">30-1. Thank you for your comments and participation.</p> <p data-bbox="1226 253 1961 310">30-2. The Service looks forward to opportunities to collaborate with the Museum, as expressed by Objectives 2.8, 2.9, and 6.5.</p> <p data-bbox="1226 334 1961 505">30-3. The establishment of the Cold War Museum is outside the jurisdiction of the Service and the scope of the CCP/EIS. However, 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.</p>

Comment #	Letter #30 continued	Response
<p>30-4</p>	<ul style="list-style-type: none"> Working closely to develop environmental education and long-term stewardship activities. Perhaps most importantly, as an educational organization, the museum's exists to inform its visitors of the past, present, and future issues regarding Rocky Flats. In fact, the educational programs of the museum can eventually represent one of the institutional controls for the ongoing stewardship of the site—keeping citizens informed about the environmental state of Rocky Flats and nurturing future stewards. A wide variety of activities focusing on site monitoring, habitat restoration, and continuing community information about the ongoing legacy of Rocky Flats are being developed. 	<p>30-4. See response to comment 30-2.</p> <p>30-5. The Service appreciates your efforts to preserve the history of the Lindsay Ranch. As outlined in Objective 6.5 – <i>Cultural Resources – Site History</i>, the Service looks forward to future partnership opportunities.</p> <p>30-6. Thank you for your comments.</p>
<p>30-5</p>	<p>The museum's lead role in undertaking a Historic Site Assessment of the Lindsey Ranch (now completed) is one example of the collaborative approach we hope for. The ranch holds promise as an important educational resource for the refuge. This in-depth assessment represents an important first step in considering how the ranch might be used in future public history or environmental education programming. Thanks to the collaborative efforts of the museum, USFWS, DOE, and the Colorado Historical Society, the ranch's heritage will not be lost.</p>	
<p>30-6</p>	<p>There is much to be decided in the coming years. As the clean-up progresses we hope to play an increasingly visible role in defining what the legacy of Rocky Flats will be. We continue to look to the USFWS as a critical partner in this work.</p> <p>Sincerely,</p>  <p>Bryan C. Taylor, President, Board of Directors Rocky Flats Cold War Museum, Inc.</p>  <p>Steven E. Davis, Executive Director Rocky Flats Cold War Museum, Inc</p>	

Comment #	Letter #31	Response
31-1	 <p data-bbox="856 412 1045 435">Monday April 26, 2004</p> <p data-bbox="667 412 819 470">RECEIVED</p> <p data-bbox="676 467 798 516">APR 27 2004</p> <p data-bbox="625 506 808 576">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="348 477 596 607">Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, CO 80022</p> <p data-bbox="348 630 499 649">Dear Ms. Shannon,</p> <p data-bbox="348 672 1041 912">The following pages are the final comments by the Rocky Mountain Peace and Justice Center on the Draft Comprehensive Conservation Plan and Environmental Impact Statement for the future Rocky Flats National Wildlife Refuge. The comments have been divided into two basic parts, general comments and specific comments. We would like responses to both sections. We have also included attachments that would be very useful in the final decisions made by the FWS for the site use and management of the RFNWR. They are: A. <u>Risk from Plutonium in the Environment at Rocky Flats</u> by Dr. LeRoy Moore, B. "The Evolution of Health Protection Standards for Nuclear Workers," from <u>Closing the Circle on the Splitting of the Atom</u>, DOE, January 1996, and C. <u>The Executive Summary</u> and recommendations of the Risk Assessment Corporation's 1999 report on sampling protocols at the RFETS.</p> <p data-bbox="348 915 1016 1000">The decisions being made at this site are very important and could affect many lives. We believe that the FWS should utilize as many resources as possible when making decisions such as those in the CCP/EIS, including public comment and citizen expertise.</p> <p data-bbox="348 1003 1020 1110">If you have any questions regarding our comments or the additional resources provided at the end of our comments, please feel free to contact me. I will send two copies of our final comments; one copy will be faxed on April 26, 2004, the other copy will be mailed and postmarked by April 26, 2004. I would request a response acknowledging receipt of our comments.</p> <p data-bbox="348 1133 537 1153">Respectfully submitted,</p>  <p data-bbox="348 1201 676 1308">Erin Hamby Coordinator Rocky Flats Collective Rocky Mountain Peace and Justice Center 303-444-6981 veggirrl@aol.com</p> <p data-bbox="348 1312 483 1347">1520 Euclid Avenue Boulder, CO 80302</p> <p data-bbox="634 1312 806 1347">Telephone: (303) 444-6981 Fax: (303) 444-6523</p> <p data-bbox="953 1312 1087 1347">Post Office Box 1156 Boulder, CO 80306</p> <p data-bbox="516 1367 915 1386"> working for nonviolent social change since 1983</p> <p data-bbox="520 1403 915 1422">"Community Shares of Colorado Member Agency"</p>	<p data-bbox="1226 201 1953 259">31-1. Thank you for your comments. The documents referenced in the letter are part of the administrative record for the project.</p>

Comment #	Letter #31 continued	Response
31-2	<p>The Rocky Mountain Peace and Justice Center is a non-profit organization, which represents a membership of over 2000 people in Colorado. We have acted as a voice for the community for 20 years on issues surrounding Rocky Flats. For 20 years we have sought to end the harm to people and the environment caused by nuclear weapons production and other activities at Rocky Flats.</p> <p>General Comments:</p> <p><u>Guidelines for National Wildlife Refuges and for the Rocky Flats Refuge</u> In the Draft EIS/CCP, the FWS points out, "The [National Wildlife Refuge System] Improvement Act states that wildlife conservation is the priority of NWRS lands and that the Secretary of the Interior will ensure that the biological integrity, diversity, and environmental health of refuge lands are maintained. Each refuge must be managed to fulfill the NWRS mission and the specific purposes for which it was established (emphasis added)." The NWRS mission is, "[t]o administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (emphasis added)." The CCP/EIS also states, "The Refuge Act identified four purposes of the Rocky Flats NWR:</p> <ul style="list-style-type: none"> • Restoring and preserving native ecosystems • Providing habitat for and population management of, native plants and migratory and resident wildlife • Conserving threatened and endangered species (including species that are candidate species under the Endangered Species Act) • Providing opportunities for compatible scientific research" <p>Neither the mission of the NWRS nor the purposes for which RFNWR was established requires or even mentions public use or recreation. It is therefore in-line with the mission and purposes of the RFNWR to keep the site closed to recreation.</p> <p>Further, FWS states that, "[l]ands within the NWRS are different from federal multiple-use public lands, ...in that that they are closed to all public uses unless specifically and legally opened." Compatibility Determinations are used to determine whether a refuge use should be allowed. While compatibility determinations for the RFNWRS show no significant "interference or detraction" from the Refuge and its mission, neither do they add any significant benefit. The RMPJC feels that the Compatibility Determinations provided in the Draft CCP/EIS are vague and do not provide the details one would require to make such serious decisions.</p> <p><u>The question of recreational activities</u> The Rocky Mountain Peace and Justice Center and its members do not want to see recreation allowed at Rocky Flats. It is our belief that the dangers and uncertainties around contaminant concentrations, locations, and stability within the environment are simply too great to justify opening the site to public access.</p> <p>We support the basic ideas behind the Refuge establishment. It is appropriate to deter development of these beautiful, yet contaminated lands. It is also appropriate to reclaim this land from its tragic history and allow it to serve a positive purpose. However, positive use of this beautiful land does not require the site be opened to the</p> <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 1</p>	<p>31-2. The Service agrees that excerpts from the mission of the National Wildlife Refuge System and the purposes of Rocky Flats National Wildlife Refuge are correctly quoted. It is quite clear from the language of the National Wildlife Refuge System Improvement Act of 1997, and the legislative history of that law, that the Secretary of the Interior is required to provide the six priority forms of wildlife-dependent recreation that are the priority public uses of the Refuge System, whenever those uses are found to be compatible with the purposes of the refuge and the mission of the Refuge System and are consistent with public safety. The Service believes that the public uses proposed in the CCP meet the compatibility and safety criteria and are, hence, required by the NWRSIA of 1997.</p> <p>31-3. In addition to the response to comment 31-2, the Refuge will not be established until it is certified by the EPA to be safe for any proposed activities.</p>
31-3		

Comment #	Letter #31 continued	Response
31-4	<p>public for recreation. In fact, opening the site to recreation would pose a health risk to those visiting the site, and, therefore, recreation should be considered a negative use.</p> <p><u>Scientific research on the site</u></p> <p>We believe that encouraging scientific research on the site, one of the four purposes for which the RFNWR was created, would be more beneficial to US citizens overall. Little is known about low dose radiation exposure, though some studies suggest small doses received over a period of time can be very harmful to one's health. We recommend that a focus be placed on studying the health effects of low level radiation, including cancer risks and possible genetic disturbances, on human and non-human organisms. We also suggest that Rocky Flats could be used for research in the development of better, more efficient remediation technologies for cleanup of plutonium contaminated sites. Care should be taken in any and all situations to prevent exposure to researchers and workers, as well as the public. Care should also be taken to prevent disturbance of wildlife and habitat, especially those considered to be endangered or threatened.</p>	<p>31-4. As described in Objective 5.3 – <i>Research</i>, all alternatives would allow for some level of compatible scientific research on the Refuge. Currently, the Service anticipates working with others to conduct research that has direct implications for Refuge management related to wildlife, habitat, and public use. The Service has no plans to conduct research on efficient remediation technologies for cleanup of plutonium-contaminated sites. There would be no need to do this since none of the lands coming to the Refuge will require any cleanup.</p>
31-5	<p><u>NEPA considerations</u></p> <p>We were very disappointed to be told that known contaminants that are being left behind on site at Rocky Flats are outside the scope of the CCP/EIS. We were also told that comments referring to such contaminants would not be considered “reasonable,” and therefore not considered. . . Not only is this irresponsible and inappropriate, we believe it violates the clear intent of the National Environmental Policy Act requirements for conducting an EIS. On this issue, we concur with and call your attention to the comments submitted on April 21, 2004, by the Sierra Club Rocky Mountain Chapter. FWS is aware that the site will not be cleaned up to the most stringent possible levels. FWS is also aware that large amounts of dangerous contamination will be left behind in the subsurface (below 3 feet) in the former industrial zone and that the surface soil in this portion of the site will contain up to 50 pCi/g of plutonium—assuming that the cleanup does not miss any hot spots and that soil sampling and analyses were adequate and accurate.</p> <p>Any assessment of risk is freighted with uncertainties. There is a substantial body of scientific literature (much of it cited in the attached paper on Risk from Plutonium in the Rocky Flats Environment; <i>Attachment A</i>) that supports the conclusion that exposure to plutonium in even minuscule amounts can have adverse health effects, including effects that may be passed on to future generations. Yet, despite the clear understanding that contamination will be allowed to remain on the site, the FWS refused to consider comments that addressed dangers posed by that contamination. It is unacceptable to limit public participation in this way. It is also irresponsible to manage the site as if it were pristine, when it is admittedly not. The public has been asked to comment on a Draft Environmental Impact Statement while being told that remarks about environmental impacts will be ignored.</p> <p>In keeping with the foregoing, we believe FWS must do a Supplemental EIS on the refuge in which it presents a full description of the condition of the Rocky Flats</p> <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 2</p>	<p>31-5. The Service is not a decision-maker in matters pertaining to cleanup, and the CCP/EIS is not a cleanup document. The EPA and CDPHE have indicated that all activities that are proposed in the CCP alternatives would be safe for both Refuge workers and visitors. The Refuge will not be established until this is certified to be the case. For these reasons, issues related to cleanup decisions are not within the scope of this EIS. However, in response to public interest and concern, an expanded discussion of issues related to site cleanup and residual contamination levels is included in Sections 1.8, 3.2, and 4.2.</p>

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	<p>environment and invites the public to comment on this information. No decisions regarding future use of the Rocky Flats National Wildlife Refuge should be made until FWS has fulfilled the whole of its obligations under NEPA.</p>	<p>31-6. The Refuge was established by the U.S. Congress in the Rocky Flats National Wildlife Refuge Act of 2001. The Act requires the Service to manage those lands not retained by the DOE after the EPA certifies the cleanup is complete. The Draft CCP/EIS has been written in accordance with existing Service planning policies.</p>
31-6	<p><u>Lack of a national FWS policy for management of contaminated sites</u> We understand that the USFWS was required to take over the closed site through federal legislation and that the Service could not refuse the ultimate acquisition of the site. As things stand now, neither the DOI nor the USFWS has a written or stated national policy or protocol for managing contaminated lands. This is unacceptable. The FWS was not designed to manage the uncertainties inherent in a site contaminated with radionuclides or other hazardous waste. Without the infrastructure in place to manage contaminated lands and the many problems and liabilities that could arise, the USFWS should not be asked to accept the management responsibility of such lands.</p>	<p>31-7. The Service is not qualified, mandated, or permitted to establish or challenge cleanup standards for contamination of any kind. These are the responsibilities of the EPA and the CDPHE, which have authority over the standards for cleanup at Rocky Flats. If the standards change, the five-year review under CERCLA will require DOE, EPA, and CDPHE to reevaluate cleanup efficacy and determine if additional work needs to take place. DOE will retain liability for any residual contamination.</p>
31-7	<p><u>Lack of a national FWS policy for management of contaminated sites</u> The FWS should be very concerned about managing a site that will knowingly continue to be contaminated with quantities of plutonium and other dangerous materials. While the FWS will not take control of lands not 'certified' by the EPA, the EPA will certify land as transferable with "allowable" levels of contamination. It should be noted that the standards for "acceptable" or "allowable" radiation dose to an adult human have decreased and changed several times in the brief period of less than 80 years since the first standards were created in 1925 (see the attached diagram on "The Evolution of Health Protection Standards for Nuclear Workers," copied from <i>Closing the Circle on the Splitting of the Atom</i>, DOE, January 1996; note that the standards on this diagram refer to nuclear workers; ICRP recommends that standards for the general public be set at 5% of what is permitted for workers; <i>Attachment B</i>). These standards continue to be reviewed and revised as more is understood about plutonium. Who is to say that these standards will not change a few more times in the future, reflecting ever-lower allowable doses? What happens when the allowable dose standard is reduced to the point where it would be exceeded by a worker or visitor because the cleanup levels at Rocky Flats are no longer considered protective of human health and safety? Who will be responsible then for the remediation? For the harm caused to workers or visitors? It should be noted that the cleanup standards were not set to achieve the best possible clean-up. They were set to achieve a certain level of risk. In other words, an "acceptable" amount of risk (excess cancer deaths) was decided upon (not by the public being asked to assume that risk), and action levels were derived from this. Risk, in this sense, basically means that given a limit of acceptable harm, a dose is calculated to determine the highest amount of radiation exposure possible without exceeding the given level of predetermined acceptable harm. This form of determining a legally compliant level of risk is protective of industry liability, not of human health.</p>	<p>31-8. See response to comment 31-7. CERCLA clean up levels are sometimes higher than standards for some programs. However, note that most of the buffer zone and the area that is likely to become the Refuge is below the CDPHE standard of 0.9 pCi/g. The background range for soil is between 0.04 and 0.09 pCi/g. The RFCA uses the value of 0.066 pCi/g for the background value. If the Service wishes to construct a residential building for any purpose, additional sampling would be needed and the regulators would need to give approval before such a building is constructed. None of the alternatives in the CCP include residential structures.</p>
31-8	<p><u>The CDPHE standard for plutonium in soil off the Rocky Flats site</u> The FWS should also be made aware of CDPHE's own standards for allowable levels of plutonium contamination in the soil off the Rocky Flats site. In response to revelations of major releases of plutonium to the offsite environment, in 1973 CDPHE promulgated the following state standard for plutonium in offsite soil.</p>	
	<p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 3</p>	

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31-9	<p>Contamination of the soil in excess of 2.0 disintegrations per minute of Plutonium per gram of dry soil . . . presents a sufficient hazard to the public health to require the utilization of special techniques of construction upon property so contaminated.¹</p> <p>The quantity of plutonium in one gram of soil that decays at the rate of 2 disintegrations per minute is 0.9 picocuries, which is 22.5 times the 0.04 pCi/g average background deposit of plutonium from global fallout in the area. The current surface soil cleanup level of 50 pCi/g for plutonium, is 55.5 times greater than the off-site standard, which according to CDPHE, “presents a sufficient hazard to the public health” to require special action before disturbing the soil.</p> <p><u>Contamination and risk regarding the land FWS will inherit</u></p> <p>We understand that the portion of the buffer zone FWS will receive from DOE will purportedly be contaminated with plutonium at levels of 7 or less pCi/g of soil (7 pCi/g is 175 times the 0.04 pCi/g average background deposits of plutonium from fallout). Of course, setting aside land contaminated at this level assumes that the characterization and sampling on which this calculation is made are adequate and accurate. We are attaching the Executive Summary of the Final Report on Sampling Protocols prepared in December 1999 by Rick Assessment Corporation for the Rocky Flats Radionuclide Soil Action Level Oversight Panel (<i>Attachment C</i>). Please review the twenty recommendations this report makes regarding how samples should be collected and analyzed to verify the cleanup at Rocky Flats. We do not believe that either the sampling done by DOE and the regulators or the additional sampling intended to be done by FWS meets the protocols defined by this set of recommendations. We urge FWS to insist that DOE and the regulators develop protocols for characterization and sampling to verify the cleanup that correspond with this list of recommendations. Their doing this would at least provide sampling results that could more easily be received with confidence by the affected public.</p>	<p>31-9. Site characterization is the responsibility of the DOE with oversight by the EPA and CDPHE.</p> <p>31-10. See response to comment 31-7. All public uses at the Refuge would be voluntary.</p>
31-10	<p>The issue of risk, however, with respect to the danger from minuscule deposits of plutonium in the surface soil, is not simply a matter of having better sampling results. Plutonium, as we have pointed out repeatedly, is particularly dangerous in very small amounts. Several of the references on the attached sheet on Risk from Plutonium in the Rocky Flats Environment (see <i>Attachment A</i>) indicate the potential harm from taking even a single particle of this material into the body. But, one might say, don't we all take risks? We all drive autos. Isn't driving itself a risk? Andrei Sakharov, the dissident Soviet nuclear physicist who received the Nobel Peace Prize, responded to those who compare the risk from low-dose radiation exposure to the risk from riding in an automobile. “The automobile,” he said, “leads to accidents only in individual cases as a result of carelessness on the part of persons who are then legally responsible.” By contrast, exposing people involuntarily to very low doses of radiation means “that the crime cannot be punished (since it is impossible to prove that any specific human death was caused by radiation) and . . . future generations” are left defenseless “against our acts.”ⁱⁱⁱ</p> <p>The issue of radiation and risk is very controversial. Even though the National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection both assume that any exposure to radiation, no matter how small,</p>	
	<p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 4</p>	

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<p>31-11</p> <p>31-12</p> <p>31-13</p> <p>31-14</p> <p>31-15</p> <p>31-16</p> <p>31-17</p>	<p>is potentially harmful, these same bodies recommend standards for permissible exposure that allow some exposure and thus some harm. Since, as pointed out above, FWS is not obligated to allow public recreation activities at the future Rocky Flats National Wildlife Refuge, we urge the agency not to take the risk of needlessly endangering people. If the view that harm may result from exposure to radiation in very small amounts turns out to be incorrect, and FWS has not allowed public recreation at Rocky Flats, no one will have been harmed. But if FWS allows public recreation at the site and it is later irrefutably demonstrated that very low-dose radiation exposure can be harmful, who then can right the wrong or undo the harm?</p> <p>Specifics:</p> <ol style="list-style-type: none"> 1. The RMPJC rejects management Alternatives B & D. 2. The RMPJC prefers an alternative that would not allow public access or recreation and favors and encourages research focused on low level radiation. 3. The RMPJC favors Alternative C above Alternative A because of the increased attention to environmental protection, conservation, and restoration. However, we do not support Alternative C if this means that FWS workers would be exposed to contaminants in the environment. If Personal Protection Equipment and routine radiation monitoring are not required or supplied to the workers, then the RMPJC favors Alternative A, as this would be the most protective for workers and the general public. 4. The RMPJC disapproves of the use of fire as tool for weed control and management. Fire not only has the great potential for re-suspending plutonium particles in the air, but it also has the potential to increase erosion, thus increasing the chance of exposing plutonium that lies beneath the top few inches of soil. 5. The RMPJC disapproves of any hunting allowed on site. In general, we do not feel that hunting is compatible with any NWRS. Specifically, the weapons pose a danger to near-by communities and road users. Also, the RMPJC feels that the uncertainties around plutonium body burdens in grazing animals are too numerous, and therefore, resident animals of Rocky Flats should not be consumed. If the meat is not being consumed there is no reason to allow public hunting. While the RMPJC does not necessarily support the culling of wild animals, if it is determined that ungulate populations must be thinned, we ask that this be done by professional marksmen employed by the FWS to ensure public safety and the minimization of suffering by the animals. 6. The RMPJC disapproves of any off-trail hiking. The risk to the hiker is too great. There is also an increased risk of accidental or intentional damage to some of the institutional controls being left in place by the DOE (water and air monitoring stations, caps, etc). 7. The RMPJC asks that the FWS actively participate in the discussion about how to demarcate the DOE retained lands. While we understand that the construction or implementation of any sort of barrier is the responsibility of the DOE. We also feel that the FWS has a responsibility to the public to clearly mark the boundaries of its property. Managing a site as a 'seamless space whose interior is restricted from the public will be very difficult. Thus, we recommend a fence that demarcates and <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 5</p>	<p>31-11. Thank you for your comment.</p> <p>31-12. Public use would be minimized in Alternatives A and C.</p> <p>31-13. The EPA and CDPHE have indicated that all of the proposed Refuge activities, in all of the proposed Refuge area, will be safe for both Refuge workers and the general public.</p> <p>31-14. The EPA and CDPHE have indicated that all of the proposed Refuge management activities, including prescribed fire, would be safe. However, in response to concerns about residual contamination, 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).</p> <p>31-15. The Service believes limited public hunting would be compatible with the purposes and management of the Refuge, would be a compatible form of wildlife dependent public recreation on the Refuge, and would provide an additional management tool for deer and elk populations. The safety of participants and the general public would be a primary consideration in the design and management of the proposed hunting program.</p> <p>31-16. Off-trail, pedestrian use would be allowed in the area shown on Figure 23. These areas would be well outside of the DOE retained area, and would not contain any institutional controls related to the site cleanup.</p> <p>31-17. In the DEIS, the Service recommended that the demarcation be "seamless" with few obvious visual differences between the Refuge and the DOE retained area. The FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p>

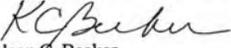
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<p>31-18</p> <p>31-19</p> <p>31-20</p>	<p>follows the entire boundary between the DOE retained lands and those to be managed by the FWS. This boundary should also have approach signage so that it is clear how far away the DOE land is. For example, a sign could be posted at 100 yards distance from the fence indicating one's proximity to the DOE lands.</p> <p>8. The RMPJC believes that visitors and workers should be made aware of the contaminants on site and the dangers they pose. If visitors are allowed, informed consent practices must be adopted and enforced.</p> <p>9. The RMPJC believes FWS workers, as well as any researchers, should be provided with Personal Protection equipment. They should also receive training on hazardous and radioactive materials. They should also be monitored regularly by appropriate health and medical professionals to ensure that their health and well being is taken seriously.</p> <p>10. The RMPJC is opposed to a full Visitor's Center for the RFNWR. The cost is too high, and the benefits too few. However, should the RFNWR be opened to public access, despite overwhelming comments asking for the opposite, the RMPJC feels that some sort of facility should exist to facilitate use of the Refuge only with informed consent and understanding of the nature of the site, its history, and its admitted contaminants.</p> <p>ⁱ "Amendment to the State of Colorado Rules and Regulations Pertaining to Radiation Control, Subpart RH 4.21.1," Adopted Colorado State Board of Health, March 21, 1973.</p> <p>ⁱⁱ Sakharov, "Radioactive Carbon from Nuclear Explosion Nonthreshold Biological Effects," <i>The Soviet Journal of Atomic Energy</i>, 4, 6 (June 1958): 761.</p> <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 6</p>	<p>31-18. The Refuge would include signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge.</p> <p>31-19. The EPA and CDPHE have indicated that the area that will become the Refuge will be safe for all proposed Refuge activities, including scientific research. The contamination levels in the area to become the Refuge are currently safe enough (prior to cleanup) not to require any response actions. For these reasons, protective equipment would not be required in the areas that will become the Refuge.</p> <p>31-20. The proposed action, Alternative B, calls for a visitor contact station rather than a full visitor's center at the Refuge. However, the Service has expressed that it would prefer to co-locate some visitor and/or office facilities with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p>

Comment #	Letter #32	Response
<p>32-1</p> <p>32-2</p>	<div style="text-align: center;">  <p>RECEIVED APR 21 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 21, 2004</p> <p>Rocky Flats Refuge Manager Rocky Mountain Arsenal- Building 121 Commerce City, CO 80022</p> <p>These comments represent the official comments of the Sierra Club Rocky Mountain Chapter to the Draft CCP/EIS for Rocky Flats National Wildlife Refuge. As these comments discuss, because FWS has not provided enough information to the public to make an informed decision about public access to Rocky Flats, the Sierra Club supports Alternative C (Ecological Restoration) which provides for the least amount of public access. Until such time as there is more publicly-available scientific information that provides support for FWS' proposal to allow significant public use of this site, the Sierra Club believes the area should be closed to visitor use. The Sierra Club urges FWS to delay any final decision until the clean up is complete and an EPA assessment of the site has occurred. At that time, environmental documentation relevant to the clean up's affects on public use of the Refuge should be provided to the public and analyzed by FWS in an updated DEIS.</p> <p><u>1. FWS fails to consider whether the human uses proposed in areas of contamination and cleanup at Rocky Flats under the various alternatives will have a "significant effect on the quality of the human environment."</u></p> <p>NEPA requires that environmental considerations be integrated into federal planning. Whenever a federal agency proposes a major federal action, it must consider whether that action will have a significant effect on the quality of the human environment. This means FWS must evaluate, among other things, the "degree to which the proposed action affects public health or safety." 40 CFR 1508.27. Regulations also require that when information on reasonably foreseeable adverse impacts is essential to a reasoned decision, the agency must secure the information if the cost is not exorbitant. 40 CFR 1502.22(a).</p> <p>"NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 CFR 1500.1. NEPA has twin purposes: to obligate a federal agency to consider "every significant aspect of the environmental impact of the proposed action." And to ensure the public that the agency has indeed considered environmental concerns in its decisionmaking process. The purpose of an EIS is to educate the public and ensure the public that the agency has considered environmental concerns—including impacts on human health and the quality of the human environment—in its decisionmaking process. FWS has failed in both respects in this EIS.</p> <p>1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659</p> <p>1</p> </div>	<p>32-1. Thank you for your comments.</p> <p>32-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed the cleanup and closure.</p> <p>The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge, and the establishment of the Refuge will not have a significant effect on the human environment. If post-cleanup conditions change this assumption, the cleanup will not be certified and the Refuge will not be established.</p> <p>In response to public interest and concern about contamination issues, 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. This additional information demonstrates that 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 a significant effect on the quality of the human environment.</p>

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32-3	<p>FWS states that “the EIS does not discuss the cleanup activities, because they are outside the scope of Refuge management activities considered in the CCP.” (DEIS p.8). FWS assumes, without citing any document, statement or scientific study, that it need not consider soil contamination levels, residual contamination, and how they may be a source of harm to people and the environment when coupled with the activities proposed for these areas or other effects that historical contamination may have on proposed activities.</p> <p>The Sierra Club wholly recognize that FWS is not responsible for the clean up at Rocky Flats, including the methods used, the level of clean up, how quickly clean up occurs, or which areas are transferred and which are retained by DOE. <u>However, NEPA requires FWS to analyze the extent to which the human uses proposed under the DEIS when coupled with the contamination that remains after the DOE cleanup will impact human health and the quality of the environment.</u> FWS must ascertain and must provide to the public information about whether activities will have a “significant effect on the quality of the human environment.” This evaluation necessarily must include information about, and a discussion of, the clean-up standard, the areas that will be cleaned, the soil depths where clean up will occur, and the impact to human health and the environment that any of these facts will have. FWS need not perform an EIS on the clean up itself. But it must perform an EIS on the impacts that the proposed activities will have on the quality of the human environment because those activities will occur on a site that has been severely contaminated and because there could be residual contamination that may be stirred up by the activities proposed by FWS.</p> <p>FWS avoids any analysis of effects to human health without a single statement as to how it can avoid such discussion. FWS does not cite a single study that evaluates effects to human activity. You do not cite any legal support for excluding such a central and critical discussion to its EIS. We believe it is impossible for this document to meet the obligations of NEPA unless there is a greater discussion of what the existing environmental conditions are of the area that is being discussed.</p> <p>FWS must evaluate whether the cleanup standard used by EPA (that of the refuge worker) will protect human health and the environment given the level of active recreation under each of the alternatives proposed by FWS. For instance, the CCP/DEIS never refers to the standard to which EPA will clean the Refuge. Independent research indicates that at least part of the Refuge will be cleaned to a level that will protect a Refuge worker. This standard raises several questions that FWS must address in its EIS, namely whether other groups, especially children, the elderly, or the infirmed or unhealthy visitor, will also be protected under this standard when that visitor participates in the activities proposed by the Refuge. Does this standard consider the proposed recreational activities and their resulting disturbances in determining whether the area is “clean enough?” The standard may protect the Refuge worker who operates machinery to blaze a new trail. However, as this trail erodes over time, will the average visitor still be safe? Moreover, will the interaction of wildlife (including burrowing wildlife such as prairies dogs) and humans cause dispersion And of toxic material that lies on or beneath the surface? Will such dispersion degrade the quality of the human environment downwind, down gradient and beyond the Refuge?</p> <p style="text-align: center;">1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659 2</p>	<p>32-3. An expanded discussion of contamination issues and cleanup levels is included in Section 1.8. The determination of cleanup standards is inclusive of all persons, including children, the elderly or infirm.</p> <p>The erosion or dispersion of soil by wind or water will not be a concern in the areas that will become the Refuge, because residual contamination levels in most of those areas will be at background or extremely low (below 1 pCi/g) (none of the contamination levels in lands to become the Refuge would be above 7 pCi/g – the cleanup standard at Rocky Flats is 50 pCi/g). The contamination levels in the area to become the Refuge are currently safe enough (prior to cleanup) to not require any response actions. The DOE will retain any areas where residual contamination is high enough to pose a concern due to erosion.</p>

Comment #	Letter #32 continued	Response
32-4	<p><u>2. The CCP/EIS is premature given because (1) FWS will not inherit the site for many years, and conditions may change in the interim, and (2) FWS cannot accurately analyze the impacts of proposed alternatives until the nature and extent of residual contamination on the site is known—something that cannot be known until FWS receives jurisdiction of the site.</u></p> <p>The DEIS states that a MOU between DOI and DOE “will guide the transition of Rocky Flat to its status as a National Wildlife Refuge.” As of the date of these comments, this MOU has not been signed. The DEIS further points out that “the final size and configuration of DOE-retained lands will not be determined until the final remedy is completed and the area is agreed to by the Rocky Flats Cleanup Agreement (RFCA) Parties.”</p> <p>How can FWS plan for management of the Rocky Flats Refuge without knowing what further or additional responsibilities it will have under the MOU, and what size and configuration of the contaminated lands will ultimately have? Clearly, it cannot plan for management until these things are known as a baseline for the study. The CCP/DEIS is then, admittedly, incomplete and uncertain because FWS does not yet know what area it will be managing, and what its responsibilities for management will be.</p> <p>The progression of environmental documentation for clean up and ultimate management and use of the Refuge is very fractured and not easy to follow. The documents and reports addressing the clean up are disjointed, and yet they are critical to FWS’ EIS and the public’s ability to comment effectively. They are no where referred to or listed in this DEIS. It would be easier for the public, and would make better logical and planning sense to wait to plan for the Refuge until after the clean up and any EPA analysis are complete. Short of this, FWS should at a minimum provide a bibliography that details the relevant reports and information necessary to make a reasoned decision about what public uses should be permitted given the clean up efforts.</p> <p>Finally, FWS puts the cart before the horse. Considering public uses for the before the completion of the cleanup and any accompanying environmental analysis of the cleanup or any EPA assessment creates confusion for the public, means a less reliable decision, and is legally suspect.</p> <p><u>3. The EIS leaves many specific questions unanswered.</u></p> <p><u>The Rocky Flats Refuge Act</u></p> <p>The 2001 Rocky Flats Refuge Act mandates that the Refuge will be managed to restore and preserve native ecosystems, provide habitat for native plants and wildlife, and provide opportunities for compatible scientific research. How can FWS manage for native ecosystems without inquiring into the baseline levels of residual contamination that will still exist when it receives the property?</p>	<p>32-4. The timing of the Comprehensive Conservation Planning process was directed by Congress in the Refuge Act. The Service has been in continued contact 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 will not change. For these reasons, the Service is confident that it is both reasonable and effective to complete the CCP process at this time. If post-cleanup conditions change the Service’s assumptions, the CCP will be revised accordingly.</p> <p>32-5. See response to comment 32-2.</p>
32-5	<p>1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659</p> <p>3</p>	

Comment #	Letter #32 continued	Response
32-6	<p>How can FWS plan for wildlife-compatible recreation without knowing whether that recreational activity runs a risk of disturbing potentially contaminated areas, and thus degrading the quality of the human environment?</p>	<p>32-6. See response to comment 32-2.</p>
32-7	<p><u>Visitor Use</u></p>	<p>32-7. As indicated in response to comment 32-3, soil erosion or dispersion will not be a concern in the areas that will become the Refuge.</p>
32-8	<p>1) Will equestrian use disturb soils in a way that could expose radioactive material?</p>	<p>32-8. In the DEIS, the Service recommended that the demarcation between the Refuge and the DOE retained area be “seamless” with few obvious visual differences. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p>
32-8	<p>2) Will a “seamless refuge” allow visitors to access sites that are not cleaned up to the same level as the refuge? Will the public be educated about the differences in clean up levels?</p>	
32-9	<p>3) Can burrowing wildlife, including prairie dogs, dig to a level in the ground that has not been cleaned up? What is this level? If so, how does this potentially affect re-distribution of certain materials to the surface? Can the public be exposed to radioactive materials as a result of animal disruption to soils? To what extent can toxic or radioactive material either transported or ingested by burrowing animals be moved up and down the food chain by the interaction of communities of animals sharing the same habitat?</p>	
32-10	<p>4) How will FWS monitor on-going impacts to human health and environment? IF FWS will not be monitoring the effects that visitor use may suffer, who will be monitoring?</p>	
32-11	<p>5) How will proximity to a DOE-retained Superfund affect the Refuge?</p>	
32-12	<p>6) What residuals will be left on the Refuge?</p>	
32-13	<p>7) How will any on-going cleanup activities or monitoring affect the proposed visitor use? How will it affect human health and the environment?</p>	<p>The Service will provide signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge.</p>
32-14	<p>8) Is DOE considering, as it cleans up the property, the uses to which the property will potentially be put? For instance, does DOE consider that some recreational activities, like horseback riding, could disturb contaminated soils and send particles into the air?</p>	
32-15	<p>9) There is absolutely no discussion of whether horse use, hiking, bicycle use, etc. could disrupt soil and dirt in a way that would release potentially dangerous particles in the air.</p>	<p>32-9. 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 maintain a sustainable prairie dog population and to keep those populations away from the DOE retained area.</p>
32-16	<p>10) Various studies show that between 20-32% of children between the ages of 1 and 6 are pica children, meaning that they eat soil and other non-food items—up 8 oz per day. What hazards lie in store for such children who may visit the refuge with their parents.</p>	
32-17	<p>11) Please explain further the impacts on human health of a “seamless Refuge.”</p>	
32-18	<p><u>Transition from DOE to FWS</u> FWS actions necessarily depend on DOE’s clean up actions. How will FWS prevent exposure to hazardous materials and prevent disturbances to where cleanup has not been achieved? How does FWS plan to manage access to contaminated sites? And what is the validity of the level which forms the bright line above which land will be considered contaminated, but below which it will be considered an appropriate place for active recreation? What exactly does it mean to be a “seamless refuge” and does this action protect human health?</p>	
32-19	<p><u>Impacts to Wildlife</u> 1) The DEIS states that “hunting to control wildlife populations would be permitted under all action alternatives.” Hunting is not currently allowed at Rocky Flats. Can FWS point to any scientific data indicating that the deer population is not now currently optimum, given the size of the habitat, and self-regulating? If deer populations have remained stable and in an acceptable range, why is hunting necessary or even advisable? Is consumptive use of</p>	<p>32-10. As directed by the Refuge Act, the DOE will retain jurisdiction over any response actions and will be responsible for the long-term monitoring that is required under CERCLA. However, as addressed in response to comments 32-2 and 32-3, the area that will become the Refuge is currently clean enough to not require any response actions and will include only those areas that are protective of human health on the Refuge.</p>

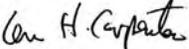
Comment #	Letter #32 continued	Response
32-20	<p>fish and wildlife advisable given the history of Rocky Flats? Has FWS studied this question? 2) Has FWS evaluated the effect of burrowing animals in or near to clean up sites?</p>	<p>32-11. The proximity to a Superfund site within the DOE retained area will not appreciably affect the management of the Refuge. The Service will continue to work with the DOE to facilitate long-term monitoring, and coordinate habitat management issues and emergency response.</p>
32-21	<p><u>Impacts due to Fire</u> Wildfires have not been allowed to burn and only one controlled burn has been conducted on Rocky Flats since 1972. (DEIS p. 103). FWS plans to have controlled burns. Has FWS or any other agency evaluated how controlled burns could effect residual contamination? Has FWS or any other agency evaluated the extent to which toxic material in contaminated soils would be exposed after a controlled burn, or would be dispersed into the environment during a burn?</p>	<p>32-12. See response to comment 32-3. 32-13. See responses to comments 32-2 and 32-3.</p>
32-22	<p>4. The Precautionary Principle supports limiting public access until further information is known, studies have been done to evaluate potential environmental impacts, the public is assured that the Refuge is safe for visitation, and that visitation will not cause further releases and dispersion of toxic material and radionuclides.</p> <p>In summary, the DEIS is devoid of any information or discussion on the potential adverse effects from hazardous substances. Given this, it is virtually impossible for the public to adequately assess the impacts of the alternatives. The FEIS should summarize and reference information on the potential adverse effects from hazardous substances, and from the effects of human, wildlife and natural actions and interactions on these hazardous substances. The public needs more information regarding residual contamination after remediation and details about what monitoring will occur, who is responsible for it, whether it will occur on the Refuge or only on the DOE retained-lands, and how often it will occur.</p> <p>FWS cannot just assume that the site will be cleaned up to a level that makes any of the activities proposed under the various alternatives “safe” for the environment. If FWS is assuming that clean up poses no risk to human health and the environment, the EIS should say so, rather than pretend this is not a question at all. These questions must be addressed. Conclusive statements about the impact of these proposed activities do not meet the requirement of NEPA that FWS consider environmental impacts of the proposed federal action.</p> <p>Thank you for considering these comments. Sincerely,</p>  <p>Kathleen E. Becker Sierra Club Rocky Mountain Chapter Rocky Flats Committee</p> <p>1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659 5</p>	<p>32-14. The lands that will become the Refuge will not require any cleanup, because contamination levels are very low. The DOE will retain all of the areas that will be actively cleaned up, as well as areas subject to long-term monitoring.</p> <p>32-15. See responses to comments 32-3 and 32-12. 32-16. See response to comment 32-3. 32-17. See responses to comments 32-2 and 32-8. 32-18. See response to comment 32-10.</p> <p>32-19. The Service does not believe that there is an “optimum” population size at which the deer population will be self-regulating. While the Service considers the deer at Rocky Flats to be “resident,” they are part of a larger management unit that fluctuates annually based on habitat conditions and other factors. For this reason, the Service proposes to establish a target population range that would guide wildlife and habitat management on the Refuge. Hunting would be used as a management tool to control deer and elk populations. Hunting also would be a recreational activity that would be compatible with the purposes and management of the Refuge. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation.</p> <p>With regard to the consumption of deer and elk meat, 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.</p>

Comment #	Letter #32 continued	Response
		<p>32-20. See response to comment 32-9.</p> <p>32-21. See response to comment 32-2. The EPA and CDPHE have indicated that all of the proposed Refuge management activities, including prescribed fire, would be safe (Appendix D). However, in response to concerns about residual contamination, 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 10).</p> <p>32-22. See response to comment 32-2.</p>

Comment #	Letter #33	Response
33-1	 <p data-bbox="583 342 806 407">Steve C. Murdock Colorado Coordinator Wheelin' Sportsmen - NWTF</p>   <p data-bbox="352 500 615 586">Ms. Laurie Shannon, Planning Team Leader Rocky Flats National Wildlife Refuge U.S. Fish and Wildlife Service Rocky Mtn. Arsenal, Building 121 Commerce City, CO 80022</p> <p data-bbox="352 610 527 630">Wednesday, March 17, 2004</p> <p data-bbox="352 638 625 657">Re: Proposed usage plan "B" for Rocky Flats</p> <p data-bbox="352 662 638 682">Dear Ms. Shannon and USFWS Planning Team,</p> <p data-bbox="352 686 1026 760">I am writing to express the <i>strong</i> support of the Colorado Wheelin' Sportsmen-NWTF organization for your alternative management plan for Rocky Flats for Wildlife, Habitat, and Public Use (referred to as "Plan B"). I have reviewed each of your proposed management plans and am very excited about the prospects of "Plan B" and the possibility of increased outdoors opportunities for the disabled and youth of Colorado.</p> <p data-bbox="352 764 1050 833">If I may, I would like to tell you a little bit about our organization. <i>Wheelin' Sportsmen-NWTF</i> was founded in 1996 as an outreach program of the <i>National Wild Turkey Federation</i>. Currently, the Wheelin' Sportsmen organization includes some 10,000 disabled members nationwide, with nearly 300 members in Colorado. <i>Wheelin' Sportsmen-NWTF</i> is dedicated to the purpose of providing outdoor opportunities to ALL disabled people.</p> <p data-bbox="352 846 1035 935">As our parent organization, the <i>National Wild Turkey Federation</i> is a 500,000-member grassroots, nonprofit organization with members in 50 states, (including over 4,000 members in Colorado.) The <i>NWTF</i> supports scientific wildlife management on public, private and corporate lands as well as hunting as a traditional American sport. The <i>NWTF</i> sponsors 3 nationwide outreach programs: <i>Women In The Outdoors</i>, <i>J.A.K.E.S.</i> (Juniors Achieving Knowledge, Ethics & Sportsmanship) and <i>Wheelin' Sportsmen-NWTF</i>.</p> <p data-bbox="352 946 1050 1101">Approximately 50 million individuals in the United States live every day with some type of disability. Unfortunately, their opportunities to participate in outdoor activities are very limited and often nonexistent. At <i>Wheelin' Sportsmen-NWTF</i>, our emphasis is placed on providing opportunities through events and programs in a manner that would eliminate <i>no one</i> from participating in the great outdoors. Wheelin' Sportsmen's team concept of pairing the disabled participants with able-bodied partners is a process that provides opportunities and, at the same time, promotes awareness. Wheelin' Sportsmen events are designed to overcome barriers that prevent or limit the disabled from enjoying the outdoors. The activities we provide for the disabled community include hunting, fishing, camping, wildlife photography, hiking, boating, outdoors skills—and just about anything else that our participants desire to do in the great Colorado outdoors!</p> <p data-bbox="352 1114 1045 1200">Colorado is a veritable haven for persons with disabilities. Due to the active lifestyle and countless recreational opportunities to be found in Colorado (even for someone with a disability) Colorado acts as a "magnet" to draw disabled sportsmen and women to its borders. At the same time, too many Coloradans are often faced with a sudden disability (either temporary or permanent) as a result of that active lifestyle. The Wheelin' Sportsmen organization generally deals with two types of disabled people—</p> <p data-bbox="352 1211 1043 1349">1) those who have begun life as "able-bodied"—perhaps spending most of a lifetime enjoying outdoor pursuits like hunting, fishing, etc.—and suddenly find themselves facing great physical challenges in being able to enjoy the same things they did prior to their accident or illness. For that reason, many medical and therapeutic facilities often use hunting, fishing and other outdoor pursuits as a means to reacclimatize their patients to life with a newly-gained disability or impairment. An example of such is our Wheelin' Sportsmen partnership with the world-renown <i>Craig Rehabilitation Hospital</i> in Denver, which regularly hosts out-patient activities such as hunting and fishing as a rehab tool for patients in their <i>Therapeutic Recreation</i> department. Wheelin' Sportsmen makes it our business to help those folks <i>find a way</i> to regain their involvement in the outdoors to the greatest extent physically possible!</p>	33-1. Thank you for your comments.

Comment #	Letter #33 continued	Response
33-2	<p>2) those who (<i>like me</i>) begin life with a physical challenge—a birth defect, an infant illness, or other malady that leaves them permanently disabled. In many cases, these folks (<i>no matter whether young or old</i>) have not had the same opportunities as the “able-bodied” to make that first exciting venture into the outdoors. <i>Those who have</i> are invariably in search of ways to make their time in the outdoors more rewarding and memorable!</p> <p>There is no way that I can describe to you the sense of awe and wonderment that brightens the face of a disabled outdoorsman the very first time that he or she touches the curved horn of a downed trophy bull elk or enjoys the splash of a glistening rainbow trout at the other end of a wetted line. The Wheelin’ Sportsmen-NWTF organization works diligently to help make that possible.</p> <p>That’s where you, the USFWS can help us! By adopting management plan “B” for Wildlife, Habitat, and Public Use at Rocky Flats, your organization can open a <i>tremendous</i> door for the disabled community in Colorado (and the nation) to enjoy outdoor activities such as hunting and fishing right here in our own backyard. And, please know that Colorado Wheelin’ Sportsmen-NWTF will be fully committed to offering our services in any way that we can in order to help facilitate usage of the Rocky Flats properties by our disabled community.</p> <p><i>It’s that important to us...</i> to work not only for the conservation and preservation of our American natural resources, but just as much for the <i>conservation and preservation of people in our community</i>—disabled, youth, families—<i>citizens</i> who have experienced first-hand and understand the value and fragility of the wildlife and other natural resources that co-exist in a miraculous place like Rocky Flats. As a Coloradoan with a disability, a state board member of the <i>National Wild Turkey Federation</i> and a volunteer coordinator of the Wheelin’ Sportsmen effort in Colorado, I am dedicated (along with thousands of others like me) to just <i>that</i> proposition.</p>	<p>33-2. Thank you for your comments.</p> <p>33-3. Thank you for your comments.</p>
33-3	<p>Thanks very much for your time and attention. I have enclosed some additional publications about <i>Wheelin’ Sportsmen-NWTF</i> as well as the other outreach programs of the <i>National Wild Turkey Federation</i> for your perusal. It is my hope that they will encourage you as to the potential positive effect that your decision can have on the lives of Coloradoans who share the same values as the USFWS. Please feel free to contact me if I can provide any further input into this process, as I would consider it a privilege to do so!</p> <p>Best regards...and thanks for all the USFWS does for our great country!</p> <p><i>Steve Murdock</i> Colorado coordinator Wheelin’ Sportsmen – NWTF 36844 Marlin Court Elizabeth, CO 80107</p> <p>303-646-6454 (hm/ofc) 303-947-5113 cell email: CoWSNWTF@AOL.com www.cowheelinsportsmen.org</p>	

Comment #	Letter #34	Response
<p>34-1</p> <p>34-2</p> <p>34-3</p> <p>34-4</p>	 <p>Wildlife Management Institute</p> <p>Len H. Carpenter, Field Representative 4015 Cheney Drive • Fort Collins, Colorado 80526 Phone (970) 223-1099 • Fax (970) 204-9198 lenc@verinet.com</p> <p>ROLLIN D. SPAROWE President RICHARD E. McCABE Vice-President</p> <p>March 30, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal, Bldg 121 Commerce City, CO 80022</p> <p>Dear Ms Shannon:</p> <p>I am the Southwest Field Representative for the Wildlife Management Institute. The Institute is a private, nonprofit, scientific and educational organization founded in 1911 and dedicated to the restoration, conservation, and sound management of natural resources, especially wildlife and their habitats, in North America. Following are my comments on the draft Comprehensive Conservation Plan (CCP) and EIS for the Rocky Flats National Wildlife Refuge.</p> <p>First, planning team members are to be recognized for their work in preparing the draft plan. It is informative, organized well, and easy to read.</p> <p>The Institute agrees that Alternative B should be the preferred alternative. This alternative presents the overall best balance between resource protection and visitor opportunity. The Institute also supports provisions of Alternative B allowing limited recreational hunting on the refuge. As indicated in the plan, it is highly probable that deer and elk populations on the refuge will have to be managed to prevent degradation of other resources. The choice to provide limited public hunting is preferred to a culling activity.</p> <p>It is suggested the list of plans to be prepared presented on page 9 be amended to include a Hunting Management Plan. It is stated later in the Plan that a hunting management plan would be prepared so it should be added to the list. It is also very important that the Colorado Division of Wildlife be a key participant in the drafting of the hunting plan.</p> <p>Washington, DC Office: 1101 14th Street, NW • Suite 801 • Washington, DC 20005 • Phone (202) 371-1808 • FAX (202) 408-5059</p>	<p>34-1. Thank you for your comments.</p> <p>34-2. The Service has recommended for implementation a modified version of Alternative B.</p> <p>34-3. The Service believes that limited public hunting would be compatible with the purposes and management of the Refuge, and that it would provide an additional management tool for deer and elk populations. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation.</p> <p>34-4. As described in Section 1.9 <i>Future Planning</i>, a step-down Hunting Plan would be a component of a Visitor Services Plan. The Colorado Division of Wildlife would be an important partner in the development of a Hunting Management Plan, as well as the ongoing implementation of the hunting program.</p>

Comment #	Letter #34 continued	Response
34-5	<p>The preferred alternative should include aggressive plans to address invasive weeds. Alternative B includes development of an integrated Pest Management Plan and the use of both biological and chemical control methods. This is good and should be a priority in the CCP.</p>	<p>34-5. The Service agrees that aggressive weed management, including the development and implementation of an Integrated Pest Management Plan, should be an important component of the CCP. Alternative B includes the Services most aggressive weed management objectives and strategies.</p>
34-6	<p>The Institute supports plans in Alternative B for managing growth of black-tailed prairie dogs on the refuge. To minimize impacts to other resources and maximize restoration of degraded habitats it will be necessary from time to time to control growth of prairie dog towns. Restoration of native plant and animal species on the refuge is also supported by the Institute and should be encouraged. Consequently, we suggest that provisions for more extensive habitat restoration and monitoring currently included in Alternative C be integrated into the preferred alternative. We feel this could be done without significantly altering the intent of Alternative B.</p>	<p>34-6. The Service acknowledges that prairie dogs are an important component of the prairie ecosystem because of their contributions to community structure and ecosystem function. However, the Service also agrees with the Wildlife Management Institute that any unsustainable growth of prairie dog communities may need to be managed to prevent adverse impacts to other species or communities, for restoration of degraded habitats, or to prevent the spread of prairie dogs into the DOE retained area.</p>
34-7	<p>The Institute also supports inclusion of opportunities for compatible scientific research on the refuge. Opportunities for students at Universities and Colleges to conduct research on the refuge should be sought and supported.</p>	<p>34-7. Anticipated funding levels do not allow for limited public use and the highest levels of habitat restoration and monitoring. However, the Service believes that the funding and programs in Alternative B will be sufficient to protect and enhance important wildlife habitat on the Refuge.</p>
34-8	<p>On page 13, under provisions of Alternative C, it is proposed that any refuge facilities would be built for specific resource protection and management purposes. Because of this, office space would be leased off-site. We suggest this might be a worthy provision to include in the preferred alternative. We are concerned development of office and other associated administrative facilities will significantly reduce opportunities to reduce the footprint of development on this refuge. Please consider how necessary administrative facilities can be accommodated without unnecessary impacts on natural resources.</p>	<p>34-8. The Service acknowledges the value of compatible scientific research opportunities on the Refuge, and would promote such opportunities.</p>
34-9	<p>Finally, we concur that level of staff indicated in the preferred alternative is desirable. Federal budget restrictions make it doubtful that resources available to the refuge will be sufficient to staff at the maximum level. In fact, a concern we have is what level of activity within each alternative will be done if less than desired fiscal or human resources are received? In other words, we wonder what are the priority goals, objectives, and strategies? We suggest that the final EIS address this concern.</p>	<p>34-9. As described in Section 4.4 of the DEIS and FEIS, Refuge facilities, including public use and maintenance facilities, would effect 1.1 acres of the Refuge. The Service believes that the benefits of a management presence on-site outweigh the minor effects that the necessary facilities would have on Refuge resources. Because the Refuge would be part of the Rocky Mountain Arsenal National Wildlife Refuge complex, the necessary office space for Rocky Flats would be limited to the needs of on-site staff. The effects of these impacts would be minimized by co-locating office, maintenance, and public use facilities, and by constructing those facilities in areas that are already disturbed or degraded, and do not impact important wildlife habitat. Objective 6.2 – <i>Operations and Management Facilities</i> has been revised to include measures to minimize habitat disturbances. 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.</p>
34-10	<p>Thanks for the opportunity for comment. Please be sure I receive future documents relating to this plan.</p>	
34-11	<p>Sincerely,</p>  <p>Len H. Carpenter</p>	

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%

Responses to Individual Comments

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

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
 3645 West 112th Avenue
 Westminster, Colorado

11 Panel Members: Richard Trenholme
 12 Mike Hughes
 13 Laurie Shannon
 Dean Rundle
 14 Jody Erikson

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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 is 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 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. RUNDLE: 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 citses 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. SATTELBERG: 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. SATTELBERG: 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.

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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 out?

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. SATTELBERG: 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-striping 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

1 types are under the blob?

2 Q. Right.

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

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

8 MR. RUNDLE: So you'd like to present in the
9 future or in the final planning, a map that would show the
10 existing habitat out there, including the DOE retained land?

11 Q. It's not so much a comment as a question as
12 to why you didn't do it that way?

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

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

23 MR. RUNDLE: Well, the four alternatives that
24 we're presenting to you, we believe is -- any one of these
25 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 rod 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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

1 the same consideration.

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

4 MR. RUNDLE: That's correct.

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

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

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

25 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.

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CERTIFICATE OF DEPOSITION OFFICER

STATE OF COLORADO)
)
COUNTY OF DENVER)

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

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

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

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

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

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 Trenholme
 12 Mike Hughes
 13 Laurie Shannon
 14 Dean Rundle
 15 Jody Erikson

20
 21 TAKEN BY: SANDRA A. SMITH, CSR
 22
 23
 24
 25

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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.

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

9 MS. ERIKSON: Amy Mueller and then Jacques
10 Brever.

11 BY MS. LISA MORZEL:

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

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

24 I should emphasize that the comments that I
25 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 Bufe.

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 Ball.

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 VOGELSBURG:

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

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

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

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

15 MS. ERIKSON: Chris Morrison and Julia
16 Schwab.

17 BY MR. CHRIS MORRISON:

18 I'm Chris Morrison and I live in Boulder.
19 I've heard a lot of people act as if Rocky Flats is some
20 special area that is -- like radiation has been invented in
21 the last hundred years, et cetera. I wonder how many of the
22 people here know the radon levels in your home. We all live
23 with radiation, people have always lived with radiation, and
24 plutonium is not some special form of radiation. If you've
25 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. ERIKSON: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. RUNDLE: 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. SATTELBERG: 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.

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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 24th day of March, 2004.

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Sandra A. Smith
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PUBLIC HEARING ON
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND COMPREHENSIVE CONSERVATION PLAN
FOR THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

Wednesday, March 17, 2004
6:30 p.m.

at
The Arvada Center
6901 Wadsworth Boulevard
Arvada, Colorado

Panel Members: Richard Trenholme
 Mike Hughes
 Laurie Shannon
 Dean Rundle
 Jody Erikson

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. ERIKSON: 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 unfound 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.

1 MS. ERIKSON: Mag Seaman and Charlie McKay.

2 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.

21 MS. ERIKSON: Charlie McKay and Andrew Ross.

22 BY MR. CHARLIE MCKAY:

23 My name is Charlie McKay with Church Ranch.
24 We all -- most or at least the total southern half of the
25 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

1 of outer space.

2 The U.S. must take the leadership in
3 assuring that all the nations, including our own, destroy
4 the weapons of mass destruction and assuring that no more
5 weapons are produced. This can be accomplished by a truly
6 international and verifiable process, a process that will
7 require extensive and intrusive international inspections of
8 all nations, including our own, possessing or seeking to
9 possess weapons of mass destruction. If we did this, we
10 could cut our military budget at least 75 percent and
11 perhaps more.

12 Visionary, idealistic, of course it is, but
13 that's what most so-called reasonable people said when other
14 human beings began urging the ambush of slavery or when a
15 small band of women demanded the same rights as men in this
16 country, rights guaranteed to all by the Constitution, but
17 never afforded to women after that time.

18 If human beings have the ability to create
19 weapons of mass destruction, and we do, surely we have the
20 ability to get rid of them, if we ever will. Thank you.

21 MS. ERIKSON: Jim Morris and David Maxwell.

22 BY MR. JIM MORRIS:

23 I'm Jim Morris and I'm worried about the
24 cleanup. I don't trust DOE's promise to clean it up when
25 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-'90s, 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 focussing 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.

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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 crushified (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

1 federally-owned sites.

2 Q. Do you have any data on the large predators,
3 like mountain lions and things like that that are out there?

4 MR. RUNDLE: We just have anecdotal
5 information on those. We do know that because of the
6 current count activity, that all that open space you
7 mentioned, that that's one of the qualities we see at Rocky
8 Flats, even though, as you said, it's a reasonably small
9 future refuge, is that you do have -- you still have
10 movement of large mammals from the Rocky Mountain Front
11 Range. Bears have been photographed on the site, that's
12 usually a late summer or early fall hyperphasing thing.
13 There are a pretty good population of fruited shrubs and
14 things in the riparian areas that draw berries. I'm sure
15 lions occur there occasionally. I don't know if we got any
16 pictures, but I think there's some track anecdotal stuff.

17 Elk, we're not sure what's going to happen
18 with elk. In the past they've been occasional visitors
19 coming down in the wintertime. Last summer I think we had
20 11 cows, 9 cows, something like that, a small number of
21 calves down on Rocky Flats. That is a concern to us. We'd
22 like to help move in and out of seasonally, we're not -- we
23 don't want to see a resident elk population develop at Rocky
24 Flats out on the planes next to the suburban areas, that
25 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. RUNDLE: 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. RUNDLE: 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.

24
25

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 29th day of March, 2004.

18 _____
19 Sandra A. Smith
20 BOVERIE, JACKSON, BUSBY & LA FERA
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 at
 8 Broomfield Recreation Center
 9 Lakeshore Room
 10 280 Lamar Street
 11 Broomfield, Colorado

12 Panel Members: Richard Trenholme
 13 Mike Hughes
 14 Laurie Shannon
 15 Dean Rundle
 16 Jody Erikson

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 21 TAKEN BY: CHERYL M. ROBINSON
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 23
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 25

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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,
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, Tancrado, 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 have 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. SATTELBERG: 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 Lindsay
 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 indepth
 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.
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1 CERTIFICATE OF DEPOSITION OFFICER
 2 STATE OF COLORADO)
 3) Ss.
 4 COUNTY OF DENVER)
 5
 6 I, CHERYL M. ROBINSON, a court reporter
 7 and Notary Public within and for the State of Colorado,
 8 commissioned to administer oaths, do hereby certify that
 9 previous to the commencement of the examination, the
 10 witness was duly sworn by me to testify the truth in
 11 relation to the matters in controversy between the said
 12 parties; that the said deposition was taken in stenotype
 13 by me at the time and place aforesaid and was thereafter
 14 reduced to typewritten form by me; and that the foregoing
 15 is a true and correct transcript of my stenotype notes
 16 thereof.
 17
 18 That I am not an attorney nor counsel nor
 19 in any way connected with any attorney or counsel for any
 20 of the parties to said action nor otherwise interested in
 21 the outcome of this action.
 22
 23 My commission expires February 25, 2007.
 24
 25 IN WITNESS WHEREOF I have affixed my
 signature and seal this 30th day of March, 2004.

 CHERYL M. ROBINSON
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Comment #	Letter #34 continued	Response
		<p>34-10. In accordance with the Service’s “wildlife first” mission, those management objectives pertaining to wildlife and habitat management and protection would take precedence over public use activities.</p> <p>34-11. Thank you for your comments.</p>