



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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### MEMORANDUM

To: Interested Parties

From: Project Leader, Rocky Mountain Arsenal NWR Complex /s/ **David Lucas**

Subject: Federal Lands Access Program Grant (FLAP) Application for the Rocky Flats National Wildlife Refuge

The Rocky Flats National Wildlife Refuge Act of 2001 (Pub. L. 107-107) formally began a process to transfer lands that buffered the Rocky Flats plant to the U.S. Fish and Wildlife Service (Service) to manage as a national wildlife refuge. The refuge was officially established in August 2007 when an initial 3,953 acres of land was transferred.

The Act required public use of the refuge and a Comprehensive Conservation Plan and environmental impact statement was issued in 2005 that included our plans for public use of the refuge. The Service appreciates the support of local governments as we proceed with development of public use facilities. We recognize the lingering concerns of some members of the public.

As we have discussed, the Service is committed to public engagement and transparency in this process. To that end, we have already contracted with a Boulder-based firm to assist with communications to the public. I also want to reaffirm that the Service is committed to supporting additional soil sampling to ensure that any construction activities follow State of Colorado requirements. A sampling plan must be completed that will determine the goals of any sampling program. The following information should inform this plan:

- In 2006, the Service conducted its own confirmatory sampling of lands prior to transfer. This sampling included testing for radionuclides, metals, volatiles, semi-volatiles, and PCBs. The Service's conclusion was our sample results were consistent with those already reported by the Department of Energy and U.S. Environmental Protection Agency (EPA).<sup>1</sup>
- In 2011, the Service requested additional clarification of human-health risks to assist with development of an environmental assessment. The EPA and Colorado Department of Public Health and Environment responded that the average concentration of plutonium on the refuge was 1.09 pCi/g and that construction activities associated with Jefferson Parkway would not present health or environmental concerns.<sup>2</sup>
- Current State of Colorado construction standards<sup>3</sup> are based on residual plutonium in soil. Similar to testing completed during the CERCLA process, the Service's testing of areas proposed for development are below this standard. Any additional sampling should provide additional site-specific confirmation for an evaluation to this standard.
- Sampling must be consistent with approved and proven techniques. Analysis must be completed using appropriate EPA methods by an EPA-approved laboratory.
- Sampling results and methods must be shared with the general public with explanation of how this information will be used to inform decisions.

The Service relies on public health agencies for their scientific expertise on human-health risks associated with past activities at the Rocky Flats site. These agencies have already determined that "the lands comprising the Refuge are suitable for unlimited use and unrestricted exposure."<sup>4</sup> The Service also believes the Refuge is safe for our workers and those who choose to visit.

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<sup>1</sup> U.S. Fish & Wildlife Service. 2006. Modified Level III Preacquisition Environmental Contaminants Survey for Rocky Flats Environmental Technology Site Jefferson and Boulder Counties, Colorado. U.S. Fish & Wildlife Service. Denver, CO.

<sup>2</sup> Colorado Department of Public Health and Environment & U.S. Environmental Protection Agency. 2011. Letter to the U.S. Fish and Wildlife Service RE: Service's requests for additional information regarding residual risk at Rocky Flats National Wildlife Refuge. September 21, 2011.

<sup>3</sup> 6 CCR 1007-1 Part 04 revised 8/14/2015 <http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6357&fileName=6%20CCR%201007-1%20Part%2004>

<sup>4</sup> Department of Energy, U.S. Environmental Protection Agency, and Colorado Department of Public Health & Environment. 2006. Corrective Action Decision/Record of Decision for Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit. EPA/541/R-06/197. September 29, 2006.