

**Rocky Flats Surface Water Configuration EA  
Adaptive Management Plan Meeting 12/09/10  
Notes Summary**

**(Bold text is participant questions/comments)**

(Normal text is DOE response)

**What does DOE mean by “development and implementation of an AMP does not change the findings of the EA?”**

The idea of an AMP is to plan for action, and try to reach consensus among the interested parties. The AMP does not change the EA findings, but develops a series of mitigation actions that will address concerns. The AMP would be released at the time of issuing the Final EA, or shortly after. The AMP is not intended to mitigate any significant impacts, but it influences the way DOE manages implementation of the proposed action. If the EA identified significant impacts, there would be no FONSI issued and an EIS would have to be prepared.

**There is a disconnect between Broomfield and DOE on the separation between the NEPA proposed action and the RFLMA modification to relocate POCs. It is frustrating to be limited on topics of discussion. The community does not want to separate RFLMA and NEPA issues. We want to talk about the interrelation of the RFLMA mods and the dam breach decision (EA).**

**We want to meet separately from this working group to discuss the POC relocation.** DOE requested that the participants identify what issues/concerns should be added to the AMP development process discussion and submit them to DOE. DOE will then compile a list of all topics, identify those that are appropriate for the AMP process, and provide an explanation of why any submitted topics are considered inappropriate or part of another discussion. DOE and CDPHE will set up additional discussion meetings as needed during the RFLMA modification process to address POC relocation.

**Is there a regulatory driver for the 6-month timeframe to develop an AMP and finalize the EA?**

No. The effort of the DOE is to accommodate concerns as can best be completed, but it is the DOE intent to issue the NEPA decision by the end of April 2011. DOE wants to take a project approach, which means you plan the project with a completion date identified. Changes could be made to the AMP over time based on any new information from the data evaluation, and the AMP parties would be involved in the process. The AMP is what we as a group make of it.

**What makes the RFLMA monitoring and the CERCLA 5-year review mitigating actions?**

The RFLMA monitoring provides data and assures that monitoring will continue. Mitigation in this instance means that the RFLMA monitoring will continue, and data provided from the monitoring would be used to support the management decision on breaching the dams.

**What assurances are there that comments from this group will be acted on? At the end of 6 months are we going to hear that “we haven’t reached consensus and move on?” It’s not reassuring that this is deadline driven. What is consensus? Does a consensus have to be reached for a decision to be made?**

The primary idea of this AMP is to address public concerns. DOE takes the position that the present NEPA evaluation is valid, and there are no significant impacts as a result of implementation of the Proposed Action.

The idea of an AMP is to plan for action, and try to reach consensus among the interested parties. The AMP does not change the EA findings, but develops a series of mitigation actions and associated management decisions that will address concerns.

DOE is committed to spend time on the collaborative effort, but the final NEPA decision, and AMP document is DOE’s responsibility.

DOE is trying to reach a consensus with the cities, and as the process progresses, it will become obvious when areas where we don’t agree crop up. DOE and the interested parties will use the next 6 months to develop the plan. If we haven’t resolved an issue in the next 6 months, that is a good indication that we are not going to achieve a consensus. After the AMP is completed, facets of the plan can be adjusted as more information is found during implementation of flow-through prior to breaching.

**Could the AMP influence how, or if, the EA is approved? What if the AMP develops data that indicate you should not breach the dams? Would the AMP influence the decision when to breach the dams?**

It is not a method of implementing the actions as described in the EA. When to breach would be dependent on water quality conditions, and monitoring data from flow-through operations. The AMP does not develop data, but does develop actions to provide assurances that address public concerns, such as additional public meetings.

The AMP would factor in water quality and can develop decision criteria parameters for breaching. If the water data isn’t sound, DOE would not breach the dams.

**Could this process lead to determining whether to conduct an EIS?**

That is not the intent of this process. The final EA decision document would determine if an EIS is required.

**Broomfield understands that the intent of the Institutional Control is no digging under 3-feet, period.**

CDPHE withdrew approval of excavation because of issues of concern expressed from the public, but the evaluation is valid. A new Contact Record is being developed that will clarify the language and address the sub-surface questions.

**Can you provide the changes you have made to the draft EA now, rather than waiting until the final EA?**

NEPA procedures do not generally allow for release of a second Draft EA. However, DOE will provide a summary of the proposed changes made to the draft EA based upon public comments received during the public comment period, to the meeting participants prior to the next meeting.

**Can this group influence the conditions to be met prior to breaching?**

Yes – it is the decision process that DOE is committing to, and would use all available data, including non-RFLMA monitoring, to set the criteria or conditions that must be met prior to breaching.

**COMMUNITY IDENTIFIED “HARD SPOTS” OR AREAS THAT NEED MORE DISCUSSION**

- 1. Want to know what changes are being made to the draft EA now.**
- 2. 3-foot excavation issue**
- 3. POCs**
- 4. Monitoring protocols**
- 5. What is DOE’s obligation for the period of non-RFLMA monitoring?**
- 6. Water lease with Broomfield**
- 7. SLPP operating agreement**
- 8. Risk assessment re 3-foot excavation**
- 9. Contingency plan**
- 10. Environmental Covenant re ICs**
- 11. Monitoring points**
- 12. Explanation of the reason or basis for going forward with these actions**
- 13. Want a meeting to discuss non-AMP issues**

**NEXT STEPS**

- DOE will distribute a preliminary list of issues/topics for discussion at future meetings.
  - Group will respond by emailing any additional issues/topics to be included to [rfinfo@lm.doe.gov](mailto:rfinfo@lm.doe.gov) by 12/16/10
  - DOE will compile the submitted issues/topics, identify the issues that would be applicable to the AMP, and distribute to participants by COB 12/20/10
- DOE will post the comments received during the public comment period on the draft EA on the Rocky Flats Legacy Management website. (completed 12/14/10)
- Set future AMP meetings
  - Meetings will occur on the second Thursday of the month, preferably in the afternoon.
  - The next meeting is scheduled for 1 p.m. Thursday, Jan. 13, 2011, at the DOE Rocky Flats Site offices.
    - i. DOE will distribute a meeting maker via email to participants