

## **Appendix D**

### **Agency Consultation and Coordination**

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STATE OF COLORADO

Bill Ritter, Jr., Governor  
DEPARTMENT OF NATURAL RESOURCES  
**DIVISION OF WILDLIFE**

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director  
6060 Broadway  
Denver, Colorado 80216  
Telephone: (303) 297-1192  
[wildlife.state.co.us](http://wildlife.state.co.us)



*For Wildlife-  
For People*

March 15, 2010

Scott Surovchak  
Office of Legacy Management  
Department of Energy  
11025 Dover St, Suite 1000  
Westminster CO 80021

Re: Threatened and Endangered Species Consultation  
Rocky Flats Surface Water Configuration Project Environmental Assessment

Dear Mr. Surovchak:

Thank you for the invitation to participate in the *Rocky Flats Surface Water Configuration Project Environmental Assessment*. The purpose of this Environmental Assessment (EA) is to evaluate impacts related to the breaching of dams and restoring the approximate stream configurations for creeks traversing the Rocky Flats site northwest of Denver, Colorado.

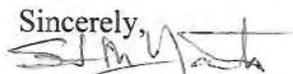
The Preble's Meadow Jumping Mouse (PMJM) is listed as threatened under the Endangered Species Act. Typically this mouse occurs in low undergrowths of grasses and forbs in open wet meadows and riparian corridors near forests or where tall shrubs and low trees provide adequate cover (USFWS 1997, Meaney and Clippinger 1995). The mouse occurs below 7,600 feet in elevation (USFWS 1997) and has been found to utilize upland areas more than 91m (300 feet) from a main drainage (Shenk and Sivert 1999).

Rock Creek, Woman Creek and Walnut Creek on the Rocky Flats property have been proposed as critical habitat for the Preble's Meadow Jumping Mouse by the U.S. Fish & Wildlife Service. From past environmental assessments of nearby Coal Creek, the PMJM has been known to occupy riparian habitat in this area of Colorado. Because these riparian corridors on Rocky Flats are the targets of the proposed stream configuration modifications, it is our recommendation that the Department of Energy consult with the U.S. Fish & Wildlife Service to learn of any concerns they may have and obtain any permits they may require for this project.

It is important to note that the Preble's mouse is a hibernating species, and hibernates from October through early May. (Whitaker 1963). Therefore, we recommend that no species surveys of a property be conducted during the hibernation period as that may result in false assumptions about the absence of the mouse. In addition, any development proposal resulting in different land conditions by varying seasons should be evaluated based upon the hibernation period being the time when the mouse is the most vulnerable to eradication.

Again, thanks for the opportunity to comment on the Rocky Flats Environmental Assessment, and please do not hesitate to contact Vicki Vargas-Madrid at 303 291-7275 or Liza Hunholz at 303 291-7122 if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Yamashita", written over the printed name below.

Steve Yamashita  
NE Regional Manager

cc: L. Hunholz, K. Green, V. Vargas-Madrid

From: Haynes, Mark [Mark.Haynes@state.co.us]  
Sent: Wednesday, February 03, 2010 5:39 PM  
To: Darr, Bob  
Subject: Rocky Flats Environmental Assessment Review

Mr. Darr - I received a letter today from a Mr. Scott Surovchak concerning the Environmental Assessment(EA) for the Rocky Flats site and whether our agency would be interested in reviewing the EA. The review of the EA is beyond my purview and therefore, I will respectfully decline being considered to be a reviewer. Nevertheless, any modifications to the dams at the Rocky Flats site will be required to be reviewed and accepted by this office. I will be more than happy to discuss the requirements of our office as they relate to breaching or modifying of the dams. Thank you

Mark R. Haynes, P.E.

Chief, Safety of Dams Program

Colorado Division of Water Resources

1313 Sherman Street, Rom 818

Denver, CO 80203

Office: (303) 866-3581 ext. 8276

Cell: (303) 204-6613

Home: (303) 973-7332

FAX: (303) 866-3589

e-mail: mark.haynes@state.co.us

From: Steve\_Berendzen@fws.gov  
Sent: Friday, April 02, 2010 8:19 AM  
To: Darr, Bob  
Cc: Bruce Hastings  
Subject: Re: Response to invitation to be a cooperating agency for RF dam breach EA

Bob: I'm out of the office this week, but hope to be at SC meeting Monday Can I get a copy of the EA then? We would like to be a cooperating agency Sent From My BlackBerry®

----- Original Message -----

From: "Darr, Bob" [Bob.Darr@lm.doe.gov]  
Sent: 04/01/2010 11:35 AM CST  
To: Steve Berendzen  
Subject: Response to invitation to be a cooperating agency for RF dam breach EA

Steve, I just want to verify whether you want to serve as a cooperating agency and review the draft EA. Please let me know by letter or email if you want to review as we are going to send the draft out next week with a short turn-around time for responses by April 16. If you want to review but won't be able to get the comments in by the 16th, we can still send out the draft and incorporate any comments you may have during the public comment period. Give me a call if you have any questions or we can talk on Monday if you go to the stewardship council meeting, I've attached a copy of the invitation letter for your convenience.

Thanks,  
Bob

Bob Darr  
SM Stoller Corporation  
DOE Legacy Management Support  
Phone 720-377-9672  
email bob.darr@lm.doe.gov



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD  
LITTLETON, COLORADO 80128-6901

February 9, 2010

Mr. Scott R. Surovchak  
LM Site Manager  
Department of Energy  
Office of Legacy Management  
11025 Dover St, Suite 1000  
Westminster, CO 80021

**RE: Rocky Flats Surface Water Configuration Project Environmental Assessment**

Dear Surovchak:

I am writing this letter in response to your correspondence of January 20, 2010, regarding the above referenced project. In your letter you requested that the U.S. Army Corps of Engineers (COE) participate as a Cooperating Agency during preparation of the subject EA.

As discussed in your February 8, 2010 conversation with Matt Montgomery, the COE will participate as a Commenting Agency to assist in preparation of this EA. Our involvement will include providing document review and input concerning potential impacts to waters of the United States subject to COE jurisdiction under Section 404 of the Clean Water Act. In addition, we will provide assistance in evaluating and assessing alternatives relative to the Section 404(b)(1) Guidelines.

Matt Montgomery will serve as the primary point of contact. Feel free to contact him with any questions you may have concerning Section 404 permitting. If you need to reach either of us by telephone, our number is 303-979-4120. Our e-mail addresses are [timothy.t.carey@usace.army.mil](mailto:timothy.t.carey@usace.army.mil) and [matthew.r.montgomery@usace.army.mil](mailto:matthew.r.montgomery@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy T. Carey".

Timothy T. Carey  
Chief, Denver Regulatory Office

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Department of Energy  
Office of Legacy Management

March 10, 2010

Mr. Ed Nichols  
State Historic Preservation Officer  
Colorado History Museum  
1300 Broadway  
Denver, CO 80203

Subject: Request for Concurrence in U.S. Department of Energy's Determination of No Effect for its Proposed Dam Breach Project at the Rocky Flats Site (RFS), Jefferson County, Colorado

Dear Mr. Nichols:

The U.S. Department of Energy Office of Legacy Management (DOE) is proposing to breach the dams at five retention ponds at its RFS formerly known as the Rocky Flats Plant and the Rocky Flats Environmental Technology Site (RFETS) in Jefferson County, Colorado, located approximately 16 miles northwest of downtown Denver. The RFS is a former Cold War industrial complex at which plutonium triggers were manufactured. The former RFETS was cleaned up and closed in 2005, and DOE is responsible for its long-term surveillance and maintenance.

The cleanup and closure of the former RFETS was completed via a cleanup agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and a Compliance Order on Consent under the Resource Conservation and Recovery Act (RCRA) and the Colorado Hazardous Waste Act (CHWA). The final response action for the former RFETS is specified in the final Corrective Action Decision/Record of Decision (CAD/ROD) issued on September 29, 2006.

Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the former RFETS property: the Central OU (COU) and the Peripheral OU (POU). The COU consolidates areas that require additional remedial or corrective actions, while also considering the practicalities of future land management. The POU surrounds the COU and includes the remaining, generally unaffected, portions of the former RFETS property.

The POU surrounds the COU (see the attached figure) and the majority of the land was transferred to the U.S. Fish and Wildlife Service in 2007 for use as the Rocky Flats National Wildlife Refuge. The COU is shown as the DOE Site Boundary on the attached map, and is referred to as the RFS.

2597 B 3/4 Road, Grand Junction, CO 81503	<input type="checkbox"/>	99 Research Park Road, Morgantown, WV 26505
1000 Independence Ave., S.W., Washington, DC 20585	<input type="checkbox"/>	11025 Dover St., Suite 1000, Westminster, CO 80021
10995 Hamilton-Cleves Highway, Harrison, OH 45030	<input type="checkbox"/>	955 Mound Road, Miamisburg, OH 45342
232 Energy Way, N. Las Vegas, NV 89030	<input type="checkbox"/>	
REPLY TO: Westminster Office		

During operations at the former RFETS, numerous retention ponds were constructed using earthen dams for stormwater control and to allow DOE to monitor surface water quality. These dams are no longer required, and DOE would like to return surface water flows in the creeks to approximate original conditions. Breaching the retention pond dams would provide ecological benefits by improving riparian habitat and promoting wetland development and would also reduce DOE's inspection and reporting requirements associated with maintaining the dams. The ponds, shown on the enclosed map, are located in Sections 1, 2, 11, 12, and 13 of Township 2 South, Range 70 West, 6<sup>th</sup> Principal Meridian on the Louisville U.S.G.S Quadrangle.

DOE is proposing the following actions during 2011:

- Dewater Pond A-3, Pond C-2, and the Present Landfill Pond by opening the existing discharge valves and pumping residual water.
- Mobilize equipment and set up a staging area at each pond.
- Install a temporary coffer dam upstream of each of the dams to control surface water inflows.
- Notch the dams according to engineering specifications; build a drop structure downstream of each breach; use rip rap and erosion control fabric to armor the permanent notches and drop structures.
- Partially fill small areas immediately upstream of the notches.
- Reclaim disturbed areas with native seed and live plantings.

Each dam breach is expected to take approximately 10 weeks to complete. A similar sequence of events would occur in 2015-2018 when DOE proposes to breach Ponds A-4 and B-5. The total area of potential effect associated with the dam breaching project would be approximately 45 acres (as highlighted on the enclosed map).

Class III cultural resource inventories of the former RFETS were conducted in 1989 and 1991 and documented in the following reports:

- Burney, Michael S.; Steven F. Mehls, and Marcus P. Grant, 1989. *An Archaeological and Historical Survey of Selected Parcels within the Department of Energy, Rocky Flats Plant, Northern Jefferson County, Colorado*, prepared by Burney and Associates, Inc., Boulder, Colorado; prepared for U.S. Department of Energy Rocky Flats Plant.
- Dames and Moore, 1991. *Cultural Resources Class III Survey of the Department of Energy Rocky Flats Plant, Northern Jefferson and Boulder Counties, Colorado*, prepared for EG&G.

During these inventories, 35 cultural sites and 28 isolated finds were discovered or reevaluated. These sites are listed in the enclosed Tables 1 and 2, respectively. As shown on the attached map, of the 63 sites and finds, seven are located in the current RFS boundary, and none are within the areas of potential disturbance. All sites and isolated finds were determined to be ineligible for inclusion on the National Register of Historic Places.

An architectural inventory of the former industrial buildings was conducted in 1995 and documented in the following report:

- Science Applications International Corporation, 1995. *Final Draft, Cultural Resources Survey Report, Rocky Flats Environmental Technology Site*, prepared by SAIC, Santa Barbara, California and Golden, Colorado; prepared for U.S. Department of Energy.

Of the 123 Cold War buildings in the complex, 64 were identified as potentially eligible for inclusion in the National Register of Historic Places as contributors to a Rocky Flats Plant Historic District. These buildings were documented in a Historic American Engineering Record before they were decontaminated and demolished during cleanup of the former RFETS.

DOE, the Colorado State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation entered into a Programmatic Agreement Regarding Historic Properties at the former RFETS on July 17, 1997. DOE implemented its Cultural Resources Management Plan (CRMP) pursuant to the Programmatic Agreement. The Programmatic Agreement noted that the SHPO concurred that identification and evaluation of historic properties referenced in the CRMP were adequate and complete, with little likelihood that additional archeological resources would be discovered.

The dams were constructed before the cultural inventories discussed above were performed, and were part of the area previously inventoried. Since the 1989 and 1991 cultural resource inventories, the areas in and around the retention ponds have not been significantly disturbed and monitoring and maintenance activities were conducted in accordance with the Programmatic Agreement and CRMP requirements. For these reasons, DOE believes that the 1989 and 1991 cultural resource inventories, although not recent, remain applicable today.

Given the lack of cultural resources on the Site and that DOE's proposed activities would take place in drainage bottoms and on man-made dam impoundments, DOE has determined that its proposed work would have "no effect" on cultural resources. Please let us know if you concur with this determination.

A copy of this letter is being sent to the U.S. Fish and Wildlife Service to inform them of DOE's actions respecting this request for concurrence from SHPO.

If you have questions or comments about this determination, please contact me at (720) 377-9682. If you have specific questions about cultural resources, please contact Marilyn Kastens, Cultural Resource Coordinator, at (970) 248-6781.

Sincerely,



Scott R. Surovchak  
LM Site Manager

Mr. Ed Nichols

-4-

Enclosures (w/o map)

cc:

Steve Berendzen, USFWS

Sandra Beranich, Stoller

Linda Kaiser, Stoller

Marilyn Kastens, Stoller

rc-rocky.flats

Table 1. Cultural Resource Sites Recorded at the Rocky Flats Site, 1989 and 1991

Site Number	Site Type	T. 2 S., R. 70 W., Section	NRHP Eligibility Determination
5JF79	Eight stone features	15	Not eligible
5JF217	Various rock alignments	3	Not eligible
5JF474	Firebreak site	15	Not eligible
5JF483	Orchard	15	Not eligible
5JF484	Stone structure	13	Not eligible
5JF485	Lindsay Ranch	3	Not eligible
5JF512	Upper Church Ditch	1, 2, 3, 9, 10	Not eligible
5JF513	McKay Ditch	1, 2, 3, 9, 10	Not eligible
5JF514	Smart Ditch	13	Not eligible
5JF722	Stock pond	15	Not eligible
5JF723	Stock tank/spring	14	Not eligible
5JF724	Stock tank	14	Not eligible
5JF725	Stone piles	13	Not eligible
5JF726	Stock pond	14	Not eligible
5JF727	Stock pond	14	Not eligible
5JF728	Spring house	3	Not eligible
5JF729	Probable corral	3	Not eligible
5JF730	Stock tanks/feeder	3	Not eligible
5JF731	Historic foundation	10	Not eligible
5JF732	Stock pond/foundation	13	Not eligible
5JF733	Stock pond	13	Not eligible
5JF734	Mower Ditch	13	Not eligible
5JF735	Historic foundation	4	Not eligible
5JF736	Stock ponds (2)	9	Not eligible
5JF737	Stock ponds (2)	9	Not eligible
5JF738	Barbed wire fence	9	Not eligible
5JF739	Gravel pit	9	Not eligible
5JF740	Ditch	12	Not eligible
5JF741	Ditch	12	Not eligible
5JF742	Historic railroad grade	4, 9, 10	Not eligible
5JF743	Historic dump	15	Not eligible
5JF744	Corral area	15	Not eligible
5JF761	Stock pond	3	Not eligible
5JF762	Stock pond	3	Not eligible
5JF766	Ditch	13, 14	Not eligible

Table 2. Isolated Finds Recorded at the Rocky Flats Site, 1989 and 1991

Site Number	Site Type	T. 2 S., R. 70 W., Section	NRHP Eligibility Determination
5JF475	Rock cairn	9	Not eligible
5JF476	Rock cairn	9	Not eligible
5JF477	Chipped stone	10	Not eligible
5JF478	Rock cairn	3	Not eligible
5JF479	Rock cairn	3	Not eligible
5JF480	Horseshoe	3	Not eligible
5JF481	Barbwire	15	Not eligible
5JF482	Sandstone fragment	1	Not eligible
5JF486	Survey cairn	4	Not eligible
5JF745	Unifacially worked flake	13	Not eligible
5JF746	Cairn	13	Not eligible
5JF747	Porcelain sherd	13	Not eligible
5JF748	Horse-drawn rake	13	Not eligible
5JF749	Depression	13	Not eligible
5JF750	Square nails	15	Not eligible
5JF751	Barbed wire	15	Not eligible
5JF752	Barbed wire	15	Not eligible
5JF753	Hub cap	11	Not eligible
5JF754	Barbed wire	4	Not eligible
5JF755	Barbed wire	4	Not eligible
5JF756	Barbed wire	2	Not eligible
5JF757	Glass fragments	3	Not eligible
5JF758	Cairn	14	Not eligible
5JF759	Cairn	14	Not eligible
5JF760	Rock piles	3	Not eligible
5JF763	Barbed wire	15	Not eligible
5JF764	Cairn	15	Not eligible
5JF765	Barbed wire	15	Not eligible

March 24, 2010

Scott R. Surovchak  
LM Site Manager  
Department of Energy  
Office of Legacy Management  
11025 Dover St., Suite 1000  
Westminster, CO 80021

Re: Request for Concurrence in U.S. Department of Energy's Determination of No Effect for its Proposed Dam Breach Project at the Rocky Flats Site (RFS), Jefferson County, Colorado (CHS #56785)

Dear Mr. Surovchak,

Thank you for your correspondence dated March 10, 2010 (received by our office on March 16, 2010) regarding the subject project.

Following our review of the documentation provided, we concur with your determination that a finding of **no historic properties affected** is appropriate for the proposed project.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.4) in consultation with our office.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Shina duVall, Section 106 Compliance Manager, at (303) 866-4674 or [shina.duvall@chs.state.co.us](mailto:shina.duvall@chs.state.co.us).

Sincerely,

  
Edward C. Nichols  
State Historic Preservation Officer  
ECN/SAD

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
P.O. Box 25486, DFC (65412)  
Denver, Colorado 80225-0486

IN REPLY REFER TO:  
ES/CO: T&E/Species List  
TAILS: 65412-2010-SL-0261

FEB 26 2010

Scott Surovchak  
DOE, OLM  
11025 Dover Street, Suite 1000  
Westminster, Colorado 80021

Dear Mr. Surovchak:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Fish and Wildlife Act of 1956 (916 U.S.C. 742(a)-754); Fish and Wildlife Coordination Act (FWCA - 16 U.S.C. 661-667(e)); National Environmental Policy Act of 1969 (NEPA - 42 U.S.C. 4321-4347); Department of Transportation Act (49 U.S.C. 1653(f)), and; Endangered Species Act of 1973, as amended (ESA - 50 CFR §402.14), as well as multiple Executive Orders, policies and guidelines, and interrelated statutes to ensure the conservation and enhancement of fish and wildlife resources (e.g., Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703), and Bald and Golden Eagle Protection Act (BGEPA - 16 U.S.C. 668)), the Service reviewed your February 2, 2010, request for information on the Service's trust resources in the vicinity of the proposed **Rocky Flats Surface Water Configuration Project, Jefferson County, Colorado**. With this project, you are proposing to reduce or eliminate the retention of surface water and to return the surface water flow configuration to the approximate original conditions by breaching several dams at the site. You will need to amend the existing Programmatic Biological Assessment for impacts to the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) for these activities, and are requesting any additional information we may have on listed or proposed species or critical habitat.

## Threatened and Endangered Species

Following is a list of Federal endangered, threatened, proposed and candidate species for Jefferson County, which may be used as a basis for determining additional listed species potentially present in the project area. While other species could occur at or visit the project area, endangered or threatened species most likely to be affected include:

Birds:

- \*Piping Plover, (*Charadrius melodus*), Threatened
- \*Least Tern (*Sterna antillarum*), Endangered
- \*Whooping crane (*Grus americana*), Endangered

- Mammals: ▲Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Threatened
- Fishes: \*Pallid sturgeon (*Scaphirhynchus albus*), Endangered
- Plants: Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), Threatened  
Ute ladies'-tresses orchid (*Spiranthes diluvialis*), Threatened  
\*Western prairie fringed orchid (*Platanthera praeclara*), Threatened

\* Since 1978, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in existing or new water depletions to the Platte River system may affect these species as well as designated critical habitat for the whooping crane and piping plover in the central Platte River in Nebraska. Depletions include evaporative losses and/or consumptive use less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/water quality/recreation/irrigation storage), lakes (recreation/ irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), pipelines, and water treatment facilities, dust control, and compaction.

▲ Critical Habitat for this species has been proposed in your project area.

The Service also is interested in the protection of species which are candidates for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996). While these species presently have no legal protection under the Act, it is within the spirit of this Act to consider project impacts to potentially sensitive candidate species. It is the intention of the Service to protect these species before human-related activities adversely impact their habitat to a degree that they would need to be listed and, therefore, protected under the Act. Additionally, we wish to make you aware of the presence of Federal candidates should any be proposed or listed prior to the time that all Federal actions related to the project are completed. If any candidate species will be unavoidably impacted, appropriate mitigation should be proposed and discussed with this office.

The Service is not aware of any Candidate species in the project area at this time.

### Migratory Birds

Under the MBTA construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the take of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in eastern Colorado occurs during the period of April 1 to August 31. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15. If the proposed construction project is planned to

occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. In some cases, such as on bridges or other similar structures, nesting can be prevented until construction is complete. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Colorado Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

### Wetlands

FWCA provides the basic authority for the Service's involvement in evaluating impacts to fish and wildlife "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified **for any purpose whatever**...by any department or agency of the United States, or by any public or private agency under Federal permit or license," including water crossings and wetland impacts, whether or not those wetlands are under the jurisdiction of the U.S. Army Corps of Engineers [16 U.S.C. 661(1), emphasis added]. It requires that fish and wildlife resources "receive equal consideration...to other project features...through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation," and requires Federal agencies to consult with the Service during the planning process to help "prevent the loss of or damage to such resources as well as providing for the development and improvement thereof" (16 U.S.C. 661 *et seq*). Full consideration is to be given to Service recommendations.

If the Service can be of further assistance, please contact Alison Deans Michael of my staff at 303 236-4758.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

pc: Rocky Flats (Jody Nelson)

Ref: Alison\H:\My Documents\Rocky Flats\Surface water config spplist.doc

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Tribal Contact List:

Chairman Alonzo Chalepah  
Apache Tribe of Oklahoma  
P.O. Box 1220  
Anadarko, OK 73005  
Cc: Vice Chairman Mary Rivera (same address)

Mr. Gordon Yellowman, NAGPRA Contact  
Cheyenne & Arapaho Tribes of Oklahoma  
Cultural Heritage Program  
200 Wolf Robe Circle  
Concho, OK 73022

Chairman Joseph J. Brings Plenty, Sr.  
Cheyenne River Sioux Tribe  
P.O. Box 590  
Eagle Butte, SD 57625  
Cc: Ms. Donna Ray Peterson, Administrator (same address)

Mr. Jimmy Arterberry  
NAGPRA Director and Tribal Historic Preservation Officer  
Comanche Nation of Oklahoma  
#6 D Avenue, Suite A  
Lawton, OK 73507

Chairman Brandon Sazue, Sr.  
Crow Creek Sioux Tribe  
P.O. Box 50  
Fort Thompson, SD 57339  
Cc: Ms. Kitty Wells, Council Member (same address)

Mr. Leland Michael Darrow  
Tribal Historian  
Fort Sill Apache Tribe  
Route 2, Box 121  
Apache, OK 73006

Dr. Jeff Blythe  
Director, Office of Cultural Affairs  
Jicarilla Apache Nation  
P.O. Box 1367  
Dulce, NM 87528

Dewey Tsonetokoy  
NAGPRA Representative  
Kiowa Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

Ms. Holly Houghten  
Tribal Historic Preservation Officer  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

Mr. Robert J. Goggles  
NAGPRA Contact  
Northern Arapaho Tribe  
328 Seventeen Mile Road  
Arapaho, WY 82510

Mr. Conrad Fisher  
Tribal Historic Preservation Officer  
Northern Cheyenne THPO Office  
P.O. Box 128  
Lame Deer, MT 59043

Ms. Roberta Joyce Whiting  
Tribal Historic Preservation Officer  
Oglala Sioux Tribe  
P.O. Box 320  
Pine Ridge, SD 57770

Ms. Misty Muttler  
THPO & Assistant to Repatriation Coordinator  
Pawnee Nation of Oklahoma  
P.O. Box 470  
Pawnee, OK 74058

Mr. Terry Gray  
NAGPRA Coordinator  
Rosebud Sioux Tribe  
SGU Heritage Center  
Box 675  
Mission, SD 57555

Mr. Neil Cloud  
NAGPRA Representative  
Southern Ute Indian Tribe  
P.O. Box 737  
Ignacio, CO 81137

Ms. Was'te Win Young  
THPO Active Director  
Standing Rock Sioux Tribe  
P.O. Box D  
Fort Yates, ND 58538

Ms. Betsy Chapoose  
NAGPRA Representative  
Ute Tribe of the Uintah & Ouray Reservation  
P.O. Box 190  
Ft. Duchesne, UT 84026

Mr. Terry Knight, Sr.  
NAGPRA Representative  
Ute Mountain Ute Tribe  
P.O. Box 468  
Towoac, CO 81334

Letter from Scott Surovchak to Indian Tribes (see attached list of contacts)  
Please Send by CERTIFIED MAIL (Return Receipt)

Subject: Proposed Dam Breaching Project at U.S. Department of Energy's Rocky Flats Site in Jefferson County, Colorado

Dear \_\_\_\_\_:

The U.S. Department of Energy Office of Legacy Management (DOE) is proposing to breach the dams at five retention ponds at its Rocky Flats Site in Jefferson County, Colorado, located approximately 16 miles northwest of downtown Denver. The Rocky Flats Site is a former Cold War industrial complex at which plutonium triggers were manufactured. The site was cleaned up and closed in 2006, and DOE is responsible for its long-term surveillance and maintenance.

The cleanup and closure of Rocky Flats Site (RFS) was completed via a cleanup agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and a Compliance Order on Consent under the Resource Conservation and Recovery Act (RCRA) and the Colorado Hazardous Waste Act (CHWA). The final response action for RFS is specified in the final Corrective Action Decision/Record of Decision (CAD/ROD) for Rocky Flats issued on September 29, 2006.

Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the Rocky Flats property: the Central OU (COU) and the Peripheral OU (POU). The COU consolidates areas that require additional remedial or corrective actions, while also considering the practicalities of future land management. The POU surrounds the COU and includes the remaining, generally unaffected, portions of the Rocky Flats property.

The POU surrounds the COU (see the attached figure) and the majority of the land was transferred to the U.S. Fish and Wildlife Service in 2007 for use as the Rocky Flats National Wildlife Refuge. The COU is shown as the DOE Site Boundary on the attached map, and is referred to as the Rocky Flats Site (RFS).

During operations at the site, numerous retention ponds were constructed using earthen dams for storm water control and to allow DOE to monitor surface water quality. These dams are no longer required, and DOE would like to return surface water flows in the creeks to their approximate original condition. Breaching the retention pond dams would provide ecological benefits by improving riparian habitat and promoting wetland development and also would reduce DOE's inspection and reporting requirements associated with maintaining the dams. The ponds, shown on the enclosed map, are located in Sections 1, 2, 11, 12, and 13 of Township 2 South, Range 70 West, 6<sup>th</sup> Principal Meridian on the Louisville U.S.G.S Quadrangle.

DOE is proposing the following actions during 2011:

- Dewater Pond A-3, Pond C-2, and the Present Landfill Pond by opening the existing discharge valves and pumping residual water.
- Mobilize equipment and set up a staging area at each pond.

- Install a temporary coffer dam upstream of each of the dams to control surface water inflows.
- Notch the dams according to engineering specifications; build a drop structure downstream of each breach; use rip rap and erosion control fabric to armor the permanent notches and drop structures.
- Partially fill small areas immediately upstream of the notches.
- Reclaim disturbed areas with native seed and live plantings.

Each dam breach is expected to take approximately 10 weeks to complete. A similar sequence of events would occur in 2015-2018 when DOE proposes to breach Ponds A-4 and B-5. The total area of potential effect associated with the dam breaching project would be approximately 45 acres (as highlighted on the enclosed map).

Class III cultural resource inventories of the Rocky Flats Site were conducted in 1989 and 1991 and documented in the following reports:

- Burney, Michael S.; Steven F. Mehls, and Marcus P. Grant, 1989. *An Archaeological and Historical Survey of Selected Parcels within the Department of Energy, Rocky Flats Plant, Northern Jefferson County, Colorado*, prepared by Burney and Associates, Inc., Boulder, Colorado; prepared for U.S. Department of Energy Rocky Flats Plant.
- Dames and Moore, 1991. *Cultural Resources Class III Survey of the Department of Energy Rocky Flats Plant, Northern Jefferson and Boulder Counties, Colorado*, prepared for EG&G.

During these inventories, 35 cultural sites and 28 isolated finds were discovered or reevaluated. These sites are listed in the enclosed Tables 1 and 2, respectively. All sites and isolated finds were determined to be ineligible for inclusion on the National Register of Historic Places. None of the sites or isolated finds would be affected by DOE's proposed action.

We would like to know if you have specific concerns about DOE's proposed actions and if this area of northern Jefferson County contains features that may have religious or cultural significance to you. If you have questions or comments about the site, please contact me at (720) 377-9682. If you have specific questions about cultural resources, please contact Marilyn Kastens, Cultural Resource Coordinator, of my contractor staff at (970) 248-6781. I appreciate your consideration of this project's impacts to cultural resources that may be unknown to us.

Sincerely,

Scott Surovchak  
Rocky Flats Site Manager

Enclosures (3)

cc w/ enclosures:

Project File RFS 100.02 (Raynes)  
NEPA Administrative Record (Bowdidge)  
M. Kastens, Stoller  
L. Kaiser, Stoller

Table 1. Cultural Resource Sites Recorded at the Rocky Flats Site, 1989 and 1991

Site Number	Site Type	T. 2 S., R. 70 W., Section	NRHP Eligibility Determination
5JF79	Eight stone features	15	Not eligible
5JF217	Various rock alignments	3	Not eligible
5JF474	Firebreak site	15	Not eligible
5JF483	Orchard	15	Not eligible
5JF484	Stone structure	13	Not eligible
5JF485	Lindsay Ranch	3	Not eligible
5JF512	Upper Church Ditch	1, 2, 3, 9, 10	Not eligible
5JF513	McKay Ditch	1, 2, 3, 9, 10	Not eligible
5JF514	Smart Ditch	13	Not eligible
5JF722	Stock pond	15	Not eligible
5JF723	Stock tank/spring	14	Not eligible
5JF724	Stock tank	14	Not eligible
5JF725	Stone piles	13	Not eligible
5JF726	Stock pond	14	Not eligible
5JF727	Stock pond	14	Not eligible
5JF728	Spring house	3	Not eligible
5JF729	Probable corral	3	Not eligible
5JF730	Stock tanks/feeder	3	Not eligible
5JF731	Historic foundation	10	Not eligible
5JF732	Stock pond/foundation	13	Not eligible
5JF733	Stock pond	13	Not eligible
5JF734	Mower Ditch	13	Not eligible
5JF735	Historic foundation	4	Not eligible
5JF736	Stock ponds (2)	9	Not eligible
5JF737	Stock ponds (2)	9	Not eligible
5JF738	Barbed wire fence	9	Not eligible
5JF739	Gravel pit	9	Not eligible
5JF740	Ditch	12	Not eligible
5JF741	Ditch	12	Not eligible
5JF742	Historic railroad grade	4, 9, 10	Not eligible
5JF743	Historic dump	15	Not eligible
5JF744	Corral area	15	Not eligible
5JF761	Stock pond	3	Not eligible
5JF762	Stock pond	3	Not eligible
5JF766	Ditch	13, 14	Not eligible

Table 2. Isolated Finds Recorded at the Rocky Flats Site, 1989 and 1991

Site Number	Site Type	T. 2 S., R. 70 W., Section	NRHP Eligibility Determination
5JF475	Rock cairn	9	Not eligible
5JF476	Rock cairn	9	Not eligible
5JF477	Chipped stone	10	Not eligible
5JF478	Rock cairn	3	Not eligible
5JF479	Rock cairn	3	Not eligible
5JF480	Horseshoe	3	Not eligible
5JF481	Barbwire	15	Not eligible
5JF482	Sandstone fragment	1	Not eligible
5JF486	Survey cairn	4	Not eligible
5JF745	Unifacially worked flake	13	Not eligible
5JF746	Cairn	13	Not eligible
5JF747	Porcelain sherd	13	Not eligible
5JF748	Horse-drawn rake	13	Not eligible
5JF749	Depression	13	Not eligible
5JF750	Square nails	15	Not eligible
5JF751	Barbed wire	15	Not eligible
5JF752	Barbed wire	15	Not eligible
5JF753	Hub cap	11	Not eligible
5JF754	Barbed wire	4	Not eligible
5JF755	Barbed wire	4	Not eligible
5JF756	Barbed wire	2	Not eligible
5JF757	Glass fragments	3	Not eligible
5JF758	Cairn	14	Not eligible
5JF759	Cairn	14	Not eligible
5JF760	Rock piles	3	Not eligible
5JF763	Barbed wire	15	Not eligible
5JF764	Cairn	15	Not eligible
5JF765	Barbed wire	15	Not eligible