

# chapter 1



**PURPOSE AND NEED**



# Chapter 1. Purpose and Need

The Rocky Flats Environmental Technology Site is a 6,240-acre former nuclear defense facility operated by the U.S. Department of Energy (DOE). The site is 16 miles northwest of Denver, Colorado on the borders of Boulder, Broomfield and Jefferson counties (Figure 1). The DOE acquired 2,519 acres in 1951 and an additional 4,027 acres in 1974 and 1975. Of these acres, 305 acres have been conveyed to the DOE's Wind Technology Site northwest of the site. All weapons manufacturing was completed in a 300-acre area in the middle of the site known as the Industrial Area. The area surrounding the Industrial Area is known as the Buffer Zone.

In 1992, the mission of the Rocky Flats site changed from weapons production to environmental cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure and cost-effective. The DOE is completing the cleanup under oversight by the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE). Under the Rocky Flats National Wildlife Refuge Act of 2001 (P. L. 107-107) (Refuge Act - Appendix A), the site will become the Rocky Flats National Wildlife Refuge and be managed by the U.S Fish & Wildlife Service (Service) when the EPA certifies that cleanup and closure at Rocky Flats have been completed, except for the operation and maintenance associated with response actions and that all response actions are operating properly and successfully. "Response actions" are cleanup activities currently being undertaken or monitoring or



Figure 1. Regional Location.

maintenance activities following cleanup by the DOE at the Rocky Flats site.

The majority of the site has remained undisturbed since its acquisition and provides habitat for many wildlife species, including two species that are federally-listed as threatened. Establishing the site as a unit of the National Wildlife Refuge System (NWRS) will promote the preservation and enhancement of its natural resources for present and future generations.

This document is a Draft Comprehensive Conservation Plan (CCP) and Draft Environmental Impact Statement (EIS) for the Rocky Flats National Wildlife Refuge. Once finalized, the CCP will 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 (Chapter 2) and compatibility determinations (Appendix B). Compatibility is discussed in more detail in a following *Compatibility Policy* section. The Final CCP will be based on a Record of Decision (ROD) that will identify a selected alternative. The selected alternative can be one of the alternatives in this Draft CCP/EIS or it can be a new alternative developed from a combination of the

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The Refuge site was a former nuclear defense facility operated by the DOE.

draft alternatives. This Draft EIS evaluates and compares four alternatives to managing wildlife, habitats and human use of the proposed Refuge. It also discloses the effects of restoration and visitor use on important physical, biological, social and cultural resources.

## 1.1. LEGAL AND POLICY GUIDANCE

Refuges are managed to achieve the mission and goals of the NWRS and the designated purpose of the Refuge unit as described in establishing legislation or executive orders, or other establishing documents. Key concepts and guidance of the NWRS are provided in the Refuge System Administration Act of 1966 (P.L. 89-669), the Refuge Recreation Act of 1962 (P.L. 87-714), Title 50 of the Code of Federal Regulations, the Fish and Wildlife Service Manual and, most recently, through the National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57) (Improvement Act). The Improvement Act amends the Refuge System Administration Act by providing a unifying mission for the NWRS, a new process for determining compatible public uses on refuges and a requirement that each refuge will be managed under a CCP. The 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. The Improvement Act requires the Service to monitor the status and trends of fish, wildlife and plants in each refuge. A list of other laws and executive orders that may affect the CCP for Rocky Flats NWR or the Service's implementation of the CCP is provided in Appendix C.

### U.S FISH & WILDLIFE SERVICE

The Service, an agency within the Department of the Interior, will manage the Rocky Flats NWR. The Service is the primary federal agency responsible for conserving and enhancing the nation's fish and wildlife populations and their habitats. Although the Service shares this responsibility with other federal, state, tribal, local and private entities, the Service has specific trust responsibilities for migratory birds, threatened and endangered species and certain anadromous fish and marine mammals. The Service also has similar trust responsibilities for the lands and waters it administers to support the conservation and enhancement of fish and wildlife.

### NATIONAL WILDLIFE REFUGE SYSTEM MISSION AND GOALS

The mission of the NWRS is:

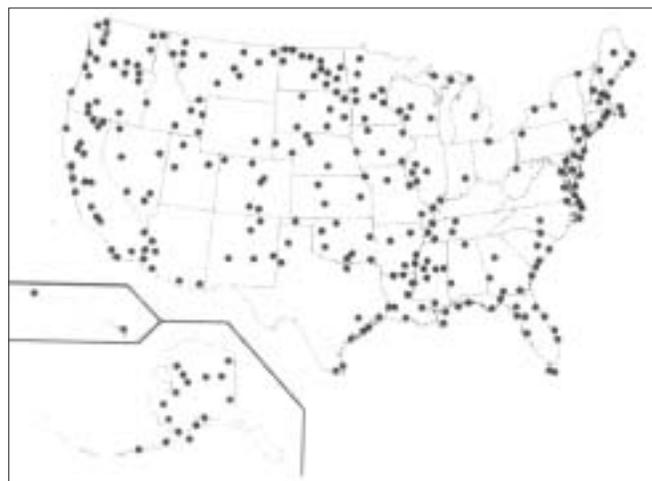
*"To administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."*

(National Wildlife Refuge System Improvement Act of 1997.)

Since the first refuge was established in 1903, the NWRS has grown to more than 92 million acres in size. It includes more than 500 refuges, with at least one in every state and over 3,000 Waterfowl Production Areas. The needs of wildlife and their habitats come first on refuges, in contrast to other public lands managed for multiple uses.

The administration, management and growth of the NWRS are guided by the following goals:

- To fulfill the Service's statutory duty to achieve refuge purpose(s) and further the System mission
- To conserve, restore where appropriate and enhance all species of fish, wildlife and plants that are endangered or threatened with becoming endangered
- To perpetuate migratory bird, interjurisdictional fish and marine mammal populations



*National Wildlife Refuge System.*

- To conserve a diversity of fish, wildlife and plants
- To conserve and restore as appropriate representative ecosystems of the United States, including the ecological processes characteristic of those ecosystems
- To foster understanding and instill appreciation of native fish, wildlife and plants and their conservation, by providing the public with safe, high quality and compatible wildlife-dependent public use. Such use includes hunting, fishing, wildlife observation and photography and environmental education and interpretation

### COMPATIBILITY POLICY

Lands within the NWRS are different from federal multiple-use public lands, such as National Forest System lands, in that they are closed to all public uses unless specifically and legally opened. A refuge use is not allowed unless it is determined to be compatible. Recreational uses, including all actions associated with a recreational use, refuge management economic activities, or other use by the public are considered to be a refuge use. A compatible use is a use that, in the sound professional judgment of the Refuge Manager, will not materially interfere with or detract from the fulfillment of the mission of the NWRS or the purposes of the Refuge. Sound professional judgment is further defined as a decision that is consistent with principles of fish and wildlife management and administration, available science and resources and adherence with law. The Improvement Act also states that compatible wildlife-dependent recreation uses are legitimate and appropriate priority general public uses. Six uses, hunting, fishing, wildlife observation and photography and environmental education and interpretation, are to receive enhanced consideration in planning and management over all other general public uses of the Refuge System. When compatible, these six wildlife-dependent recreation uses are to be strongly encouraged.

Compatibility determinations are written determinations signed and dated by the Refuge Manager and the Regional Chief stating that a proposed or existing use of a national wildlife refuge is or is not a compatible use. Compatibility determinations are typically completed as part of the CCP or step-down management plan process. Draft compatibility determinations are open to public input and comment. Once a final compatibility determination is made by the Refuge Manager, it is not subject to administrative appeal.

Facilities and activities associated with recreational public uses or where there is an economic benefit associated with a use, require compatibility determinations. Refuge management activities such as invasive species control, prescribed fire, scientific monitoring and facilities for managing a refuge do not require compatibility determinations.

Four draft compatibility determinations for public recreational activities proposed in Alternative B (the Proposed Action), can be found in Appendix B. Additional draft compatibility determinations for refuge management economic activities, such as cattle grazing, will be made available for public comment in future step-down plans.

The Improvement Act requires that a CCP be in place for each refuge by 2012 and the public has an opportunity for active involvement in plan development and revision. The Service is committed to securing public input throughout the CCP development process.

## 1.2. REFUGE SIGNIFICANCE, PURPOSE, VISION AND GOALS

### SIGNIFICANCE

In the Refuge Act, Congress found that the Rocky Flats site had several significant qualities:

- The majority of the Rocky Flats site has generally remained undisturbed since its acquisition by the federal government.
- The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.
- The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the NWRS will promote the preservation and enhancement of those resources for present and future generations.

## PURPOSE AND DIRECTION

As discussed previously, the Rocky Flats NWR was established by the Refuge Act. The Refuge Act identified four purposes of the Rocky Flats NWR:

- 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 candidates for listing under the Endangered Species Act)
- Providing opportunities for compatible scientific research

The Refuge Act also provided some direction for managing the Refuge. The Service is to manage the Refuge to ensure that wildlife-dependent public uses and environmental education and interpretation are the priority public uses of the Refuge and to comply with all response actions.

## VISION

During the initial planning process, the Service developed a vision for the Refuge. A vision describes what will be different in the future as a result of the CCP and the essence of what the Service is trying to do at the Refuge. The vision is a future-oriented statement designed to be achieved through Refuge management by the end of the 15-year CCP planning horizon. The vision for the Refuge is:

*Rocky Flats National Wildlife Refuge is a healthy expanse of grasslands, shrublands and wetlands, including rare xeric tallgrass prairie, where natural processes support a broad range of native wildlife. The Refuge provides striking mountain and prairie views and opportunities to appreciate the Refuge resources in an urbanized area through compatible wildlife-dependent public uses and education. Working with others, the Refuge conserves the unique biotic communities and sustains wildlife populations at the interface of mountains and prairies on Colorado's Front Range.*

## GOALS

The Service also developed a set of goals based on the Refuge Act and information developed during project planning. Six goals were identified.

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*Deer with fawn.*

**Goal 1. Wildlife and Habitat Management.** Conserve, restore and sustain biological diversity of the native flora and fauna of the mountain/prairie interface with particular consideration given to threatened and endangered species.

**Goal 2. Public Use, Education and Interpretation.** Provide visitors and students high quality recreational, educational and interpretive opportunities and foster an understanding and appreciation of: the Refuge's xeric tallgrass prairie, upland shrub and wetland habitats; native wildlife; the history of the site; and the NWRS.

**Goal 3. Safety.** Conduct operations and manage public access in accordance with the final Rocky Flats' cleanup decision documents to ensure the safety of the Refuge visitors, staff and neighbors.

**Goal 4. Effective and Open Communication.** Conduct communication outreach efforts to raise public awareness about the Refuge programs, management decisions and the mission of the Service and the NWRS among visitors, students and nearby residents.

**Goal 5. Working with Others.** Foster beneficial partnerships with individuals, government agencies and non-governmental organizations and others that promote resource conservation, compatible wildlife-related research, public use, site history and infrastructure.

**Goal 6. Refuge Operations.** Based on available funds, provide facilities and staff to fulfill the Refuge vision and purpose.

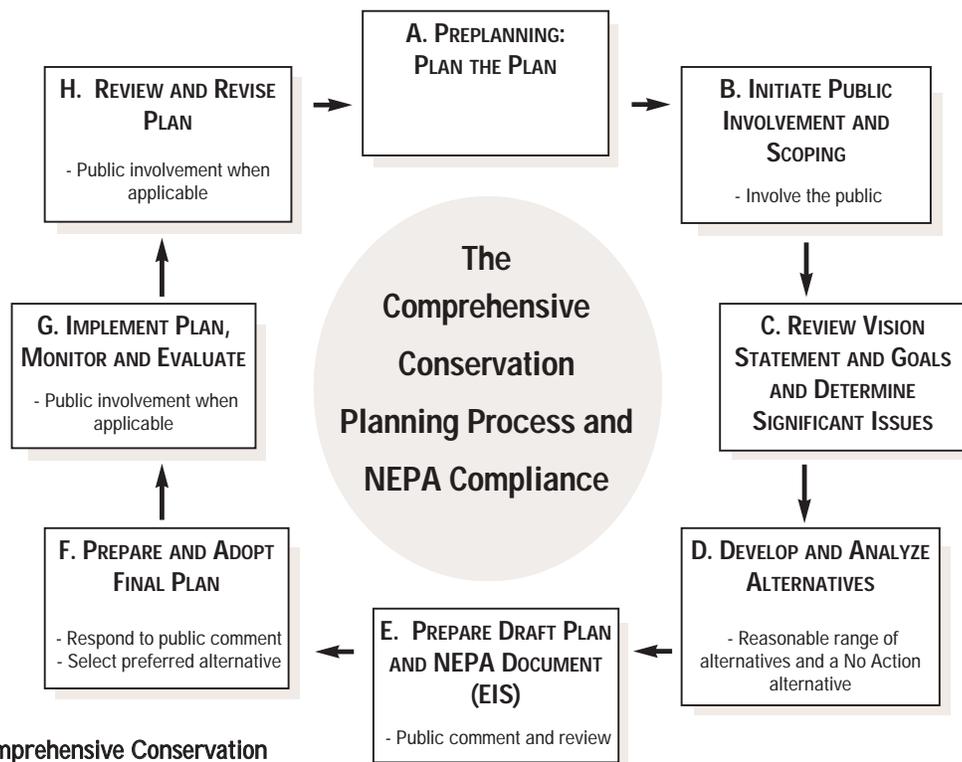
### 1.3. PROPOSED ACTION

The Service will adopt and implement a CCP for the Rocky Flats National Wildlife Refuge. Alternative B, which addresses the major issues identified during public scoping and is consistent with sound fish and wildlife management, is the Service's proposed action.

### 1.4. PLANNING PROCESS

The Draft CCP and EIS for the Rocky Flats NWR is intended to comply with the Improvement Act and the National Environmental Policy Act (NEPA) and their implementing regulations. The Service issued a final refuge planning policy in 2000 that established requirements and guidance for NWRS planning, including CCPs and step-down management plans and ensured that planning efforts comply with the provisions of the Improvement Act (U.S Fish & Wildlife Service 2000). The planning policy identified several steps of the CCP and EIS process (Figure 2):

- Form a planning team and conduct pre-planning
- Initiate public involvement and scoping
- Review Draft Vision Statement and Goals and determine significant issues
- Develop and analyze alternatives, including the Proposed Action
- Prepare Draft CCP and EIS
- Prepare and adopt Final CCP and EIS and issue a ROD
- Implement plan, monitor and evaluate
- Review and revise plan



**Figure 2. Comprehensive Conservation Planning Process.**

The Service began the pre-planning process after the Refuge Act was passed in December 2001. A planning team comprised of Service staff and outside consultants was formed in May 2002. The planning team held an interagency workshop to identify a draft Refuge vision and goals in July 2002.

The planning team also developed a public involvement/outreach plan that described how agencies and the public could participate in the planning process (U.S Fish & Wildlife Service 2002). Public involvement in the planning process ensured that interested and affected individuals, organizations, agencies and governmental entities were consulted and provided opportunities to participate. Public involvement in the Refuge CCP/EIS process served the following functions:

- Informed public about Rocky Flats NWR
- Collected public input on key issues and concerns and
- Provided help in determining management direction of Rocky Flats NWR

Several communication tools were used to engage the public, including “planning updates” to provide periodic reports to stakeholders, workshops to solicit public input and a webpage for posting general information and planning documents. In addition, notifications of public meetings and document availability were distributed through Federal Register notices and media press releases. Furthermore, presentations and briefings of project status were made to key stakeholder groups.

After the Service published a Notice of Intent to prepare an EIS in August 2002, the Service held scoping meetings in Broomfield, Arvada, Westminster and Boulder, Colorado. The scoping period ended on October 31, 2002. Public involvement with the planning process is described in more detail in Chapter 6. Based on the qualities, issues and recommendations identified in the scoping process, as well as guidance from the Improvement Act, NEPA and the Service’s planning policy, the planning team identified the significant issues that are the focus of the CCP/EIS:

- Vegetation Management
- Wildlife Management
- Public Use
- Cultural Resources
- Property
- Infrastructure
- Refuge Operations

These issues are discussed in greater detail in Section 1.5. The Service prepared a scoping report that describes in detail the scoping process and results (U.S Fish & Wildlife Service 2003a). After scoping was completed, the planning team collected available information about the resources of Rocky Flats and the surrounding area. This information is summarized in a resource inventory report for the site (U.S Fish & Wildlife Service 2003b). The resource inventory provides the basis of the Affected Environment sections of Chapter 3.

This CCP provides long-term guidance for management decisions; set forth goals, objectives and strategies needed to accomplish Refuge purposes; and identify the Service’s best estimate of future needs. This CCP details program planning levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning and program prioritization purposes. This CCP does not constitute a commitment for staffing increases, operational and maintenance increases, or funding for future land acquisition.

## 1.5. PLANNING ISSUES

Several significant issues were identified following the analysis of all comments collected through the various public scoping activities and a review of the requirements of the Improvement Act and NEPA. These issues, as well as the many other substantive issues identified during scoping, were considered during the formulation of alternatives for future Refuge management. The significant issues are summarized in the following sections:

**Vegetation Management:** Native plant community preservation and restoration, fire management and weed control.

**Wildlife Management:** Wildlife species protection and management, including strategies to address species reintroduction, population management, migration corridors and coordination with regional wildlife managers.

**Public Use:** Policies and facility options to address several scenarios, from no access to multiple recreational and educational uses. This includes a range of facility development to accommodate these scenarios.

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*The amount and type of public use was a significant scoping issue.*

**Cultural Resources:** Preservation and recognition of elements related to site history, including Lindsay Ranch structures and Cold War heritage.

**Property:** Privately owned mineral rights, transportation right of way and adjacent land owner relationships.

**Infrastructure:** Facilities, such as roads, fences, signs and water systems that accommodate Refuge needs and user comfort/safety. Also surface water hydrology and maintenance of water quality.

**Refuge Operations:** Staffing requirements and management strategies to preserve significant resources and coordinate with surrounding communities and landowners.

## 1.6. DECISION TO BE MADE

The decision to be made by the Mountain and Prairie Regional Director of the Service is the selection of an alternative that will be implemented as the Rocky Flats National Wildlife Refuge CCP. This decision will be made in recognition of the environmental effects of each of the alternatives considered. The decision will be disclosed in a ROD no sooner than 30 days after the Final EIS is filed with the EPA and made available to the public. Implementation of the CCP will begin after the DOE transfers primary administrative jurisdiction of Rocky Flats lands to the Service and the Refuge is formally established.

## 1.7. ADJACENT LAND PROTECTION

While the CCP/EIS does not constitute a commitment for funding the protection of lands outside a Refuge's boundary, the Service may pursue habitat-protection partnerships, conservation easements and/or acquisition of lands west of the Refuge. The protection of the grassland habitat that buffers the Refuge's western boundary (east of Highway 93) is important for the health of ungulate populations that migrate from the foothills down to the prairie. The protection of wildlife corridors was raised as an issue in public scoping and was frequently reiterated in subsequent public meetings. Degradation of this habitat may deter wildlife from migrating to the Refuge and threaten existing ungulate populations that reside and/or calve within the Refuge.

The Service is currently working on a new national land conservation policy and strategic policy and growth initiative. This policy will develop a decision making process for the growth of the NWRS and guide individual refuges in evaluating lands suitable for inclusion in the NWRS. The process will help ensure that lands the Service protects are of national and regional importance and meet certain nationwide standards and goals.

The Service's land acquisition policy is to obtain the minimum interest necessary to satisfy Refuge objectives. Conservation easements can sometimes be used in this context, when they are proven to be a cost-effective habitat protection measure. In general, conservation easements must preclude the destruction or degradation of habitat and allow Refuge staff to adequately manage uses of the area for the benefit of wildlife.

## 1.8. ACTIVITIES OUTSIDE THE SCOPE OF THIS EIS

The Rocky Flats site is undergoing cleanup by the DOE. The cleanup is being completed with the oversight of the CDPHE and the EPA. The extent of cleanup and methods to be used in cleanup have not been finalized. The Service will be involved in monitoring cleanup effects on wildlife resources.

As discussed previously, the Service will not assume full responsibility for the Refuge until the EPA has deemed the cleanup complete. It is not known how long cleanup might take, or what effects cleanup activities might have on Refuge resources and uses. The DOE currently anticipates the site will be transferred to the Service sometime between 2006 and 2008.

The legislation establishing Rocky Flats NWR requires that the DOE retain jurisdiction, authority and control over portions of Rocky Flats necessary for cleanup response actions. DOE anticipates that it will retain land in and around the Industrial Area of the site to maintain institutional controls and to protect cleanup systems and monitoring systems. The lands retained by DOE may include an area of up to 1,200 acres, but 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.

Management alternatives for the DOE-retained lands are not considered in this CCP because the lands will not be part of the Refuge and the Service will not have authority to decide how those lands are managed. RFCA provides that the lands retained by DOE will be cleaned

to levels that will protect human health and the environment. Although some residual contamination will remain on the land, the vast majority of the contaminants will be in subsurface soils, with no exposure pathway to people on the surface of the land. There will be extremely low levels of contaminants in some surface soils on lands retained by DOE. Although no public access to the retained lands is proposed in this CCP, the cleanup levels being implemented will result in a landscape that is safe for human entry.

It is a 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. To help achieve that goal, the Service and DOE are coordinating many aspects of cleanup and closure, including land configuration, water management and revegetation. Although the final decisions on those issues have yet to be made, DOE has committed to accept and consider Service input.

A Memorandum of Understanding (MOU) between the Department of the Interior and DOE will guide the transition of Rocky Flats to its status as a National Wildlife Refuge. Following cleanup and closure, there may be future agreements that would provide for Service involvement in managing the wildlife and habitat resources on the retained lands, under DOE supervision.

This EIS does not discuss the cleanup activities, because they are outside the scope of Refuge management activities considered in the CCP. Readers interested in additional information on cleanup activities should contact the DOE at (303) 966-4546, the EPA at (303) 312-6293, or the Colorado Department of Public Health and Environment at (303) 692-3367.

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*There will be few visual differences between the Refuge and DOE-retained lands.*

## 1.9. FUTURE PLANNING

The CCP is dynamic and will be adjusted to include new and improved information as it becomes available over the course of the CCP's 15-year duration. Implementation of the CCP will be monitored and reviewed regularly during inspections and programmatic evaluations. Budget requests and annual work plans will be directly tied to the CCP. Fifteen years after the Refuge has been established, the CCP will be formally revised, following the process used on this CCP. Any substantive changes to the CCP before the 15-year period will involve a public involvement process.

The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. Chapter 2 describes objectives and strategies that the Service will use to achieve the desired future conditions. During the 15-year planning period, the Service will prepare additional plans, called step-down management plans. A step-down management plan provides specific guidance for the Service to follow to achieve objectives or implement management strategies related to specific management topics such as habitat, fire and public use. Step-down plans will be developed as the need arises. The Service anticipates the following plans would be needed at the Refuge:

- Vegetation Management Plan
- Integrated Pest Management Plan
- Fire Management Plan
- Visitor Services Plan
- Health and Safety Plan
- Historic Preservation Plan

A Visitor Services Plan would be an umbrella document that would include interpretation, environmental education, hunting management and research protocols.

## 1.10. REFERENCES

- U.S Fish & Wildlife Service. 2000. National Wildlife Refuge System Administration Act as Amended by the National Wildlife Refuge System Improvement Act of 1997, Refuge Planning Policy; Notice. Federal Register 65:33891-33919. May 25.
- U.S Fish & Wildlife Service. 2002. Public involvement process. Denver, CO. August.
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- U.S Fish & Wildlife Service. 2003b. Resource Inventory–Rocky Flats National Wildlife Refuge. Denver, CO. April. Available at <http://rockyflats.fws.gov/index.htm>.