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ROY ROMER
Governor

JOEL KOHN
Interim Executive Director

March 17, 1992

Mr. Pete Gober
U.S. Fish and Wildlife Service
Rocky Mountain Arsenal
Commerce City, Colorado 80202

Re: Recent Discussions at the Natural Resources Conservation Committee (NRCC)

Dear Mr. Gober:

On January 14,1992, during the Natural Resources Conservation Committee (NRCC) meeting at the Rocky Mountain Arsenal, several issues arose which are of concern or which need clarification. Because this subcommittee only meets quarterly, we request that this letter be responded to in writing, prior to the next NRCC meeting so that the issues may be further discussed at that time.

At that meeting, the State requested an update on the U.S. Fish and Wildlife (U.S.F&W) analyses of RMA wildlife found dead. The State was told that all animals found dead on the Arsenal are collected by the U.S.F&W and based on the suspected cause of death either placed in a freezer or sent to Colorado State University for a necropsy. We were told that only those animals suspected of dying from exposure to the RMA contaminants would be sent to the University. We were later told that no animals have been suspected of dying of contamination, but that the University had received a significant number of animals. We are aware of the deer sent to the University as part of the "deer health study" but confused as to exactly what other animals have been sent to the University, what type of analytical work has or will be performed on the animals by the University and under what work product the results will be provided to the parties.

During the meeting we also discussed which U.S.F&W reports are forthcoming. It is the State's understanding that the 1990 CMP has gone through internal review by the Army, U.S.F&W and the DOJ. On February 13, 1992 during an RMA Committee meeting, the State was assured that this report would be provided to the parties for review and comment within one month. To date the State has not received the report. It is essential that the parties receive this report as soon as possible so that any information contained in the document can be discussed at future on-post Ecological Risk Assessment (ERC) meetings. As you know the ERC will use information from the biota RI and CMP programs to calibrate and validate the food web model.

If the parties identify concerns or disagreements in the CMP report, it may directly effect the use of the CMP data in the ERC or cause unnecessary delays to the issuance of the Integrated Endangerment Assessment which includes the ERC report.

In addition to the above referenced report, the State has recently reviewed NRCC minutes from past subcommittee meetings. The minutes consistently describe studies/reports which we request clarification as to whether each has been completed and when the State should expect a report for review. The studies/reports identified in the minutes include the following:

RMA Deer Herd Health Study _- Discussed during the 7/9/91 and 10/10/91 NRCC meetings, we were informed that this report will not be provided to the parties until the summer of 1992. Is the data associated with this report available to the parties before this summer?

Mule Deer Fertility Study - Discussed during the 8/21/90 and 10/8/91 NRCC meetings, we are unaware of receiving any report on this topic.

Biota CMP Technical Plan - This plan has been discussed at numerous NRCC meetings, with no resolution of when the parties will be receiving a report. This tech plan is of great importance in that we believe that several additional studies may be necessary prior to the on-post ROD. We hope that an effort to finalize this report is a priority with U.S.F&W.

Rapture Electrocution Survey - Discussed during the 10/8/91 NRCC meeting, we have yet to receive a report on this study.

Coyote and Badger Tracking Study - Discussed during 10/9/90 and 12/11/90 NRCC meetings, again we have not received a report on this study.

Pheasant Management Element (population) - Discussed at the 12/12/89 and the 10/8/91 NRCC meetings, we have received no report on this study.

Mammalian Predators Study - Discussed at the 6/12/90 and 4/9/91 NRCC meetings, this study was to begin in June of 1990. Is there data or a report available for review?

Eric Hine Predator Study - Discussed at the 7/9/91 NRCC meeting, is this the same report as the Mammalian Predator Study? If not, is the data or a report available for review?

Prairie Dog Relocation-Survival Study - Discussed during the 10/8/91 NRCC meeting, this report was due to the parties in "early 1992". When can we expect this report?

Burrowing Owl Study - Discussed during the 10/8/91 NRCC meeting, the study was to have been completed in September of 1991. When will the report be finalized and is the raw data from the study available for State review?

Great Horned Owl Study - Discussed at the 1/14/92 NRCC meeting, a date when the report would be finalized was not discussed. Does U.S.F&W have a completion milestone for this study and report?

MKE Habitat Improvement Recommendations - Discussed during the 4/9/91 NRCC meeting, is this the same as the MKE vegetation management report due to the parties this month?

In addition, we remain interested in reviewing some of the work contracted to the Denver Museum of Natural History (DMNH). We were informed at the last NRCC meeting that the U.S.F&W would be providing the parties with an Annual Wildlife Management Report, which includes the results of the Denver Museum of Natural History studies and the proposed 1992 Wildlife Management Plan before February 15, 1992. We have yet to receive this report. We are very interested in reviewing this report and any DMNH Teaching Videos along with their Simulation Study which attempts to predict the effects of remediation on wildlife.

On March 13, 1992 we were provided a copy of EPA responses to an amendment to Technical Work Plan #5 submitted by U.S.F&W entitled "Enhancement of Wildlife Habitat in Section 34, Irrigation Addendum" Our understanding is that this report dealt directly with the presence of contamination in Section 34 and the effects of wildlife enhancement on remedial actions in this area. This report deals with actions that would be implemented under the direction of CERCLA. Again the State was not provided a copy of the report. It is essential that all parties be provided with all information regarding biological surveys, wildlife management and the nature and extent of the contamination in RMA biota as soon as they become available. Until a complete picture of the effects of contamination, along with all additional information regarding animal fertility, stability of species specific populations, individual species populations inhabiting RMA, and RMA habitat studies are provided to the State, we will continue to question whether the RMA will provide a safe ecosystem for use as a wildlife habitat.

If you have any questions, feel free to call.

Sincerely,

Jeff Edson
RMA project Manager
Hazardous Materials and
Waste Management Division