

PHIL WEISER
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**STATE OF COLORADO
DEPARTMENT OF LAW**

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COLORADO JUDICIAL CENTER
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Denver, Colorado 80203
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Natural Resources and
Environment Section

AGENDA

Colorado Natural Resources Trustees Meeting

June 30, 2021

1:00 pm to 3:00 pm

Location: Teleconference

Zoom Call-in Information

<https://us02web.zoom.us/j/81385652783>

Meeting ID: 813 8565 2783

Note: A hyperlink to the meeting will be emailed to Trustees and staff and will be posted on the Trustee website:

<https://coag.gov/office-sections/natural-resources-environment/trustees/whats-new/>

Open Session

1. Approval of Minutes from March 24, 2021 Meeting – 5 minutes

Action Items:

(1) Review and approve minutes from March 24, 2021 meeting

Document:

(1) Draft Minutes from March 24, 2021 meeting

2. Budget Update (Jennifer Talbert) – 5 minutes

Action Items: None

Document:

(1) CDPHE Budget Spreadsheet

3. California Gulch – (David Kreutzer, Ed Perkins, Susan Newton, Eric Richer) - 15 minutes

Action Items: None

Documents: None

4. New Matters Update – Suncor 2021 – (Melynda May, Emily Splitek, Susan Newton) – 5 minutes

Action Items: None

Documents: None

5. New Matters Update – North Saint Vrain – (Jason King, Susan Newton, Melynda May) – 10 minutes

Action Items: None

Documents: None

6. New Matters Update – Contracting – (David Kreutzer, Melynda May) – 10 minutes

Action Items: None

Documents: None

7. California Gulch SPP Update – (Susan Newton) – 5 minutes

Action Items: None

Documents: None

8. Standard Metals – (Jason King, Doug Jamison) – 10 minutes

Action Items:

(1) Consider three options for allocating funding among the two sites

Document:

(1) Memo from Jason King

9. Rocky Mountain Arsenal Recovery Fund and Foundation Fund – ELK Site Visit (Susan Newton) – 5 minutes

Action Items: None

Documents:

(1) PowerPoint from Susan Newton

10. Rocky Mountain Arsenal Recovery Fund – Platte Farm Project Presentation – (Susan Newton) – 10 minutes

Action Items: None

Documents:

(1) Platte Farm slideshow

11. Rocky Mountain Arsenal Recovery Fund – Remaining Funds – (David Kreutzer, Susan Newton, Ed Perkins) – 10 minutes

Action Item: Consider staff recommendations concerning new solicitation for projects

Document:

(1) Memo from David Banas

12. Summitville – Site Visit (Emily Splitek, Susan Newton) – 5 minutes

Action Items: None

Documents: None

Executive Session

13. North Saint Vrain – (Jason King, Melynda May, Doug Jamison) – 10 minutes

Action Items: None

Documents:

(1) Confidential Memo from Jason King

14. Five Star Feedlot – (David Kreutzer) – 5 minutes

Action Items: None

Documents: None

15. Bonita Peak Mining District (Emily Splitek, Jennifer Talbert) – 10 minutes

Action Items: None

Documents: None

Open Session

16. Report from Executive Session

Action Item: None

Documents: None

17. Upcoming Events

Action Items:

- (1) Schedule September and December Trustee meetings
- (2) Consider scheduling meetings for 3 hours
- (3) Discuss fall site visits in metro area and on west slope

Documents: None

ITEM #1

Colorado Natural Resource Damages Trustees
Meeting Minutes
March 24, 2021
(Approved _____, 2021)

In Attendance:

TRUSTEES

Phil Weiser, Attorney General
Ginny Brannon, Director of Division of Reclamation, Mining & Safety
for Dan Gibbs, Executive Director, Colorado Department of Natural Resources (DNR)
Trisha Oeth, Director of Environmental Boards and Commissions and Acting Environmental
Programs Policy Advisor
for Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and
Environment (CDPHE)

TRUSTEE STAFF

Amy Beatie, Deputy Attorney General, Natural Resources and Environment Section (NRE)
David Banas, Senior Assistant Attorney General, NRE
Emily Splitek, Assistant Attorney General, NRE
Doug Jamison, CDPHE
Jennifer Talbert, CDPHE
Susan Newton, CDPHE
Melody Mascarenez, CDPHE
Robert Harris, Colorado Parks and Wildlife, DNR (CPW)
Mindi May, CPW
Eric Richer, CPW

OTHER STATE STAFF

Laura Kelly, Paralegal, NRE
Dan Graeve, Administrative Assistant, NRE
Lindsey Ratcliff, NRE Fellow
Katie Otterbeck, NRE Intern

PUBLIC

Adam Beh, Central Colorado Conservancy
Rachel Crouch, Bluff Lake Nature Center
Doug Young, Bluff Lake Nature Center
Michael Kopp, Bluff Lake Nature Center
Sarah Mudge, Lake County Commissioner
Mike Sarmento, Mile High Flood District
Deana Sheriff, West End Economic Development
Ashleigh Quillen, DHM Design
Jeff Shoemaker, The Greenway Foundation

Open Session

AG Weiser called the meeting (held via Zoom) to order at approximately 1:00 p.m. on March 24, 2021. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRD) projects, and to request direction and/or approval for various actions. All attendees introduced themselves.

Minutes

AG Weiser presented the minutes from the December 10, 2020 Trustee Meeting. Director Brannon moved to approve the December 10, 2020 minutes. Director Oeth seconded the motion, and the motion was unanimously approved. AG Weiser presented the minutes from the January 21, 2021 Trustee Meeting. Director Brannon moved to approve the January 21, 2021 minutes. Director Oeth seconded the motion, and the motion was unanimously approved.

Budget Update

Jennifer Talbert presented an amended budget which reflected foundation funds from the Rocky Mountain Arsenal ("RMA") and funds being held by the U.S. Department of Interior for the California Gulch ("Cal Gulch") site. It was noted that the Cal Gulch and RMA accounts hold the most unencumbered funds. AG Weiser asked David Banas about whether strategic plans are in place for the remaining funds. Mr. Banas explained that a solicitation for project proposals to spend the remaining Cal Gulch funds is underway, and that despite one proposal for the RMA funds on the agenda today, there is still a substantial amount remaining and staff anticipates coming back to the Trustees this summer or fall with more proposals.

Trustee By-Laws

AG Weiser thanked Deputy Attorney General Beatie for leading the effort in drafting formal By-Laws of the Colorado NRD Trustees. He affirmed that the Trustees are committed to following open meetings and open records laws, conducting regular meetings and trainings, and guarding against conflicts of interest. DAG Beatie introduced Emily Splitek to present the By-Laws and some suggested edits. Discussion ensued about Trustee signatures on resolutions, providing notice of Trustee meetings, and the prospective nature of the By-Laws. Director Brannon moved to approve the By-Laws as presented. Director Oeth seconded the motion, and the motion was unanimously approved.

Shattuck – South Platte River Restoration Project Report

AG Weiser introduced Jeff Shoemaker, Executive Director of The Greenway Foundation, who reported that the South Platte River Restoration Project was completed in November 2020. He noted that the Foundation engaged Denver Parks and Recreation and the Mile High Flood District to maximize this opportunity to revitalize the river. Mr. Shoemaker introduced Ashleigh Quillen, landscape architect with DHM Design, which assisted in restoration design, assessment, and construction. Ms. Quillen introduced Mike Sarmiento of the Mile High Flood District who explained the project budget and planned maintenance. Ms. Quillen provided a detailed presentation about how NRD funding was used to restore an acre of a mile-long stretch of the South Platte River. She explained how the project accomplished its goal to create a stream corridor with distinct aquatic, wetland, riparian and upland physical characteristics, habitat characteristics, and is adaptive to the evolving South Platte River.

Paonia Foundry

Due to time constraints, this agenda item was tabled.

Small Spills Update

Due to time constraints, this agenda item was tabled.

Uravan – West End Economic Development Corporation Project Proposal

AG Weiser introduced Doug Jamison who explained that Trustee staff was asked to research potential Uravan projects that could expend the remaining Uravan funds in a way that would also assist the region's economic development. In response, Mr. Jamison reached out to Deana Sheriff of West End Economic Development Corporation who coordinated stakeholders in the region to discuss potential projects. Those efforts resulted in the West End Economic Development Corporation Project proposal which includes multiple small restoration and improvement projects on the Uravan site. Mr. Jamison noted that, while some projects are not direct restoration, they will provide natural resource protection and access. He further noted that this Project proposal includes matching funds and a maintenance plan.

Director Oeth moved to approve the resolution to allocate the remaining Uravan Mill funds and interest for the West End Economic Development Corporation Project. Director Brannon seconded the motion, and the motion was unanimously approved.

California Gulch – Central Colorado Conservancy Project Proposal

David Banas stated that the Trustees approved a resolution in April 2020 which allocated Cal Gulch funding to the Central Colorado Conservancy for the Arkansas River Community Preserve Acquisitions Project. That resolution allowed for the acquisition of several properties along the Upper Arkansas River in Lake County, on the basis that CPW would hold the conservation and public access easements in order to manage public access to the parcels as a State Wildlife Area. Mr. Banas explained that a 2020 CPW policy now requires a hunting or fishing license to access State Wildlife Areas. Therefore, he presented a resolution which would result in the conveyance of the conservation and public access easements from CPW to Lake County, and noted that this resolution would replace the April 2020 resolution. Jennifer Talbert introduced Sarah Mudge, Lake County Commissioner, who expressed support for the resolution and appreciation for continued Trustee interest in the stewardship of Lake County.

Director Oeth moved to approve the replacement resolution allocating \$760,050 for the Arkansas River Community Preserve Acquisitions Project. Director Brannon seconded the motion, and the motion was unanimously approved.

Other California Gulch Updates

First, David Banas introduced Eric Richer of CPW to fulfill CPW's contractual obligation with CDPHE to deliver a final presentation to the Trustees. Due to time constraints, AG Weiser requested that Mr. Richer forward his presentation in PDF form to Trustee staff so it could be reviewed at the next Trustee meeting. Second, Susan Newton reported that a solicitation for project proposals to use the remaining Cal Gulch funds will be published by April 1, 2021, with a goal of presenting project proposals to the Trustees in December 2021.

Rocky Mountain Arsenal - Bluff Lake Nature Center Project Proposal

David Banas introduced Rachel Crouch, Executive Director of Bluff Lake Nature Center ("BLNC"), to request approval for their augmentation water plan. Ms. Crouch explained that, since 2013, the Trustees have allocated approximately \$1.1 million for restoration activities related to the Bluff Lake Aquatic Habitat Improvement Project and that the contracting period expired in November 2020. She noted that \$311,170 has not been expended and BLNC was now requesting approval to use those funds to develop a reliable and sustainable water supply for Bluff Lake, to restore native vegetation to adjacent grasslands, and to encourage wildlife diversity. Ms. Crouch gave a detailed presentation to illustrate BLNC's plans for an augmentation plan and vegetation management.

Director Brannon moved to approve the resolution to approve the release of \$290,907 to BLNC for the Bluff Lake Aquatic Habitat Improvement Project. Director Oeth seconded the motion, and the motion was unanimously approved.

Executive Session

Deputy AG Beatie recommended the Trustees make a motion to go into Executive Session to consider Agenda Item #11 on the Trustee Meeting agenda. She stated the Executive Session is authorized pursuant to section 24-6-402(3)(a)(II) and (III), C.R.S. and other laws that allow the Trustees to enter Executive Session for specific purposes. At approximately 2:30 p.m., Director Oeth moved to begin an Executive Session to discuss Agenda Item #11. Director Brannon seconded the motion, and the motion was unanimously approved. Members of the public were invited to move into the Zoom waiting room and David Banas confirmed that all remaining attendees were State employees who are directly involved in the NRD program. Deputy AG Beatie noted that an AGO Fellow and an AGO Intern would be observing the session as part of their professional development. The Executive Session was digitally recorded.

At approximately 3:05 p.m., Director Brannon moved to end the Executive Session, Director Oeth seconded the motion, and the motion was unanimously approved, whereupon Executive Session was ended. It was noted that no members of the public were in the Zoom waiting room at the close of the Executive Session.

Open Session

Deputy AG Beatie stated that pursuant to statute, the Trustees went into Executive Session to consider Agenda Item #11. The discussion during Executive Session was limited to that item and no formal action was taken.

At approximately 3:10 p.m., Director Brannon moved to adjourn the meeting. Director Oeth seconded the motion, and the motion was unanimously approved.

ITEM #2

Natural Resource Damages Accounts

NRD Matter	California Gulch	Fountain Creek	Idarado	Lowry	Rocky Flats
Total Settlement amount	\$10,000,000.00	\$345,000.00	\$1,000,000.00	\$1,606,930.00	\$10,000,000.00
Total NRD dollars spent	\$7,678,950.65	\$0.00	\$1,444,106.00	\$1,257,894.52	\$10,000,000.00
Account Balance as of 4/30/21	CDPHE DOI \$6,589,782.80 \$1,200,000	\$354,559.25	\$315,064.94	\$406,743.58	\$11,271.98
Trustee Resolution Date	3/24/2021	4/23/2019	6/24/2019	NONE	10/9/2018
Current Trustee awarded amount	\$2,348,575.24	\$354,559.25	\$287,000.00	\$0.00	\$11,271.98
Pending Contracts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Contract Encumbrances	\$2,029,999.46	\$0.00	\$287,000.00	\$0.00	\$11,271.98
Remaining available funds	\$4,559,783.34 \$1,200,000	\$354,559.25	\$28,064.94	\$406,743.58	\$0.00
Settlement Restrictions	YES	NO	NO	YES	NO
Type of Restriction	Funds must be used in accordance with Restoration Plans developed by the State and USFWS	None	None	Lowry has 2 settlements - (1) revolving loan fund with 200K remaining and (2) groundwater nexus.	National Defense Authorization Act
Interest and explanations	Funds must be segregated. Interest is not earmarked for site.	Interest goes to CPW to include in Chilcott Diversion Project	Interest goes to the Governor's Basin Restoration Project	None	None

Natural Resource Damages Accounts

NRD Matter	RMA Recovery Fund	RMA Foundation Fund	Shattuck	Standard Metals	Summitville	Suncor	Uravan
Total Settlement amount	\$17,400,000.00	\$10,000,000.00	\$1,250,000.00	\$415,368.00	\$5,000,000.00	\$1,230,000.00	\$1,000,000.00
Total NRD dollars spent	\$10,110,159.40	\$7,402,949.00	\$1,272,904.00	\$0.00	\$4,757,158.50	\$43,986.46	\$1,023,554.09
Account Balance as of 4/30/21	\$8,694,877.14	\$2,154,607.93	\$22,998.58	\$458,920.90	\$603,699.78	\$1,212,195.68	\$342,852.65
Most recent Trustee Resolution Date	10/10/2019	10/10/2019	NONE	NONE	1/21/2021	10/9/2018	3/24/2021
Current Trustee awarded amount	\$5,707,087.93		\$0.00	\$0.00	\$1,171,620.00	\$1,230,000.00	\$270,000.00
Pending Contracts	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	\$216,745.74
Current Contract Encumbrances	\$1,501,788.00	\$1,250,000.00	\$0.00	\$0.00	\$93,099.45	\$1,186,013.51	\$126,106.91
Remaining available funds	\$7,193,089.14	\$904,607.93	\$22,998.58	\$458,920.90	\$510,600.33	\$26,182.17	\$0.00
Settlement Restrictions	NO	NO	NO	NO	YES	NO	NO
Type of Restriction	None	Foundation Fund can only be used with NGC	None	Money received through settlement with insurance company - no NRD requirements	All money must be spent in the Alamosa River Watershed	None	None
Explanation	Recovery Fund- Trustees agreed to work with NGC for restoration projects	None	None	None	Interest must be used in the Alamosa River Watershed	None	None

ITEMS #3 - #7
NO DOCUMENTS

ITEM #8

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Office of the Attorney General

June 03, 2021

TO: Colorado Natural Resources Trustees
FROM: Jason King, Jennifer Talbert and Ross Davis
RE: Standard Mine/Crested Butte NRD Funds

BACKGROUND

The Standard Mine Superfund Site is an abandoned hard rock mine located 5 miles west of Crested Butte in Gunnison County. The Site was listed on the National Priorities List (NPL) in 2005, due to water quality impacts from a draining mine adit and tailings pond threatening Crested Butte's drinking water source on Coal Creek. EPA completed superfund response actions in 2017 that entailed reclaiming the tailings pond, source control work inside the mine and installing a flow-through bulkhead.

In 2008, Stratus Consulting prepared a preliminary estimation of damages (PED) to support multi-party settlement efforts with the sole potentially responsible party at the Standard Mine Site – Standard Metals Company (SMC) – CDPHE, and a host of federal agencies. The PED and settlement covered superfund response costs and NRD at four separate sites owned and operated by SMC - the two Colorado sites being the Standard Mine and the upper Animas River watershed near Silverton, now known as the Bonita Peak Mining District (BPMD) following NPL listing in 2016.

The parties reached a unique settlement agreement whereby SMC essentially assigned claims on eight insurance policies to the agencies and allowed agencies' representatives to negotiate with insurance companies on their behalf. The agencies settled with five of the eight companies over a two-year period ending in 2011, yielding Colorado approximately \$540,000. Pursuant to a memorandum of understanding (MOU), \$97,000 was allocated to superfund response costs and the remaining \$415,000 went to NRD for both the Standard Mine and BPMD sites. The MOU did not specify how NRD funds would be distributed between the two sites.

UPDATE

The current NRD account balance for SMC settlement proceeds is approximately \$460,000. The Standard Mine Site is in the late stages of the superfund cleanup process with most response actions complete. As such, the Site and surrounding areas are well suited for NRD restoration projects. Unlike the Standard Mine, the BPMD site is in early stages of remediation which will likely take ten or more years to complete. Trustee representatives seek approval to solicit NRD projects in areas surrounding the Standard Mine Site in Gunnison County, including Crested Butte. However, the Trustees must first decide how to allocate NRD funds between the two sites.

RECOMMENDATION FOR ACTIONS

Trustee representatives developed three options for allocating NRD funds:

1. Allocate all funds to Gunnison County/Crested Butte. This option capitalizes on the opportunity to maximize funds distribution and resource restoration in the short term. However, it does not proportionally align with the amount of NRD claims calculated in the 2008 PED (\$36 million for BPMD, \$8 million for Gunnison County/Crested Butte).
2. Allocate 85% to BPMD and 15% to Gunnison County/Crested Butte. This option better reflects PED claims calculations but significantly limits the amount available for distribution for at least another ten years. Also, BPMD has an additional \$470,000 of NRD funds from the Blue Tee settlement along with the prospect of gaining more from future PRP settlements. No future prospects exist for Gunnison County/Crested Butte.
3. Allocate a 50%/50% split among the two sites. This option provides Gunnison County/Crested Butte with sufficient funds to generate worthwhile projects with greater restoration benefits while maintaining a fair amount of funds for BPMD to generate interest while the superfund cleanup process plays out.

Trustee representatives recommend Option 3 and request approval to begin the NRD project solicitation process for Gunnison County/Crested Butte.

ITEM #9

Montbello Open Space Environmental Learning for Kids

Groundbreaking Ceremony | June 9, 2021

Presentation to State of Colorado Natural Resource Damages Trustees
June 30, 2021



COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

Rocky Mountain Arsenal NRD settlement

Two Part Settlement

1

Royal Dutch Shell - \$10 million for Northeast Greenway Corridor Group

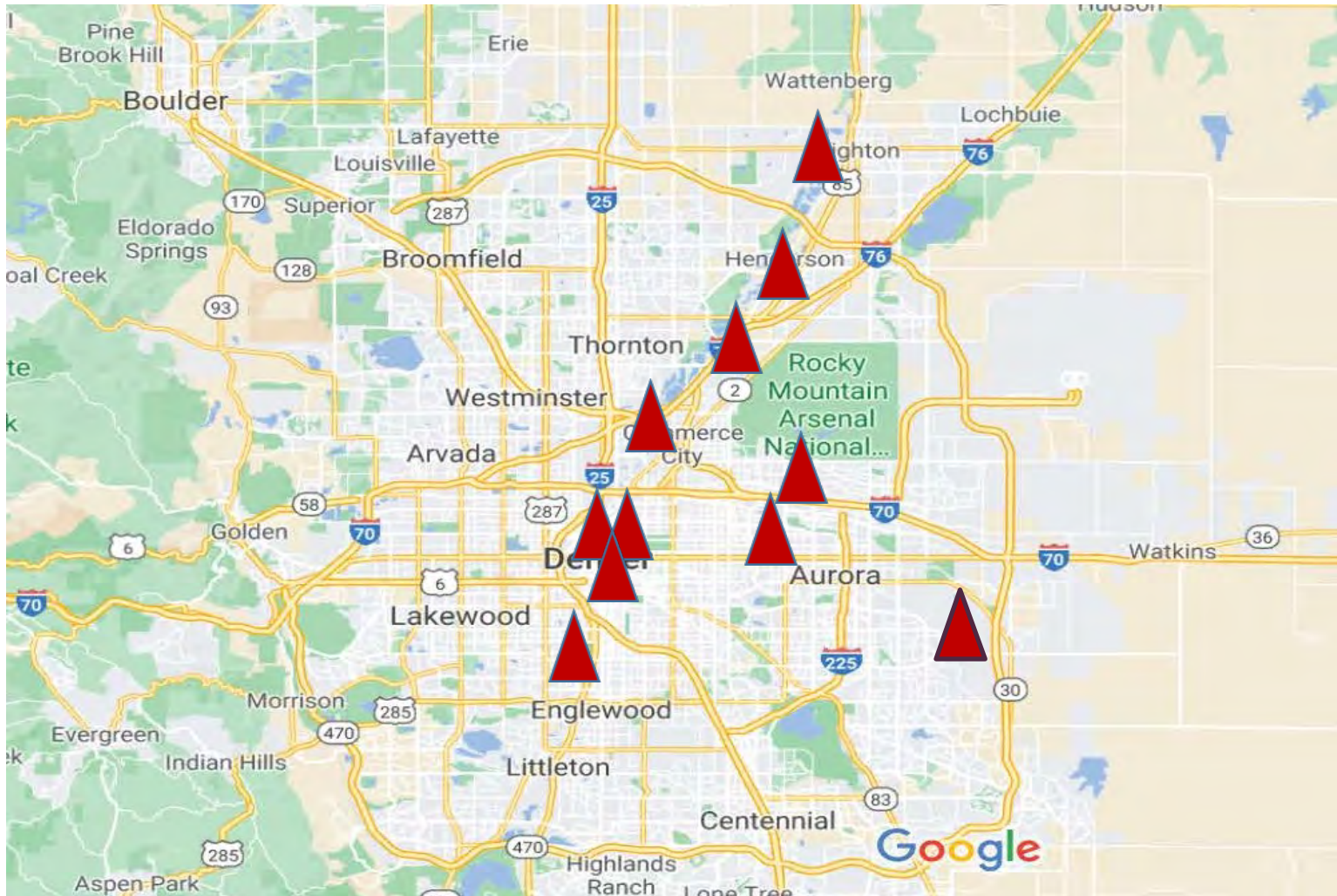
- Donation to cities of Denver Aurora, Brighton, Thornton, Commerce City, Adams County for Greenway projects

2

United States Army - \$17 million- Traditional NRD Settlement

- No specific recipient was specified
- Working Group comprised of Northeast Greenway and Local Environmental Non-Profits
- Two settlement funds were combined to leverage the total amount with matching funds = \$52M in Restoration Projects
- Final product was Comprehensive Restoration Plan of Restoration Projects along the South Platte River Corridor

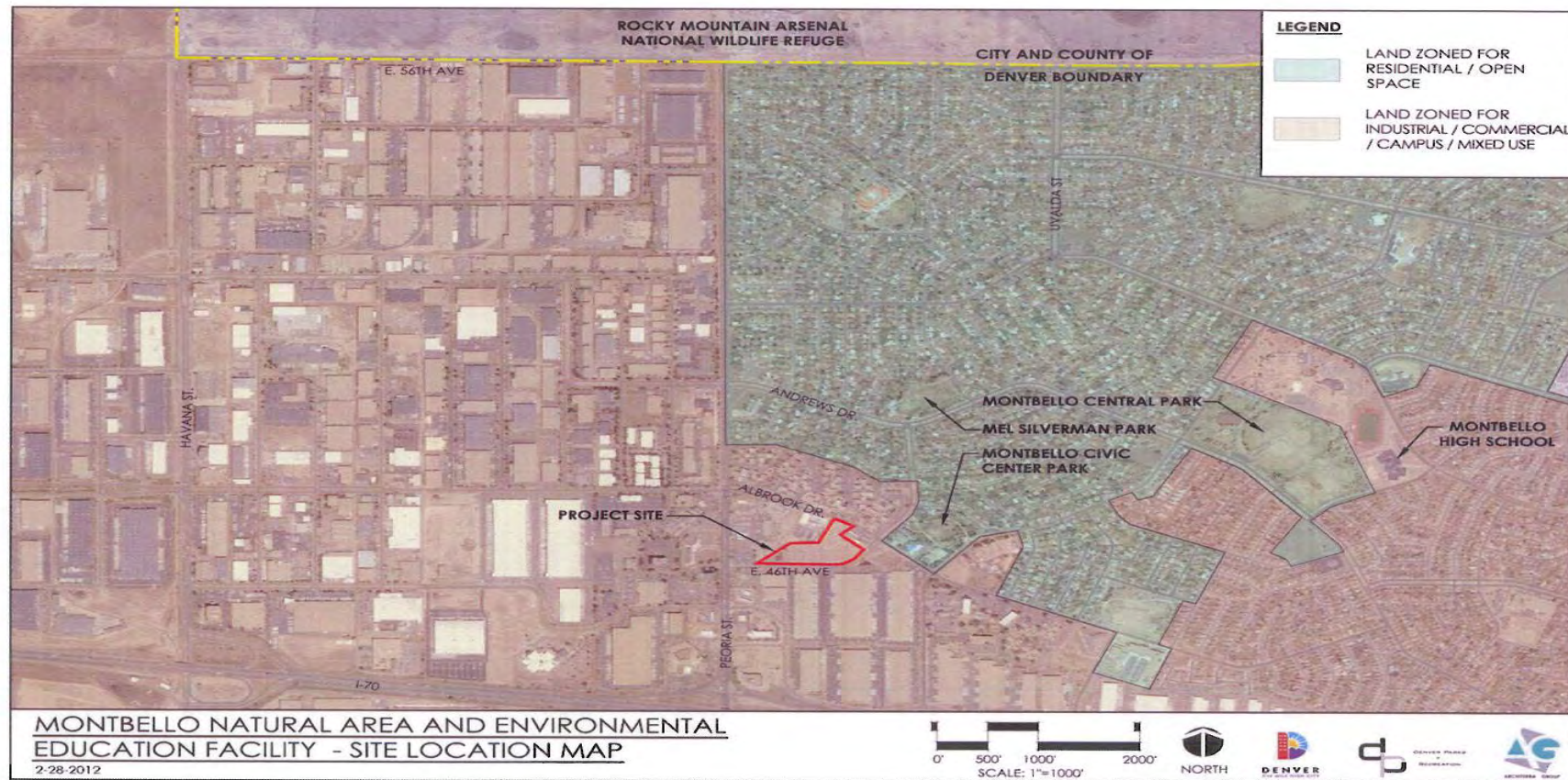
RMA Fund(s) Project Locations



Montbello Open Space and Trailhead to the Refuge Project

- Project Proponent is Environmental Learning for Kids
- Request:
 - Acquire 5 acre property in underserved community
 - Restore to naturalized upland prairie habitat
 - Install community features such as climbing wall and outdoor classroom
 - Build indoor classroom building for Environmental Education
 - Also to serve as Community Center for kids

Montbello Open Space project



Opening of open space park and groundbreaking for center

Funding partners:

- State of Colorado Natural Resource Damages Trustees
- Trust for Public Land
- The North Face
- Suncor
- Xcel Energy
- National Recreation and Parks Association
- Others

















Thank you

ITEM #10

PLATTE FARM OPEN SPACE

Colorado Natural Resources Trustees
Recovery Fund Project Presentation

Kara Edewaard, DPR Project Manager
June 30, 2021



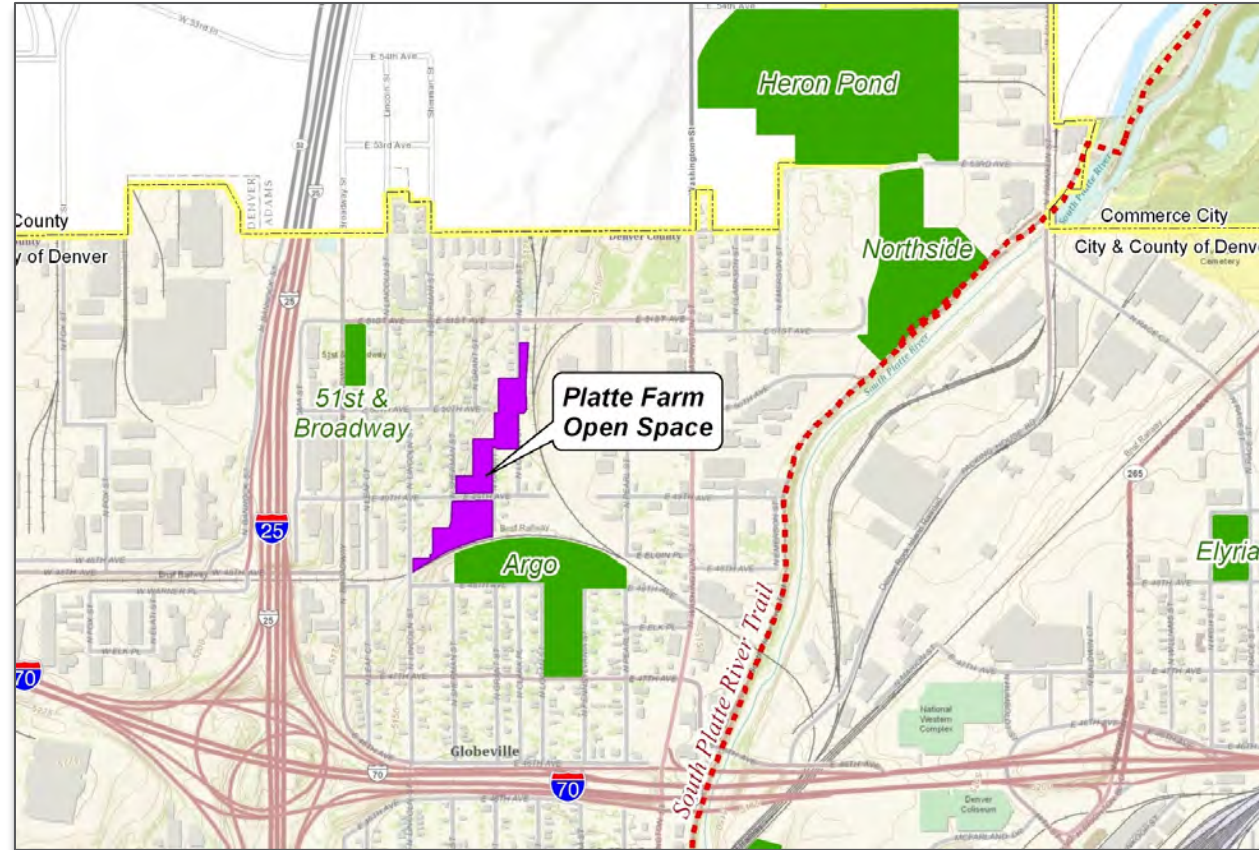
DENVER
PARKS & RECREATION

GAME PLAN
for a Healthy City



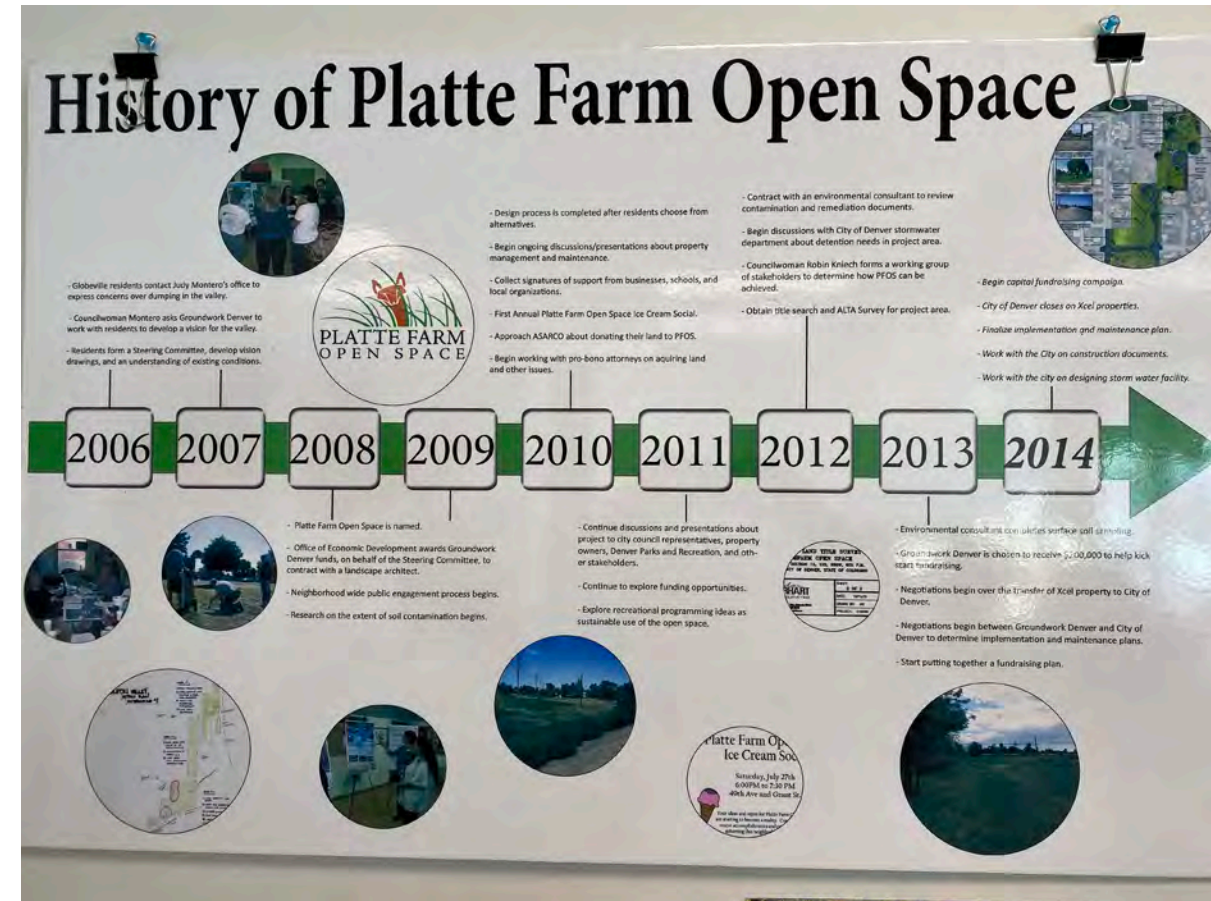
PROJECT BACKGROUND

- Brownfield Property – 5 acres
 - Historical ASARCO Globe smelter ¼ mile north
 - Parcels remediated by CDPHE from 1993 – 2011
- Parcel Ownership: City and County of Denver (CCD) and the Public Service Company (Xcel)
- Community Led Effort
 - Initiated in 2006, residents requested support from former Councilwoman Judy Montero regarding concerns of illegal dumping and drug activity



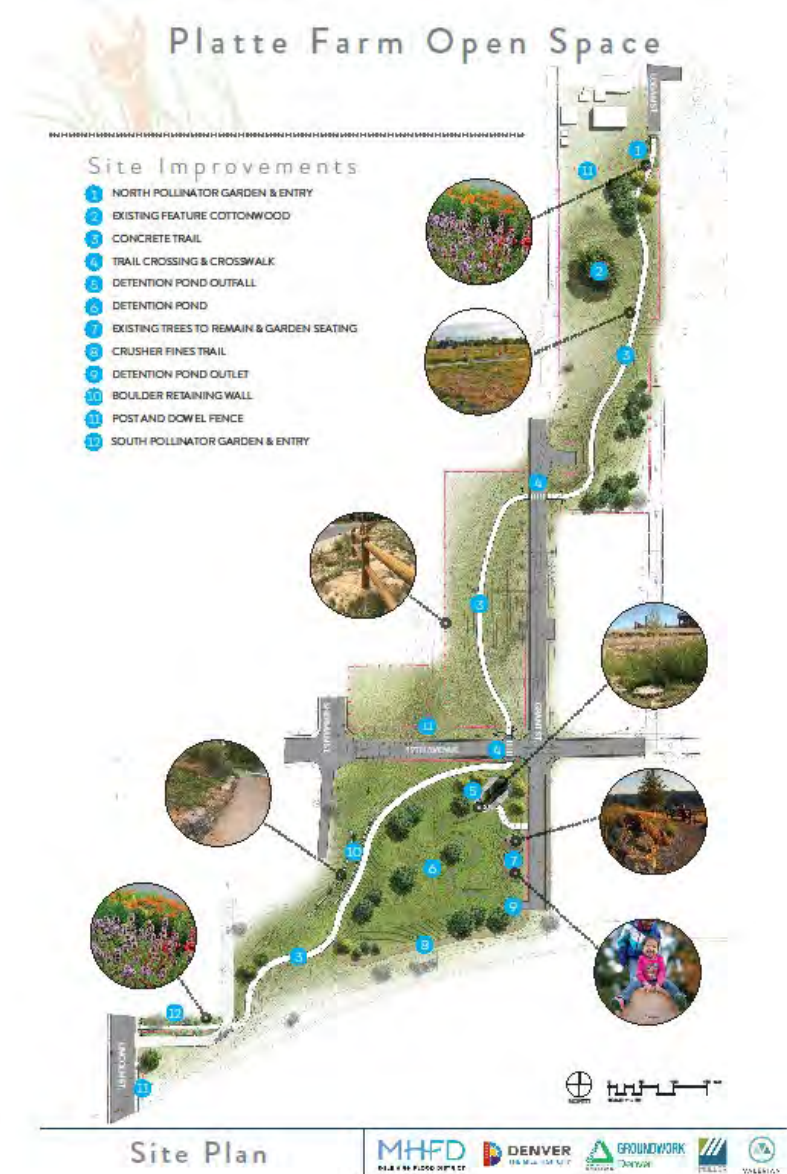
PROJECT BACKGROUND

- 2006-2014: Groundwork Denver and residents form a steering committee, secure City funding and support, hire consultants to develop concept plan and environmental strategy
- 2014-2019
 - Need for drainage improvements identified
 - City and Mile High Flood District partner to finalize design and construction documents
 - NRD Trustees approve grant totaling \$552,885
 - Xcel properties purchased by Denver Parks and Recreation



CONCEPT PLAN

- Vision: Create a low maintenance open space area where Globeville residents and visitors of all ages and abilities could recreate, exercise, and reconnect with nature.
- Design:
 - Restore native grassland and create pollinator gardens
 - Install stormwater infrastructure and a detention pond to prevent flooding
 - Create park amenities including a seating area, walkways, and tree and shrub plantings





PRECONSTRUCTION – JANUARY 2020

June 30, 2021



MID-CONSTRUCTION – MAY 2020

June 30, 2021



CONSTRUCTION COMPLETION JULY 2020

June 30, 2021



ESTABLISHMENT MAY 2021



June 30, 2021





Detention Basin August 2020



Detention Basin May 2021

ESTABLISHMENT SUMMARY - GREAT ECOLOGY MAY 2021

- Native grass and forb communities are continuing to develop with diversity and cover increasing
- Noxious and non-native weeds are present in varying densities
- Ongoing weed control activities are happening through manual removal, mowing, and spot herbicide application

THANKS TO OUR PROJECT PARTNERS



ITEM #11

PHIL WEISER
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Office of the Attorney General

June 11, 2021

M E M O R A N D U M

TO: Colorado Natural Resources Trustees
FROM: David Banas
RE: Rocky Mountain Arsenal Recovery Fund and Foundation Fund

BACKGROUND

Over the past 9 years, the Trustees have allocated approximately \$27 million from the two Rocky Mountain Arsenal (RMA) funds: the Rocky Mountain Arsenal Recovery Fund, managed by CDPHE, and the Rocky Mountain Arsenal Foundation Fund, managed by DNR. The Trustees found suitable projects and over \$27 million in matching funds, largely in partnership with the Northeast Greenway Corridor (NGC), a loose affiliation of metro-area governments and one non-profit.

UPDATE

For years, staff have been working with several parties to help them finalize project proposals for funds the Trustees conditionally allocated in 2012 and 2014. Nonetheless, after the expiration of the Trustee resolutions approving allocations for projects that never proceeded to contracting, approximately \$7 million remains available in the Recovery Fund and approximately \$900,000 remains available in the Foundation Fund (this number may change by the Trustee meeting depending on how DNR processes pending invoices). At previous Trustee meetings, we have discussed issuing a new solicitation for project proposals (SPP) to allocate the remaining funds, and we set this summer as an informal internal deadline for beginning that process.

One factor complicates allocation of the Foundation Fund. At every other site, CDPHE administers all NRD funds and the Trustees have discretion to allocate those funds for any NRD project. Here, the consent decree settling the RMA

litigation makes DNR the administrator of the Foundation Fund and specifically states those funds may only be used for projects on the NGC project list. With most of their projects complete, the NGC no longer exists as a functioning entity with a chairperson and regular meetings. It is therefore possible that no more NGC projects exist. To loosen the restrictions on administration and use of the money in the Foundation Fund, we would need to work with Shell to amend the consent decree. Doing this without first getting support from the NGC constituents might raise political concerns.

RECOMMENDATION FOR ACTIONS

Staff seeks Trustee approval to issue a new SPP for the remaining Rocky Mountain Arsenal NRD funds.

We request the flexibility to issue an SPP for the Foundation Fund and Recovery Fund together or two SPPs separately, staggered or contemporaneously, depending on whether we encounter resistance to amending the consent decree.

ATTACHMENTS

None.

ITEMS #12 - #17
NO DOCUMENTS