


To: Rocky Flats Stewardship Council
From:  Jon Lipsky
Date: April 4, 2016

Reference Susan Beard's, DOE Office of General Counsel, memorandum to David Geiser, Director, Office of Legacy Management, dated May 12, 2010; and, Rocky Flats Stewardship Council: DE-FG01-06LM00080, dated in February 2012.

As you know, or should know, the Rocky Flats Stewardship Council (RFSC) is a Local Stakeholder Organization (LSO) charged with, in sum, 1) Soliciting and encouraging public participation, 2) Disseminate unfiltered information directly to DOE, 3) Transmit unfiltered information to appropriate DOE employees, 4) Perform such other duties – all of which - regarding the CERCLA remedy obligations of the DOE at the Rocky Flats Superfund site. NOW, the RFSC is allocating its Board meetings between LSO and allegedly non-LSO topics. The RFSC is not authorized to function as a Federal Advisory Committee Act (FACA) entity. The RFSC operates from both a DOE grant, five-year funding of \$650,000, and for the year ended December 31, 2014, \$10,000 in annual contributions from local governments. The fungibles (money) are commingled.

The commingling of federal funds is generally not allowed. The RFSC commingles federal grant monies with local contributions. The RFSC financial accounting system and reports has yet to indicate or segregate direct costs between the RFSC sources of income. The RFSC has no employees but contracts with several persons that receives compensation in a fixed amount (\$6,850). A fixed amount that should be actual time and not estimated time. However, the RFSC is engaging in allegedly non-LSO activities that are not sanctioned by the DOE grant. To ensure that taxpayer funds are not mismanaged, the RFSC expenditure report should detail how DOE grant funds are spent on LSO activities and other income sources are spent on allegedly non-LSO activities.

For example, the preparation and time, resources and source of funds spent by RFSC contractors for today's Fish and Wildlife Service (FWS) is not itemized in the limited RFSC financial report of January 21 through March 17, 2016. FWS is listed to brief on its organic act, organizing legislation and management plans that are not consistent with the CERCLA remedy obligations of the DOE at the Rocky Flats Superfund site. The RFSC contractors and technical services fixed fee amounts are not being separately itemized in the RFSC financial management system (RFSC meeting packets) that distinguishes between DOE grant fund and other sources of income expenditures. Rocky Flats Superfund Site stakeholders deserve to know the funding sources that RFSC contractors are expending.

In regards to the FWS briefing, on March 19, 2015 FWS Director Dan Ashe committed during a Congressional Hearing (and while under oath) to increased communication, to do better and re-double efforts to work with the local community. (<https://www.youtube.com/watch?v=OEmRizPhI7s>). Now, after more than one year of not working with the local community the FWS utilizes the RFSC for its briefing where public involvement is reduced to ten minutes of public comment.