

**Source:** Great 8 Newspapers

## City files suit over parkway

by Linda Detroy

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Golden is suing to stop the U.S. Fish and Wildlife Service from transferring a 300-foot right of way to the Jefferson Parkway Public Highway Authority (JPPHA) for the construction of Jefferson Parkway.

The city's suit was filed Jan. 5 in U.S. District Court for the District of Colorado.

The lawsuit comes on the heels of unsuccessful negotiations by Golden, JPPHA and other parties associated with the Jefferson Parkway toll road project to reach an agreement mainly concerning traffic improvements to mitigate the impact of the toll road in Golden.

The suit also follows a decision on Dec. 12 by the Fish and Wildlife Service to reject an application from Golden to acquire the right of way on the eastern edge of the Rocky Flats National Wildlife Refuge for a regional bikeway and instead convey the land to JPPHA. JPPHA's proposal includes a land exchange with the Fish and Wildlife Service that will add about 617 acres of Section 16, a parcel owned by the Colorado State Board of Land, to the wildlife refuge.

"We think the Fish and Wildlife Service did not do the job right and didn't study the environmental impacts of the two competing proposals adequately," Golden City Manager Mike Bestor said.

The lawsuit claims the Fish and Wildlife Service did not adequately consider the environmental impacts of transferring the land to JPPHA for construction of a portion of the 10-mile toll road, which would connect Highway 128 near Simms Street in Broomfield to Highway 93 about three miles north of Golden's city limits. It asks the court to permanently enjoin the Fish and Wildlife Service from transferring the land to JPPHA for the parkway, and to order the Fish and Wildlife Service to do further analysis "to ensure that the proposed transportation improvement will be carried out so as to minimize adverse effects on the management of the refuge and to require adequate environmental analysis under NEPA (the National Environmental Policy Act)."

Bestor said he anticipates the court will combine Golden's lawsuit with one filed by the town of Superior on Dec. 15 that also seeks a halt to the transfer of the right of way to JPPHA. A preliminary injunction hearing for that lawsuit is scheduled for Tuesday, Jan. 17.

Bestor said the City Council will conduct an executive session during its Thursday, Jan. 12, meeting to bring new council members up to date on the situation and brief the entire council on the status of the lawsuit.

In the meantime, the JPPHA is waiting for a report from Spanish company Isolux Corsan concerning the technical and financial feasibility of constructing the toll road. JPPHA, which includes Jefferson County, the city of Broomfield, Broomfield County and city of Arvada, has an exclusivity agreement with the Madrid-based construction company to build and operate the toll road.

"Nothing has changed about the project," said Bill Ray, JPPHA interim executive director. "We stand

confident that at such point as the judge can review the case on its merits, the decision of the Fish and Wildlife Service will be upheld."

Ray said the report on the feasibility study should be completed sometime in the next three months, and further negotiations and discussions will take place.

Golden Mayor-elect Marjorie Sloan, who will be sworn in Jan. 12, said she anticipates that further negotiations and discussions concerning the parkway and traffic improvements and mitigation will take place.

"I regret that the negotiations fell through," she said. "We were making progress and building better relationships with our neighbors. We are going to have to talk."