



PLAN JEFFCO UPDATE

SEPTEMBER 2011

INSIDE THIS ISSUE	
PLAN Jeffco Dinner	1
OSAC Notes	3
Heritage Areas	4
USFW Letter	6
Fall Harvest	9
Membership	11
Chatfield State Park	12

Don't miss this year's PLAN Jeffco
Dinner with the Commissioners
It's a double header!

Two luminous guests, for the price of one!

THURSDAY, OCTOBER 13th, 2011 5:30 PM

with John Fielder! Lise Aangeenbrug!

Join us and John Fielder, world renowned landscape photographer, and Lise Aangeenbrug, Executive Director of Great Outdoors Colorado, for our annual dinner celebrating our part in preserving our open spaces. We will enjoy seeing some of Mr. Fielder's latest photographs from locations in Jefferson County — as well as an advance peek at Mr. Fielder's current project, "Mountains to Plains: Documenting 20 Years of Preservation," offering visual testimony to the accomplishments by Great Outdoors Colorado and its many partners to protect Colorado's natural heritage. Ms. Aangeenbrug will introduce Mr. Fielder, and explain GoCo's role in our shared mission to ensure our land and open spaces can be enjoyed by future generations..

RESERVATION INFORMATION ON THE NEXT PAGE

Rub elbows with the Commissioners and other county officials

Tom Hoby, the director of the Jefferson County Open Space Program, and the chair of the Open Space Advisory Committee will also be making brief remarks. This is your opportunity to informally connect with county officials!

Copies of John Fielder's previous works, both books and calendars, will be available for purchase — part of the proceeds to benefit PLAN Jeffco.

MAKE YOUR RESERVATIONS NOW!

PLAN Jeffco's Annual Dinner with the County Commissioners

THURSDAY, OCTOBER 13th, 2011 5:30 PM

Mount Vernon Country Club

24933 Club House Circle, Golden CO

For tickets, please send \$40 per attendee to:

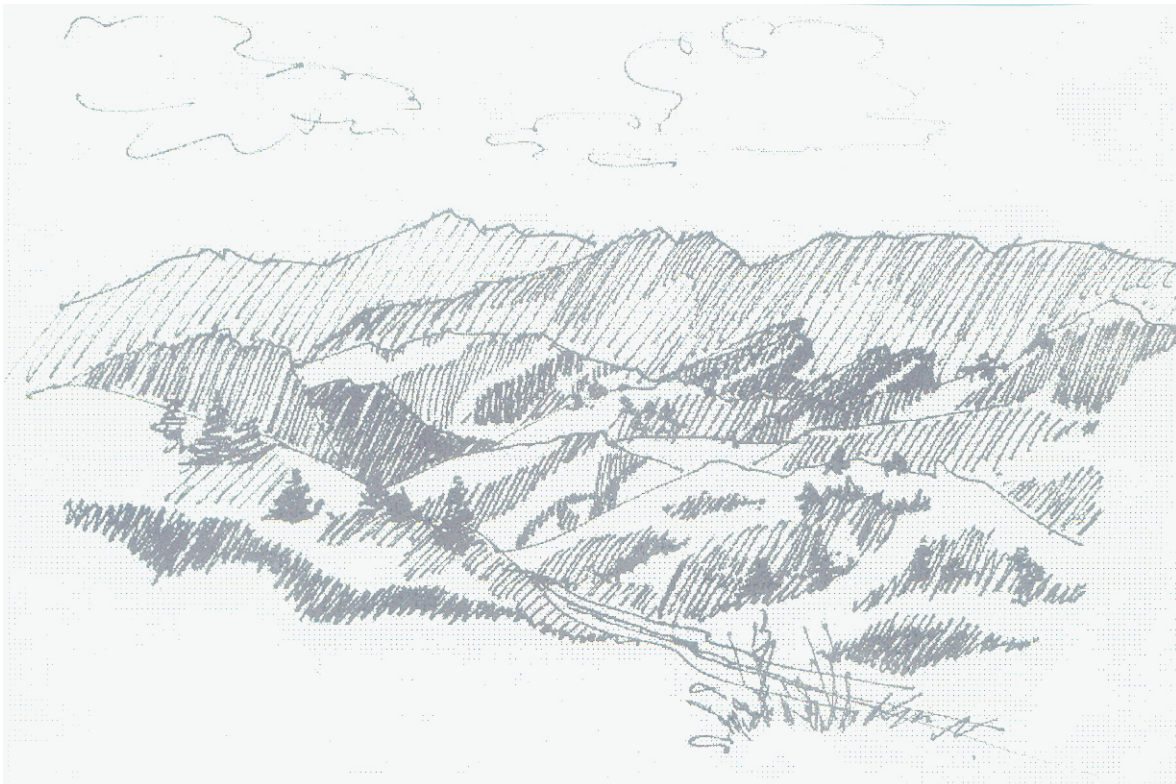
PLAN Jeffco Dinner

% Michelle Poolet

24395 Cody Park Road

Golden 80401

or to **pay online**, go to our web page **planjeffco.org/dinner** to use PayPal or your credit card.



OSAC NOTES..... OSAC NOTES.... OSAC NOTES

July 7 Study Session

Steve Snyder reviewed how the open meetings laws applied to emails. Regarding emails from the Director asking for comment, replies should not be sent to “reply all,” or the email will become a communication between all OSAC members, thus classifying the email exchange as an “open meeting”.

Don Klima presented the proposed budget for 2012. The budget is based on a 2% growth of sales tax revenue – roughly \$25,100,000. (Note that the average for the past 11 years has only been 0.7%.)

No additional staff will be requested for 2012 and the internal Operations Expense is budgeted at the 2011 level. No increases are anticipated for County Attorney, Facilities, and Information Technology Services. Increases are anticipated from Human Services, Purchasing, Accounting, Budget, and Transportation & Engineering as they will be invoicing their shares of IT and Facilities costs. Total operations costs are budgeted at \$10,210,000.

Joint Venture grants are budgeted at \$1.22 million.

Land Acquisition and leases are budgeted at \$3.26 million. Debt service on the existing bonds will be \$12.94 million. (Note that 65% of the new revenue is allocated to direct acquisition costs. Staff costs are included in the Operations budget.)

Development projects include:

Parking improvements and ADA restroom to serve the trail from Reynolds Ranch to the Colorado Trail - \$300,000.

A watering station at the Elk Meadow Off-leash Dog Park - \$30,000.

Entry road, parking lot, and restroom at Quaker Street entry to South Table Mountain - \$260,000.

Replace exercise equipment, improve trails, construct new restroom, and complete the overlook near the Kestrel Pond at Crown Hill Park - \$600,000.

Restroom and improved parking at Apex Park - \$250,000.

Parking lot repairs at East Mount Falcon, Pine Valley Ranch, and the Nature Center, and other miscellaneous improvements to parks and trails - \$170,000

Potential improvements after energy audits at the Nature Center and Hiwan Homestead Museum - \$20,000.

The Open Space Fund Balance is anticipated to be \$29.55 million at the end of 2011 with all bond funds expended. This balance is expected to decrease at about \$3 million per year if Sales Tax Revenue does not increase at more than 2% annually. The balance is projected to be about \$11 million at the end of 2016.

Regular Meeting

The proposed Open Space Budget for 2012 was approved.

An agreement with Trout Unlimited was approved for the placement of fish habitat structures in Clear Creek from the Mayhem Gulch Parking Lot west toward the County Line. (Note this will be done during September of this year.)

Discussed the site visits to the Booth Property between Ralston Creek and Coal Creek and the properties west of Waterton Canyon, taken in June. Consensus was to focus on the Booth property.

August - no Regular meeting**August 17 - Special Study Session**

Reviewed the questions to be included in the Scientific Survey that will be conducted in October of this year. Minor changes were suggested. The final survey documents will be reviewed at the September Study Session.

John Litz

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Heritage Conservation Areas, the New Approach to Open Space

The 10-year Funding Plan, discussed in the OSAC Notes in the June 2011 PLAN Jeffco Update, identifies significantly fewer dollars available for land acquisition from 2011 to 2020. The flat economy, which is generating only slight increases in sales tax revenue, is mostly responsible for this change. Servicing of the bonds is now taking almost one-half of the County's share of sales tax revenue.

The Funding Plan emphasized several strategies to maximize acquisition and development potential, such as partnerships, the use of conservation tools, and alternative funding to make the best use of available dollars. Consequently, Open Space is looking at a targeted acquisition strategy that identifies large areas that have significant wildlife, natural resource, and scenic and outdoor recreation values. These areas are preliminarily being called "Heritage Conservation Areas." It is hoped that this "landscape level" approach can generate more partnerships and funding for future projects.

Four areas have been identified including: the natural drainages known as Ralston Creek, Clear Creek, Bear Creek, and Deer Creek. General outlines of these areas are shown on the map on the opposite page. All of the shaded areas are either lands already preserved by Jefferson County (fee or conservation easement), State Parks, Forest Service, and Denver Water, or have active acquisition proposals ongoing at the time of this publication.

The concept still is in the formative stages, with ongoing discussion and refinements anticipated over the next several months. A few years ago, a similar strategy employed on the Clear Creek

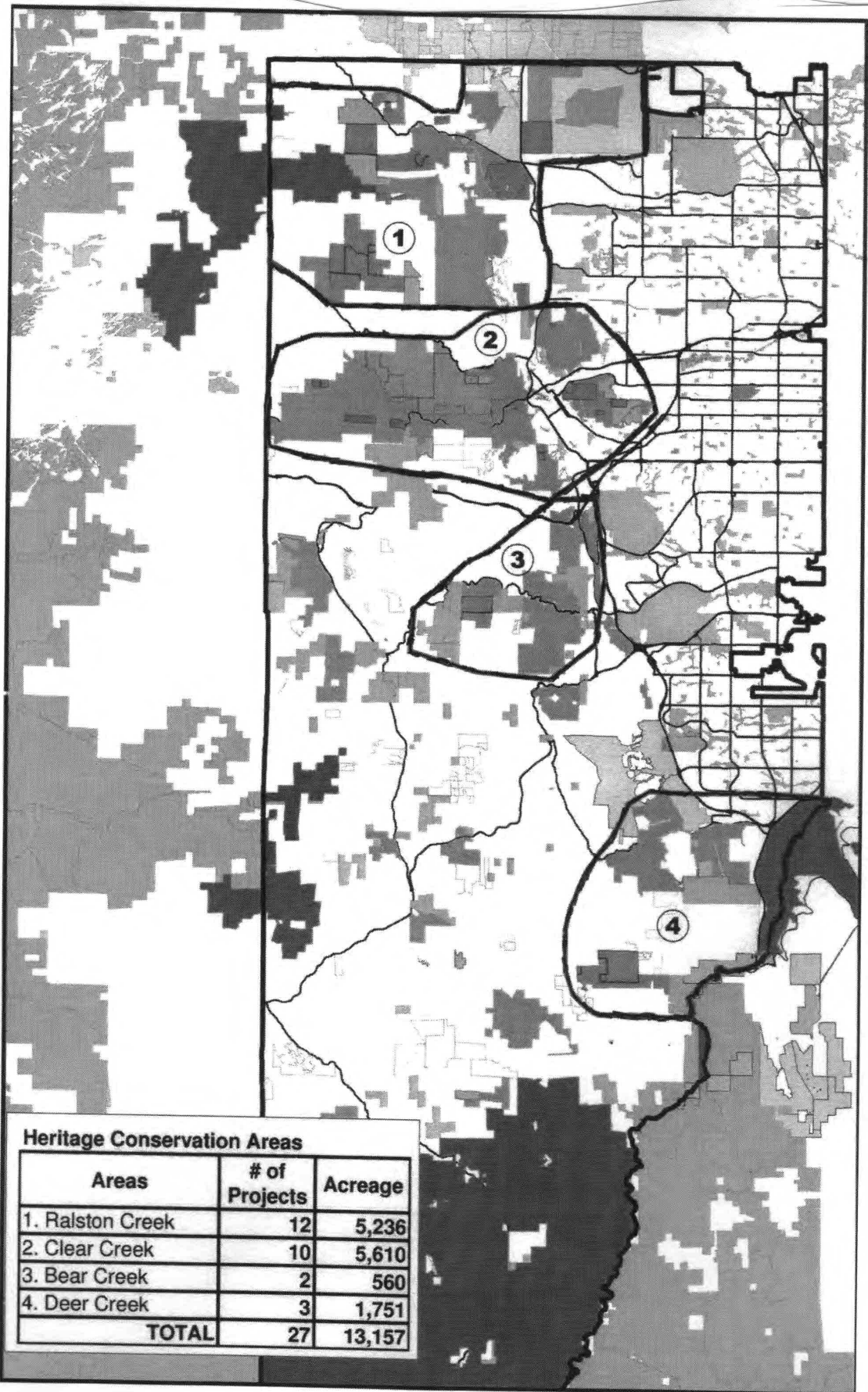
Corridor was successful in obtaining a large Legacy Grant from GOCO for acquisitions. The hope is that history will repeat itself, and enable Open Space to preserve the unprotected lands in these Heritage Conservation Areas.

John Litz



One-seed juniper

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PLAN Jeffco's Comments to the U. S. Fish and Wildlife Service Relative to the Environmental Assessment of the Land Exchange

Dear Sirs:

PLAN Jeffco submits these comments in response to the Fish and Wildlife Services' request for public comments as part of its NEPA scoping process relating to the Services' development of an EA. The EA is being developed to analyze the impacts of the Service's proposed transfer/sale of a 300-foot wide strip of land along the eastern boundary of the Rocky Flats National Wildlife Refuge for use as a transportation corridor.

PLAN Jeffco is the citizens group that, in 1972, initiated the first county open space acquisition program in the country. We continue to monitor, advise and work with the staff, Open Space Advisory Committee and elected officials regarding the Jefferson County Open Space Program. In 1989, Plan Jeffco joined with other groups to urge the Open Space Program to preserve and acquire the important natural habitat in the Rocky Flats ecosystem including the acquisition of Section 16.. That effort has resulted in much open space preservation by Jeffco which protects the habitat as well as the scenic vistas in the area near the Refuge.

We are very concerned about the planned scope of the NEPA analysis which would only look at the impacts of the transfer on the lands within the National Wildlife Refuge System and would ignore the impacts on the impacted communities outside of the Refuge System. To comply with NEPA, FWS cannot wear blinders nor can it avoid addressing the indirect impacts to the people, wildlife, scenic vistas, already congested Hwy 93, water, air quality, and noise resulting from the transfer of the land for use as a transportation corridor. The Jefferson Parkway Public Highway Authority, the JPPHA, has requested the corridor be transferred to it so it can use the land to construct a toll way; whereas the City of Golden has requested the land be transferred to it so it can construct a bike way for use by bikers, pedestrians or equestrians. The impacts of these two proposals on the affected environment outside of the Rocky Flats Refuge are obviously very different in intensity and in scope. These off-refuge impacts must be analyzed in the EA for the Service to comply with NEPA.

The type of detrimental impacts we are particularly concerned about are the future foreseeable effects from the construction and use of the toll way and from the induced accelerated development. These clearly fall

within the definition of "indirect impacts" as set forth in CEQ's NEPA regulations at 40 CFR Part 1508.8. Indirect effects include those "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."

Additionally, some of these off-refuge impacts also are significant and will require an EIS and not merely an EA. As shown by the following, these impacts fall within the terms included in CEQ's regulatory definition of "significance" at 40 CFR Part 1508.27.

TRAFFIC IMPACTS

If the Service were to transfer the lands in the transportation corridor to the JPPHA, the foreseeable impacts to those of us who use the roads in the northern part of Jefferson County will be extremely negative and significant. Based on data in the JPPA *System Level Study for the Jefferson Parkway* (July 20, 2009) submitted to CDOT and DRCOG in July 2009, Golden prepared the map shown in Attachment 1. This map dramatically shows that by 2015, toll way traffic will cause a 38% increase in traffic on Hwy 93, which at certain times is at or above capacity causing stop and go conditions for miles. It also shows a 117% projected traffic increase on 64th Avenue and significant increases in traffic on C-40, parts of 6th Avenue, I-70 and C-470 and on other roads in the area. Attachment 1 shows that there are some anticipated decreases in the amount of traffic projected but they are more than offset by the size of the increases and negative effects on traffic on other roads. Also refer to Attachment 2, for a depiction of the 2035 traffic impacts which continue to predict significant increases in other roads due to the toll way.

These traffic volumes do not include the additional traffic that is projected to be generated by the development of the Candelas Property located south of the Refuge. The toll way is specifically designed benefit this planned development by transecting it so it could funnel traffic to and from this 1451 acre new urban center. The designs for the Property include high density office, commercial and residential development which will be accelerated by construction of the toll way. According to the *System*

PLAN Jeffco's Comments Continued

Study, by 2015 18,000-24,000 trips a day will be generated by Candelas development, greatly increasing the traffic load and commuter time on the roads shown on Attachments 1 and 2. Candelas generated traffic is projected to worsen by 2035 when 23,000-39,000 trips a day will enter and leave the development. These projected traffic increases will only worsen the traffic conditions on the roads in the northern part of Jefferson County.

These increased traffic volumes will not only lengthen the time spent by commuters sitting in traffic and on traffic flow, it will have air quality and noise impacts on those who live near and use the impacted roads. Based on the above described projections by JPPHA, the intensity and the severity of the impacts are significant. Similarly, the NEPA analysis should look at the indirect traffic impacts that would result from Golden's bike way proposal.

POTENTIAL PLUTONIUM CONTAMINATION

PLAN Jeffco recognizes that before the Service accepted transfer of the lands comprising the Rocky Flats Refuge, EPA had certified that the clean-up was complete and that the lands were safe for refuge use. As you know, there are people and entities that dispute these findings. They contend this certification is not valid and that the construction and use of the transportation corridor for a toll way will create a significant human health risk.

There are several scientific studies that support these serious public health concerns. The latest information was sampled in April 2010 and analyzed by Marco Kaltofen, Boston Chemical Data Corp., Natick, MA. It showed plutonium contamination from dust blown from the Refuge onto land across from the Refuge on Indiana St. Additionally, the soil sampling conducted by the Citizens' Environmental Sampling Committee conducted in 1993 and 1994 also found plutonium contamination that had originated on Rocky Flats in areas as far as 5-6 miles from the Rocky Flats plant. Finally, there is the 1975 study by the Jefferson County Health Department's Director, CJ Johnson, that also showed potential health hazards due to plutonium in the dust that may be inhaled by humans.

Even after the EPA certification there continues to be a serious controversy over the health risks from digging up the transportation corridor for construction and use as a toll way; this constitutes a "significant" indirect

impact of any alternative in which the Service transfers the transportation corridor to the JPPHA which intends to use the corridor to build a toll way. Based on this significant scientific controversy over human health effects, FWS should conclude that the land transfer to JPPHA is likely to have a significant impact on the human environment. Therefore, NEPA requires that this issue be analyzed in an EIS.

Furthermore, we have found no evidence that, prior to certification, EPA analyzed and evaluated the sufficiency of the Rocky Flats clean-up in relation to the future use of the transportation corridor for construction and use as highway. To the contrary, the EPA clean-up standard was based on the risks to a refuge worker working 4 hours indoors and 4 hours outside on the refuge for 18 years, not on a person grading the land during highway construction. Nor was the land cleaned up to a standard that would not risk the health of those living and using roads in the area, of refuge staff or visitors or of all of us in the Denver metro area that may breathe in the construction dust during and after the toll way is built.

The lack of EPA certification for construction and use of the corridor for highway, means that there may continue to be significant health risks resulting from using the transportation corridor for other than for refuge purposes. Because there is no empirical data for the Service to rely on to determine that the indirect impacts from disturbance of the surface and subsurface due to highway construction will not cause health risks, the Service must obtain such information prior to any FONSI or completion of an EIS and ROD. Although the indirect human health impacts from the construction and use of the corridor for a bike way should be much less than those from road construction, similar impact information should be obtained regarding potential bike way construction and use.

ECOSYSTEM DEGRADATION

As mentioned above, PLAN Jeffco was the catalyst for the Jefferson County Open Space Program. This program, along with the City of Boulder, Boulder County, the City of Westminster, and the City of Arvada have preserved wildlife corridors extending from the Foothills to the plains East of the proposed toll way. Migration along these corridors is significant and the toll way will provide a significant barrier to this migration.

In addition the dissecting of these corridors, the toll way and the development it will accelerated will diminish the other purposes for which these lands were preserved, i.e.

PLAN Jeffco's Comments Continued

open vistas, protecting the mountain backdrop, and providing natural areas for public enjoyment.

The Service must analyze the direct and indirect impacts of all the alternatives on the open space values, including scenery, wildlife, and recreation.

AIR QUALITY

The Service is required to take a hard look at the impacts associated with all alternatives under consideration. Relative to air quality, the Service must assess the effect the toll way and bike way would have on ozone levels in the region, and assess whether the toll way would contribute to the region falling out of compliance with the new and stricter ozone standards expected to be adopted by the Environmental Protection Agency in the next few months.

In 2008, the Environmental Protection Agency revised the ozone National Ambient Air Quality Standards ("NAAQS") to 0.075 parts per million ("ppm"). See 40 C.F.R. § 50.15. However, the EPA has proposed to strengthen the ozone NAAQS by setting a limit of no more than 0.060-0.070 parts per million over an 8-hour period. See 75 Fed. Reg. 2938-3052 (Jan. 19, 2010). The EPA expects to finalize the new ozone NAAQS between 0.060 and 0.070 parts per million in July of 2011. See U.S. EPA, *Declaration of Regina McCarthy* (Dec. 8, 2010), available at <http://www.epa.gov/glo/pdfs/20101208declaration.pdf> (last visited July 28, 2011).

Even though the Denver Regional Council of Governments (DRCOG) looked at ozone levels when they adopted the regional transportation plan (RTP), DRCOG did not assess the effects on ozone levels of the RTP relative to newer and stricter ozone standards adopted by the EPA in 2008 and likely to be adopted in 2011. Hence, the Service cannot rely on the DRCOG analysis and must conduct its own, and disclose the results, including the likelihood of non-attainment with the ozone standards, in the environmental analysis. Moreover, because the potential consequences of failing to meet the new ozone standard under the Clean Air Act are severe and significant, and because the public health impacts of increased ozone are so serious, the Service must undertake an EIS instead of an EA to comply with the NEPA regulations.

Lastly, the Service is required to analyze the impacts of the alternatives on other air pollutants for which the EPA has established NAAQS, including, but not limited to, the

1-hour nitrogen dioxide NAAQS (see 75 Fed. Reg. 6474-6537 (Feb. 9, 2010)), the particulate matter less than 10 microns in diameter NAAQS (see 40 C.F.R. §§ 50.10 and 52.21(c)), and particulate matter less than 2.5 microns in diameter NAAQS (see 40 C.F.R. § 50.13 and 75 Fed. Reg. 64864-64907 (Oct. 20, 2010)).

DRCOG is not required to analyze impacts to such NAAQS because the region is not designated nonattainment. However, simply because the area is not designated nonattainment at the present does not mean that future development related to the proposed actions will not jeopardize compliance with other NAAQS. Thus, the Fish and Wildlife Service should analyze all reasonably foreseeable air quality impacts, including impacts to the ozone, particulate matter, and nitrogen dioxide NAAQS resulting from the proposed transfer/sale of the corridor.

Thank you for this opportunity to comment. We urge the Service to undertake an EIS. If the Service declines at this point in the process to switch to an EIS, we ask that the Service ensure that there is an adequate period for public comment on the draft EA.

Sincerely yours,

Margot Zallen
Chair, PLAN Jeffco



Fall Harvest: the Gift That Keeps on Giving

Year after year, domestic and wild plants give us-- and local wildlife-- "free food," as it were. But some years are special. Trees bent under the weight of fruit they carried; now pantry shelves bend under the weight of jams and jellies as we try to cope with overwhelming abundance.

In the nut and seed world, when plants overwhelm the critters waiting to gobble their seeds, we call it a "mast year." Production becomes so impressive we can't help noticing. For pinons and perhaps acorns, this seems to be one of those years. Seed-eaters will never be able to keep up, and the trees will have a chance to produce seedlings that survive. Of course, it may take them a few years to recover from the effort. Mast years often recur on a semi-regular basis, with famine years in between, as if the trees were indeed exhausted. In fact, that's part of the strategy of masting. Populations of mice, birds, and other seed predators can't depend on the high production; they have to survive those lean years as well. By being undependable, trees improve their chance of reproductive success. The trees may seem to give freely, but feast is sure to be followed by famine.

The unfamiliar word "mast" literally means food. From the Old English and High German, it traditionally referred to the beech nuts and acorns that dramatically littered the forests of Europe some years and provided quantities of food, mostly for hogs. In temperate areas, however, many woody species have mast years, even our own native conifers and oak. What's dramatic is that trees of a given species often synchronize, so that their mast years coincide, and woe, in the form of increased seed loss, befalls the misfits. Environmental conditions help control the timing of mast years, but not necessarily as we would expect. For ponderosa pine, for example, this fall's seed crops were determined by prevailing conditions back in 1996.

Each fall, as seeds of all kinds embark on adventures beyond imagining, a vast harvest begins. Although we may see squirrels busily cutting cones, most of the harvest activity will go unnoticed. For some

seeds, getting far away from the parent--where they are easy targets for predators--is crucial to survival. But there's no guarantee life will be any easier after they get away. [In recent decades, ecologists have shown us that what happens to seeds helps determine what our landscapes look like. Once seeds leave the parent tree, they become invisible and we tend to forget about them--at least until we see new plants coming up. But the seeds are everywhere among the fallen needles and in the soil, as the critters that depend on them never forget.]

Although winged seeds have distance potential, most seeds will fall near their parent plant. For heavy seeds like acorns, travel is limited mostly to places the squirrels take them. Acorns don't always stay where they fall either. If they land near the route of a foraging wild turkey, for example, their days are up; they become part of his daily calories. A Douglas-fir tree can deposit more than 300 seeds per square meter--that's about 30 per square foot--directly below its canopy. A large Engelmann spruce puts down thousands of seeds per square meter close to home, but some, if they get into the wind, are carried off. There will still be hundreds of spruce seeds per square meter 150 meters out from the parent tree. If the seed crop is reduced 50% by a poor season or by seed-eaters, the number of seeds getting any distance away is also halved. That leaves plenty for colonization, which is what dispersal is for, after all. Once they land, they're still vulnerable: in one study of Douglas-fir, 69% of the seeds were eaten or otherwise lost, but the remaining seeds still produced 3.7 seedlings per square meter. [part or all of this paragraph could go if necessary...dispersal is no longer a main thread.]

Birds and small mammals collect and bury seeds, especially large nutritious tree seeds, after dispersal. The catch is that caching often works better for these predators than it does for the seeds. In a study of 840 pine seeds in 35 caches made by deer mice, the fate of seeds appears grim indeed. Ten caches were dug up and eaten before the end of autumn; nine more were destroyed the following May; and the others were used through the winter. Forty-nine

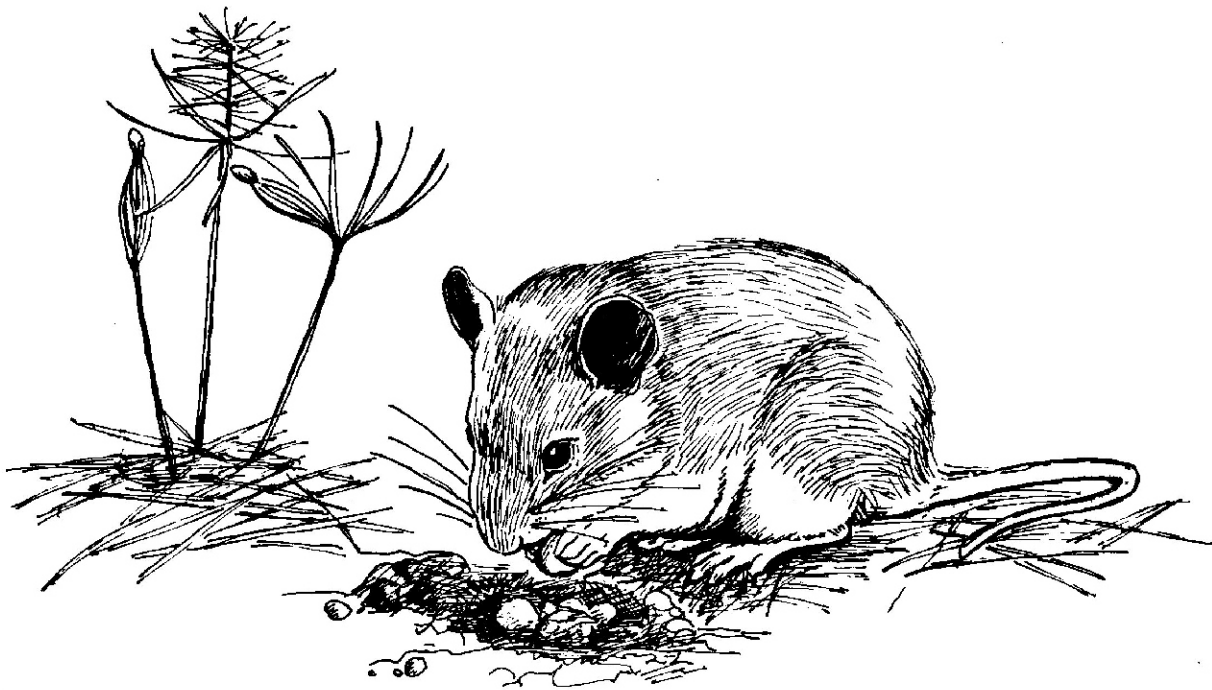
Fall Harvest Continued

plants developed from only six of the caches, but the mice uprooted and killed seedlings in three of them. At the end of the first growing season, only one cache still had live seedlings. Next time you see clumps of pine and Douglas-fir seedlings germinating from caches during a wet spring, you might want to go back later and see how many survivors you can find.

Does predation matter? Are forests endangered by mice and squirrels? Studies show that when one cause of mortality is eliminated, others often increase to compensate. Imagine all those cache-based seedlings again. In each clump, not all can survive as trees. Many more will die young, even if the mice don't get them. Despite fears that forests will be decimated, seed predation only becomes relevant when it reduces the number of seeds below the number of seedlings that can survive in the environment.

The good news is that a plant, even a large tree, needs to reproduce successfully only once in its lifetime to replace itself; its odds are good despite massive losses. You might say that plants pay, sometimes dearly, for the dispersal services they receive. Caching may determine which seed, among the millions produced in the lifetime of a tree, will survive to replace its parent. But because predators cache more seeds than they need, most years improve the odds even further, as more caches are left uneaten. Those uneaten seeds are future forests, gifts to future generations of birds, mice, squirrels, and to all of us.

Sally L. White



Jan Ratcliffe

HAVE YOU JOINED PLAN Jeffco???

HAVE YOU PAID DUES LATELY???

(THE ADDRESS LABEL SHOWS
THE DATE OF YOUR LAST RENEWAL)

PLAN Jeffco needs your dues to continue to publish four newsletters a year so we can keep our members and elected officials up to date on Jeffco open space and related issues. We distribute almost 600 copies. With increased printing costs and postal rates, we have not been receiving sufficient numbers of dues to cover these costs.

IF YOU ARE NOT A MEMBER, PLEASE CONSIDER JOINING!!!

PLAN Jeffco is the county-wide citizen's group that organized and drafted the Open Space Resolution that resulted in the formation of the Jefferson County Open Space Program in 1972. PLAN Jeffco also spearheaded the Bond Election in 1998 that has allowed doubling the Open Space acreage. We currently function as a watchdog group, observing meetings of the Open Space Advisory Committee, participating in subcommittees and issue groups, proposing and working for important acquisitions, and keeping citizens informed of what is going on in their Open Space Program

Our membership rate is: \$25 per year
Make checks payable to PLAN Jeffco and send to:
PLAN Jeffco
11010 W 29th Ave
Lakewood, CO 80215

Name: _____
Address: _____

Phone: _____
Email: _____

PLAN Jeffco will add you to our email tree, so that we can inform you of special events and Open Space related issues. We do not share your personal and contact information with others.

Potential Big Changes at Chatfield Reservoir and State Park

Chatfield Lake was originally built for flood control and recreation. A study to store an additional 12 vertical feet, or 20,600 acre feet of water for residential, commercial and agricultural use, has been ongoing for over 10 years. There are 14 possible water users/districts who may use this water. The additional water has only junior water rights, which means that the water may be available for storage in 1 out of every 3 years.

To accommodate the every-third-year higher water levels, the picnic areas, beach facilities, roads, marinas and other recreational facilities may have to be relocated. The lost wetlands, wildlife habitat and Preble's meadow jumping mouse habitat will have to be replaced and over 200 acres of mature cottonwood forest are slated to be removed. In most areas, the added water will be shallow and not navigable by motor boats. In most years, the water levels will be where they are now, but the new facilities will be farther from the water. Surrounding the lake will be a "bath tub ring" of dirt, sand and mud flats. The water storage partners have promised to do their best to make amends for the proposed big changes around the lake.

If you are interested, what can you do?

The Draft FR/EIS [Feasibility Study/Environmental Impact Statement] on the Chatfield Reallocation Study is expected at the end of September 2011. The U.S. Army Corps of Engineers will be holding three public meetings to provide information on the project, probably in mid October. There will also be a public comment period. The document itself, with all its appendices, will be over 2600 pages. It will be available for study in hard copy at several locations in the Denver area; it will also be available on the Internet. You can find some advance information on the water user's public relations website at www.chatfieldstudy.org.

To see the maps on the site go to Supporting Documents, Public Outreach Flyer. You can ask questions in advance or be put on a list for notifications by calling 1-866-643-5875.

Ann Bonnell



PLAN Jeffco
11010 W 29th Avenue
Lakewood, CO 80215

RETURN SERVICE REQUESTED



Email: jklitz@comcast.net
Check our website
www.saveopenspace.org

Jefferson County Citizens for
Planned Growth with Open Space

PLAN JEFFCO NEWSLETTER