
To: Members of the Open Space Board of Trustees

From: Margaret LeCompte, Harlin Savage, on behalf of Save South Boulder

Date: July 30, 2019

Re: Disposal of Open Space lands in the South Boulder Creek floodplain adjacent to CU South

Save South Boulder, a volunteer neighborhood alliance, is a strong advocate for the acquisition, protection, and restoration of Boulder's beloved Open Space lands, and for sensible, desperately needed flood mitigation.

Our purpose in writing this letter is to urge you, the Open Space Board of Trustees, to firmly reject the proposal before you from the City of Boulder for permanent disposal of five acres of city-owned Open Space land immediately adjacent to the CU South property and the South Boulder Creek floodplain. These undisturbed lands, highly valued for their ecological benefits, must remain intact lest development, such as the city's proposal to build a dam and floodwall on them, destroy rare wet meadow and prairie habitat, leading to the decline and extirpation of imperiled the Ute Ladies Tresses orchids and the Preble's Meadow Jumping mouse.

It's Not Just 5 Acres

In a different context, five acres might not matter, but that context does not apply in this case. One of the five acres contains the single largest concentration of threatened Ute Ladies Tresses orchids in Colorado, orchids that are only found in extremely rare wet meadow tall grass prairie habitat. This also is habitat for the threatened Preble's Meadow Jumping Mouse.

The other four acres have the same ecological value if not the same number of orchids, and even if not permanently disposed, their ecological value would be destroyed by the heavy machinery and excavation needed to construct a floodwall and dam along the highway. Our position is that extinction is forever; thus any major disturbance of that heavy concentration of orchids and rare habitat should be avoided.

There Are Alternatives

We also feel that the OSBT should not be tasked with resolving an impasse over flood mitigation that is attributable both to the City's lack of due diligence and missteps, and CU's unwillingness to compromise, even to protect Boulder residents from another disastrous flood. While we support flood mitigation to protect our neighbors, we disagree with those who suggest that the City's current choice for flood mitigation is the only one

for the job. Such thinking has created an unhelpful and false dichotomy: Preservation of endangered species vs protection of residents from floods.

Lack of due diligence by the city has resulted in the current impasse that has shifted a decision-making burden to OSBT. For more details, we have attached our recent letter to City Council members outlining why we believe the city should revisit flood mitigation options that would not require disposal of precious Open Space.

Another Threat to Open Space

In addition to land disposal, another, more insidious, threat to Open Space is contained in the City's current dam-and-floodwall proposal. This is the fact that underground water flows on both sides of Highway 36 keep its rare tall grass wet meadow habitat alive and healthy. The proposed dam and floodwall to bedrock would inevitably affect that groundwater flow. Were these flows to diminish or dry up, the entire area could wither. Yet groundwater studies to inform decisions that directly affect Open Space and the listed species have not been completed or shared with the public. Instead, we have a weak explanation by City engineers and their consultant that the groundwater flows will be sustained by "conveyances" under the city's preferred flood mitigation option. This approach can best be termed, "Trust us." We don't. Assurances that the engineers can make the groundwater flows continue with "conveyances" are not convincing, given that such conveyances must exist and be maintained in perpetuity. Such a plan puts the entire 90 acres of city-owned Open Space in jeopardy, not just the five acres requested by the City.

Save South Boulder supports restoration and protection of wetlands in the creek's historic floodplain, wetlands that CU bulldozed ditched and drained roughly 20 years ago to prepare for "maximum development." Today the portion of South Boulder Creek's floodplain that crosses the CU South property is the only remaining floodplain in the city that has not been built on. Much of it now is designated as OS-O land which could be restored and reclaimed and used for passive flood mitigation, in keeping with what the Boulder Valley Comprehensive Plan advocates with respect to floodplain restoration (Section 3).

Save South Boulder acknowledges that the Open Space Board of Trustees does not have jurisdiction over flood mitigation decisions. However, use of open space land has become inextricably linked to the needs for flood mitigation. Nonetheless, we do not feel that it is OSBT's responsibility to resolve this complex and seemingly intractable land use problem. Were wiser heads to prevail, timely, effective flood mitigation should not require OSBT giving up city-owned Open Space lands. To make clear our position to you, we have asked the City to act in accordance with the actions listed at the end of this letter.

In Conclusion:

We oppose disposal of Open Space land adjacent to CU South because:

- It would set a dangerous precedent if Open Space lands were used for purposes other than those articulated in the Open Space Master Plan and Charter.
- Federally listed and protected species would likely be extirpated forever.
- Mitigation is impossible as far as we know. Attempts to transplant the orchids have failed and recreating wet meadow prairie habitat also does not appear viable.

There are other reasonable options for flood mitigation that do not involve habitat loss and disposal of Open Space.

The city could revise and reconsider upstream options—as recommended in our attached letter to City Council.

CU could compromise on flood mitigation, instead of dictating where flood mitigation must be located and limiting how many of its acres may be used. We believe that the university has taken this position—as it has before—to keep much of its property “high and dry” so it can be used for a massive new campus complete with 1,250 new housing units, eight academic buildings, permanent new sports fields, bleachers, and toilets, outside lighting, parking, etc.

The City could work with CU to find other sites more suitable for its development aspirations, as is recommended in the Boulder Valley Comprehensive Plan, Guiding Principle 6: *“These principles are not intended to prevent the city and CU from exploring other options or geographic areas for CU to achieve its housing, program, and facility goals in lieu of locating them at the CU South property. (BVCP, page 119.)”*

Thank you for your attention to this important matter.

Respectfully,

Margaret LeCompte, 290 Pawnee Drive

Harlin Savage, 1050 Tantra Park Circle

Co-leaders for Save South Boulder

Summary of Save South Boulder’s Request to City Council:

Sent to Council Members on July 12, 2019

Pause negotiations over annexation of CU-South to the City and make decisions on flood mitigation first. Such an approach is called for by Guiding Principle 8 of the Boulder Valley Comprehensive Plan. **“Annexation Timing:** Preliminary engineering design and studies pertaining to flood mitigation, the CU levee and habitat and wildlife will be completed expeditiously and will be used to inform the annexation agreement.”

Develop flood mitigation options based on consideration of the entire SBC floodplain. Only after these have been determined should any consideration of annexation, changes in land use designations, or other accommodation to CU’s annexation demands be entertained—again, following Guiding Principle 8 of the BVCP.

Consider upstream detention strategies and use of the natural floodplain to utilize current best practice flood mitigation strategies that avoid the construction of huge infrastructure where possible. See BVCP, sections 3.22, 3.23.

Make use of natural ponds, additional detention and existing stream to slow and

impede flood waters. Such an approach not only has repeatedly been recommended by the public, but it would minimize impacts on open space land and downstream residents. This approach is recommended in Guiding Principle 2, item 3, of the BVCP with regard to South Boulder Creek.

Create a plan for maximum restoration and reclamation of the currently designated OS-O land in the SBC floodplain.

Assist CU in finding exchanges for land in closer proximity to CU for the University's housing needs to avoid both urban sprawl and the adverse impacts on intensive development in the floodplain, in accord with BVCP Guiding Principle 6.

If necessary, investigate implementing eminent domain procedures to secure whatever land is really needed for effective flood mitigation.