

To: Members of the Boulder City Council

Re: Impasse over Flood Mitigation in South Boulder

From: Margaret LeCompte and Harlin Savage, for Save South Boulder

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We concerned members of the Boulder community have concluded that progress on flood mitigation plans for the South Boulder Creek Floodplain is at an impasse. Conflicting concerns present a conundrum: Lack of flood mitigation constitutes an imminent, clear and present danger to South Boulder residents. But CU owns, and plans development on, at least part of what appears to be the only land feasible for installing such flood mitigation. CU's "South Campus" is the only floodplain in the City where flood mitigation strategies could use wetlands, ponds and stream meanders to slow flood waters (as called for in Boulder Valley Comprehensive Plan section 3.22), thus following current best practices for controlling flood waters, as well as implementing "non-structural approach[es] wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city," as called for in section 3.23 of the Boulder Valley Comprehensive Plan.

However, CU has agreed to give only 80 acres at the north end of its property to the City for flood relief. The City has repeatedly tried to accommodate CU by shoehorning flood mitigation alternatives into that area, to no avail. The only options CU has supported are those that protect its own landholdings, but fail because of flawed engineering, agency regulations that forbid them, and ownership constraints. The City has not even asked many of the regulatory agencies that ultimately must approve the proposed flood mitigation plans if they would approve them. This failure to act expeditiously must stop.

We want to make clear that Save South Boulder and other community organizations adamantly support the need for flood mitigation—now. We urge City Council to address what kind of flood mitigation is best for Boulder residents—first. We urge the City to look at the entire South Boulder Creek flood plain, regardless of ownership, when considering flood mitigation strategies. It is possible to pre-empt CU's ownership of the SBC floodplain—if needed to protect lives and property from flooding. Local, state and federal regulations permit this. Options such as locating flood mitigation farther upstream on the property and using current best practice to slow and absorb floodwaters by preserving wetlands, ponds and natural streams have great potential. Federal agencies, among them the Army Corps of Engineers, encourage such an approach, but they have yet to be seriously considered for South Boulder. FEMA also requires all municipalities to create a plan to protect its residents against natural disasters; the City of Boulder is at least 7 years delinquent in creating such a plan to protect Boulder residents against flooding.

We believe that the highest and best use of this land follows the City's original intent. In the 1980s and 1990s, the largely undeveloped floodplain, once covered with wetlands and tallgrass prairie, was to become the scenic Gateway to the City of Boulder, an open space that provided wildlife habitat and opportunities for passive recreation, a park in South Boulder to bookend the North Boulder Community park already constructed, and for protection against flooding. The site also included many ponds with 42 acres of water surface and extensive banks and streams that slowed flood waters—until 1997 when CU filled them in and drained them to facilitate "maximum development." We would like to return to this original intent and help CU find and re-use other, already developed and partially dis-used, land parcels

for its housing needs. Restoring the site to a more natural state also could provide climate benefits by sequestering carbon.

However, current realities impede such a vision.

- CU Boulder is immovable regarding its desires for annexation so that it can build a massive new campus in the SBC floodplain near the intersection of Table Mesa and Highway 36. Regardless of how much of its land might be required to implement an effective flood mitigation plan, CU has agreed to give the City only 80 acres. Further, City staff report that the University is “not ready” to talk about its rejection of all but two of the City’s responses to the excessive demands in its annexation proposal.
- CU has rejected the City’s Variant 1-500-year flood mitigation proposal because it encroaches on land the university wants to develop. Its preference, Variant 2, was rejected by Council because debris clogging the underpass bridging Hwy 36 over South Boulder Creek could cause floodwaters to back up and overtop the highway. The Colorado Department of Transportation also rejects Variant 2 because its flow restriction is a violation of its regulations and it requires putting visible infrastructure on its Right of Way. CDOT will not permit above-ground flood control structures to be placed in its Right of Way.
- CDOT’s 40 foot right of way along Highway 36, where the City’s current engineering plans require location of a mile-long high-hazard dam, is not wide enough to meet standards for such dams.
- City Staff’s current flood mitigation plans therefore need OSMP to sacrifice at least 40 feet of its own land to supplement what CDOT can provide for the floodwall required in City proposals.
- Open Space Board of Trustees is likely to reject this disposal of OSMP land for regulatory reasons, its incompatibility with the City Charter, the BVCP and the OSMP Master Plan principles, and because the land in question is in or near the State Natural Area and home to critical populations of federally-threatened Utes’ Ladies Tresses Orchids and Prebles’ Meadow Jumping mice. Construction of flood mitigation infrastructure also would irrevocably destroy such habitat and species nearby.
- Key components of the overall strategy have neither been studied nor budgeted. For example, current plans require the use of Viele Channel to help transport floodwaters from detention ponds downstream to SBC. However, the status of Viele Channel and the network of ditches in southeast Boulder first must be assessed and funds for needed improvements must be budgeted in Phase I to avoid worsening flood-related impacts to southeast Boulder neighborhoods. FEMA regulations require the City to ensure that discharges of flood waters from the detention facility are safe, which means Phase I must include assessment of and needed modifications to Viele Channel and assurances that detained flood water discharges do not accidentally add to downstream flood-related impacts from Dry Creek Ditch #2.

We therefore urge the City Council

- To postpone any annexation negotiations with CU until flood mitigation strategies have been established and approved.
- To direct the engineering consultant and staff to devise a flood mitigation strategy that considers all the SBC floodplain west of Highway 36 and that does not adversely affect downstream residents.
- To AGAIN direct the City staff to consider seriously flood mitigation alternatives that utilize upstream detention and utilization of existing quarry ponds, thereby reducing the impact on protected wetlands, threatened habitat, and the State Natural Area.
- To require City Staff and the engineering consultants to assure that their plans will be approved by all relevant local, state and federal regulatory agencies.
- To direct staff to investigate a land exchange that puts university housing in a safer place, ideally closer to the main campus.
- To direct the City Attorney and relevant staff to pursue eminent domain, if necessary, to secure whatever amount of land is needed for effective flood mitigation.

CU's development proposal, which has not been defined in detail, would include roughly 1,250 housing units, eight academic buildings, sports fields with bleachers, changing rooms and other amenities, parking lots, and outdoor lighting. While we agree that there is benefit in having CU provide affordable housing for non-freshmen students and faculty, the South Boulder Creek floodplain is the wrong place for it. Putting a new, 55 square block, campus there would have catastrophic impact on traffic and infrastructure in the already congested neighborhoods in the area. Access and egress for the area—a health, safety, and quality of life issue—already is severely constrained. Paving the area with buildings, parking lots and other impervious surfaces will impede groundwater absorption and increasingly pollute SBC with runoff. Crowding, light pollution, noise and increased runoff all will adversely affect the quality of life and the environment in South Boulder.

#### In Summary

Life and safety considerations are immediate and paramount for South Boulder residents. CU's future development needs constitute neither life and death nor safety matters. Therefore, we ask City Council to

- Pause negotiations over annexation of CU-South to the City and make decisions on flood mitigation first.
- Develop flood mitigation options based on consideration of the entire SBC floodplain.
- Consider upstream detention strategies and use of the natural floodplain to minimize impacts on open space land and downstream residents.
- 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 listed above.
- If necessary, implement eminent domain procedures to secure whatever land is really needed for effective flood mitigation.

We believe that open space is what makes Boulder such a special and desirable place to live. The Open Space and Mountain Parks system receives 6.25 million human and 1 million canine visits annually, a number that will only increase as the City and nearby communities grow. South Boulder already is the most densely populated part of the City. It still has no large City-owned park. As it gets more crowded, the benefits of more open space only will increase. Therefore, we believe that protecting and restoring as much of South Boulder Creek's floodplain and wetlands, including those at CU South, are imperative and of great benefit to the City. At the same time, the known flood risks in South Boulder absolutely have the highest priority. The South Boulder Creek floodplain is the only remaining undeveloped floodplain in the City, and the only place to implement a state-of-the-art flood mitigation project. Decisions made now about this land will alter forever the quality of life for all human and other living beings in the South Boulder Creek floodplain. We urge Boulder City Council members to act wisely to preserve our very special City.

Save South Boulder Co-Leaders

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