

CU gutted the Boulder County 1981 Flatiron Gravel Pit Reclamation Plan to accommodate maximum potential development of CU South

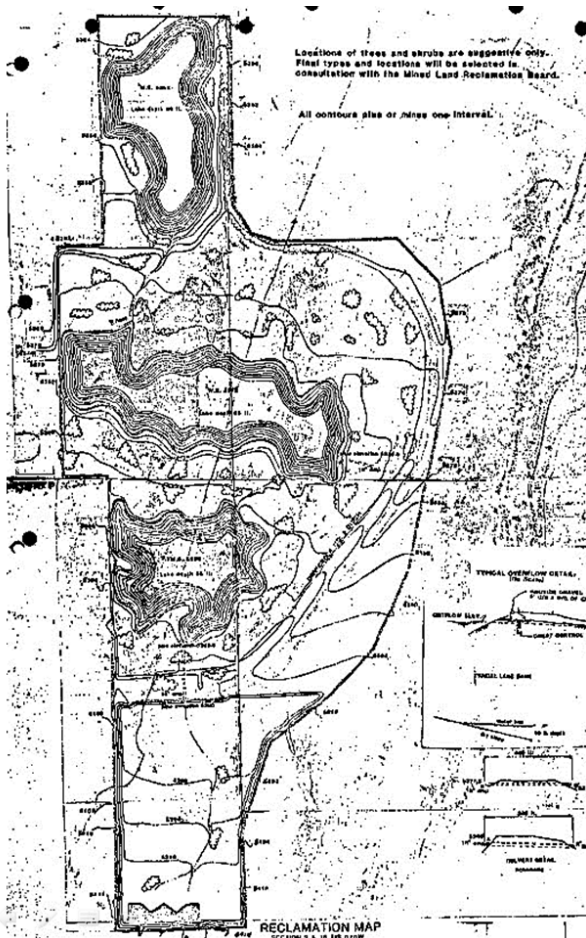
CU's selfish dealings set the stage for the South Boulder Creek flooding and annexation problems we now face. CU should not be able to use the problems it created to force annexation of CU South.

After the City of Boulder denied the Flatiron Companies' 1995 request to develop its depleted gravel pit, in 1996, CU purchased the property.

In 1981, Boulder County granted a permit to mine sand and gravel at the site. The gravel permit included the Reclamation Plan shown below which stipulated how the land was to be reclaimed when gravel operations ceased.

Recognizing the flood prone property was located at the foot of the 136 square-mile South Boulder Creek Drainage Basin and that the property was lowered 12 – 15 feet by the removal of four million cubic-yards of sand and gravel, the reclamation plan largely consisted of ponds and riparian areas. The ponds would attenuate floodwaters coursing through the area.

The reclamation Plan did NOT include a permanent 6,000' earthen levee to divert flood waters around the gravel pit onto neighboring properties.



DEEPE FARM PIT

FLATIRON SAND AND GRAVEL CO.

Special Use Permit

Application for Mining and Reclamation

RECEIVED

51-302
12/24/81 \$1,509.00

DEC 24 1981

MINED LAND RECLAMATION
Colo. Dept. of Natural Resources

5. A reclamation plan combining lakes and land shaping which will provide visually interesting, undulating topography.

Reclamation

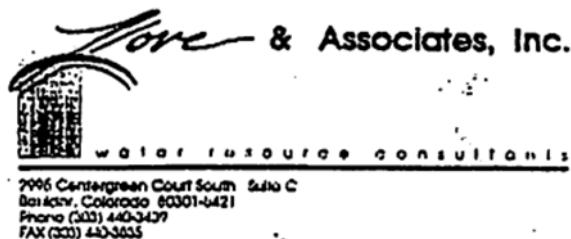
After reclamation, the mine site will become suitable for wildlife habitat. Three lakes will be created accounting for approximately 41.5 acres of water surface. Lake shore will be undulating to give a natural, aesthetically pleasing appearance. Lake bank slopes will conform with state law

After CU acquired the property, it hired a consulting firm to revise the Reclamation Plan to "***accommodate maximum potential development***".

214

April 25, 1996

Mr. Bill Deno, AIA
Campus Architect
Department of Facilities Management
University of Colorado
Campus Box 53
Boulder, CO 80309-0053

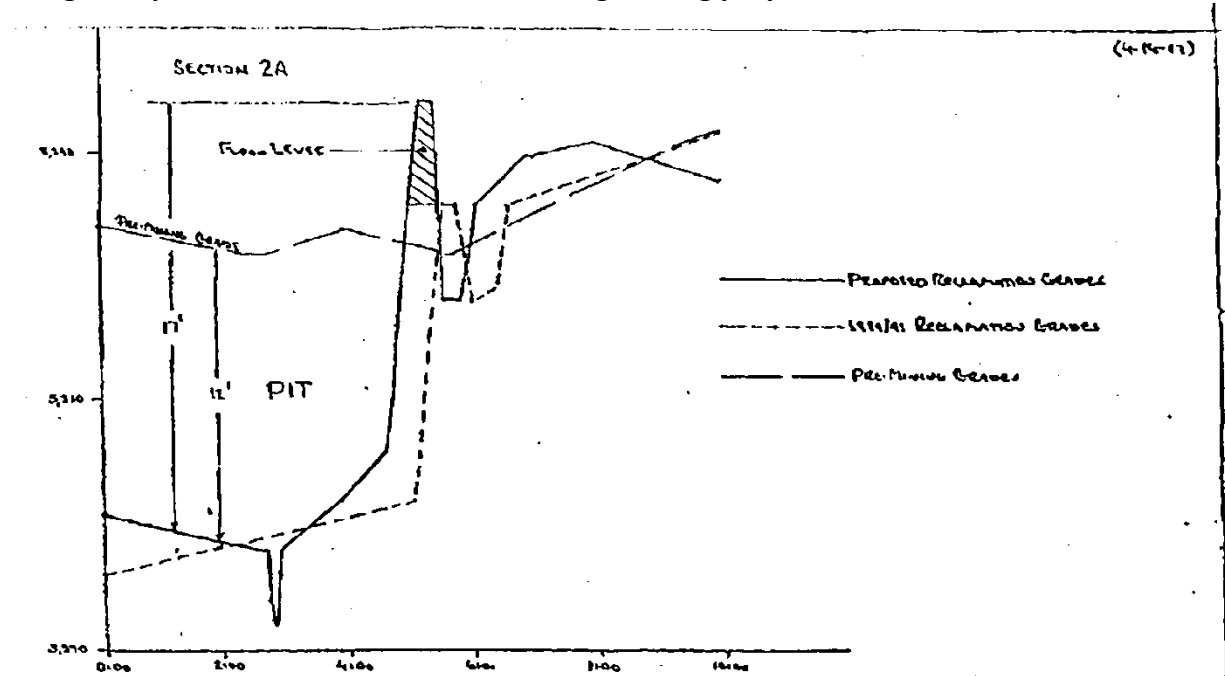


**REF: 9627A- LETTER OF AGREEMENT - CONSULTING SERVICES FOR
THE GATEWAY PROPERTY**

Dear Bill:

[Love & Associates, Inc. is pleased to submit this letter of agreement for providing consulting services related to optimization of the Gateway Property in order to accommodate maximum potential development at a future date. We are very excited about being given an opportunity to once again work as a TEAM with the University and Downing, Thorpe, James (Tom Thorpe) on this important project. It is our understanding that the University would like to maximize development, minimize maintenance, and provide a property with the maximum development flexibility. The team generated report will provide the University with recommendations related to the Flatiron Companies and Western Mobile final site reclamation plan.]

Revisions to the Reclamation Plan included adding a permanent 6,000' earthen levee around the gravel pit to divert floodwaters onto neighboring properties.



In hearings before the Colorado Mine Land Reclamation Board, both the County and the City of Boulder opposed CU's requested revisions to the Reclamation Plan.

City of Boulder staff indicated that use of a flood protection levee on the Flatiron Property as a permanent measure for mitigating the flood impacts that the Deepe Pit mining operations have created likely would not be in the community's best interest. Further, the City of Boulder has significant concerns about reliance on a flood protection levee to address potential floodplain impacts associated with the Flatiron Property on City of Boulder neighborhoods. City of Boulder staff notes that such levees require ongoing maintenance, monitoring, and funding. Further, as recent nationwide flooding activity indicates, levees may be unreliable as a flood protection device. To this end, the City of Boulder believes that floodplain mitigation for the Flatiron Property likely should entail earthen contouring and land forms, in a natural landscape pattern, that are not subject to the ongoing restrictions and risks associated with a levee. However, City of Boulder staff notes that it, too, awaits the results of the Taggart study before it makes a final determination on the precise flood mitigation measures to adopt for the Flatiron Property.

For safety reasons, the late Dr. Gilbert White, "The Father of Floodplain Management", opposed the berm.



Institute of Behavioral Science

Campus Box 482
Boulder, Colorado 80309-0482
(303) 492-6311

COPY

November 17, 1997

4. If flood waters are much less dangerous in open fields than running through neighborhoods, the encroachment of the berm into the South Boulder Creek alluvial valley could be perceived as having actually increased the danger. The berm encroaches into and has narrowed the riparian corridor by 75% (2,200 feet into the 2,800 foot wide valley) and eliminates possibly 90 acres of open fields across the alluvial fan. Inside the berm, the remaining land has been lowered by more than 10 feet below the natural valley grade and is protected by a human built earthen feature. This could also be viewed as more creating flood danger than mitigation benefit.
5. It should be of "deep concern" to other citizens that UDFCD and CWCB are strongly endorsing certification of a levee that does not actually prevent flooding into the city under a representation that it is vital to local public safety. Since the berm mainly protects the remaining mined property, a reasonable citizen might conclude that the true motive for certification is other than the safety of Boulder's citizens.

A handwritten signature in cursive script that reads "Gilbert F. White".

Gilbert F. White
Gustavson Distinguished Professor

No private developer could have gutted the Reclamation Plan, but the University of Colorado used its good name and political clout to remove the ponds, which would attenuate flooding, and add a levee to divert floodwaters onto neighboring properties.

RE: Before the Mined Land Reclamation Board, State of Colorado
File No. M-81-302
In the Matter of the Western Mobile-Deepe Farm Pit-Amendment 02

Dear Sir/Madam:

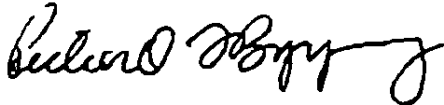
The Regents of the University of Colorado are the owner of the property subject to the mining permit held by Western Mobile, Inc. as referenced above. The purpose of this letter is to provide written confirmation of the University's support and approval of the submitted amendment to the reclamation plan.

As background, the University purchased this property on October 25, 1996 in order to help meet the University's long-term land needs. The University has been working with Western Mobile on the development of the submitted reclamation plan for almost a year and feel that the submittal is consistent with the University's needs and State's interests.

The University does not have any immediate needs or plans to develop this land for buildings or other facilities. The land use designation provided on the permit application (General Agricultural/ Wildlife Habitat) is consistent with the University's immediate plans for use. It is unlikely that the University will develop this land for many years into the future.

The University respectfully requests the Board's favorable consideration of the proposed amendment to the reclamation plan as submitted by Western Mobile. Thank you.

Sincerely,

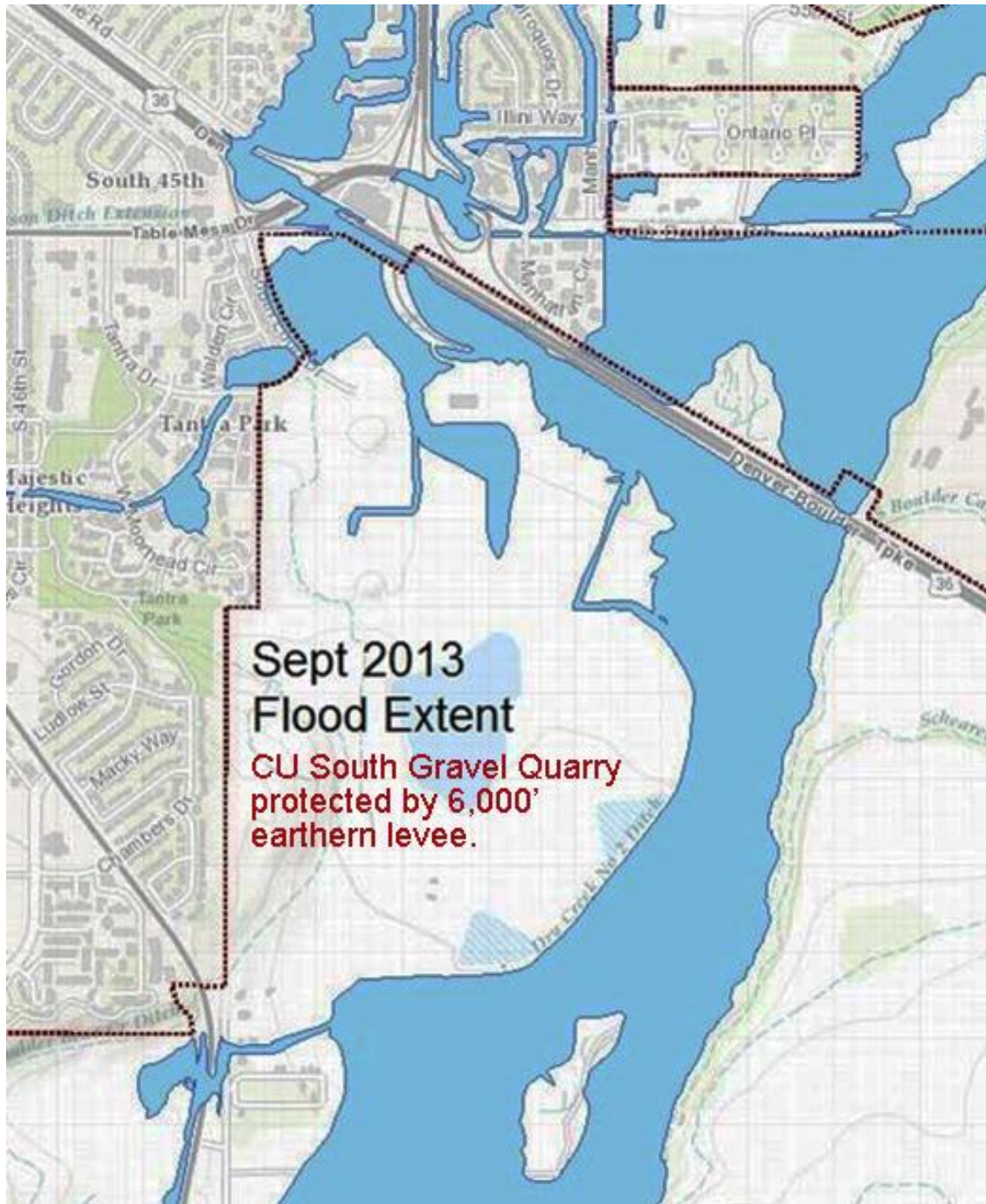


Richard L. Byyny, M.D.
Chancellor

CU's revisions to the Reclamation Plan contoured the property into a smooth bathtub-shaped channel that would direct floodwaters to the low spot at US 36 and Table Mesa Drive and into the neighborhoods. Please note the levee surrounding the gravel pit protecting it from flooding.



As a result of CU's revisions to the Reclamation Plan and the university's refusal to cooperate with the city to craft a plan that would address flooding problems, during the 2013 flood the vacant gravel pit was dry while hundreds of downstream residences were severely flooded.



CU claims the berm did not worsen flooding. That is because CU eliminated the ponds and riparian areas which would have attenuated flooding and created a smooth basin that would channel floodwaters into neighborhoods were it not for the berm.

New Unsignalized Intersection with State Highway 93

