



August 16, 2010

To: City of Fort Collins and other interested parties

From: Save the Poudre: Poudre Waterkeeper

RE: Qualified support for staff's recommendation to not allow new structures in the Cache la Poudre River's 100-year floodplain

***"An ounce of prevention is worth a pound of cure."*** – Benjamin Franklin

Dear City of Fort Collins,

We thank City Council, Stormwater Staff and the Water Board for initiating a valuable 'repurposing' of the Stormwater Utility's objectives, and we thank staff for inviting our organization to comment on one element of that repurposing, a proposed change in the floodplain regulations to minimize or disallow new structures in the Poudre River's 100-year floodplain. This letter describes our "qualified" support for the staff recommendation, Option #2. Following the City's Triple Bottom Line evaluation framework, Option #2 will prove least expensive for ratepayers and the City, and most beneficial for the city's greater community vision as well as the environment. Option #2 is the only option that is fundamentally fair to all floodplain property owners because it minimizes economic and environmental damage all along the floodplain corridor.

First, floodplains play an extraordinary positive role in protecting rivers, riparian ecosystems, human health and safety, and in local economies. Hard structural development in floodplains unavoidably leads to a host of negative effects, all of which have occurred — and are occurring — locally along the Poudre River including:

- Unnaturally high water elevations upstream leading to excess flooding, property damage, and potential human safety issues,
- Unnaturally erosive velocities downstream leading to streambank destabilization, excess sedimentation, and habitat destruction for fish and other aquatic species,
- Threats to local businesses along the floodplain both upstream and downstream from development,
- Destruction of riparian and critical wetland habitats.

Second, the U.S. Army Corps of Engineers, Denver Regulatory Office has issued stringent guidance on development in floodplains along the Front Range of Colorado. Specifically, that guidance (<https://www.nwo.usace.army.mil/html/od-tl/floodplains.dro-guidance.9-jun-06.pdf>) states:

Floodplains possess significant natural values and carry out numerous functions important to the public interest. These include water resources values (natural moderation of floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources), cultural resource values (open space, natural beauty, scientific study, outdoor education, and recreation) and cultivated resource values (agriculture, aquaculture, and forestry).

The Denver Regulatory Office (DRO), after analyzing numerous project authorizations and recent permit applications, has determined that an unacceptable cumulative degradation of floodplain functions and values is occurring along the Colorado Front Range. This cumulative degradation of floodplains is occurring due to the Front Range's rapid population growth, coupled with associated floodplain development pressures. The DRO has seen a recent increase in the number of permit applications where applicants propose maximization of developable lands. A substantial component of this maximization occurs with proposed floodplain modifications that reduce the size, functions and values of the floodplain. ...

... due to unacceptable cumulative floodplain impacts, the following clarifying guidance is provided regarding Individual Permit applications where floodplain development is proposed: ...

If a practicable alternative exists for construction of a project outside of the floodplain, this is the alternative for which a permit should be sought. For projects where filling of an existing 100-year floodplain is proposed in order to increase developable land, it is doubtful a permit will be issued. (emphasis added)

Third, the Association of State Floodplain Managers (<http://www.Floods.org>) has documented that U.S. flood damage has increased six-fold from the 1900s to 2007, now averaging over \$6 billion annually (not including hurricanes). This has occurred despite investing billions of dollars in structural and non-structural measures. Unfortunately, decisions made in the past about developing in floodplains continue to cause serious consequences in the present. Though those

decisions were made with little regard for how they affected property in the floodplain, rising costs and a growing appreciation for the equity issues involved – after flood damage has occurred – have clearly shown that those past decisions are economically unsustainable. Additionally, by allowing one developer to encroach on the floodplain, the profits for that developer are privatized, but the costs to other landowners and the community are socialized, which is unfair and bad public policy.

Given the damage created by local floodplain development, the regionally cumulative threats to floodplains along the Cache la Poudre River, and the unsustainability of the economic consequences of past decisions, Save the Poudre: Poudre Waterkeeper supports the total restriction of hard structures within the Poudre's 100-year floodplain. Benjamin Franklin was right: “An ounce of prevention is worth a pound of cure.”

Additionally, we also request that the City understand that there is an unacceptable loophole in the proposed rule revision with regards to parking lots which would be classified and allowed as a 'non-structural' element within the 100-year floodplain. This unacceptable loophole is why our support for Option #2 is “qualified.” Lining the river with parking lots does not match any acceptable vision for the Poudre River – such lining has already begun to occur. The City should not allow the river to be lined with parking lots – as a community, we need to turn and face the river to appreciate the economic opportunity and ecological life that it provides to the City, not treat it as a parking lot.

The non-human world – nature, and the Poudre River here in Fort Collins – have no voice in our public and political processes other than what we humans give them. Save the Poudre is honored to help create a voice for a healthy Poudre River in northern Colorado, including its floodplains. We look forward to engaging with a broad public process that helps meet our mission to protect and restore the Poudre River for future generations.

Thank you for considering our position.

Respectfully,



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