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Subject: Chaffee County Land Use Change and Riparian Protection

To whom it may concern

The proposed Chaffee County Land Use Code includes increased protection for riparian and wetland areas. These are important, high value ecosystems that we must protect to preserve a healthy environment and quality of life in Chaffee County. It is the way the code is written that I am concerned about and propose a better way to protect these areas.

The terms (river and stream) used in the latest version of the proposed code changes are vague and leave legal loopholes and gaps in protection. The use of the term rivers and streams to determine a setback distance does not have any basis in science. If the terms listed in the code are not well defined, they will be open to debate and lawsuit. I have worked on court cases involving the definition of Ordinary High Water Mark and have professionally tracked its changing definition and attempts to define it professionally. It is very difficult and prone to interpretation.

A simple solution which would reduce ambiguity and base the code on work already reviewed at the Federal, State and Local level is to use the FEMA floodplain maps that have been adopted by Chaffee County and define a setback off of one of the flood events. The boundary is already determined by hydraulic engineers and reviewed by local communities and is freely available online in easy-to-use GIS format. The existing floodplain maps can be overlain on other critical habitat and disconnected wetlands to find the gaps. The gaps in protection can be easily defined by a wetland scientist based on soil, vegetation and hydrology as they are normally defined. Additional gaps in protection for intermittent and ephemeral streams could be identified and protections for those locations, if not addressed in a drainage design review, could be proposed.

The FEMA floodplain regulations do not currently protect riparian habitat from development, only protect from altering the landscape in such a way as to change the flood risk. FEMA does encourage protection of natural floodplains for flood risk reduction and the use of setbacks. What I am prosing here is to use work already completed and paid for by tax payers to enhance local protections and reduce regulatory uncertainty for Chaffee County.

To illustrate how this would work a location of interest was chosen within Chaffee County.

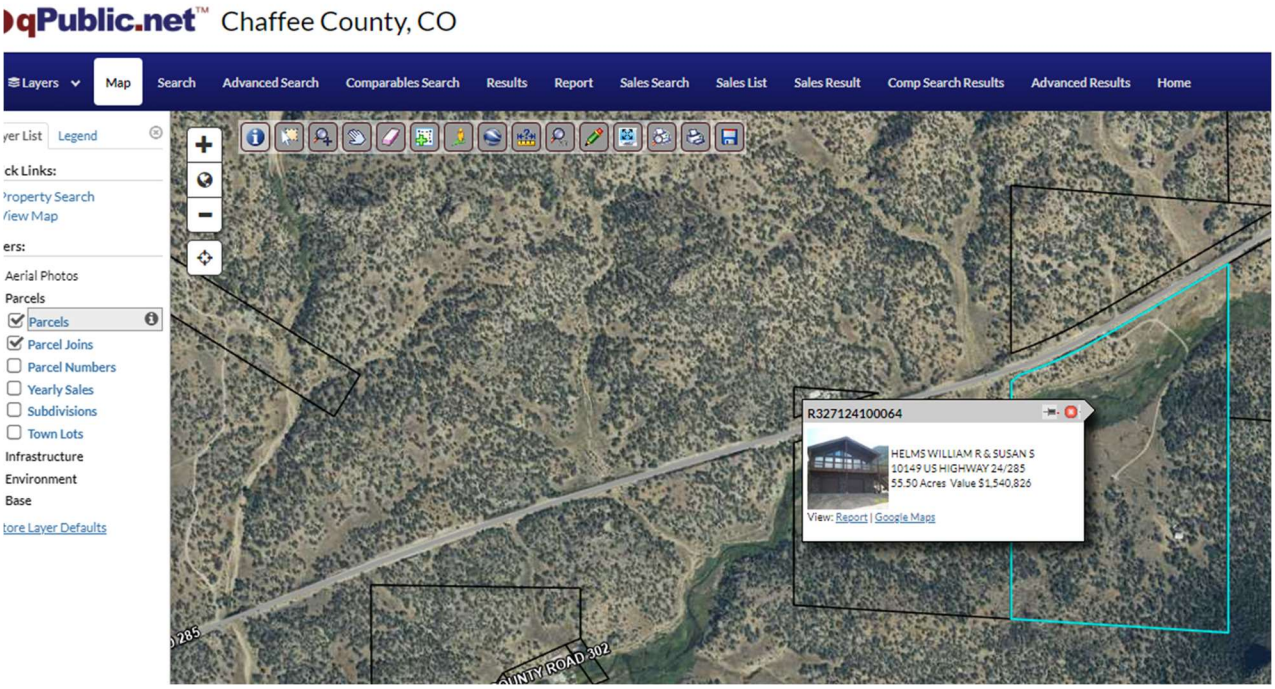


Figure 1 showing the location of a parcel in Chaffee County using the online parcel viewer.

In the figure above, the property is identified as unincorporated Chaffee County. The water body is identified as Trout Creek. If the landuse code calls for setbacks for streams or rivers what is the setback distance that applies to this property? Does the setback distance adequately protect the riparian/wetland habitat at this location?



Figure 2. a screen capture showing the width of the riparian width based only on visual inspection of google aerial imagery.

FEMA and the County have already mapped the floodplain in this area using approximate methods and following FEMA guidance and regulations.



Figure 3. A screen capture showing the FEMA mapped Zone A using the FEMA Flood Hazard Zone Viewer

The floodplain has already been mapped. The setbacks could be based off of the existing data and if a property owner wishes to alter or build in this location a detailed hydraulic study and riparian health assessment could be undertaken to determine precise impacts to floodplains and ecological health. This would streamline the initial process and give developers and property owners simple answers to what is needed to build in this area and how to mitigate the impacts. The protection of riparian and stream health would not change based on Federal changes to the definition of Waters of th US and, therefore, provide better long-term protections in Chaffee County.

I have no financial interest in this matter. I do not represent any organization or other interest in this matter. I am a full-time resident of Buena Vista and Chaffee County.

Thank you

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