

RESOLUTION NO. 75-13

A RESOLUTION TO THE CONGRESS OF THE UNITED STATES OF AMERICA REGARDING FEDERAL RESPONSIBILITY INCLUDING FINANCIAL RESPONSIBILITY FOR TREATMENT AND DAMAGES FROM STORM WATER FLOWS ORIGINATING ON FEDERAL LANDS, AND ALLOCATING FUNDS FOR: (A) CAPITAL CONSTRUCTION AND MAINTENANCE TO PREVENT SUCH DAMAGE(S); AND/OR (B) TO PAY FOR THE COSTS NEEDED TO REPAIR SUCH DAMAGE(S); AND (C) TO PAY FOR THE COSTS OF COMPLIANCE (E.G., MONITORING, ADMINISTRATIVE COMPLIANCE COSTS, AND TREATMENT OF SUCH STORM WATERS)

Whereas, there are federal lands belonging to the people of the United States that are up-gradient or adjacent to or near non-federal lands which may be damaged by such storm waters, including non-federal lands in areas that continue to urbanize; and

Whereas, these federal lands are managed by several federal land management agencies such as the Bureau of Land Management, the U.S. Forest Service and the National Park Service; and

Whereas, the EPA, and the majority of the States as required by the federal Clean Water Act, continue to adopt laws and promulgate regulations which require local governments and private persons to comply with stormwater quality regulations (mandated by the federal Clean Water Act and the correlative State laws); and

Whereas, federal law and, for example in Colorado, State governors' executive orders often, require that new regulations shall not be implemented without funding the costs of compliance with such EPA storm water regulations, thus passing onto local governments all the costs of such compliance and/or the costs of capital construction, maintenance and treatment of storm water facilities and programs which result from the flows of storm waters off of and from federal lands; and

Whereas, the flows of storm waters from and off of such federal lands which pass through or over non federal, private and local government lands, often through urban or urbanizing areas, during episodic major storm events regularly cause damage and injury to such non-federal lands and the citizens residing down-gradient from such federal lands; and

Whereas, federal policy, as evidenced by the flood insurance program of FEMA, already recognizes that severe public and private injury and damage regularly results from major storm events, (*e.g.*, damage to the public and private non-federal lands and damage and destruction caused to homes, streets, roads, bridges, parks, other developed open spaces, businesses, farmers and other citizens); and

Whereas, because a significant portion of the volume of major storm event flows result from unrestricted storm water flows from such federal lands, but all of the costs of compliance with federal and state regulations and the costs of repairing and paying for damage from storm waters originating on federal lands are borne by local governments and/or individual citizens and/or businesses, in apparent conflict with federal law, such as S.3481; and

Whereas, such costs of compliance and the costs of repairing and paying for such damage should be borne by the federal government, as required by S. 3481; and

Whereas, overall, the costs to construct and maintain improvements on or off such federal lands is less, by orders of magnitude, than the costs required to repair and/or pay for such damage caused by storm waters originating on such federal lands; and

Whereas, basic American values of fairness require that the federal government pay its proportionate share of the costs of compliance and the costs to repair and pay for damage(s) arising from the storm waters originating from such federal lands.

NOW, THEREFORE BE IT RESOLVED, that the Congress of the United States shall, as already directed by S. 3481, appropriate, and direct the expenditure by the managers of such federal lands, (e.g., the Bureau of Land Management, the United States Forest Service, and the National Park Service,) to, with respect to storm flows originating on or passing through such federal lands, (a) conduct studies identifying priorities for construction and/or repairs; (b) establish and implement a program whereby timely financial assistance or reimbursement is provided to local governments for (i) the construction of flood detention/retention facilities, including improvement of existing and construction of new water ways; (ii) monitoring, analysis and treatment as mandated by the federal Clean Water Act, whether or not enforcement thereof is directly by the EPA or by the several States.

Resolved this 18th day of December, 2013.



Mayor

Attest:



City Clerk

