

Honorable Assembly Members,

I write to support passage of Ordinance 2011-02. You may recall or have read of the events leading to the passage of Ordinance 2009-09, which this ordinance would extend.

Of the many factors contributing to the flood risk hazard in the Seward/Bear Creek area, the one most within the Borough's ability to alleviate directly is the establishment of minimum and reasonable construction standards and regulation within the floodplain and floodway. Such standards of course have been in place in Borough Code since the late 1980's in those areas mapped on the Flood Insurance Rate Maps (FIRM's), but were not addressed in any of the adjacent areas. That absence allowed owners and developers to engage in any activity whatsoever within those areas, without regard or consequence for any resulting effects on adjacent properties.

The patchwork of individual dredging, filling, re-routing, damming, and bank hardening etc. strategies under this non-regulation has to some degree caused or contributed to flood damage to private and public properties. The need for a reasonable level of oversight and approval for those strategies in areas of known and historic flooding outside the FRIM's is no different than those within, and was widely known, which has led to the cognizant Federal agencies revising the FIRM's to include those areas. The revision would of course bring the newly mapped lands under the Borough's existing Floodplain Code.

Ordinance 2009-09 was intended as an interim measure to offer a similar level of protection until the new FIRM's were in place, and anticipated the delays in presentation and implementation typical of the Federal rule making process. Sure enough, the delays are still with us, and it will be at minimum one more construction season until the new FIRM's are in place.

In the meantime, new construction complying with Ordinance 2009-09 has been to standards recognized as not detrimental to adjacent properties. Conversely, the Ordinance cannot be shown to have deprived an owner the ability to improve his/her property in an acceptable manner. To rescind the Ordinance now, and thereby establish a window of no standards, invites and enables just the type of in-stream activity that has resulted in costly damage to others in flood events. The new FIRM's will address that scenario when they are finally adopted. Until then I urge you to keep the protections in Ordinance 2009-09 in place.

Thank you for your consideration,

Ron Long