GOVERNOR DECLARES MAY “FLOOD AWARENESS MONTH”

Because spring marks the unofficial beginning of the state’s flood season and to make citizens aware of flooding problems and solutions, Governor Brad Henry has designated May 2003 as “Flood Awareness Month” in Oklahoma.

Floods are the most common and widespread of all natural disasters—except fire. Most communities in the United States can experience some kind of flooding after spring rains, heavy thunderstorms, or winter snow thaws. Floods can be slow, or fast rising but generally develop over a period of days.

Flash floods usually result from intense storms dropping large amounts of rain within a brief period. Flash floods occur with little or no warning and can reach full peak in only a few minutes.

Flood waters can be extremely dangerous. The force of six inches of swiftly moving water can knock people off their feet. The best protection during a flood is to leave the area and go to shelter on higher ground.

Flash flood waters move at very fast speeds and can roll boulders, tear out trees, destroy buildings, and obliterate bridges. Walls of water can reach heights of 10 to 20 feet and generally are accompanied by a deadly cargo of debris. The best response to any signs of flash flooding is to move immediately and quickly to higher ground.

Cars can easily be swept away in just 2 feet of moving water. If flood waters rise around a car, it should be abandoned. Passengers should climb to higher ground.

Homeowners can obtain flood insurance policies. Flood insurance is guaranteed through the National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency. Homeowners insurance does not cover flood damage.

The media can raise awareness about floods and flash floods by providing important information to the community. Here are some suggestions:

- Publish a special section in your local newspaper with emergency information on floods and flash floods. Localize the information by printing the phone numbers of local emergency services offices, the American Red Cross, and hospitals.
- Interview local officials about land use management and building codes in floodplains.
- Work with local emergency services and American Red Cross officials to prepare special reports for people with mobility impairments on what to do if an evacuation is ordered.
- Periodically inform your community of local public warning systems.

A critical issue for ASFPM in the proposed budget for FEMA (or the Emergency Preparedness and Response Division of the Department of Homeland Security) in the FY 2004 Budget, is the plan to eliminate HMGP, the formula based post-disaster mitigation program and to replace it with a nationwide, competitive Pre-Disaster Mitigation Program (PDMP). This same proposal was made in the FY ’03 budget, apparently based on the thought that a competitive grant program would assure that the money is well spent. After a major effort to explain to Members of Congress and to FEMA Director Joe Allbaugh that the pre and post disaster mitigation programs are not interchangeable, Director Allbaugh in effect testified against his own budget by stating that he thought a balance between the grant program and HMGP would be a better approach. The Congress struck a balance, simply splitting the money between the two programs, believing this would please everyone. They appropriated half the money requested for the grant program and reduced the percentage of disaster funds for post-disaster mitigation by half. The reality of this is that the HMGP program at that level of funding is no longer effective, and the competitive pre-disaster program has major flaws. The result will be that mitigation is reverting back to its pre-1993 ineffective nature. “HMGP needs to be funded—and at the full 15%. PDM is useful, but any funds for PDM cannot come at the expense of HMGP.”

This year, the budget will be reviewed by new House and Senate appropriations subcommittees. Only a few members of the new subcommittees on Homeland Security served on the VA-HUD-Independent Agencies subcommittees, which previously had jurisdiction. Since the members of the new subcommittees will be dealing with the budgets of all 22 agencies folded into DHS and since most are not familiar with the details of FEMA's programs, it is important that this issue be highlighted for subcommittee members and for all members of Congress because FEMA has taken the position that it has the authority to eliminate HMGP without any Congressional approval. In other words, if the Congress wishes to retain HMGP, it will be necessary to make a statement to that effect in the appropriations bill. It would be very helpful to Members of Congress, in evaluating this question, to be provided information about the way in which HMGP has functioned in their own states and the amount of mitigation funding their states have received over the past several years.

This year, FEMA's budget is part of the larger budget of the Department of Homeland Security and it is highly unlikely that there will be official agency testimony which conflicts with the budget request. It is very important that Representatives and Senators know how much assistance their state has received from HMGP over the last 5 or 10 years and have some idea how the post-disaster mitigation funds were used. Many states will receive only $250,000 in planning money from the competitive grant program this year and would probably receive no mitigation funding through competitive grants which create a competition both among types of disasters (earthquakes, tornadoes, fires and floods) and among geographic areas (states and communities). Your contribution to educating Members of Congress from your state on this matter would be very helpful to them in making informed decisions about the budget request.

The information should be Emailed or faxed, due to on-going delays in processing mail to Capitol Hill. If you would like some assistance with fax numbers or Email addresses, please contact the ASFPM office, or better yet go to the web sites for Congress----the best are: www.house.gov and www.senate.gov. The Homeland Security Subcommittees (of House and Senate Appropriations) can be found via thomas.loc.gov.

In the interests of reducing flood losses in the nation, we must continue to be able to take advantage of mitigation opportunities following a disaster when awareness of risk is high.
Do you know how much HMGP funding Oklahoma has received in the past four years?

- DR 1272 $12,873,419.00
- DR 1349 $513,501.00
- DR 1355 $25,933,284.00
- DR 1384 $1,001,451.00
- DR 1395 $236,914.00
- DR 1401 $20,563,266.00
- DR 1452 $787,500.00 (Estimate)

Total $61,909,335.00 (1999 through 2002)

How have the HMGP funds been used in OK? Acquisition of repetitive loss properties has been the priority. President Clinton insisted that we use all of 1272 for individual safe rooms. We have funded several school safe rooms. Beginning with 1355, we used the 7% planning set-aside, and have now funded 292 hazard mitigation plans.

What would the effect be if those funds were lost? NFIP would continue to pay flood losses, our school children and citizens would not be protected in a state that is proven to have the deadliest tornadoes, and our jurisdictions would not have mitigation plans that are now a federal requirement.

- Connie Dill, Oklahoma State Hazard Mitigation Officer

OUTDOOR CLASSROOM 2003

Our own Laureen Gibson Gilroy, chair of the Public Education and Legislative committee, has been hard at work educating children on the importance of maintaining “green space” or impervious areas in our watersheds. Obviously a child at heart, she has developed a learning tool made from LEGO toys to demonstrate how land use planning can meet the needs of both building space and open space requirements in a community.

This event, held at Sooner Park in Bartlesville, was part of the Caney Valley Conservation District's 9th Annual Outdoor Classroom, which is a conservation education program for all 4th grade students in Washington County. Students rotated through ten learning stations which covered fire safety, wildlife, water safety, “Oklahoma Grown” (Oklahoma grown products and how they are used), soils, master gardeners, trees, water quality, stream investigation and a “habitat lap sit”.

Andy Kincaid, OFMA Vice-Chair, also participated in the stream investigation program. Students had the opportunity to judge the health of the stream by the kinds of living organisms found in it.
Web Sites

OFMA  www.okflood.org
ASFPM  www.floods.org
OWRB  www.owrb.state.ok.us
FEMA  www.fema.gov
OEMA  www.angelfire.com/ok2/oema
ODCEM  www.onenet.net/~odcem
Corps of Engineers (USACE)  www.swt.usace.army.mil
U.S. Geological Survey (USGS)  ok.water.usgs.gov
Advanced Study Institute  web.uccs.edu/geogenvs/natoasi
CLOMR/LOMR Forms:  www.fema.gov/forms/forms.htm
EPA NPDES Phase II site:  www.epa.gov/npdes/
SMRC Stormwater Mgr Resource Center:  www.stormwatercenter.net
Webmaster: Hank Elling, P.E., CFM (580) 248-7762 hcelling@owrb.state.ok.us

Calendar of Educational Opportunities

- **AFMA Spring Conference**: May 1-2, 2003; Radison Poco Diablo Resort, 1752 S. Highway 179, Sedona, Arizona; For more information, check out www.azfma.org.
- **Twenty-Seventh Annual Conference of the Association of State Floodplain Managers**: May 3-8, 2003, St. Louis, MO. Contact: ASFPM Executive Office, 2809 Fish Hatchery Road, Ste. 204, Madison, WI 53713-3120; (608) 274-0123; fax: (608)274-0696; e-mail: asfpm@floods.org; website: www.floods.org
- **NFIP 2003 National Flood Conference**: May 27-30, 2003 in San Francisco; contact Catherine King at (301)918-1439.
- **OFMA Annual Fall Conference**, Sep 14-17, 2003: Location to be announced. Contact: OFMA, P.O. Box 8101, Tulsa, OK 74101-8101; website: www.okflood.org
- **OWRB Floodplain 101 Workshop**, Location to be announced, Sept 14-17, 2003, for more information, call 405-530-8800.
- **OWRB Managing Floodplain Development Through the NFIP**: January 12-16, 2004, Contact: OWRB, 3800 North Classen Blvd., Oklahoma City, OK 73118; for more information, call 405-530-8800; website: www.owrb.state.ok.us.

Notes From the Executive Director

Hello members. How are you? I hope all is well with you and family. I just returned from a FEMA, Region VI program coordination meeting in Denton, Texas. Last week's meeting was held by FEMA to coordinate NFIP Program activities with the five Region VI states, Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Each of the state floodplain managers, some staff and association representatives from each state attended the two-day meeting. The work each state program is accomplishing is very impressive and innovative. The most innovative is Arkansas; they just passed legislation requiring mandatory annual training for the local floodplain manager. Jason Donham, my counterpart with the Arkansas Soil & Water Commission, has been invited to share with us at our annual conference his experiences in achieving this landmark legislation.

One important topic of this two-day meeting was NFIP Compliance and CAVs. FEMA Headquarters is asking for more accountability by NFIP communities and FEMA Region VI plans to take a very serious look at conducting more CAVs this next fiscal year. In years past CAV follow up work has not been addressed closely. This next year follow up work will be a priority and appropriate follow up will occur. Probation and suspension are two very real penalties FEMA can impose on a community if noncompliance is identified and not addressed in a timely manner. So, if you are the designated floodplain manager at the local level, please begin now and ensure you administer and enforce your flood damage prevention ordinance effectively. If you need assistance with your program please contact the OWRB main office in Oklahoma City or one of the Board's Branch offices in Lawton, McAlester, Tulsa or Woodward. Telephone numbers are available on the OWRB web site at www.owrb.state.ok.us. Please remember it is your program and training and education are essential for effective program operation. Plan now to attend the OFMA Annual Conference. For details watch the OFMA web site at www.okflood.org.
Phase II Stormwater – Update
Over the past three months the Phase II stormwater program is beginning to have all the marks of a train wreck. When the last article on stormwater appeared in the BFE, we had a March 10 deadline to file, an eagerly anticipated stormwater permit to be ready for public comment, and life was looking orderly and respectable. At this present writing, there is no general state stormwater permit, the Ninth Circuit court has remanded parts of the Phase II program, and most cities and towns are in a general state of confusion as to exactly what is expected of them.

The Federal Level: The Ninth Circuit Court Weighs In
In an attempt to sort out this regulatory Gordian knot without the use of a sword, let us first start at the federal level. On January 14, 2003, the Ninth Circuit Court of Appeals in San Francisco finally issued an opinion regarding the lawsuits challenging EPA’s Phase II Storm Water Rules. (The opinion can be viewed at http://www.mandf.com/Opinion.pdf). The court had two basic challenges to consider. The first challenge was made by (among others) the National Homebuilders Association and the Texas Cities Coalition On Stormwater. The challenge, based on the Tenth Amendment, was that the federal government could not regulate nonfederal water such as stormwater.

This point of the case was decided by a vote of 2 judges to 1 judge (with a published dissent). The majority opinion was authored by the judge that was not present at oral argument and was joined by the judge that is considered by many to be the most liberal judge on the Federal bench (the same judge who has written opinions holding that the Pledge of Allegiance is unconstitutional and that the right to bear arms is not an individual right). Although there was some potential to overturn the decision of the three-judge panel through a motion for rehearing to the full Ninth Circuit or an appeal to the Supreme Court, no additional challenge has been made.

The second challenge came from the Environmental Defense Center, among others. This petitioner challenged the procedural notification program that the EPA created as part of the Phase II stormwater program. The majority of the judges agreed with the Environmental Groups and ruled that the EPA erred in allowing a city to be covered by merely filing a Notice of Intent (“NOI”). The court remanded those portions of the rule back to EPA, but the EPA is now asking for a rehearing, effectively delaying the remand until the full Ninth Circuit hears the case.

Meanwhile, the Fifth Circuit Court has heard a Tenth Amendment challenge coming from two Phase I stormwater cities, Abilene and Irving, TX. We are still waiting for that ruling……

Back at the Ranch…the State Level
In December, the state of Oklahoma was to have a Draft General Permit OKR04 Phase II Municipal Separate Storm Sewer System Discharges For Small Cities Within The State Of Oklahoma ready for public comment. Although several drafts have been floated around for informal comment, the finalized draft may not appear until May or June 2003. Meanwhile, the federal regulations required all Phase II cities to submit their stormwater program to the regulatory authority (in this case, the Oklahoma Department of Environmental Quality) by March 10, 2003. This leaves the Phase II city in an interesting position: How does one file for a permit when the actual permit does not yet exist?

The (somewhat convoluted) answer is a gem of bureaucratic paperwork shuffling. The regulations allow a Phase II stormwater entity to apply for an individual (not Phase II) stormwater permit. During the expected processing time for the individual application (6-8 months), the general permit for the Phase II program will be completed. Then the city can withdraw application for the individual permit and refile for the Phase II permit when the state finishes work on the Phase II permit. Thus the federal regulations are satisfied, the state gets more time to work on the general Phase II permit, and everyone is happy.

What Comes Next
Two court decisions await us at the federal level. First is the Fifth Circuit Court decision regarding a Tenth Amendment challenge by Abilene and Irving, TX. A successful challenge may throw the entire stormwater program into a holding pattern until the Supreme Court sorts it out.

The second decision regards the current challenge by EPA in the Ninth Circuit Court regarding the public notification process. If EPA is unsuccessful, a rewriting of the notification requirements will be in order. How this will be achieved may largely depend on the ruling by the court.

At the state level, the draft general stormwater permit is eagerly anticipated to come out in May or June. After the public comment period, the permit will undergo a final revision before becoming effective later this year.

With all the elements of a good bureaucratic soap opera, the best way to end this article is: stay tuned!!!
**An Invitation to Join OFMA**

**The Oklahoma Floodplain Managers Association** is a non-profit organization primarily dedicated to providing information and education to the public about reduction of loss of life and property due to flooding.

**OFMA Regions**

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**NFIP Insurance Training Opportunities for Property Casualty Agents and Insurance Adjusters**

Diana Herrera with the NFIP will be conducting agent, lender and real estate professional training at the same time as the Floodplain Managers 101 Workshops. For more information about this NFIP training please contact Mrs. Herrera at (281) 829-6880. The following workshop dates are included:

**AGENT - BASIC AGENT (3.0 CE Hours)**
May 7, 2003 - Muskogee, OK, 9:00 am - noon.
May 8, 2003 - Bartlesville, OK, 9:00 am - noon.
May 20, 2003 - Woodward, OK, 9:00 am - noon.
May 21, 2003 - Wichita Falls, TX, 9:00 am - noon.
May 22, 2003 - Lawton, OK, 9:00 am - noon.

**AGENT - COVERAGE EXCLUSIONS AND LIMITATIONS (3.0 CE Hours)**
June 25, 2003 - South Padre Island, TX, 9:00 am - noon.

**AGENT - CONDOMINIUM SEMINAR (3.0 CE Hours)**
June 25, 2003 - South Padre Island, TX, 1:30 - 4:30 pm

**LENDER (3.0 CE Hours)**
May 7, 2003 - Muskogee, OK, 1:30 - 4:30 pm
May 8, 2003 - Bartlesville, OK, 1:30 p.m. – 4:30 p.m.
May 20, 2003 - Woodward, OK, 1:30 p.m. – 4:30 p.m.
May 21, 2003 - Wichita Falls, TX, 1:30 p.m. – 4:30 p.m.
May 22, 2003 - Lawton, OK, 1:30 p.m. – 4:30 p.m.

**Oklahoma Floodplain Managers Association**

**Vision**
Floodplains are for floodwaters, habitat, water quality enhancement and recreation.

**Mission**
We encourage and support, with our partners, flood-safe development and flood mitigation. We promote sound floodplain management practices and the natural and cultural benefits of the floodplain. We support the floodplain management profession through education and certification.

**Saving lives from flood and reducing property loss from floods are paramount to us.**
May CFM® Corner

Authors for Web Based Training Encouraged
Through RedVector, the ASFPM can create, endorse and offer on-line training opportunities. For more information, see the Call for Authors in the ASFPM Insider. Prospective authors are invited to attend the Professional Development Committee meeting on Monday, May 12th, 10:30 AM at the St. Louis Conference.

CFM is not C.F.M.
Okay, so this seems like a minor point, but it has been confusing for many of our CFMs. The trademark of the CFM® does not include periods after each letter. So when you use the trademark, refer to your CFM designation or put the three letters CFM in print, please do not include the periods. Thank you for listening about this tiny point (get it? tiny point... period... ha, ha, ha)!

Certification Happenings at the St. Louis Conference (Sunday, May 11 to Friday, May 16)
At the Annual Conference in St. Louis there are several opportunities to have input and to learn more detail about the CFM Program. At the Luncheon on Tuesday, French Wetmore (CBOR President) will provide a CFM Program up-date. At the Certification Breakfast on Wednesday we will discuss issues and answer questions about the program. (If you want to actually eat breakfast, you will need to register with the Executive Office and pay the $15 fee.). At the Awards Luncheon on Thursday the John Ivey Award for Excellence in Certification will be announced. And of course, Floodplain Management 101 will be offered on Sunday and the certification exam will be offered on Monday then again on Friday.

Charlotte-Mecklenburg County, Storm Water Services Planning Section – CFM Success Story
Charlotte-Mecklenburg County, Storm Water Services Planning Section has a staff of five who are responsible for floodplain management for the City of Charlotte, Mecklenburg County and six other incorporated towns. They are responsible for a variety of programs including ordinance administration, mitigation planning, floodplain mapping/maintenance, flood warning, and the Community Rating System. All five staff are now CFMs and their hallway is lined with the framed certificates. In addition, the five job descriptions now include a requirement that the incumbent must be a CFM or obtain the certification within one year of employment. Congratulations to the CFMs that are a part of this agency-wide effort and much appreciation to the floodplain management leadership in Charlotte/Mecklenburg!

For more information contact: Bill Tingle (Manager, Storm Water Planning and Chair, NCAFP) TINGLWR@co.mecklenburg.nc.us

OFMA General Store

Oklahoma Floodplain Managers Association gifts are now available. The attractive OFMA articles are of the highest quality. You will be proud to wear and display them.

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Or Call Carolyn Schultz  (918) 669-4919

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501 225-7779  
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### Grand River Dam Authority
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918 256-5545, x4467  
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### JGVE, Inc.
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124 NW 10th St., Suite 101  
Oklahoma City, OK 73103  
405 236-8313  
405 232-2660 fax

### International Center for Natural Hazards & Disaster Research
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202 West Boyd, CEC Room 334  
Norman, OK 73019  
405 325-3600

### Meshek and Associates, Inc.
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Oklahoma City, OK 73112  
405 755-5325

### Oklahoma Insurance Department
Carroll Fisher, Commissioner  
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Oklahoma City, OK 73152-3408  
405 521-6655

### Oklahoma Municipal League
201 N.E. 23rd Street  
Oklahoma City, OK 73105-3199  
405 528-7515

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