

TESTIMONY FOR HEARING 8-25-08

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE HOUSE
SUBCOMMITTEE AND OUR SPONSOR REP. SKYE MCNEIL:

MY NAME IS BILL SMITH AND I AM THE CURRENT CHAIR OF THE OKLAHOMA FLOODPLAIN MANAGERS ASSOCIATION (OFMA). I AM A HYDROLOGIST, A REGISTERED PROFESSIONAL ENGINEER, AND A CERTIFIED FLOODPLAIN MANAGER. I HAVE OVER 34 YEARS OF EXPERIENCE IN FLOODPLAIN MANAGEMENT ISSUES IN THE STATE OF OKLAHOMA.

OFMA IS A NON-PROFIT 501C3 PROFESSIONAL ASSOCIATION COMPRISED OF 420 FULL MEMBERS, 22 AGENCY MEMBERS, THREE INDIAN TRIBES, AND 27 CORPORATE MEMBERS. WE HAVE 236 CERTIFIED FLOODPLAIN MANAGERS IN THE STATE OF OKLAHOMA. OFMA WORKS IN CONJUNCTION WITH THE OKLAHOMA WATER RESOURCES BOARD (OWRB) WHICH IS THE AGENCY DESIGNATED AS THE STATE FLOODPLAIN ADMINISTRATOR UNDER THE NFIP TO TRAIN, EDUCATE, AND PROMOTE AND PROTECT THE NATURAL AND BENEFICIAL USES OF THE FLOODPLAINS IN OKLAHOMA THROUGH PROPER FLOODPLAIN MANAGEMENT PRACTICES IN OUR WATERSHEDS THROUGHOUT THE STATE.

CURRENTLY THERE ARE 380 COMMUNITIES, OUT OF THE 77 COUNTIES AND 530 COMMUNITIES IN OKLAHOMA, PARTICIPATING IN THE NATIONAL FLOOD

INSURANCE PROGRAM ADMINISTERED BY FEMA UNDER THE DEPARTMENT OF HOMELAND SECURITY. 97% OF THE OKLAHOMA POPULATION CURRENTLY HAS FLOODPLAIN DATA AVAILABLE AND IS ABLE TO PARTICIPATE IN THE NFIP. HOWEVER THERE ARE ONLY 14,000 FLOOD INSURANCE POLICIES IN OKLAHOMA, I.E. 11% OF THE ELIGIBLE STRUCTURES IN THE DESIGNATED SPECIAL FLOOD HAZARD AREAS. CURRENT STATISTICS ALSO SHOW THAT 23 PERCENT OF ALL CLAIMS ARE PAID TO INSURANCE POLICY HOLDERS THAT ARE LOCATED OUTSIDE OF THE SPECIAL FLOOD HAZARD AREAS.

THERE ARE 86 COMMUNITIES THAT ARE CURRENTLY SANCTIONED FROM RECEIVING FEMA INSURANCE BENEFITS BECAUSE THEY DO NOT FULLY COMPLY WITH PARTS OF TITLE 82, SECTION 1604 TO SECTION 1620 OF THE OKLAHOMA FLOODPLAIN ACT OF 1980. I AM HANDING OUT A COPY OF THE MAP DEVELOPED BY OFMA TO SHOW THE CITIES, COUNTIES AND TRIBES THESE ARE "POST-80 COMMUNITIES" THAT THIS PROPOSED LEGISLATION WOULD ASSIST, AS WELL AS A LISTING OF THE COMMUNITY STATUS BOOK REPORT SHOWING THE COMMUNITIES IN OKLAHOMA THAT ARE CURRENTLY SANCTIONED.

ALL 86 COMMUNITIES CURRENTLY HAVE DESIGNATED SPECIAL FLOOD HAZARD AREAS, BUT BECAUSE THEN ARE NOT IN THE NFIP – EITHER BY VOLUNTARY WITHDRAWAL, OR SUSPENSION, THE PROPOSED LEGISLATION THAT WAS INITIALLY SUBMITTED AS HB 3297 IN THE LAST SESSION, AND

WHICH WE ARE DISCUSSING TODAY IS EXPECTED TO HELP REMEDY THAT SITUATION. THE RECENT SERIES OF FLOODING AND ICE STORM DISASTERS THAT HAVE BEEN FEDERALLY DECLARED HAS BROUGHT TO LIGHT THE FACT THAT POST-1980 COMMUNITIES THAT DO NOT HAVE A FLOODPLAIN BOARD ARE NOT ELIGIBLE FOR DISASTER RELIEF UNDER THE NATIONAL FLOOD INSURANCE PROGRAM AND THE HAZARD MITIGATION GRANT PROGRAM (HMGP).

OFMA AGAIN PROPOSES TO AMEND THE LANGUAGE IN THE OKLAHOMA FLOODPLAIN ACT BY ALLOWING THE COMMUNITY THROUGH ITS MUNICIPAL GOVERNING BODY OR COUNTY COMMISSION BOARD , RATHER THAN A SEPARATE 5 MEMBER FLOODPLAIN BOARD, TO DESIGNATE A PERSON TO SERVE AS THE FLOODPLAIN ADMINISTRATOR TO ADMINISTER AND IMPLEMENT FLOODPLAIN REGULATIONS AND TO ACT AS AN APPEAL BOARD FOR FLOODPLAIN ISSUES. MANY OF THE SMALLER COMMUNITIES WITHIN OKLAHOMA HAVE A DIFFICULTY IN APPOINTING A SEPARATE 5 MEMBER FLOODPLAIN BOARD IN ADDITION TO THOSE CITIZENS THAT CURRENTLY SERVE ON EITHER A MUNICIPAL GOVERNING BODY, OR A COUNTY COMMISSION BOARD.

THIS PROPOSED AMENDMENT TO PART OF TITLE 82 SECTIONS 1604 TO 1620 DOES NOT ELIMINATE THE CONCEPT OF A 5 MEMBER FLOODPLAIN BOARD, BUT ALLOWS AN ALTERNATIVE TO THOSE COMMUNITIES THAT HAVE

DIFFICULTY IN RECRUITING SUFFICIENT NUMBERS OF RESIDENTS TO SERVE AS MEMBERS OF A FLOODPLAIN BOARD. THERE IS NO FISCAL IMPACT TO THE STATE FOR THIS AMENDMENT.

UNDER PARTS OF TITLE 82, SECTION 1604 TO 1620, AS PROPOSED TO BE AMENDED, ALL BOARDS OF COUNTY COMMISSIONERS, MUNICIPAL GOVERNING BODIES, AND RESPECTIVE FLOODPLAIN BOARDS, JUST AS THE CURRENT FLOODPLAIN BOARDS ARE CURRENTLY REQUIRED, WILL CONTINUE TO BE REQUIRED TO:

- 1 INCORPORATE BY REFERENCE THE MOST RECENT FLOOD INSURANCE RATE MAPS OR FLOOD HAZARD BOUNDARY MAPS PREPARED BY FEMA TO DELINEATE THE FLOODPLAINS WITHIN THE AREA OF JURISDICTION AND ISSUE DEVELOPMENT PERMITS FOR DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD AREAS.
- 2 ESTABLISH MINIMUM FLOOD PROTECTION ELEVATIONS AND FLOOD DAMAGE PREVENTION REQUIREMENTS FOR ISSUANCE OF DEVELOPMENT PERMITS TO AUTHORIZE CONSTRUCTION IN A FLOODPLAIN OR AREAS VULNERABLE TO FLOOD DAMAGE.
- 3 ADOPTING FLOODPLAIN REGULATIONS AND CONSIDERATION OF DEVELOPMENT PERMITS BY GIVING NOTICE TO ALL OTHER

INTERESTED AND AFFECTED POLITICAL SUBDIVISIONS AND STATE AGENCIES.

- 4 A PROVISION EXCLUDING THE USE OF USUAL FARM BUILDINGS FOR AGRICULTURAL PURPOSES, PLANTING OF AGRICULTURAL CROPS OR CONSTRUCTION OF FARM PONDS FROM REGULATION.

- 5 THE DESIGNATED FLOODPLAIN ADMINISTRATOR SHALL BE ACCREDITED BY THE OWRB.

WE RESPECTFULLY REQUEST YOUR SUPPORT OF OFMA'S RECOMMENDATION TO AMEND PARTS OF TITLE 82, SECTIONS 1604 TO 1620 OF THE OKLAHOMA FLOODPLAIN ACT.

LAST SESSION THE OKLAHOMA INDEPENDENT PETROLEUM ASSOCIATION (OPIA) PROPOSED AN AMENDMENT TO THE OFMA BILL TO ADOPT A UNIFORM PERMITTING SYSTEM FOR THE OIL AND GAS PRODUCERS WHEN A WELL OR OTHER PETROLEUM RELATED DEVELOPMENT IS LOCATED IN A FLOODPLAIN OR FLOODWAY. OFMA DOES NOT OPPOSE A UNIFORM PERMITTING SYSTEM FOR THE OIL AND GAS INDUSTRY, BUT BELIEVES THERE ARE REGULATORY PROCEDURES THAT NEED TO BE DISCUSSED AND DEVELOPED PRIOR TO THE ADOPTION OF EITHER AN AMENDMENT TO THE FLOODPLAIN ACT OR PROCEDURES THAT COULD BE ADOPTED AS A PERMITTING POLICY.

IF YOU HAVE QUESTIONS, WE ARE AVAILABLE TO RESPOND TO THOSE
QUESTIONS AT THIS TIME.