



The B.F.E.*

* Base Flood Elevation

OKLAHOMA FLOODPLAIN MANAGERS ASSOCIATION NEWSLETTER

Volume 5

April/May 2003

Number 3

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 1984 flood in Tulsa routed thousands, killed 14, injured 288, and caused \$180 million in damages to nearly 7,000 buildings.

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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.

See <http://www.fema.gov/hazards/floods/flood.shtm> for more information.

Threat to eliminate HMGP-----ACTION REQUESTED
From George Reidel, ASFPM Chair

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 in-

dividual 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 Lauren 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*
- **Floodplain Managers 101 Training**; Midwest City, OK May 6, 2003; Muskogee, OK, May 7, 2003; Bartlesville, OK, May 8, 2003; Woodward, OK, May 20, 2003; Lawton, OK, May 22, 2003; McAlester, OK, May 28, 2003; for more information, call 405-530-8800.
- **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!!!

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 - COVERAGES, 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.

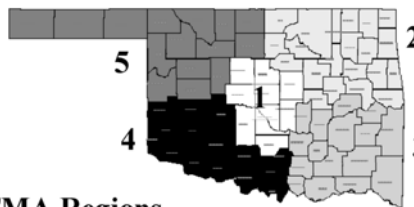
Mission

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 floods and reducing property loss from floods are paramount to us.

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

The best investment that \$30.00 can buy in the future of your state is a membership in the Oklahoma Floodplain Managers Association.

OFMA Membership Application

Name: _____ Company/Organization: _____
 Title: _____ Address: _____
 Work Phone: _____ City/Town: _____ State: _____ Zip: _____
 Fax: _____ E-Mail: _____

Detach and Mail to:
OFMA
 P.O. Box 8101
 Tulsa, OK 74101-8101

New Member: Renewal:
 Region (see map): 1 2 3 4 5
 Committees:
 Mitigation
 Mapping and Engineering
 Education/Legislative
 Certification
 Conference

Dues Schedule:
 First-Year dues are probated depending on the quarter during which you join. The fiscal year start October 1st and ends September 30th.

	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep
Full Membership	\$ 30.00	\$ 22.50	\$ 15.00	\$ 7.50
Student Membership	15.00	11.25	7.50	3.75
Associate Membership	20.00	15.00	10.00	5.00
Agency Membership	50.00	37.50	25.00	12.50
(Plus \$10.00 per employee designated by the Agency)				
Corporate Sponsor	100.00	75.00	50.00	25.00



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, NCAFPM)
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.

To Order: OFMA
P.O. Box 8101
Tulsa, OK 74101

Or Call Carolyn Schultz (918) 669-4919



OFMA PRODUCTS	Price
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Briefcase	25.00
Baseball Cap (One size fits all)	15.00
Insulated Mug	10.00
Umbrella	20.00
Portfolio	25.00
Lapel Pin	3.00
CFM Lapel Pin	5.00

Shipping and handling \$4.95 per order.



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Association of County Commissioners of Oklahoma

Dusty Birdsong
429 NE 50th Street
Oklahoma City, OK 73105
405 524-3200
450 524-3700 fax

Atkins-Benham

Barend Meiling, PE, CFM
2488 East 81st Street, Suite 6000
Tulsa, OK 74137
918 492-1600
918 492-1031 fax
bmeiling@atkinsbenham.com

R.D. Flanagan & Associates

Ronald D. Flanagan, CFM
2745 East Skelly Drive, Suite 100
Tulsa, OK 74105
918 749-2696
918-749-2697 fax
rdflanagan@rdflanagan.com

FTN Associates, Ltd.

Conrad Battreal, P.E. CFM
3 Innwood Circle, Suite 220
Little Rock, AR 72211
501 225-7779
501 225-6738 fax
cjb@ftn-assoc.com

Grand River Dam Authority

Robert W. Sullivan, Jr.
Asst. General Manager of Risk
Management & Regulatory Compliance
P.O. Box 409
Vinita, OK 74301-0409
918 256-5545, x4467
918 256-5289 fax
bsullivan@grda.com

Half Associates, Inc.

Troy L. Lovell, P.E.
Vice President
4000 Fossil Creek Boulevard
Fort Worth, TX 76137
817 847-1422
llovell@half.com

Harden and Associates Surveying

Jim Harden, LS
10759 East Admiral Place
Tulsa, OK 74116
918 234-4859
918 437-0540 fax
jim@guyengr.com

JGVE, Inc.

Donald D. Vick, PE
124 NW 10th St., Suite 101
Oklahoma City, OK 73103
405 236-8313
405 232-2660 fax
dvick@jgve.com

International Center for Natural Hazards & Disaster Research

Baxter Vieux, Ph.D., P.E.
202 West Boyd, CEC Room 334
Norman, OK 73019
405 325-3600
bvieux@ou.edu

Meshek and Associates, Inc.

Janet K. Meshek, P.E.
P.O. Box 636
20 West 2nd Street, Suite 100
Sand Springs, OK 74063
918 241-2803
918 241-9245 fax
jmeshek@meshekgengr.com

Myers Engineering

Bill Myers
President
116 Northwest 132nd
Oklahoma City, OK 73112
405 755-5325

Oklahoma Insurance Department

Carroll Fisher, Commissioner
P.O. Box 53408
Oklahoma City, OK 73152-3408
405 521-6655

Oklahoma Municipal League

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

Oklahoma Society Land Surveyors

David Anderson
P.O. Box 720126
Oklahoma City, OK 73172
405 840-9116

PBS&J

12101 Indian Creek Court
Beltsville, MD 20705
301 210-6800

Smith Roberts Baldischwiler, LLC

Mathew Smith, P.E.
25 South Oklahoma Avenue
Suite 400
Oklahoma City, OK 73104
405 840-7094
405 840-2977 fax
mat@smith-roberts.com

Swift Water Resources Engineering, LLC

Mark S. Swift, PE, CFM
President
6 East 5th Street, #205
Tulsa, OK 74103-4434
918 582-1380
918 582-1381 fax
swiftwaterresources@msn.com

Tanner Consulting

Dan Tanner, PE, Owner
5323 S. Lewis
Tulsa 74105
918 745-9929
dan@tannerbaitshop.com

Vieux & Associates, Inc.

Jean Vieux
1215 Crossroads Boulevard
Suite 118
Norman, OK 73072
405 292-6259
405 292-6258 fax
jv@vieuxinc.com



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Oklahoma Floodplain Managers Association 2002-2003

Executive Director:

Mr. Kenneth Morris, CFM
Oklahoma Water Resources Board
3800 North Classen Blvd
Oklahoma City, OK 73118
Phone: (405) 530-8800
Fax: (405) 530-8900
E-mail: wkmorris@owrb.state.ok.us

Treasurer:

Ms. Carolyn Schultz, CFM
Corps of Engineers
1645 S. 101st E. Avenue
Tulsa, OK 74128
Phone: (918) 669-4919
Fax: (918) 669-7546
E-mail: carolyn.schultz@usace.army.mil

Region 4 Representative:

Mr. Tom Graham, CFM
City of Davis
301 East Main
Davis, OK 73030
Phone: (580) 369-2323
Fax: (580) 369-2425
E-mail: thomasgraham46@hotmail.com

Honorary Board Member:

R.D. Flanagan & Associates
Ronald D. Flanagan, CFM
2745 East Skelly Drive, Suite 100
Tulsa, OK 74105
918 749-2696
918-749-2697 fax
E-mail: rdflanagan@rdflanagan.com

Chair:

Ms. Janet K. Meshek, PE, CFM
Meshek & Associates, Inc.
P.O. Box 636
Sand Springs, OK 74063
Phone: (918) 241-2803
Fax: (918) 241-9245
E-mail: jmeshek@meshekengr.com

Region 1 Representative:

Mr. John Harrington, CFM
ACOG
21 E. Main St., Ste. 100
Oklahoma City, OK 73104
Phone: (405) 234-2206
Fax: (405) 234-2200
E-mail: jharrington@acogok.org

Region 5 Representative:

Mr. Robert Hitt, PE
City of Enid
PO Box 1768
Enid, OK 73072
Phone: (580) 234-0400
Fax: (580) 234-8946
E-mail: robert@enid.org

Honorary Board Member:

Hank Elling
Oklahoma Water Resources Board
PO Box 886
Lawton, OK 73502
Phone: (580) 248-7762
Fax: (580) 248-0737
E-mail: hcelling@owrb.state.ok.us

Vice Chair:

Mr. Andy Kincaid
Payne County
21 E. Main St., Ste. 100
Oklahoma City, OK 73104
Phone: (405) 234-2206
Fax: (405) 234-2200
E-mail: kincaid_andy@hotmail.com

Region 2 Representative:

Ms. Nancy Wade, CFM, Assistant Planner
City of Bartlesville
401 S. Johnstone
Bartlesville, OK 74003
Phone: (918) 338-4243
Fax: (918) 338-4239
E-mail: newade@cityofbartlesville.org

Past Chair:

Mr. Walter Stout, CFM, Floodplain Administrator
City of Pryor Creek
P.O. Box 249
Pryor, OK 74362
Phone: (918) 825-1679
Fax: (918) 825-1134
E-mail: stoutw@pryor.k12.ok

BFE Editor:

Ms. Janet K. Meshek, PE, CFM
Meshek & Associates, Inc.
P.O. Box 636
Sand Springs, OK 74063
Phone: (918) 241-2803
Fax: (918) 241-9245
E-mail: jmeshek@meshekengr.com

Secretary:

Ms. Lynne Stevenson, CFM
Canadian County
201 N. Choctaw
El Reno, OK 73036
Phone: (405) 262-1070, Ext. 140
Fax: (405) 422-2429
E-mail: stevensonl@co.canadian.ok.us

Region 3 Representative:

Mr. David Sprouse, CFM
City of Madill
201 East Overton
Madill, OK 73446
Phone: (580) 795-5333
Fax: (580) 795-3050
E-mail: n/a

Honorary Board Member:

Mr. Joe Remondini, CFM
Corps of Engineers
1645 S. 101st E. Avenue
Tulsa, OK 74128
Phone: (918) 669-7198
Fax: (918) 669-7546
E-mail: joseph.remondini@usace.army.mil

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