

Has your
Community
received a
Letter of Final
Determination
(LFD)?

Learn what
your
community
should do.
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The B.F.E.*

*Base Flood Elevation

OKLAHOMA FLOODPLAIN MANAGERS ASSOCIATION NEWSLETTER

Volume 14— Fall 2009

October 2009

19TH ANNUAL OFMA CONFERENCE—BY DR. ELLEN STEVENS, PE, CFM

"Smart Development—Good for Floodplains, Good for Everyone"



FEMA Region VI Deputy Director
Tony Robinson

Community floodplain management, green development, water and the environment, and education and outreach were just some of the topics covered in the 19th Annual Conference.

During the opening plenary, attendees heard inspiring talks from Lt. Gov. Jari Askins and Ron Flanagan and were brought up to date on state and federal programs by Gavin Brady and Tony Robinson.

A day of breakouts followed including topics in floodplain administration—A Zones, insurance, ICC, mitigation and buyouts; water quality—404 permits, phase II regulations, low impact development and BMPs; dam safety and rehabilitation; tools for education and outreach—Stream Trailer, Flood Jeop-

ardy Game, and Floodplain Managers Game.

The OFMA Regions met and elected Regional Representatives and OFMA officers were elected at the Annual Business Meeting. Outgoing Chair Clark Williams handed over the gavel to 2009-10 Chair Ellen Stevens. OFMA members also approved several changes to the by-laws. The new bylaws and a listing of the new board members are on the OFMA web site.

Following the business meeting and lunch, participants had a choice of tours to the USDA-ARS Hydraulics Lab or to the Teal Ridge Wetlands. The busy day concluded with the banquet and Annual Awards Ceremony.

The final day included breakout sessions on No Adverse Impact drainage policies, stream restoration, and stream gaging.

The conference concluded with a closing plenary which included presentations on Norman's Floodplain Management Program and responding to the Blackwell September 2008 flood.

Finally, it was time for everyone's favorite part of the meeting—the Door Prizes. Special Guest Chad Ross of ASFPM drew numbers and there were many happy winners.

Several individuals need to be recognized for their contributions to the meeting: Carolyn Schultz—registration and invaluable assistance during the planning, Leslie Lewis—door prizes and TADD calendars, Tom Leatherbee—scheduling session moderators, Janet Meshek—conference program layout and printing and also MC of Awards Ceremony, Anna Waggoner—Awards Ceremony program book, Amy Brandley—signage, Ken Morris—arranging for plenary session speakers, Philip Beauchamp—scheduling transportation, and Joe Remondini—holding the First Timers meeting.



Joe Remondini unlocking the
mysteries of A Zones



"I hope that those of you who attended our 19th Annual Conference found it a worthwhile experience... I want to thank everyone who took the time to make constructive suggestions in the evaluation forms."

Ellen Stevens, CFM

WORDS FROM THE CHAIR—BY DR. ELLEN STEVENS, PE, CFM

Greetings, OFMA Members!

I hope that those of you who attended our 19th Annual Conference found it a worthwhile experience. In planning these conferences, we strive to create opportunities to learn from experts, share personal experiences, network, and grow as Floodplain Management professionals. I want to thank everyone who took the time to make constructive suggestions in the evaluation forms. We really do use your feedback - both positive and critical - in planning future conferences.

The OFMA Board, Committee Chairs, and several representatives of the general membership recently completed what was, in my opinion, a very successful and productive planning meeting. One focus was community floodplain managers - identifying

the ways in which OFMA can serve them better, providing training and day-to-day support, and reaching out to those community floodplain administrators who are not OFMA members. More details of the meeting are provided in Bill Smith's article on page 12. Bill was our facilitator, kept us focused and moving forward, created a collaborative environment, and (again IMO) was a major contributor to the successful outcome of the meeting.

We also committed to improving our communication with the OFMA membership, and our first action was a brief update of Board activities that was emailed to the membership following the October Board meeting. If you are an OFMA member with email who did not receive it, please email me

and/or Carolyn Schultz so we can get your correct email address on the master list.

Typically, the OFMA Board meets the 3rd Thursday of every month at 10:00 am at the Smith-Roberts-Baldischwiler Office, 100 NE 5th Street, OKC. All OFMA members are welcome to attend the Board meetings. If you would like to receive a copy of the agenda every month (emailed out two to three days before the meeting), please email me and I will put you on the distribution list.

I appreciate the opportunity to serve as OFMA Chair. If you have any questions, concerns, or suggestions please share them with me. My contact information is: phone - 405-747-6598; email - ellenphdpe@aol.com.

ASFPM 2010 CONFERENCE— BY BILL SMITH, OFMA ASFPM CONFERENCE COORDINATOR

The planning of the 2010 ASFPM Conference continues!! ASFPM was just awarded a grant from the City of Oklahoma City in the amount of \$30,000 to help offset the cost of the Cox Convention Center. The initial concerns about funding of the conference have diminished greatly, and ASFPM and OFMA can focus on a GREAT Conference.

The Call for Abstracts was sent out by ASFPM sometime

in late August, and the deadline is October 31. At the OFMA Annual Conference a notice was presented for this call and several e-mail notifications have been sent. We already have a number of abstracts submitted by local FPA and OFMA members, and the OFMA DRT has applied to present a Workshop. The ASFPM website has early bird registration (on-line) and hotel reservation information for 2010. Go to the OFMA

website for a link or go directly to the ASFPM website.

Our Technical Field Tours and Spouse Tours have been selected by ASFPM as follows:

SELECTED TECHNICAL FIELD TOURS:

- National Severe Storms Center - Norman, Oklahoma (Showcase Tour) - This tour will be coordinated further by ASFPM

(Continued on page 5)

GOOD BYES FROM THE DIRECTOR'S DESK—BY KEN MORRIS, CFM

I sincerely congratulate Dr. Ellen Stevens, PE, CFM, for being our 20th Chair of the Oklahoma Floodplain Managers Association. I wish her the best for her term in office.

This is very difficult for me to do, but there comes a time when change is inevitable, and that time has come. On October 20, 2009, after much deliberation and forethought, I submitted my resignation as Executive Director of OFMA.

My career in floodplain management began in January 1984, when I became the State NFIP Coordinator at the Oklahoma Water Resources Board (OWRB). I have visited almost every community in Oklahoma and worked with almost every county and city official in the state. I have met and know many of you on a personal basis and have shared some fun times over the years. I will miss you and the times that we have shared. This experience and job has been extremely rewarding and one that I will always cherish.

Here are a few members that I will never forget- TJ Davis, Pat Hoggard, Jim Coffey, Paul Zachary, Neil Pulliam, Clark Williams, Donnie Blanlot, Janet Meshek and many, many, more. Two other individuals that played a key role in my career in floodplain man-

agement are Joe Remondini and Harold Springer. It was through their farsightedness, along with Don Ellison of FEMA (deceased) and others, that OFMA was created in 1990. Thanks Joe, Don and Harold.

I began my career with OFMA serving on the 1990 Board of Directors with Joe Remondini, Treasurer, and Harold Springer, the first OFMA Chairman. I owe a great deal to Don, Joe and Harold for leadership in supporting the creation of OFMA and allowing me to find my professional niche for 25 years. Since 1990, I calculate that I have attended about 220 OFMA Board meetings. Folks, this is a lot of Board meetings.

As many of you know, I have been extremely involved with the day to day activities of OFMA for 20 years. I want to thank you and each Board member for your support and fellowship over these 20 years. I am truly amazed at the quality of OFMA volunteers that has contributed significantly to the success of this outstanding Association. One in particular, heads above all, is Carolyn Schultz. Carolyn is truly amazing and could not be who she is without the biggest heart I have ever seen. Thanks Carolyn for everything you do! OFMA is very fortunate to have you on the Board, taking care of finances, the

CFM program, compiling our annual directory and much, much, more.

Furthermore, OFMA has been and still is a big part of my life and, with the sincerest of feelings, will always be a part of me. I plan to continue to work with Bill Smith and our Captains on the ASFPM 2010 Conference duties. After the May 2010 Conference, I will scale down my professional activities. These simple words do little to express my feelings and appreciation I have for our Association, leaders, and members. In summary, I plan to scale down my activities at OWRB and OFMA so I can pursue my hobbies with family and friends.

Over the past few years I have witnessed a change in our Association; it has climbed to the next level and is still climbing. Our new groups of leaders bring new expertise to the Association that will enable OFMA to continue to be the best Association in the nation. I wish Ellen, the Board, and you much continued success and greatness for years to come.

Again, thank you for helping me fulfill my dreams and aspirations.

Sincerely, Ken Morris



“This is very difficult for me to do, but there comes a time when change is inevitable, and that time has come. On October 20, 2009, after much deliberation and forethought, I submitted my resignation as Executive Director of OFMA. ”

Ken Morris

“Map grandfathering provisions address two pivotal issues affecting the rating of a flood policy: what is the applicable flood zone, and what is the required Base Flood Elevation (BFE)? NFIP rating rules allow a flood policy to be rated based on the current map or a prior map, depending on which produces a more favorable premium for the property owner.”

Rita Hollada

UNDERSTANDING THE POWER OF GRANDFATHERING – BY M. RITA HOLLADA, CPCU, CIC, CPIA, CHAIR FIPNC (NFIP EWATERMARK SEPTEMBER 2, 2008)

The ambitious remapping project undertaken by the NFIP has increased the necessity for administrators, insurance agents, and service providers alike to understand the concept of “grandfathering.” Why is it so important to understand flood map grandfathering? Because, as a result of map revisions, many property owners are now required to purchase flood insurance. Often NFIP grandfathering rules have not been applied when rating these policies, resulting in higher premiums than necessary.

An issue which regularly causes confusion is that the term “grandfathering” is used by the NFIP to mean several different things, such as rate grandfathering, grandfathered properties, or map grandfathering provisions. It is this third concept that we will explore here.

First, though, let’s briefly contrast the various uses of the word “grandfathering.” Legislators and administrators often refer to “grandfathered” rates when discussing subsidized rates applicable to properties constructed long before the NFIP was implemented in 1968. There is certainly a lot of discussion about eliminating the subsidy for these properties and requiring rates that are commensurate with the risk of loss.

The properties themselves are considered “grandfathered” because they were constructed before the flood program or, more accurately, before the publication of a community’s first Flood Insurance Rate Map (FIRM). Designated as Pre-FIRM properties, these buildings are exempt from compliance with NFIP floodplain management regulations, at least until the property owner undertakes a major renovation or repair (known as substantial improvement or substantial damage). Applicable flood insurance rates and designation as Pre-FIRM or Post-FIRM construction are virtually independent of the map grandfathering rules.

WHAT AGENTS MUST KNOW ABOUT MAP GRANDFATHERING

Map grandfathering provisions address two pivotal issues affecting the rating of a flood policy: what is the applicable flood zone, and what is the required Base Flood Elevation (BFE)? NFIP rating rules allow a flood policy to be rated based on the current map or a prior map, depending on which produces a more favorable premium for the property owner. This statement may be a little too simplified, so let’s break it down in detail.

EXISTING BUSINESS—RENEWAL POLICIES

One set of grandfathering rules applies to flood policies that are already in existence and are being renewed.

Renewal policies may continue to be rated using the FIRM zone and the BFE designated by the map in effect when the policy was originally written. Two conditions apply: the NFIP coverage on the building must have been continuous, and the building must not have been altered in a way that would make the lowest floor for rating lower than the BFE on the original FIRM. If the original map designated the location of the building to be in a low- or moderate-risk flood zone (Zone B, C, X, or D), then the zone is also grandfathered and there is no BFE requirement.

For example, let’s say that at the time a home was built in 1989, it was located in a Zone A-11 on the FIRM in effect at the time. The BFE at the location of this building was 16 feet Mean Sea Level (MSL), and the elevation certificate showed the lowest floor of the building to be 20 feet MSL. The homeowner bought a flood policy in 1989 based on this data and has maintained continuous coverage

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HAVE YOU CHECKED YOUR SOMA TODAY? —BY AMY BRANDLEY, CFM, OFMA SECRETARY

Communities with new DFIRMs need to be vigilant about checking a very important document from FEMA: your Summary of Map Actions, or SOMA. FEMA sends out this list of revalidated LOMAs to each community in the county when the new floodplain maps become final. However, the LOMAs sometimes get placed on the wrong community SOMA. For instance, in my county, three of my unincorporated revalidated LOMAs were not on the Unincorporated Canadian County Community SOMA. They were on the City of El Reno's SOMA, which I did not have. And a City of Pied-

mont LOMA was on my unincorporated SOMA and not on the Piedmont SOMA.

FEMA is only sending a particular community's SOMA to that community Floodplain Administrator. Unless you ask the communities in your county for a copy of their SOMAs, you will not know if your LOMAs are on their lists.

These misplacements resulted in one of my constituents, Mr. X, being denied a loan from his bank. We believed that his LOMA had not been revalidated. His bank told him so, and he wasn't on my Canadian County SOMA. It wasn't until several

months later, when I was assisting the El Reno FPA and looking at their SOMA, that I found Mr. X's LOMA on that El Reno list. It had been revalidated after all. But I found out too late to help Mr. X.

I learned some valuable lessons. Don't trust a document! Make phone calls! However, you can get conflicting information from FEMA on these revalidations depending on who you talk to. So be persistent. But please be sure to get all the community SOMAs within your county and check to see if your LOMAs are listed under another community. A

revalidated LOMA is extremely important to that homeowner, and we need to make sure we have the documentation to prove it.

FEMA's Carl Watts agrees that this is a "possible problem...that all communities need to be aware of." He also reminds FPA's to "not take anything at face value when it comes to the maps, and double check everything." Diane Calhoun of Michael Baker has replied that she will bring the situation up to the Project Managers and LOMC group for investigation.

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through NOAA and Susan Van Cuten (Director). The workshop and tour (approximately 150 person capacity) will be held on Monday May 17. The tour, without the workshop, will be held again on Friday, May 21 from 9 am to 12 pm.

- USDA Grazinglands Lab/ Historic Fort Reno - This tour will be held on Friday, May 21 from 9 am to 3:30 pm. Amy Brandley will continue to work with the director of the USDA Grazinglands Laboratory for determination of scheduling and logistics of the tour.

- Drinking and Draining Stormwater, Wetlands, and Lake Management - Representatives of Oklahoma Water Resources Board (Phil Moershel, Paul Koenig, and Derek Smithee) will lead the tour. This tour was selected for its variety of interests and will be held both on Sunday, May 16 and again on Wednesday, May 19.

- Oklahoma River Lock and Dam System - This tour will be held on Sunday, May 16. The lock and dam system is very unique for the South Central United States. ASFPM would like to include a "locking" experience

when the tour reaches the downstream lock. The City of Oklahoma City Public Works will arrange the tour and decide the number of persons able to participate in a single "locking." We need to determine if the barge "locking" could be accomplished in inclement weather and if there are canopies on the City's work barge in the event of rain.

- Norman Stormwater Detention Tour - This tour will be held on Tuesday, May 18 and was chosen as the most appropriate tour to follow the Tuesday Luncheon.

SELECTED SPOUSE TOURS:

- Historic Guthrie Tour - Guthrie Chamber of Commerce - Mary Coffin - This spouse tour will be held on Wednesday, May 19.
- Southwestern Oklahoma, Wichita Mountains, Fort Sill, Holy City: the Spirit of the American Indian Tour — A Territorial Tours package, this spouse tour will be held on Thursday, May 20.

The OFMA Captains will begin monthly conference calls in November with ASFPM to continue the planning. We had over 50

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DO GOOD AND FEEL GOOD!—BY AMY BRANDLEY, CFM, OFMA

“Let’s talk about two of the really nice things about DFIRMs (yes, there are some nice things!): you as a Floodplain Administrator can now make much easier and more accurate floodplain determinations, and you can save homeowners hundreds of dollars!”

Amy Brandley, CFM

Let’s talk about two of the really nice things about DFIRMs (yes, there are some nice things!): you as a Floodplain Administrator can now make much easier and more accurate floodplain determinations, and you can save homeowners hundreds of dollars!

With GIS or some type of digital map viewer and decent aerials, you can easily determine whether a structure is in or out of the floodplain. If the structure was not built when that aerial was flown, you can still usually identify some landmarks, or make measurements in your GIS and then on the ground, to find the location of the floodplain boundary.

Now let’s get to the exciting part: saving your citizens big bucks. Once you get those final DFIRMs, people are going to start calling you because their mortgage company has notified them that they are in a floodplain. Their bank is going to start billing them for flood insurance right away. Sometimes these folks really are in the floodplain and may need to hire a surveyor to see if they can get a LOMA. But a lot of these people are not in the floodplain and shouldn’t be forced by their mortgage company to purchase flood insurance. This is where you step in and save the day.

Armed with a well-designed and clear map, documentation of the property description, a convincing letter, and *FEMA Mitigation Directorate Policy: Use of Digital Flood Hazard Data*, you will knock those mortgage companies off their feet.

You see, many banks don’t really try to make an accurate floodplain determination. If the property is anywhere near the floodplain, the bank tells the homeowner they will have to get a LOMA to prove they are not in the floodplain. Of course this means hiring a surveyor to produce an Elevation Certificate and fill out the LOMA application, and possibly an engineer to determine a BFE if they are near an Approximate A zone. We’re talking about \$700-\$2500 the property owner is going to have to pay to prove to their bank that they

are not in the floodplain.

With the new DFIRMs, your good digital map will clear up the confusion immediately. The bank guy can look at the aerial where you have marked the house and see that the house is at least x amount of feet from the floodplain. But I think what really makes it click for Bank Guy is a copy of the previously mentioned FEMA document, *Use of Digital Flood Hazard Data*. This document states that the digital floodplain map is the official map. How can they say no after all that?

Please keep the following points in mind when presenting your case:

– *Along with attaching the FEMA document, include this quote in your letter:*

“For the purposes of flood insurance and floodplain management activities conducted pursuant to the National Flood Insurance Program under the National Flood Insurance Act of 1968...geospatial digital flood hazard data distributed by the Federal Emergency Management Agency, or its designee, or the printed products derived from that data, are interchangeable and legally equivalent for the determination of the location of 1 in 100 year and 1 in 500 year flood planes [sic], provided that all other geospatial data shown on the printed product meets or exceeds any accuracy standard promulgated by the Federal Emergency Management Agency.”

Use of Digital Flood Data, FEMA,
November 29, 2007

– *Include on your map the accuracy of the aerial. If the aerial is not accurate, you have no case. I use the 2008 USDA/NAIP aerial which has an accuracy of about +/- 20 ft. And don’t forget the map scale bar.*

– *Feel free to borrow my favorite paragraphs of my letter to the banks:*

These DFIRMs were created to give us a more accurate rendering of our floodplains. It is quite clear from viewing the

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aerial (with an accuracy of +/- 20 feet) and the DFIRM (designed by FEMA to fit precisely over the base data) that the entire Smith property lies in Zone X. In the past it probably would have been necessary for the Smith's to hire a surveyor to prove their property was in Zone X. But with our new technology in the DFIRMs, we can confirm their Zone X determination by simply looking at the map.

Because the Smith property is in the lowest flood risk zone (Zone X), they are eligible for the NFIP's low cost Preferred Risk flood insurance policy, made available only to those properties in the low risk Zone X. *However, they should not be forced to purchase flood insurance because they are not in the high flood risk Zone AE.*

I know the banks can make a homeowner do whatever they want, but it can't hurt to give them my opinion.

- *Include a paper FIRMette, because that is what the bank is accustomed to working with, and they can compare it to your digital map and see that they are the same.*

- *If you can get GIS parcel data on your map and include the Assessor's property card to back it up, you can prove that the house on your map is indeed the property in question.*

- *Please call or email me for samples of the documents I send.*

As a floodplain administrator we generally want to encourage people to purchase flood insurance. But when your citizens are being forced by their banks into spending hundreds of dollars to prove a house or property is not in the floodplain, you are doing a great service to your community by helping them get out of this requirement. Moreover, the ability to make better decisions about floodplains is the primary reason we have the DFIRMs.

Helping people in these situations is one of my favorite Floodplain Administrator duties. I got a very heartfelt thank you email from one of the people I helped recently, and it literally brought tears to my eyes! As FPAs our job can at times be difficult and unrewarding. So please, don't pass up this opportunity to "do good and feel good!"

"Helping people in these situations is one of my favorite Floodplain Administrator duties. I got a very heartfelt thank you email from one of the people I helped recently ..."

Amy Brandley, CFM



Photo gallery from the 19th Annual OFMA Conference
See more at www.okflood.org

As defined
in the
statute,
“The
purpose of
the act is to
procure
flood
insurance
for those
citizens
that desire
to
participate
in this
federal
program.”

Gavin Brady, CFM

THE OKLAHOMA FLOODPLAIN MANAGEMENT ACT OF 1980 – BY GAVIN BRADY, NFIP COORDINATOR

Those involved with Floodplain Management in Oklahoma have at one time or another heard the OWRB refer to “Pre” and/or “Post” 1980 communities. Most communities nationwide began participation in the NFIP in the 1970’s. The Oklahoma Floodplain Management Act became effective May, 13, 1980 and gave communities (towns, counties, and tribes) in Oklahoma the opportunity to participate in the NFIP. Most Oklahoma cities and towns were already participating through the National Flood Insurance Act of 1968, yet only one County (Tulsa) joined the program before the Oklahoma act. As defined in the statute, “The purpose of the act is to procure flood insurance for those citizens that desire to participate in this federal program.” The act also established the State Floodplain Board (OWRB Board) which regulates and permits floodplain development on state owned and operated property.

One requirement of the act is that in order to participate, a community must establish a five member floodplain board. This wasn’t much of an issue in the 80’s and 90’s as most of the newly enrolled communities were counties. Counties had very little difficulty finding five people to sit on the floodplain board. It wasn’t until the last few years that the OWRB started seeing a growing number of smaller towns (most applying for hazard mitigation projects) wanting to participate in the NFIP.

In 2008, the OWRB and OFMA tried to change the state law by eliminating the floodplain board requirement...still giving a community the choice to have a board however not requiring it. Oklahoma Independent Petroleum Association (OIPA) added some language to the bill referencing oil and gas development in the flood-

plain, and the bill died. The OWRB and OFMA will try again with the 2010 legislature to eliminate this requirement.

Another requirement of the act is that once a floodplain board has been established and approved by resolution, floodplain regulations can only be adopted by the county or municipal floodplain board after a public hearing. At least 30 days prior to the public hearing, a notice of the time and place of the hearing shall be published in a newspaper of general circulation in that county. After the public hearing, the floodplain board adopts the regulations and/or FIRMS and then the Governing body approves the adoption. Confusing....yes. However, it is a state law that must be followed. The reason for writing this article is that Oklahoma has 28 of the 41 counties approved under Map Mod who have yet to receive the completed digital conversion to their maps.

That means that 28 counties in Oklahoma—and all the participating communities within—will have to follow the Act if they began participation in the NFIP after May 1980.

Once a community receives a Letter of Final Determination (LFD) providing a date when the FIRMS will become effective, the OWRB will contact that community and explain the ordinance/regulation adoption process.

For more information or assistance regarding the adoption of process, please contact Gavin Brady, NFIP Coordinator, Oklahoma Water Resources Board, at 405.530.8800 or via email at jgbrady@owrb.ok.gov.

ELIGIBLE OR INELIGIBLE FOR NFIP COVERAGE? — FROM THE NFIP EWATERMARK 2/5/08

Did you know NFIP policies may be written only on buildings that have two or more outside rigid walls and a fully secured roof and that are affixed to a permanent site? In addition, buildings must be able to resist flotation, collapse, and lateral movement. At least 51 percent of the actual cash value of the building, including machinery and equipment that are part of the structure, must be above ground level. The only exception to this requirement is if the lowest level of the building is at or above the Base Flood Elevation and it is below ground only because earth has been used as insulation material in conjunction with energy-efficient building techniques.

The issue of building eligibility for flood insurance coverage was a hot item in the Claims Town Hall at the 2007 National Flood Conference. Questions were raised about eligibility of sheds, buildings under construction, and temporary storage pods.

Most buildings are eligible for NFIP insurance if they are located in a community that participates in the NFIP and if they have been constructed in compliance with the community building requirements.

However, *[not all] buildings [may be] eligible for NFIP coverage.*

Coverage may not be available for buildings constructed or altered in any way that violates the state or local floodplain management laws, regulations, or ordinances. Contents and personal property contained in these buildings are ineligible for coverage.

Section 1316 of the National Flood Insurance Act of 1968 allows the states to declare a structure in violation of a law, regulation, or ordinance. Flood insurance is not available for properties placed on the 1316 Property List. Insurance availability is restored when the violation is corrected and the 1316 Declaration has been rescinded.

Container-type buildings, such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units, and their contents are ineligible for coverage.

Buildings newly constructed or substantially improved on or after October 1, 1982, and located entirely in, on, or over water or seaward of mean high tide are ineligible for coverage.

If 50 percent or more of the actual cash value of the building (including the machinery and equipment that are part of the building) is below ground level, the building or units and its contents are ineligible for coverage (with the exception noted above).

EXAMPLES OF INELIGIBLE RISKS

Some specific examples of ineligible risks are provided in the list to the right. Refer to the Standard Flood Insurance Policy for a definitive listing of property not covered.

These eligibility clarifications pertain only to the Dwelling Form of the Standard Flood Insurance Policy. For more information about eligibility for flood insurance coverage, see the General Rules section of the NFIP Flood Insurance Manual.

NFIP INELIGIBLE RISK

- Boat Repair Dock
- Boat Storage Over Water
- Boathouses
- Camper
- Cooperative Unit Within Cooperative Building
- Decks (except for steps and landing; maximum landing area is 16 square feet)
- Drive-In Bank Teller Unit (located outside walls of building)
- Fuel Pump
- Gazebo (unless it qualifies as a building)
- Greenhouse (unless it has at least two rigid walls and a roof)
- Hot tub or spa (unless it is installed as a bathroom fixture)
- Open Stadium
- Pavilion (unless it qualifies as a building)
- Pole Barn (unless it qualifies as a building)
- Pumping Station (unless it qualifies as a building)
- Storage Tank - Gasoline, Water, Chemicals, Sugar, etc.
- Swimming Pool Bubble
- Swimming Pool (indoor or outdoor)
- Tennis Bubble
- Tent
- Time Sharing Unit Within Multi-Unit Building
- Travel Trailer (unless converted to a permanent onsite building)
- Water Treatment Plant (unless 51 percent of its actual cash value is above ground)
- Contents Coverage
- Automobiles - Including Dealer's Stock (assembled or not)
- Bailee's Customer Goods - Including garment contractors, cleaners, shoe repair shops, processors of goods belonging to others, and similar risks
- Contents Located in a Structure Not Eligible for Building Coverage
- Contents Located in a Building Not Fully Walled and/or Contents Not Secured Against Flotation
- Motorcycles Equipment - Including Dealer's Stock

“Does all of this really make sense? It does if you look at it this way: the original property owner built the structure according to all of the land use rules and requirements in force at the time of construction. ... Map grandfathering is, ultimately, a fair way to play.”

M. Rita Hollada

(Continued from page 4)

since. Now, fast forward to 2007 and the revision of the flood map for the community in which the building is located. The new map designates the homeowner’s property to be in a Zone VE, with a BFE of 20 feet MSL. As long as his property has not been significantly altered, this homeowner’s NFIP policy can continue to be rated in the original Zone A-11, with the original BFE of 16 feet MSL. The revised map would not affect this homeowner unless his building was substantially improved or was declared substantially damaged and repaired.

NEW BUSINESS— APPLICATIONS FOR COVERAGE

That was the easy example. However, not every property owner buys a flood policy and keeps it continuous. In fact, some properties may never have been covered by a flood policy; another set of grandfathering rules applies to policies of this kind. Perhaps the property was originally designated as located in a flood

Zone B, which is not subject to the mandatory purchase of flood insurance. Now fast forward again to a 2007 map revision.

The property owner receives a letter from his lender advising him that his mortgaged property is now located in a flood Zone AE, designated as high hazard and subject to the mandatory purchase requirement. Map grandfathering rules can even help this property owner keep his premium affordable. When he applies for his new policy, the homeowner’s flood insurance policy rates can be based on the FIRM zone and the BFE (if applicable) on the map in effect on the date the building was originally constructed as long as, once again, it was built in compliance with the floodplain ordinances in effect at that time and has not been significantly altered since.

Our property owner will now need to purchase flood insurance, but the rating of that policy can be based on the old map, thereby allowing him the benefit of Zone B rates, if they will produce

a lower premium for his coverage. One big warning, however. Documentation for FEMA must be provided to locate his property on the old map. Another little footnote: this property can qualify as a Zone B rated property, but it cannot qualify for the Preferred Risk Policy (PRP). The property must be located in a Zone B, C, or X according to the flood map current as of the inception date of each year’s policy if it is to qualify for the PRP.

MAKING SENSE OF IT ALL

Does all of this really make sense? It does if you look at it this way: the original property owner built the structure according to all of the land use rules and requirements in force at the time of construction. Now remapping comes along and changes the rules! Without the benefit of grandfathering, the property owner suffers from a rule change applied after the fact, when he can do nothing about it. You don’t usually change the rules of the game after it has begun. Map grandfathering is, ultimately, a fair way to play.

DRT CORNER—BY BILL SMITH, OFMA DRT COORDINATOR

Once again, it appears that so far this fall we have “missed” any response request for local assistance from the OFMA DRT. THAT IS A GOOD THING!!

However, I recently learned that there were about 45 structures flooded in Craig County near the Pryor area during the September/October rains. Most

of the remaining flooding was over-bank, culverts, roadways, etc. Unfortunately, the new FPA was unaware of the DRT, and we were not called in to help. OFMA is diligently working on better communication with new FPAs, including getting out information about the DRT.

Our OFMA DRT Team is ready and equipped for the next time Oklahoma is threatened by floods or other natural disasters in a Special Flood Hazard Area. We have produced 5,000 OFMA DRT brochures which were distributed at the OFMA Annual Conference in

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Stillwater in September.

We continue to promote the DRT at various conferences. I spoke at the Oklahoma Emergency Management Conference in late September, and continue to get support and coordinated efforts from Albert Ashwood, OEM Director, and the OEM regional members.

Earlier this year I sent letters to all NFIP communities in Oklahoma with a suggested document authorizing DRT to assist the community after a disaster, to be approved by the City Council, Tribal Council, or County Commissioners, as applicable. A few have responded. This authorization is required prior to the DRT assisting your community. As an alternative, since many communities are still going

through the "Map Mod" adoption process, presented below is a sample ordinance paragraph that could be adopted in your new ordinance. Tom Leatherbee, FPA of the city of Dell City, created the following paragraph in their new ordinance :

SECTION 16-73. ASSISTANCE IN TIMES OF DISASTER.

In times of flooding or other disaster impacting structures within an area of special flood hazard, the floodplain administrator, with approval of the City Manager, is authorized to request and accept assistance from any qualified source, including floodplain administrators and building officials from other communities, staff from federal and state agencies including the Federal Emergency Management Authority and Oklahoma Water Resources Board, and members of disaster relief organizations including the Oklahoma Floodplain Managers Association's Disaster Response Team.

Remember, wintertime, though cold, is also a relatively dry time and a good time to clean out the floodplain areas before the Spring 2010 rainy seasons. Also remember that any disaster, not just flooding, in a Special Flood Hazard Area in your community requires an evaluation of damage by the FPA. This includes flooding, tornado, hail, wind, earthquake, fire, etc.

We now have 49 volunteers.

For more information on the DRT Program, please contact:

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GILBERT WHITE MEMORIAL NEAR REALITY—FUNDRAISING GOAL IN SIGHT

ASFP member Clancy Philipsborn recently updated us regarding the creation of a memorial to honor Gilbert F. White, the renowned University of Colorado geographer and environmentalist who was one of the original supporters and mentors of the Association of State Floodplain Managers.

The memorial will be a stone and glass flood marker, erected on Boulder Creek in central Boulder, Colorado, White's hometown. The creek is considered one of the highest potential flood hazards in Colorado, and the monument will not only show real-time flood depth, but will also indicate depths of previous historical floods and estimated 100-year and

500-year flood levels. Accompanying informational plaques will provide information about flood safety and about Gilbert himself - the man often referred to as the "Father of Floodplain Management."

To date, the committee has raised over \$67,400 of the \$100,000 needed to install the monument. In addition, the group recently received a "challenge grant" of \$15,000, and thus any donations received before December 15 of this year will be matched by funds from the challenge grant up to a total of \$30,000.

"If we can match this challenge, we'll have over \$97,000," Philipsborn said,

"and our goal will be within reach this calendar year. We will be able to begin construction this winter, which would be wonderful, since winter is the low-flow period for Boulder Creek and the frozen ground would mean minimal environmental impacts on the creek and surrounding area." The memorial would then be completed in time for dedication next summer.

The project has received final city approval and the committee is now working on final engineering and design specifications, as well as obtaining various construction permits and developing a construction schedule.

Anyone interested in contributing to this project (and having his or her contribution matched by the challenge grant) can mail a check made out to the "Community Foundation, Gilbert White Memorial Fund" to The Community Foundation, 1123 Spruce St., Boulder, CO 80302. Contributions can also be made on-line at <http://www.commfund.org/giving/GilbertWhiteFund.html>. All donations are 100% tax deductible. More information can be obtained from Clancy at ClancyPh@aol.com, or 303-884-8887.

2009-2010 ANNUAL STRATEGIC PLAN RETREAT – BY BILL SMITH

The OFMA Board, Committee Chairs, and invited guests recently completed the 2009-2010 Strategic Plan Retreat...All of the OFMA officers ...were present. Other Board members including Gavin Brady (State NFIP Coordinator), Leslie Lewis (Region 1), Bill Robison (Region 2), Dale Lasley (Region 4), and Kent Wilkins ... were also present

The OFMA Board, Committee Chairs, and invited guests recently completed the 2009-2010 Strategic Plan Retreat. The Retreat was held again at the Cherokee Nation Hotel in Catoosa, Oklahoma on October 14 through 16, 2009. This year's planning session was one day longer than last year's and about the same in format as in past years. The Strategic Plan Retreat was again moderated by Bill Smith, Past Chair. All of the OFMA officers - Ellen Stevens (Chair), Tom Leatherbee (Vice Chair), Clark Williams (Past Chair), Carolyn Schultz (Treasurer), and Amy Brandley (Secretary) - were present. Other Board members including Gavin Brady (State NFIP Coordinator), Leslie Lewis (Region 1), Bill Robison (Region 2), Dale Lasley (Region 4), and Kent Wilkins (Representing Duane Smith as Ex-Officio, OWRB member) were also present. Committee Chairs present included Joe Remondini (PDCC), Dee Robison (Education), Bill Robison (Mapping), and Ana Stagg (Legislative). Invited Guests included Ron Flanagan, Marc Utley, and Mark Swift.

The Retreat included a brief review the Constitution and Bylaws, Vision and Mission Statement, and the past year's Strategic Plan and current OFMA Program activities to evaluate if changes were necessary. We then focused on the Vision for the 2009-2010 OFMA term of Chair Ellen Stevens and the 2010-2011 term of Vice Chair Tom Leatherbee. The Retreat was a real oppor-

tunity to envision our future.

A summary of the result of the Retreat is as follows:

1. The participants of the Retreat identified the following as important issues to OFMA Members, and we discussed each in detail:

- Training (More Advanced and Continued Basics)
- Budget
- Outreach Materials
- Legislative Issues
- Policy Agenda - ASFPM - MDP Funding for Communities
- Rural Education for FPAs
- Advocates for Communities with FEMA
- Managing the CFM Program with ASFPM
- New Relationships with COGS/Circuit Engineering Districts
- New Brochures
- Education of Elected Officials/Insurance Agents/Mortgage Lenders/Real Estate Agents
- Funding for MDP and HMGP
- Coordination with OEM
- Disaster Response Team (DRT)
- Public Service Announcements
- FEMA CAP Meetings
- Other governmental agency cooperative efforts - USGS/NOAA/NRCS/NWS
- The need for an OFMA Public Relations (PR) Co-

ordinator

2. Training of New and Advanced FPAs continues to be the prime activity of OFMA - Education of Community Officials to support the FPA is a new priority. New Courses were identified and new instructors for the OFMA Training CADRE will be activated.

3. OFMA is going to support university students to become active in floodplain management, and attend OFMA conferences. The Student Chapter issue was abandoned.

4. Each Regional Representative is encouraged to continue to host a monthly luncheon in their respective regions for training, networking, communication of OFMA activities, etc.

5. The BFE will continue on a quarterly basis.

6. The OFMA Website will be renovated completely. An Ad Hoc committee was appointed to complete that work by March 2010.

7. OFMA intends to prepare a detailed proposal to submit to OWRB to assist with portions of the Oklahoma Comprehensive Water Plan.

Two new brochures are proposed to be developed: one on Oil and Gas Permitting and the second on Availability of Flood Insurance and Requirements for Insurance on Public Structures.

An Ad Hoc Budget Committee

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was formed and a template for a Budget Created. The Budget will be adopted at the November Board meeting

A Public Relations Coordinator within OFMA will be identified to assist with “Success Stories,” awards, conference reporting, outreach, and PSA efforts.

The OFMA Board will vote to adopt the Strategic Plan for 2009-2010 at the November Board meeting, and once adopted, it will be posted on the OFMA website.

After reflection on this year’s Retreat, we decided to wait until December 2009 to plan the time, duration, and location of the 2010-2011 Strategic Plan Retreat.

OFMA TRAINING CADRE—BY BILL SMITH

The OFMA Training Cadre is “stepping up” its efforts this year to support the training of the local floodplain administrators. The budget cuts at OWRB are instrumental in precipitating this issue. Bill Smith continues as the OFMA Training Cadre coordinator, and Joe Remondini at the Tulsa District Corps of Engineers will continue to be the coordinator and moderator of the Advanced Training Sessions throughout the coming year. The schedule for Advanced and Basic Training, including the OWRB 101 courses and the week-long E-273 “Managing Floodplain Development Through the NFIP” is as follows:

January 11-15, 2010, Managing Floodplain Development Through the NFIP, University of Oklahoma.

January 12, 2010, Substantial Damage Estimator/DRT, Tulsa Technology Center, Jenks Airport.

February 9, 2010, Floodplain Management 101, University of Oklahoma.

February 9, 2010, Letter of Map Change, Tulsa Technology Center, Jenks Airport.

March 4, 2010, Floodplain Management 101, Eastern State College, McAlester, OK.

March 4, 2010, Advanced Floodplain Management, Eastern State College, McAlester, OK.

March 9, 2010, Floodplain Management 101, Tri County Technology Center, Bartlesville, OK.

March 9, 2010, Advanced Floodplain Management, Tri County Technology Center, Bartlesville, OK.

March 16, 2010, Floodplain Management 101, Lawton, OK.

March 16, 2010, Advanced Floodplain Management, Lawton, OK.

March 23, 2010, Floodplain Management 101, High Plains Technology Center, Woodward, OK.

March 23, 2010, Advanced Floodplain Management, High Plains Technology Center, Woodward, OK.

April 20, 2010, Floodplain Management 101, University of Oklahoma.

April 20, 2010, Advanced Floodplain Management, University of Oklahoma.

May 4, 2010, Floodplain Management 101, University of Oklahoma.

May 4, 2010, Substantial Damage Estimator/DRT, University of Oklahoma.

May 6, 2010, Floodplain Management 101, University of Oklahoma.

May 6, 2010, Letter of Map Change, University of Oklahoma.

May 17-21, 2010, Association of State Floodplain Managers Annual Conference*, Oklahoma City.

*-The ASFPM Conf. requires separate registration through ASFPM at www.floods.org.

Speaker requests are being solicited at this time for additional trainers at the Advanced Workshops. A new course “FIRMettes for Dummies” is in the works. The DFIRM Workshop that Chris

Hill of Meshek & Associates presented at the OFMA Annual Conference will also be scheduled, upon request, with a modest fee for the computer laboratory rental and administrative costs. We are investigating the use of the Dell City Training Room, OU Norman Computer Laboratory, and the Tulsa Dispatch Center for this training workshop.

With the assistance of Dee Robison, Chair of the OFMA Education Committee, a formal course numbering system for all the courses that OFMA has created will be established, along with descriptive write-ups of the courses. New courses that are being solicited include No Adverse Impact, After the Flood, Establishing BFE’s in Un-numbered A Zones, Joining the CRS, Floodplain Issues in the IBC, Non-Structural Flood Risk, How to Complete the New Elevation Certificate, Green Building, Dam Safety Issues, and Floodplain Management in the Rural Areas. Other areas that we are pursuing include training coordination with the USGS, NRCS, NOAA, and NWS to develop or use existing training materials, or inviting guest speakers from these organizations to the Advanced Workshops.

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volunteers sign up at the OFMA Annual Conference and have had 10 volunteers sign up from the Arkansas FPM Chapter.

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