

THE FLOOD CURRENT

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River's Capricious Course Damages Homes

When Bill and Karen Mercer built their home west of Norman in 1980-81, the (South) Canadian River lay a mile and a half away, a distance that appeared safe at the time. The Mercers liked their secluded five acres so much they staked out a site shaded by big cottonwoods for construction of a two story, four bedroom family home.

Today, the handsome cedar-sided structure leans precariously over the river, a ghost unwillingly abandoned

ings were appraised in 1986 at \$150,000.

When the home was built outside the incorporated limits of Norman, in Cleveland County, it met all siting and construction standards in place at the time. No flood damage ordinance was in place to restrict construction until 1988. In 1980, damage to the Mercer home by a river a mile and a half away seemed remote -- until the heavy rains that triggered the Mothers Day Flood of 1993.

The storm's day and night of rain caused the river channel to take a drastic easterly cut toward the homes of the Mercers and their neighbors. Other rains licked away at the soft banks, and a

for payment to policyholders whose buildings were subject to imminent collapse or subsidence due to erosion. It allowed payment toward relocating or demolishing the structure before the damage occurred. Among the requirements was that the community be enrolled in the National Flood Insurance Program and the homeowner have flood insurance.

Morris points out that the Upton Jones Amendment specifically targeted damage to structures located by "lakes, rivers or other bodies of water, subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated levels." The coverage was available to owners who had flood insurance in effect for two years.

Upton Jones proved vulnerable to abuse by owners along the nation's coasts, and thus too costly to insurers, so the U.S. Congress repealed the Amendment October 1, 1995. Settlement under terms of Upton Jones was available to homeowners whose flood



This photo of the Mercer home was taken on April 9, 1997, just a month before the Canadian River advanced 150 feet in two days.

to the river by its builders/tenants. The home is in imminent danger of loss by erosion and subsidence, its foundation sharply undercut by the river. The homeowner is puzzled and depressed by the dilemma in which he finds himself.

Neither policy provided for subsidence

Although the home is covered by homeowners and flood insurance, Mercer has been advised that homeowners insurance will not cover the loss. It is uncertain whether flood insurance will mitigate the loss, even when the structure is taken by the river. The home, its grounds and outbuild-

particularly damaging storm in 1995 cleaved away acres of soil and sand.

Early in May 1997, the relentless river advanced 150 feet in two days, tipping the Mercer deck, encroaching on the house foundation and sweeping away trees and the septic tank.

Ken Morris, OWRB National Flood Insurance Program (NFIP) coordinator, who visited Mercer at the abandoned home May 7, said the family's home might have been saved, had the Upton Jones Amendment still been in effect. The 1988 Upton Jones Amendment to the National Flood Insurance Act provided



The river under cut the deck, encroached on the foundation and swept away fences, trees and septic tank.

insurance predated by two years repeal of the Amendment.

Seven homes near the Mercer house were declared eligible and are presently in stages of removal or settle-

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ment. Two homes have been removed; one is settled but not yet removed; and four are in various stages of settlement. Three, including the Mercer home were not eligible because NFIP flood insurance had not yet been in place two years. Cost to the owners of moving the house and acquiring a suitable site is estimated to be \$40,000.

"The remedy seems to lie in new federal legislation similar to the Upton Jones Amendment to protect homeowners along the nation's inland waters," said Morris. "Oklahoma has a number of homes in potential jeopardy of loss or damage from erosion/subsidence, so many could face the tragic dilemma the Mercers face today."

In the meanwhile, communities and counties which participate in the NFIP are eligible to apply to the Federal Emergency Management Agency for Flood Mitigation Assistance. FMA planning grants assist communities in developing or updating a Flood Mitigation Plan, while project grants are available to communities for the implementation of measures to reduce flood losses. A Flood Mitigation Plan on file with FEMA is prerequisite for participation in the Flood Mitigation grant program.

However, for communities to be eligible for grants, states must contribute a 12.5 percent cash match for federal Flood Mitigation Assistance funding. According to Morris, creation of a State Hazard Mitigation fund to provide the match money is an issue legislatures must address in states which do not yet participate.

Participation in the program would make Oklahoma eligible for FEMA grant funds for relocation or demolition of vulnerable insured structures, floodproofing and elevation of structures and acquisition of insured buildings or real property. "In the long run, it would save millions of dollars paid in disaster assistance to repetitive loss structures," said Morris.

Meanwhile, the Mercers stay with friends indefinitely, waiting for the Canadian River to resolve the fate of their home. □

Meet the OFMA Board. From left: Carolyn Schultz, treasurer; Ken Morris, ex officio; Albert Ashwood, past chairman; Neill Pulliam, secretary, Region 2 representative; Donnie Blanlot, vice chair; Cliff Pitner, Region 3 representative; T.J. Davis, chair; Dan Cary, Region 1 representative; Anna Lee, Region 5 representative; Bob Bigham, Region 4 representative.

Planning Vital to Floodplain Management

Report from Ken Morris, Oklahoma Coordinator, NFIP

Gavin Brady, and Donnie Blanlot of the Water Board recently represented Oklahoma on a special Federal Emergency Management Agency (FEMA) Task Force that will guide national floodplain management into the 21st century. Also involved in this "unified program" that sets out objectives and responsibilities of federal agencies are the U.S. Army Corps of Engineers, National Park Service, Natural Resources Conservation Service and U.S. Forestry Service. Their decisions are expected to improve the NFIP and overall floodplain management throughout the United States.

At the annual meeting of the Association of State Floodplain Managers April 28-May 2 in Little Rock, Gavin Brady and I presented a paper on flood disaster mitigation in Ottawa County.

Two subdivisions southeast of Miami, established around 1980 -- just prior to the county's enrollment in the National Flood Insurance Program -- are frequently flooded by the Neosho River and backwaters from Grand Lake. Many of the 60 structures in the area were constructed as much as eight feet below the 100-year flood elevation.

The 21 homeowners who have federal flood insurance policies have collected more than \$650,000 in damage claims as a result of five major and several minor flooding events since

construction. One home has received \$100,000 through the NFIP; the current worth of the home and property -- \$20,000. Mitigation in such situations is most frequently achieved through three options: elevation of the homes at or above the base flood elevation, acquisition and relocation of the structures, or acquisition and demolition.

Unfortunately, the county cannot afford the required federal match for such costly activities.

It's easy to lay blame -- at the residents for building in an obvious floodway or at county officials for the lack of oversight and planning. Meanwhile, the federal government and all taxpayers repeatedly pay for the problem. Even more unfortunate is that this predicament is not

unique in the nation. The OWRB and FEMA will continue to work with local officials in seeking solutions to the dilemma in Ottawa County.

All other communities should continue to use good judgement, plan wisely and be conscientious members of the National Flood Insurance Program.

Finally, please mark your calendars for the annual meeting of the OFMA to be held at Roman Nose State Lodge September 10-12. The meeting will be highlighted by initiation of the OFMA Certification Program which seeks to strengthen the capabilities of community floodplain managers in Oklahoma. □

