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 by 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 outbuildings were appraised in 1986 at $150,000.

When the home was built outside the incorporated limits of Norman, in Cleveland County, it met all sitting 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 Mother's 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 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-
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.

Meet the OFMA Board. From left: Carolyn Schultz, treasurer; Ken Morris, ex officio; Albert Ashwood, past chairman; Neil 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.