Fields of Opportunities

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

August 31, 2010

David Garr
3105 N. Court Rd.
Ottumwa, IA 52501

RE: Complaint # 08/10-09

Dear Mr. Garr:

On 08/23/2010, this office investigated your complaint alleging the city's failure to clean Cedar Creek, tiling from the golf course, and development in the Cedar Creek drainage area upstream from your residence has resulted in your home being flooded more than 25 times this year.

You were not home at the time of our investigation but I was able to discuss recent events with the clean up crew removing carpet and flood damaged materials from your home. One of the contractors stated a 6 inch rain event the previous Friday (20th) caused flash flooding in Cedar Creek and resulted in several feet of water to flow into your residence (water line was about 3 ft. up on the front wall - roughly 6-8 ft on the rear wall). You later reiterated your position during a phone conversation that upstream development, tiling at the golf course, and the city's failure to maintain the creek caused or greatly increased the flooding problems.

The department does not have regulations requiring maintenance of a stream or waterway. Any regulations that are in place only dictate voluntary activities within a stream bed, along stream bank, or within a flood plain. Additionally, departmental flood plain involvement is limited by the size of the drainage area, 2 square miles in urban areas, 10 square miles in rural areas. Both Wapello County and the city of Ottumwa have flood plain management ordinance that have been approved by the department for development oversight within each entities jurisdictional area. The type of activities identified in your complaint are activities for which the local governments would have jurisdiction.

I discussed your concerns with Ottumwa Flood Plain Manager, Dave Shafer. He reported a portion of your property is in the 100 year flood zone. Combine this with saturated soils and significant and/or frequent rainfall events, and the outcome can be devastating. Mr. Shafer indicated several properties in your area have been impacted by flooding. As a result, the city and county are working with FEMA to seek federal assistance for damages. Wapello County Emergency Management has asked that anyone who has suffered damages from flooding and/or flash flooding complete a Damage Assessment Form and return it to them immediately. Forms are available at the County Board of Supervisors Office (215 N Court St.) or at the city web site (www.cityofottumwa.org). If you have not already done so, you should contact Wapello County Emergency Management Coordinator, Josh Stevens for additional details. Mr. Stevens can be reached at 641-683-0050 or at wapellocountyema@pcsia.net.

We recommend you continue to discuss concerns regarding flood plain development with Ottumwa City Planner, David Shafer (641-683-0606) and/or Wapello County Engineer, Brian Moore (641-684-5425) since they have oversight authority for flood plain development in those areas. You can also contact the department's Flood Plain Management staff in Des Moines to discuss city/county oversight authority. Kelly Stone, DNR Flood Plain Engineer, can be reached at 515-281-4312. If you do not believe your concerns have been adequately addressed, you may wish to seek resolution as a civil matter.

If you have any questions or would like further explanation of any part of this letter, please contact this office.

Sincerely,
FIELD SERVICES & COMPLIANCE BUREAU

Terry Jones
Environmental Specialist Senior

fo6\shared\tjones\complaint\flp\garr-ltr-cmp08-10-09

xc: Kelly Stone, DNR Flood Plains, Des Moines
Dave Shafer, City Planner, City of Ottumwa, 105 E. 3rd St., Ottumwa, IA 52501-2904
Brian Moore, Wapello County Engineer, 536 Mill St., Ottumwa, IA 52501
Dan Johnson, Rock Island District, US Army Corps of Engineers, PO Box 2004, Rock Island IL., 61204-2004
Complaint File