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**Subject:** Big Canoe Property Owners Association Insurance Policy - QUESTIONS

**Date:** Fri, Jun 4, 2021 7:22 pm

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**TO: MARSH & MCCLENNAN** (John Hamilton)

**CC: RSUI** (Phillip McCrorie, or forward to Appropriate Representatives)

**RE: Insurance Policies Covering Big Canoe Property Owners Association**

Greetings,

I publish a local newspaper, "Focus On Big Canoe, GA". Over the past 9 months my newspaper has been running a Series on the Safety of our Lakes & Dams within the community. The greatest focus has been regarding the communities largest lake & dam - Lake Petit Dam.

A link to the Series can be found here: <https://bigcanoe.themountainsvoice.com/tag/infrastructure/>

In brief, my Newspaper has been submitting and receiving Open Records from Ga Safe Dams for nearly 9 months, and over the course of our review and subsequent reporting, **substantial safety and compliance issues have been brought to light. This recently culminated in a [May 20, 2021 Compliance & Maintenance Letter](#) being issued to the Big Canoe POA as a result of increasing safety concerns, and continued failures to comply with their legal requirements.** Of greatest concern is that Big Canoe has NEVER in the history of the Lake undergone the legally required annual testing of Lake Petit's Lower Lake Drain, or "Emergency Draw Down Drain" as it is sometimes referred to. They have also failed to legally submit their annually required affidavits stating that they have done so, and that the Drain is operational. This has become of utmost concern as the substabtally large Earthen Dam (*the 2nd Largest in Georgia*) has recently begun to show signs of seepage on the embankment, and the community has no way to do the required rapid draw down in the event this condition were to suddenly worsen.

My reason for writing this letter of inquiry to your respective companies, is that my reporting focus is currently switching towards the after-affects of what this might look like if Lake Petit Dam were to be breached. Obviously the results to the community would be catastrophic, both from a liability and property damage aspect. It is my understanding that Big Canoe's first line of defense from an insurance standpoint would be our **"Excess Flood and Earthquake Policy #LHT916214" with RSUI.**

*Note: I believe I have that policy # correct. If not, then whatever Policy would be equivalent in nature.*

**MY GENERAL CONCERN AND QUESTION FOCUS is in regards to Big Canoe's responsibility regarding reporting of deficiencies prior to "an event", and the POA's regulatory compliance responsibilities, and whether failure in either matter could serve to void our insurance. My first question is:**

**(Q1)** Has Big Canoe forwarded to your companies the recent [May 20, 2021 Compliance & Maintenance Letter](#) that they received from Safe Dams? Were you aware of that letter / development?

**(Q2)** Does the fact that Big Canoe is not, or may not be, in Compliance with their legal permit responsibilities and obligations regarding Lake Petit Dam present any liability to the Community in regards to your policy coverage with Big Canoe. For example, could it act as a loophole or avoidance of your requirement to payout in the event of a claim? Is there specific language within the policy which requires Big Canoe POA to meet their Regulatory and Legal Requirements as a part of the Policy?

**(Q3)** Are their other existing policy coverages other than the one directly referenced that would apply to a Dam Breach and any subsequent damages? If so, how would those be impacted in regards to Q2 above?

**(Q4)** Would the aforementioned policy cover the community in the event of a "Dual Event", which I will define hypothetically as an Earthquake that ultimately caused the Dm Breach, but then the flood resultig from said breach. My research indicates that this sort of "double jeopardy" for lack of a better term is sometimes the trigger for non-coverage.

**I look forward to any responses, clarification, or education you can offer to me as I prepare an article on this topic.** Feel free to reach out to me via my contact info below.

Peace,

- david hopkins / publisher

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