
Blackburn: Throw out useless 100-year flood maps to get to the true risk

Slow local, state and federal response leaves Houston vulnerable to next disaster

By Jim Blackburn | December 30, 2017



Environmental lawyer Jim Blackburn argues that elected officials should follow Harris County Judge Ed Emmett's example on managing Harvey response and plans for next deluge.

Chief Judge Susan Braden of the United States Court of Claims gave flood-weary and beat-up Houstonians an early Christmas gift when she arrived from Washington, D.C., to conduct a hearing on Dec. 20 in the lawsuits arising from the flooding associated with Addicks and Barker Reservoirs. And a lovely gift it was.

Judge Braden gave us the gift of an empathetic judge caring about rendering swift justice, win or lose. She was scathing in her remarks to the federal government's lawyers, whom she felt were unnecessarily attempting to delay progress in the hearing of these cases. Instead of going along with these stalling tactics, she grasped and articulated the urgency of our community's situation and acted upon it.

How refreshing it is to see a public servant truly concerned about the public. How refreshing it is to see a federal judge speak about the need for swift justice, for urgency in addressing the concerns of flood-ravaged Houstonians. And how rare.

All politicians in the Houston area should take notice of this federal judge's example and learn from it. Of our local, state and federal politicians, only County Judge Ed Emmett seems to really grasp the seriousness of our situation and the need to change the status quo. Emmett led Harris County to vote to use the 500-year flood plain in the interim for regulation and planning - a bold step.

To Emmett, I say: "Good start. Now take us forward to address even more difficult tasks and get us to the finish line."

To the others I say: "Get with it or get out."

It is hard to overstate the urgency of effective action regarding our flooding situation. We need to overhaul our thinking and our approach to flooding. We have a \$500 billion-plus economic engine in the Houston area that we need to protect and nourish - the golden goose that we all have enjoyed. But our goose is threatened by our major flooding mess, not to mention the threat to our property, lives and well-being.

There are any number of priorities. The first is telling the truth about our flooding problem. The mapped 100-year flood plain is obsolete. To the extent that we are trying to protect our people and our buildings from a storm that has a 1 percent chance of occurring in any year, this map is simply wrong and not dependable. Our roads are built to this level, our buildings and homes are elevated to this level, and hazardous waste is protected to this level. It must be changed.

Yes, Harris County has moved to replace this obsolete flood plain with the 500-year flood plain, which is certainly a step forward. However, the city of Houston has not replaced their obsolete 100-year flood plain, and we have to ask: "Why not?"

Why do we have one local government protecting us to a higher standard than another? Those of us living in Houston and surrounding smaller cities and towns are simply not being protected as well in this respect as are those living in unincorporated Harris County.

The same goes for the state of Texas. Nothing has been changed by the Texas Highway Department regarding our flood planning for roads. Nor has anything been changed by the Texas Commission on Environmental Quality regarding our planning standards for hazardous waste. Both of these agencies are overseen by the governor and lieutenant governor. Both have been mute on this subject, to which I say: "An official who is mute on flood-related action is the enemy of the people of this region."

The same is true of the federal government. The Federal Emergency Management Agency has been silent regarding our obsolete flood plains. The U.S. Army Corps of Engineers has been silent about any revised planning standards. No new refinery and chemical safety standards have been proposed.

At the federal court hearing earlier this month, Judge Braden said, "What has been proposed to the Court, frankly, is insulting. It's insulting to the people in this community"

We, the "people in this community," should all be insulted by the poor efforts mounted so far by elected officials for the city, state and federal governments. They can do better, and we should demand better.

Blackburn is an environmental lawyer and the founder of Bayou City Initiative.