
Lawsuit: Army Corps knew for decades about Katy flooding risks

Decades of records detail flooding likely, federal lawsuit says

By **Lise Olsen** | January 17, 2018 | Updated: January 17, 2018 11:22pm



Photo: Mark Mulligan, Staff Photographer

The Canyon Gate neighborhood of Cinco Ranch, right, was filled last September by flood water from Barker Reservoir.

Not long after the government erected two earthen dams on an empty patch of Katy prairie west of Houston, the U.S. Army Corps of Engineers predicted that thousands of acres of private property could be consumed by lakes that would form upstream in a big storm, according to documents described in a federal lawsuit.

That was in 1962. Yet neither then, nor later when hundreds of subdivisions were built upstream from those reservoirs, did the federal government buy additional land to make room for emergency lakebeds that ultimately flooded 14,000 properties during Hurricane Harvey.

More than a half century of the Corps' own reports are being presented as the strongest evidence to support homeowners seeking compensation from the government because of the water that flowed into their property, according to new filings in a federal lawsuit pending in the Washington, D.C.-based Court of Federal Claims.

The Houston Chronicle previously has reported that the government had repeatedly mapped and calculated the potential damages of flooding upstream from its dam for decades - predicting that thousands of acres would be inundated for as long as 45-49 days and quietly considering but rejecting a string of proposals to buy hundreds of millions of dollars of property inside the areas engineers describe as "flood pools."

The two dams, Addicks and Barker, were built in the 1940s to help manage floods on the Buffalo Bayou and its tributaries after a huge flood wrecked downtown Houston.

The lawsuit alleges that in its 1962 Reservoir Regulation Manual, the Corps' own data showed that federal engineers already had calculated that they needed to acquire 4,285 more acres of private land to accommodate the area that would be flooded by Addicks reservoir's maximum design pool. For Barker Reservoir, another 4,595 acres were needed.

Thousands of plaintiffs

Back in the 1960s, most of that land was rice fields and ranches, but the Corps took no action either to acquire property or obtain easements.

The problems got worse in the 1980s, when the dams were made higher and when spillways and flood gates were added, modifications that made the reservoir's maximum "flood pools" grow even larger, according to a raft of additional Corps' reports and studies cited in the lawsuit. According to

reports issued in 1986 and later in the 1990s, the government knew that thousands of homes were at risk and still took no action, deciding to risk being sued.

The U.S. Department of Justice, which represents the Corps in the lawsuits, didn't respond to a request for comment.

On Tuesday, lawyers named 13 reservoir property owners to serve as lead plaintiffs as part of a proposed class-action group that represents different types of losses suffered by reservoir-area property owners.

Four live in Canyon Gate, Cinco Ranch and Kelliwood - subdivisions adjacent to Barker Reservoir, an area where about 4,000 homeowners were displaced by a massive muddy pool that entered their houses and lingered for as long as a week after Harvey.

Nine others - including a renter, a real estate investor and the Lakes on Eldridge Community Association - represent 6,000 or more who suffered flood-related losses in Harris County neighborhoods north of Interstate 10 when Addicks swelled to enormous size.

Lead plaintiff Christina Micu evacuated ahead of the storm, carefully locking up her two-story Canyon Gate home as she and her husband and three children left for Dallas. She, like most others in the flood pool, was unaware of reservoir dangers and never dreamed she'd be unable to return after Harvey.

Another neighbor involved in the case felt forced to sell, taking a loss. Micu has managed to hang on, but she's still struggling to complete repairs before the six-month lease expires on the family's post-storm apartment.

"For a while, I was crying every day for a couple of months," she said. "Now I'm not. But it's hard when you go back and forth and you think you're better, then something happens. ... There are lots of setbacks."

Houston and Katy Homeowners who were flooded upstream and downstream of the two dams are suing the government in a group of cases filed after Harvey.

But only those upstream of the reservoirs are able to argue that their property was deliberately flooded by a long-planned U.S. Army Corps action as part of established dam procedures meant to keep downtown Houston and the rest of city downstream from suffering more harm.

The rising costs of reservoir development

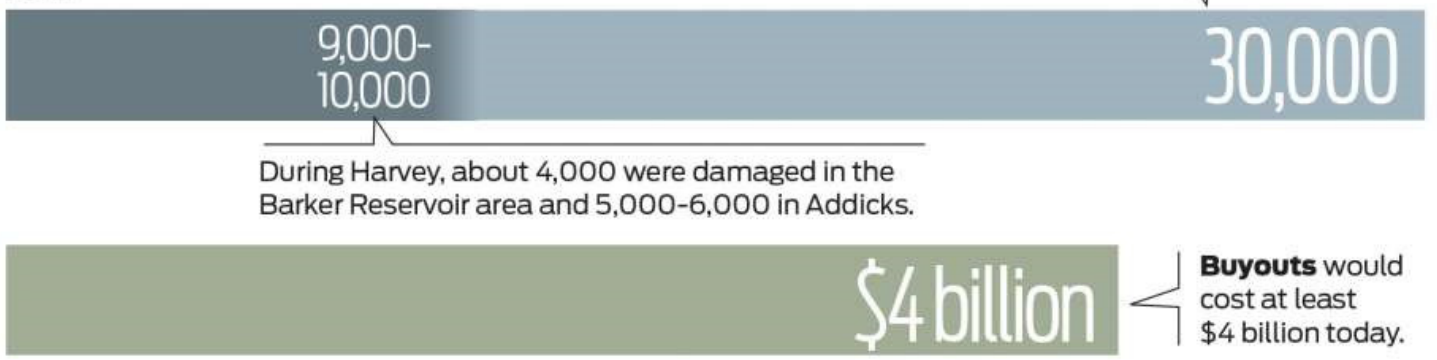
2000



But Houston planning commission and Fort Bend and Harris County officials continued to approve development.

By 2017, **30,000 structures** sat inside Houston's reservoir flood pools.

2017



Sources: 2000: Report from Costello Inc. 2017: Harris County, Fort Bend County and U.S. Rep. Ted Poe Houston Chronicle

Katrina case

Generally, the federal government enjoys immunity from flood-related lawsuits - and the Army Corps has argued it cannot legally be held responsible for any damage related to hurricanes or heavy rains in Houston - or anywhere else.

But the federal government was ordered in May 2015 to pay millions in compensation in response to a case filed in 2005 by Louisiana homeowners who argued that damage to their properties during Hurricane Katrina was made worse by a different type of Corps project. That case is being appealed.

TRANSLATOR

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HOMES DAMAGED BY THE ADDICKS, BARKER FLOOD POOL

Thousands of homes behind the Addicks and Barker reservoirs sit in what engineers call the “flood pool” — a muddy lake that would form behind the dam if the floodgates were closed long enough and it rained hard enough. During Hurricane Harvey, huge pools formed that forced the evacuation of 30,000 properties with 150,000 people in neighborhoods upstream of Houston’s two dams. The map shows the subdivisions that were threatened by the storm. Not all neighborhoods shown were impacted, but those closest to the dams suffered the most damage. An estimated 9,000 homes were damaged.

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