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(Neb)-Wrongful Death Suit Over Spencer Dam Collapse Can Continue

By: John Axtell Posted at: 05/21/2020 11:52 PM

O'Neill, Neb. (AP) - A Holt County District Judge says a multi-million dollar wrongful death lawsuit brought by the family of the only man killed when the Spencer Dam on the Niobrara River collapsed during the floods of 2019 can go to trial.

The family of Kenneth Angel is suing the Nebraska Public Power District, which owned and operated the Spencer Dam, and the Nebraska Dept of Natural Resources, which regulated the dam before the structure gave way under the pressure of a massive ice jam.

Angel's family argues NPPD and the state were at least partly responsible for the failure, which swept him away and destroyed a riverside home and bar owned by the family.

Judge Mark Kozisek ruled there are sound legal reasons to move ahead with the lawsuit, writing that the Angel family deserved to collect evidence and interview those with knowledge of the incident because development of an adequate record is critical to making a determination in the case.

Kozisek also ruled NPPD did not qualify for governmental immunity from the lawsuit. Local governments are sometimes protected from damage claims.

An independent engineering analysis of the Spencer Dam failure found NPPD underestimated the risk of a catastrophic incident and should have been more knowledgeable about the potential damage from ice jams because the structure had been damaged by them twice in the past.

The report also found that the state should have put the dam in a higher risk category with stronger public warning requirements, but concluded there was nothing NPPD could have done to prevent the collapse during record flooding.