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December 3, 2020

VIA E-MAIL

Ms. Jennifer Jones
Executive Director
Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
sunset@sunset.texas.gov

Re: Sunset Review of the San Jacinto River Authority

Dear Ms. Jones:

The Lake Conroe Association (“LCA”) submits this brief clarification on an issue addressed in the Sunset Advisory Commission (the “Commission”) Staff Report on the San Jacinto River Authority (“SJRA”). LCA generally agrees with the Commission’s observations that communications regarding the decision-making process at SJRA could be better. However, LCA also comments that SJRA’s decision-making process itself is flawed and has resulted in a decision that adversely affects Lake Conroe and many people and businesses in the area as well as the local economy.

LCA specifically wishes to correct a statement in the Staff Report concerning the Seasonal Lake Lowering Strategy (“SLLS”) adopted by SJRA and the City of Houston, which is addressed starting on page 13 of the Staff Report. In a text box on page 14, the Staff Report notes: “Despite a formal complaint by the Lake Conroe Association, Texas Commission on Environmental Quality staff indicated the strategy has not violated the city’s or SJRA’s water rights permits.” This statement should be corrected because it implies that SJRA made a correct decision in adopting the SLLS, but did not adequately communicate the decision.

After receipt of the referenced TCEQ staff response to LCA’s complaint, LCA conducted extensive additional research and determined that the TCEQ staff’s decision was based on incomplete and inaccurate information, and therefore, TCEQ’s opinion regarding the permit violation is not correct. Very shortly LCA will submit information to TCEQ to correct this error, and LCA will also reassert its complaint.

The statement in the Staff Report should be corrected to: “A formal complaint concerning the SLLS was submitted by the Lake Conroe Association to the Texas Commission on Environmental Quality (“TCEQ”). TCEQ staff indicated the strategy did not violate the city’s or SJRA’s water

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rights permits; however, based on additional research, the Lake Conroe Association asserts that the TCEQ staff's determination was based on an incomplete investigation and inaccurate information, and a renewed complaint will be filed with TCEQ soon.”

Thank you for this opportunity to clarify the information in the Staff Report.

Sincerely,

Erich M. Birch
Attorney for the Lake Conroe Association

A handwritten signature in blue ink, appearing to read "Erich M. Birch", is located at the bottom left of the page.