

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Sunset Staff Report on the San Jacinto River Authority  
**Date:** Thursday, December 3, 2020 3:53:32 PM

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**From:** Daniel Krueger  
**Sent:** Thursday, December 3, 2020 3:53:17 PM (UTC-06:00) Central Time (US & Canada)  
**To:** Sunset Advisory Commission  
**Subject:** Sunset Staff Report on the San Jacinto River Authority

Your report on the San Jacinto River Authority is disappointing in that apparently you have decidedly avoided your own responsibilities by not forthrightly examining the Authority's performance. The Sunset criteria for review include first and foremost "the efficiency and effectiveness with which the agency or the advisory committee operates." These relate directly to agency performance. I know the report addressed contracting, but that is a support function. With the mission functions of SJRA, the report focuses only on how the SJRA communicates and should improve communications. Essentially, the report presents that what they say is more important than what they do. I think you'd agree that both are important. SJRA will struggle to build trust by communications strategies alone. What they do must be fair and just and legal. Your report cites SJRA's problems with litigation and 'seasonal lowering', but it also seems to suggest that they can talk their way out of or around these issues—performance issues--if they just explain what they're doing better. While I would agree that the Authority could improve in communications, your report would better fulfill your own responsibilities to the public by addressing the performance about which they must communicate better.

As my input letter of July stated, SJRA has performance issues of effectiveness and efficiency because it has evidently seen fit to take on a revised mission without a revised resource basis, and further misusing resources it already controls for other purposes. SJRA's revision in mission focus not only impacts its effectiveness and efficiency in operations, but also impacts the extent to which the agency has complied with federal and state laws and applicable rules regarding equality and the rights and privacy of individual citizens. Your report does not address these issues and should. Your report does not address the issues regarding make-up of the board, representation across interests and communities throughout the basin, and the incongruity of SJRA's functional mission effectiveness given its' watershed jurisdiction but carving out one county.

Some particular statements from the report with specific input and further questions on each follow:

p.11 ***Hurricane Harvey.*** *To safely pass storm water through and prevent damage to the Lake Conroe Dam, in the immediate aftermath of Hurricane Harvey's record rainfall in 2017, SJRA began releasing unprecedented amounts of water from Lake Conroe downstream into areas also being impacted by the storm's record rainfall.*

The report excludes the fact that SJRA's release of water was also required because SJRA has no authority to impound water in excess of 430,260 acre-feet, the Authority has limited flowage easements around the periphery of the lake, and that excessive impoundments put additional loading on the dam structure beyond its design conditions. The unprecedented

amounts of water track right back to the unprecedented amounts of rain. Lake Conroe and SJRA's operation during Harvey reduced West Fork San Jacinto River flow.

*P.14 Following Hurricane Harvey in 2017, Governor Abbott issued a press release directing SJRA to get more involved in flood management in the region by identifying flood mitigation strategies, implementing immediate and longterm solutions, and identifying funding for these solutions.*

Is the press release the kind of proactive and strategic communications that Sunset recommends for SJRA to build trust? Did the Governor's 'press release directive' grant any greater authority to the SJRA than they had previously had? Was the Authority accorded any resources from the State to implement the 'press release directive?'

*P.14 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.*

Pursuant to the provisions of the Texas Public Information Act, I request the Sunset Advisory Commission to provide copy of the record whereby TCEQ "staff indicated the strategy has not violated the city's or SJRA's water rights permit," and/or other basis in the public record for this statement in the report. The permit at issue is a joint COH-SJRA permit (10-4963 as amended). Does the Sunset Advisory Commission consider 'an indication' from a staff member to be a full and competent and appropriate response to a formal complaint from a public party?

Thank you for work in preparation of this report. I look forward to your response and additional information, and to your final report.

Dan Krueger

1815 Park St

Houston, TX 77019

713 494 5694