

**Lake Conroe Association Assessment on the SJRA Self Evaluation
for the Texas Legislative Sunset Review Commission.**

For those Lake Conroe area residents who have not read the **131-page** self-evaluation prepared by the SJRA for the Sunset Commission review the LCA requested two Board members to do a thorough review on your behalf. The LCA applauds the intent of the Sunset Review process and its history of eliminating or consolidating government agencies that are either redundant, inefficient, or poorly managed. The SJRA self-evaluation is dated September 2019 roughly the same time the SJRA officially announced their intent to review, not eliminate, the seasonal lake lowering program (**SLLP**).

We encourage all residents to make comments by July 31. See instructions at the end of this letter.

Our concerns are as follows:

A. Full Self Evaluation - The self-evaluation does not mention once the SLLP which was in place eighteen months before the self-evaluation was prepared. It does go into some detail about the new Flood Management Division but completely leaves out the SLLP and the significant negative public debate over the program. **Given the magnitude of the division the SLLP has caused between communities the SJRA should prepare a supplement to the self-evaluation that is public and fully documents the issues about the SLLP program and its highly contentious renewal.**

B. Pg. 2 - Two of four principles cited in the SJRA self-evaluation are:

1. Be truthful, trustworthy, and transparent. Given the SJRA publicly stated to area residents and elected officials that the SLLP was a temporary program at its start in 2018, that the two SJRA Board meetings in 2018 and 2020 made decisions about the SLLP counter to the SJRA's own technical staff, the Board largely ignored the conclusions of two different independent technical studies regarding the lack of flood mitigation effectiveness, and it is fairly evident private conversations with the City of Houston have influenced the Board's position on the SLLP **we find the truthful, trustworthy, and transparent goal to be severely lacking over two years regarding the SLLP.**

2. Support water conservation and environmental stewardship. Given the lack of a technical conclusion that the SLLP is effective, that billions of gallons of fresh water has been dumped to the Gulf of Mexico over two years due to SLLP, no environmental study or impact study has been performed regarding the SLLP **we find the water conservation and environmental stewardship goal to be severely lacking and that can be fully backed up with data.** The SJRA has publicly stated the water dumped due to the SLLP has no economic value as there is no paying customer. However, there is no evidence they have attempted to substitute the SLLP releases that are 100% wasted for groundwater and to serve customers who could conserve groundwater which is a growing concern.

C. Pg. 76 Regarding the **inception of the Flood Management Division** the self-evaluation indicates it was created in response to a directive from Governor Abbott yet **no written directive has been found** to support that claim. The self-evaluation conflicts itself in the same section as it cites the statutory citation for establishment of the Flood Division is the SJRA enabling act which is decades old. The SJRA is asked to "cite any important history not found in the agency section" – it cites none – fully **leaving out the seasonal lake lowering program which is a new "flood mitigation program".**

D. Lake Conroe Division Pg. 40 – in this section in response to the question – “What is the objective of this program or function?” it states, “**Lake Conroe is a water supply reservoir**”. The section further describes the lake’s capability at normal pool (201 msl) to assist in flood mitigation due to the flowage easement surrounding the lake that allows lake levels to be raised six feet to 207 msl and water to be temporarily stored. There is no mention of the SLLP in this section and in fact the self-evaluation request of “**Describe any important history regarding this program (Lake Conroe Division) not included in the general agency history section, including how the services or functions have changed from the original intent.**” It is responded to by a statement of “The response in Section III sufficiently describes the history of this program”. **However, there is no mention of the SLLP in section 3 therefore the significant change due to the SLLP and to Lake Conroe’s primary purpose is completely and intentionally omitted.**

E. Policy Making Structure Pg. 22 – in this section the self-evaluation highlights “ Additionally, the board has elected to **use more formal stakeholder processes for major projects,**” and goes on to reference a number of instances where –“**These formal stakeholder processes typically involve reaching out to representatives of various interest groups to solicit individuals to participate in stakeholder meetings**”. “SJRA has found stakeholder processes to be a very valuable tool in gathering input on important projects”. “When appropriate, the board has utilized ad hoc “town hall” type meetings to address specific, timely matters, such as dock permitting and fees.” The LCA believes and did make written requests to invoke a stakeholder process to review the SLLP as it fits the definition of a “major project” and was the subject of major impact on many lake area residents. **The Board instead choose to use the “town hall” format that typically gathers broad but consistent opposing input on a program. This format resulted in no means to effectively have technical studies adequately reviewed and debated in public and it pitted two sets of residents that were diametrically opposed to the effectiveness and renewal of the SLLP.** The SJRA Board Chairman should have used both the stakeholder process and townhalls for the review of the SLLP renewal decisions. **Based upon evidence posted on Facebook and Next Door some SJRA Board members publicly lobbied a supporting position on the SLLP which we believe is a conflict of interest, violates their duty to the Board, and was material in the decision to renew the SLLP.**

F. Policy Making Structure Pg. 18 – The table in the self-evaluation on page 18 indicates that the term of office for **three Board members including the Board President expired** one month (10/16/2019) after the self-evaluation was published. A review of the SJRA website and press releases show no information regarding the reappointment of these Directors who led the Board and voted on the renewal of the SLLP. **As the Director terms are for six years it seems reasonable that sound governance require a reappointment be made and publicized in a timely manner before the term expires. If the term is expired is there a legal ruling by the SJRA attorney that the actions and votes of these Board members had validity after term expiry?**

- Send an email to sunset@sunset.texas.gov
- Submit comments online at www.sunset.texas.gov
- Send a letter to Sunset Advisory Commission, Attn: SJRA, P.O. Box 13066, Austin, Texas 78711