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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 15, 2018

Mr. Jace A. Houston
General Manager
San Jacinto River Authority
P.O. Box 329
Conroe, Texas 77305

Ms. Carol Haddock
Director, Houston Public Works
City of Houston
611 Walker
Houston, Texas 77002

Dear Mr. Huston and Ms. Haddock:

As you are aware, there has been considerable attention given to reducing the risk of flooding along the San Jacinto River, particularly the West Fork of the San Jacinto River, in light of the extensive, catastrophic flooding that occurred as a result of Hurricane Harvey. The Texas Commission on Environmental Quality (TCEQ or Agency) has participated in community-related meetings and conducted flyovers and investigations of sand mining operations in response to concerns of unauthorized mining activities. Dredging portions of the San Jacinto River has also been discussed to address siltation in the river. The issue of lowering the levels of Lakes Conroe and Houston while the dredging takes place over the next one to three years has been identified by the San Jacinto River Authority (SJRA), City of Houston (COH), and the Texas Department of Emergency Management as being critical to the effort of mitigating flood risk. It is important to note that the Agency has received multiple inquiries from elected officials and concerned citizens alike with differing perspectives regarding the lowering of lake levels.

As TCEQ understands, SJRA, in coordination with the COH, have developed an emergency driven seasonal strategy for managing the water reservoirs during periods of heavy rainfall. TCEQ further understands that these measures would be utilized only on a temporary basis to mitigate flooding while dredging activities are completed. Those measures include releases under certain conditions from Lake Conroe or Lake Houston as determined to be necessary to mitigate impacts from future flood events. Additionally, according to SJRA, the lake lowering strategy would be reviewed and evaluated annually in February and must be agreed on by the SJRA Board and the COH to continue.

As we move into the 2018 Hurricane Season, in which we have already seen one named storm, the Agency recognizes the need to protect public health and safety by addressing and mitigating potential flooding. Accordingly, if flood mitigation releases made under these conditions result in an exceedance of the annual permitted amounts authorized for diversion or release by SJRA or the COH, the TCEQ Executive Director will exercise enforcement discretion with respect to such exceedance.

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The TCEQ appreciates the challenges with mitigating flood risks during the time in which the San Jacinto River will be dredged while managing the region's water supply. If there are any questions, please contact me at (512)239-3900.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bergeron Perdue". The signature is written in a cursive style with a large initial 'S'.

Stephanie Bergeron Perdue
Interim Executive Director
Texas Commission on Environmental Quality

Enclosure: Texas Department of Public Safety June 12, 2018 letter

cc: The Honorable Sylvester Turner, Mayor of Houston
The Honorable Dave Martin, Councilman, City of Houston

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Bcc: L'Oreal Stepney, Deputy Director, Ofc of Water
Ramiro Garcia, Deputy Director, Ofc of Compliance and Enforcement
Margi Ligarde, Deputy Director, Ofc of Legal Services
Ryan Vise, Director, CIR
Sam Gammage, CIR
Ferrell Fields, CIR & Executive Ofc

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June 12, 2018

Governor Greg Abbott
Governor
State of Texas
Austin

Dear Governor Abbott,

Flooding continues to be the number one natural disaster to threaten Texas and it does so with regularity. Since 2015, Texas has been hit with seven federal disaster declarations, six of which involved catastrophic flooding, most recently from Hurricane Harvey. In addition to recovering from these disasters, the state and its jurisdictions must focus on ways to mitigate the effects of future disasters and, most importantly, flooding.

In April, the U.S. Army Corps of Engineers (USACE), the Federal Emergency Management Agency (FEMA), Harris County Flood Control District, and Texas Division of Emergency Management (TDEM), met in an effort to mitigate further damage. At issue was an acute need to dredge portions of the west fork of the San Jacinto River to protect residents and property from flood inundation in the surrounding areas as a result of debris washing into the waterways by the historic, torrential rains. The dredging is forecasted to begin in July. In addition to this dredging project, I believe there are other immediate actions that can be taken to safeguard our communities and during the next 12 to 18 months, focus on additional mitigation strategies will be undertaken.

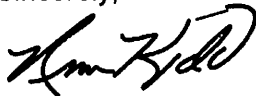
Lake Conroe, in Montgomery County, has a great effect on large portions of the area. As Hurricane Harvey dumped up to 60 inches of rain in some areas, it hit the Lake Conroe water basin with overwhelming amounts of rainfall. As we move into the 2018 Hurricane Season, in which we have already seen one named storm, I respectfully request your support of a strategy approved by the San Jacinto River Authority (SJRA) and city of Houston (COH) to implement a temporary, seasonal systematic lowering of the waters in Lake Conroe to provide a safety margin in hopes of preventing future overwhelming releases when the next storm hits the area.

Governor, please know this is not a long-term solution, but an emergency driven measure that is needed temporarily. We will continue to implement other immediate actions that can be taken such as the dredging project mentioned above and the completion of other flood mitigation projects in the surrounding areas being undertaken by our local partners.

Local governments and the state continue to work together to provide support for these efforts. Given the Texas Commission on Environmental Quality's (TCEQ) statutory authority over the administration and management of water rights, I request that you consider asking the executive director at TCEQ to provide regulatory flexibility to allow for flood mitigation measures to be implemented by the SJRA and the COH—again, only on a temporary and seasonal basis. To that end, the final schedule and amount of releases for lowering Lakes Conroe and Houston should be provided to TCEQ so they are informed on state water usage related to this effort.

As we all work together to recover from multiple previous disasters and simultaneously protect our state from future events, I appreciate your support and dedication to protect the people of Texas. As your delegated representative for emergency management, I request a review of this proposal. I truly believe the combination of these measures will prevent further damages to our citizens and their property along the San Jacinto River.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Nim Kidd". The signature is fluid and cursive, with a large initial "W" and "K".

W. Nim Kidd, CEM®
Chief, Texas Division of Emergency Management
Division Director, Texas Department of Public Safety