

- 1. Did the LCA support the higher diversion rate as is being reported by the SJRA GM?**
- 2. Why did the TCEQ approve the increased diversion rate request despite the written LCA objections in July and September 2025?**
- 3. What evidence do we have that the TCEQ was misled or worse was knowledgeable about the unstated intents to use the increased diversion rate for rain event prerelease lowering?**

LCA answers:

1. In the one and only recent joint meeting with the CoH / SJRA and the LCA on December 16, 2024, the topic of an **increased diversion rate was discussed as part of the effort to try to develop a mutually agreed 2025 Active Storm Management (ASM) protocol**. In that meeting the **LCA repeated the two conditions** that had been previously requested of the SJRA / CoH to continue prerelease lowering in 2022 and 2023. **These were to fund and complete a technical study that concludes lowering is effective for downstream flooding and to then obtain TCEQ approval of prerelease diversions as either beneficial use, or get a temporary exception, or develop an emergency definition to allow prerelease.**

Given the poor outcome of the June 2024 ASM release of 2.4 billion gallons (5.5" of lake lowering in response to .5" of rain) the discussions focused on potentially using an increased diversion rate so that the release would take place closer to the rain event. The LCA stated that an increase rate would be supported only if the SJRA / CoH finally completed the two requests of technical study and TCEQ approval. The meeting became heated and the LCA was labeled as obstructionist and unreasonable. **It was at this point a representative of the SJRA stated "Well if we cannot agree on a plan then we will not put anything in writing, we will do what we want, when we want".** Initially the LCA thought this was an emotional outburst but events and actions **since that meeting has seen the SJRA put absolutely nothing in writing as far as lowering goes, hold no more joint meetings, and do as little as possible in the public eye regarding their plans such as with the tripling the diversion rate.**

2. Throughout 2024 and 2025 the LCA has been active in getting information, making recommendations, writing letters of concern to the SJRA and attending all SJRA Board meetings, as well as meeting twice with the TCEQ and ultimately filing formal complaints due to their inadequate efforts as water resource regulators.

Basically, TCEQ approved the increased diversion request from the SJRA and CoH as the filing did not contain any information about using the increased diversion rate for anything outside the current water permit.

The TCEQ gave no credibility to the LCA concerns nor used the proof that the LCA provided nor explained why the LCA evidence was incorrect.

The recent actions and decisions by the TCEQ mean they will not fully investigate any claim of water permit violation or water waste if the paperwork submitted by either the SJRA or CoH allows the TCEQ to respond, “the paperwork as submitted is evidence of no current or future violations”.

We believe our evidence and facts were sound but fully ignored by the TCEQ on the July 2025 request for an increased diversion rate. Given our recent experience it would appear we cannot rely on TCEQ to enforce its own rules even if provided with clear evidence of waste at Lake Conroe due to flood mitigation lowering. We will ultimately address the TCEQ failures at a future time in an effective way that publicly reveals their failures and the significant water waste.

3. Our concerns about the use of the higher diversion rate for prerelease lowering were inadvertently confirmed by the SJRA GM in his September 23 remarks – see below comments from his audio remarks made in the September 25 SJRA Board Meeting.

Comments highlighted in yellow are from the SJRA GM. Comments in blue font are from the LCA in response to the SJRA GM comments.

“This (increased diversion rate) is significant as this can significantly reduce the likelihood of releasing water when it turns out to be unnecessary. That's what we want to avoid. “

LCA Response – In our view this is an admission past and prerelease water volumes, which are not defined as beneficial use, are unnecessary and thus wasted. Otherwise why say unnecessary? If the SJRA claims to want to avoid unnecessary water diversions (consistent with LCA claims of waste) then how do they defend their cooperation and Operator responsibility for wasting 46 billion gallons already?

“What we're doing with our application and we're using we have another tool in our toolbox that could be helpful but may never be used and I think that's an important point.

” “the maximum diversion rate if we increase it, we may never use it, but we have that as a tool in case there is a need. “

LCA response – This is a admission by the SJRA GM the SJRA application to the TCEQ for a higher diversion rate could be used for a non-beneficial use and violate the application terms and water permit. There is no logical basis to request a higher diversion rate unless it will be used for prerelease which currently is unauthorized.