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LCA President's Letter – Facts and Realities vs Voice and Choice

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My last President's letter was in August and the delay in providing an update was due to developments regarding the Seasonal Lake Lowering Program (SLLP). These developments have resulted in a significant improvement to our future lake levels. By now some of you may have heard that several Lake Conroe representatives met over the last few months with counterparts from the Lake Houston Area. The meetings were brokered by the SJRA Board to attempt to find a short-term middle ground on SLLP and not wait till the end of 2022 when SLLP was due for another review and a likely extension with the same lowering level targets.

Our representatives came from the Lake Conroe Association Board, and also included Scott Sustman from Walden, Steve Koch from Bentwater, Sarah Henry from Will Metcalf's staff, and Cooper Little from Senator Nichols staff. Our counterparts represented all the municipalities around Lake Houston, City of Houston (CoH) Public Works, and a Senior Aide to Houston Mayor Pro-Tem Dave Martin. Over several months a proposal was jointly developed that I believe is the first significant positive step for Lake Conroe residents since SLLP was implemented. It is a true compromise and both sides made concessions. The LCA Board fully supports the outcome.

Facts – our technical data and studies still show that in its present form SLLP is materially ineffective to mitigate downstream flooding and it has resulted in significant waste of billions of gallons of water to the Gulf of Mexico - not for municipal use. Finally, we believe that it is in violation of the CoH water use rights. These facts have yet to be proven wrong.

Realities - despite strong facts as to the ineffectiveness and waste presented to the TCEQ over a year ago they still have failed to rule on any substantive part of the LCA complaint and there is no sign that the TCEQ will do so any time soon. Our Court legal efforts have not yet resulted in a hearing on the facts of our complaint but instead have been mired in several hearings focused solely on jurisdiction. Our case has been dismissed twice on the jurisdiction basis and while we still have the right to appeal the likely time frame for another hearing on the appeal is six months away. This will be after the next SLLP cycle starts again in Spring 2022.

Voice – the LCA was offered an opportunity to recruit a negotiating team and lead the compromise discussions on behalf of our area residents. I believe we had an exceptional cross section of skills and perspectives and the willingness to listen and critique arguments from both sides on our team. We consulted with the LCA Board and attorneys Erich Birch and Dave Ward.

Choice – after the discussions and meetings came to the final stage, we faced the decision to endorse the compromise or continue the efforts that we had led for two years with minimal positive change to SLLP. We were not asked to drop our TCEQ complaint or the lawsuit as a condition to move forward. Both sides were asked to set aside the emotion and rhetoric and take a first step towards a cooperative process at achieving a long-term solution to both flood mitigation in the West Fork basin and conserving water at Lake Conroe. **We chose the latter.**

The 2022 lowering program will reduce the previous SLLP target level reductions by 6” in Spring and Fall to 200.5’ msl and to 200’ msl respectively. We will see, especially in the Spring, much less water wasted due to the lowering levels that constantly must be maintained by additional releases due to fresh water moving into Lake Conroe from Spring rains. The fall cycle will be a 1’ lowering target vs 1.5’ which has been a very low level that in years past has compounded the summer evaporation impacts that usually last until late in the year. The compromise does not end the SLLP as we prefer but it is a very good outcome compared to the last three years.

The proposal was reviewed by the SJRA Board on Dec 9 and passed unanimously to be discussed and agreed with the City of Houston for implementation in 2022. The agreement also assures that there will be an annual review in Fall 2022 and the present form of SLLP could end in 2023 when we expect flood mitigation projects to have progressed allowing further changes to the SLLP. Our goal is to make SLLP less seasonal and arbitrary and instead be based upon pre-releasing water as needed due to a major storm event in the immediate forecast. This would make lake level lowering much more infrequent and based upon a significant rain event threat not the current wasteful and massive lowering process that happens twice a year “just in case”.

In the coming days we will release more detailed information on our website and intend to organize several townhalls as we have done in the past likely in January. We will also review the SLLP changes in our Annual General Meeting scheduled for January 21 at a venue to be announced in the next two weeks.

Kevin Lacy

President Lake Conroe Association