



City of  
Corpus  
Christi

**WATER  
DEPARTMENT**

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Texas 78415

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ATTN: Charlotte Horn, MC 205  
Office of Legal Services,  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**Date:** October 18, 2013

**Subject:** Comments on proposed rules regarding environmental flows in the Nueces River and Corpus Christi and Baffin Bays, Rule Project Number 2013-009-298-OW

Dear Ms. Horn:

The signatories to this letter appreciate the opportunity to provide comment on the proposed Rules regarding environmental flows. This letter is formally submitted in response to the Texas Commission on Environmental Quality's (Commission's) request for comments on the proposed rules for environmental flow standards for the river and bay systems consisting of the Nueces River and Corpus Christi and Baffin Bays as recently published in the *Texas Register*. It is our interpretation and position that the environmental flows provisions of Senate Bill 3 (80<sup>th</sup> Regular Session, 2007) are not intended to alter any existing permitted water rights within a basin. Sect. 11.147(e-1) of the Texas Water Code, states, in part, "This subsection does not affect an appropriation of or an authorization to store, take, or divert water under a permit or amendment to a water right issued before September 1, 2007."

We commend the Commission in its efforts to incorporate the intent of Senate Bill 3 by attempting to develop a balanced standard that considers the needs of the environment along with the needs for surface water for other human uses. Further, we wish to express our support for the Draft rules as they are currently presented, with one exception. We propose herein the addition of a single statement, within §298.450 of this subchapter, that expressly confirms that the applicability of this subchapter is to be consistent with the applicability defined in the General Provisions and consistent with the intent of Senate Bill 3. We feel that with the complexity of the Agreed Order and the existing permits held by the City, the addition of this statement clarifies the purpose of this rule within the subchapter.

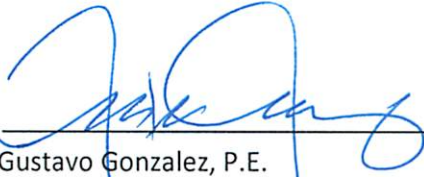
**§298.450. Applicability and Purpose**

This subchapter contains the environmental flow standards for the Nueces River, its associated tributaries, and Nueces, Corpus Christi and Baffin Bays. The provisions of this subchapter control over any provisions of Subchapter A of this chapter (relating to General Provisions) that are inconsistent with this subchapter relating to environmental flow standards and regulation in the Nueces River, its associated tributaries, and Nueces, Corpus Christi, and Baffin Bays.

This subsection does not affect an appropriation of or an authorization to store, take, or divert water under a permit or amendment to a water right issued before September 1, 2007.

We hope that these comments are taken as constructive, as we recognize the difficult task set before the Commission and the valiant efforts of agency staff to contribute to this landmark endeavor to ensure the environmental well-being of the state of Texas.


Sincerely,



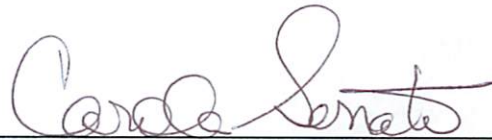
Gustavo Gonzalez, P.E.  
Director of Water Operations  
City of Corpus Christi



Rocky Freund  
Deputy Executive Director  
Nueces River Authority



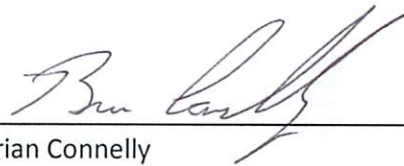
Brian Williams  
General Manager  
San Patricio Municipal Water District



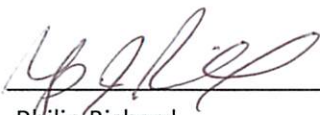
Carola Serrato  
Executive Director  
South Texas Water Authority



Mark Young  
District Manager  
Nueces County WCID # 4



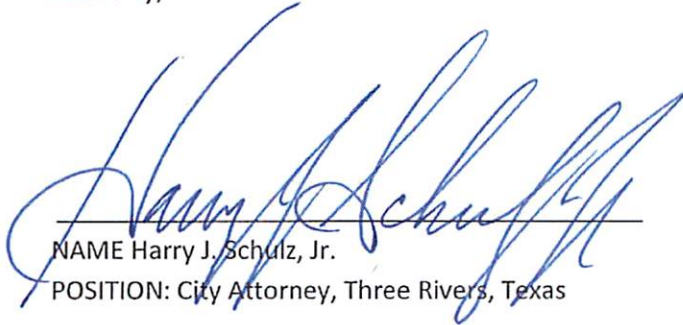
Brian Connelly  
Site Director  
Celanese



Philip Richard  
District Manager  
Nueces County WCID # 3

We hope that these comments are taken as constructive, as we recognize the difficult task set before the Commission and the valiant efforts of agency staff to contribute to this landmark endeavor to ensure the environmental well-being of the state of Texas.

Sincerely,



NAME Harry J. Schulz, Jr.  
POSITION: City Attorney, Three Rivers, Texas

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