



## AGENDA MEMORANDUM

Future Item for the City Council Meeting of December 17, 2013

Action Item for the City Council Meeting of January 14, 2014

**DATE:** December 11, 2013

**TO:** Ronald L. Olson, City Manager

**FROM:** Tom Tagliabue, Director, Intergovernmental Relations  
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Resolution requesting the Texas Commission on Environmental Quality (TCEQ) to adopt language in the environmental flow standards for the Nueces River Basin to clarify that rules are to be applied prospectively and not affect an existing water right.

### **CAPTION:**

Resolution requesting the Texas Commission on Environmental Quality (TCEQ) clearly and conclusively state that Senate Bill 3 environmental flow standards are to be applied prospectively and environmental flow standards for the Nueces River Basin 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.

### **PURPOSE:**

The amendment proposed by the City of Corpus Christi would clarify that the environmental flow standards for the Nueces River Basin cannot impact the City's existing water rights for the Choke Canyon/Lake Corpus Christi system.

### **BACKGROUND AND FINDINGS:**

In 2007, the Texas Legislature passed Senate Bill 3, establishing a process for developing environmental flow standards for future surface water permits. This process is legislatively-mandated not to affect existing permits. The City of Corpus Christi (as the operating entity) operates the Choke Canyon Reservoir/Lake Corpus Christi System in accordance with the special conditions contained in Certificate of Adjudication No. 12-3214 (issued in 1976). Through one of the special conditions in the permit, an Advisory Committee was established to address environmental flow requirements. This exercise is wholly independent of the SB 3 process. Permit language states that environmental flows are required and are within the power of the TCEQ to make changes in them, "to the extent provided by law." There is a possibility that adoption of standards developed during the on-going Senate Bill 3 process may unintentionally set a precedent allowing for a revision to the City's permit, which would significantly reduce water availability for municipal, industrial and agricultural uses throughout the Coastal Bend.

City staff are reaching out to neighboring cities and counties, water systems, customers,

and the local legislative delegation to request letters of support or resolutions be adopted prior to the February 2014 TCEQ public hearing. It is important for the City of Corpus Christi to demonstrate its commitment by adopting a resolution. City staff will make a presentation to the San Patricio County Commissioners Court on December 23, 2013, and to the Coastal Bend Council of Governments on January 24, 2014. A presentation to the Nueces County Commissioners Court will be scheduled after Council adopts the resolution.

**ALTERNATIVES:**

The Council's options are: (1) adopt the resolution, (2) adopt the resolution with changes, (3) reject the resolution, or (4) take no action.

**OTHER CONSIDERATIONS:**

Coastal Bend local governments are awaiting Council action before adopting a resolution.

**CONFORMITY TO CITY POLICY:**

N/A

**EMERGENCY / NON-EMERGENCY:**

This is a non-emergency item.

**DEPARTMENTAL CLEARANCES:**

Legal Services; Assistance City Manager for Business Support Services; Interim Assistant City Manager for Public Works, Utilities and Transportation; Water Department

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Year FY 14</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

**Comments:** None

**RECOMMENDATION:**

Staff recommends Council adopt the resolution.

**LIST OF SUPPORTING DOCUMENTS:**

1. Resolution
2. Letter to Texas Commission on Environmental Quality