

## AGENDA MEMORANDUM

City Council Meeting August 23, 2022

**DATE:** August 22, 2022

**TO:** Peter Zanoni, City Manager

**FROM:** Michael Murphy, Chief Operations Officer for Corpus Christi Water  
[michaelmur@cctexas.com](mailto:michaelmur@cctexas.com)  
(361) 826-3556

### Texas Commission on Environmental Quality 2001 Agreed Order Briefing

#### **SUMMARY**

The City of Corpus Christi (City) entered an Agreed Order (Order) with the Nueces River Authority (NRA) in 1976 with several amendments until the most recently adopted Agreed Order dated April 5th, 2001. This Order is a legal, binding document between the City and the Nueces River Authority and cannot be altered without the consent of all parties and the mediation of the Texas Commission on Environmental Quality (TCEQ)

#### **HISTORY**

In 1990, the State established an Advisory Committee to review the environmental provisions contained within the water permit for Choke Canyon Reservoir ADJ 21-3214. Recommendations from this committee led to the issuance of an Interim Agreed Order, whereupon the Nueces Estuary Advisory Council (NEAC) was created. The permit required a certain amount of water be returned to the bays every year. After initial Commission orders in 1990, the Agreed Order evolved from an Interim Agreed Order issued in 1992 to a Final Agreed Order in 1995 and was most recently amended in 2001. No modification shall be made to the Agreed Order without the unanimous consent of the Certificate Holders, except to the extent provided by law.

#### **BACKGROUND:**

Choke Canyon Dam, completed in 1982, is authorized by Certificate of Adjudication 21-3214 which authorizes the City of Corpus Christi, the Nueces River Authority and the City of Three Rivers to maintain an existing dam and reservoir and cofferdam on the Frio River and impound therein not to exceed 700,000 acre-feet of water, and divert and use not to exceed

139,000 acre-feet per year for municipal, industrial, mining, domestic and livestock, and agricultural purposes in Nueces, San Patricio, Aransas, Jim Wells, Live Oak, Kleberg, Bee, McMullen, Duval and Atascosa Counties.

Because of the Agreed Order established via Special Condition 5.B based in the City's Choke Canyon surface water permit, the City is required to allow a specified schedule of freshwater inflows to "pass through" the reservoir system to the Nueces Estuary each month. The monthly passthrough requirement, or target, is dependent on several variables:

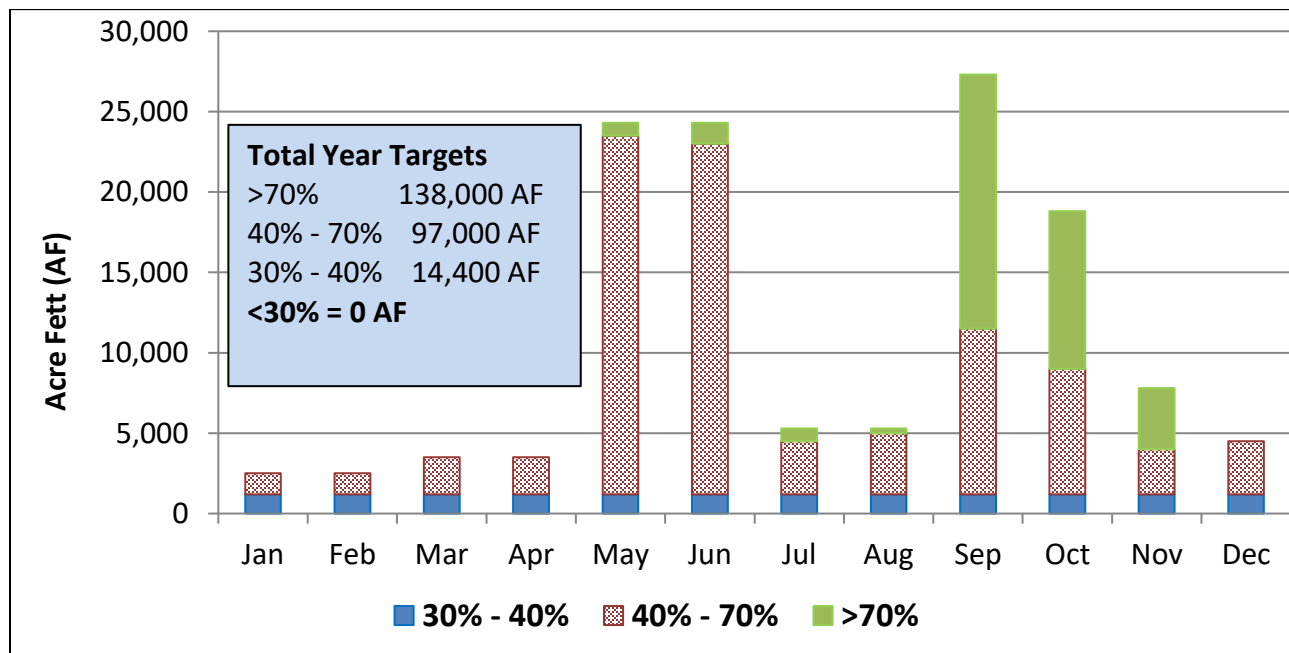
- Measured inflow into the reservoir system
- Percent capacity of the reservoir system
- Month of the year
- Salinity level in Nueces Bay

The requirements of the City are summarized below:

When the water in the System is equal to or greater than 70% of storage capacity we must use the TARGET amount of 138,000 acre-feet per year flow to the estuary. This target is broken into specific amounts per month and changes with the time of year.

When water in the System is LESS than 70% but greater than 40%, we must use a TARGET amount of 97,000 acre-feet per year for flow to the estuary. This target is broken into specific amounts per month and changes with the time of year.

The also City receives CREDITS for monthly targets for both periods of excess flow from rain fall and for specific salinity levels.



**CONCLUSION:**

Inflow into the reservoir system, up to the monthly target, must be passed through to maintain the health of the downstream Nueces Estuary. Inflow exceeding the monthly target can be captured for future use. No release of stored water is required to meet the target amount.

The Nueces Estuary Advisory Council (NEAC), established by the Agreed Order, serves to provide an ongoing adaptive management process to monitor the implementation of the Agreed Order to ensure the maintenance of the proper ecological environment and health of related living marine resources relating to the effectiveness of the inflow requirements contained in the Agreed Order on Nueces Estuary and any recommended changes.