

RESOLUTION
SUPPORTING AN AMENDMENT TO THE NUECES BAY SYSTEM ENVIRONMENTAL
FLWS RULES BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WHEREAS, in 2007, the Texas Legislature passed Senate Bill 3 (SB 3), establishing a process for developing environmental flow standards for future surface water permits; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) is considering environmental flow standards for Nueces River and Nueces River Basin, which have the potential to significantly impair the City of Corpus Christi's existing water supply from the Choke Canyon/Lake Corpus Christi System; and

WHEREAS, the Nueces River Basin is one of the driest in the SB 3 program with limited surface water available for future appropriations, whether human or environmental purposes; and

WHEREAS, the City of Corpus Christi is the regional supplier of water for municipalities, business, industry and water systems serving approximately 500,000 customers in Nueces, San Patricio, Aransas, Bee, Kleberg, Jim Wells, and Live Oak counties; and

WHEREAS, 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); and

WHEREAS, the City's permit includes a special condition in the permit establishing an Advisory Committee to address environmental flow requirements wholly independent of the SB 3 environmental flows process; and

WHEREAS, despite SB 3's legislative mandate not to affect existing water rights permits; language within the City's permit 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..."

WHEREAS, there is a possibility that adoption of standards developed during the on-going SB 3 process may unintentionally set a precedent allowing for a revision impacting the City's permit, which would significantly reduce water availability throughout the Coastal Bend; and

WHEREAS, the TCEQ is expected to hold a public hearing on the proposed rules and environmental flow standards in February 2014, and is required to have a rule adopted for the Nueces River basin by March 2014.

NOW, THEREFORE, BE IT RESOLVED, that the CITY OF CORPUS CHRISTI hereby request that the TCEQ clearly and conclusively state that SB 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; and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted to the members of the Commission and the TCEQ Executive Director as part of the public record on SB 3 environmental flows rulemaking process.

PASSED AND ADOPTED this 14th day of January 2014.

APPROVED this 14th day of January 2014.

This resolution takes effect upon City Council approval on this the 14th day of January, 2014.

ATTEST:

THE CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary
Corpus Christi, Texas

Nelda Martinez
Mayor
Corpus Christi, Texas

The above resolution was passed by the following vote:

Nelda Martinez Aye

Kelley Allen Aye

Rudy Garza Aye

Priscilla Leal Absent

David Loeb Aye

Chad Magill Aye

Colleen McIntyre Aye

Lillian Riojas

Aye

Mark Scott

Aye