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AGENDA ITEM MEMO

BOARD MEETING DATE: December 17, 2024

TO: Board Members

THROUGH: Bryan McMath, Executive Administrator
Ashley Harden, General Counsel

FROM: Alexis Lorick, Assistant General Counsel

SUBJECT: Notice of adoption of rule review for 31 TAC Chapter 361

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 361.

BACKGROUND

This action proposes to publish adoption of the TWDB's review of rules in Chapter 361 pursuant to TWDB's rule review schedule. Chapter 361 covers the TWDB's rules that govern regional flood planning and includes definitions, guidance principles for state and regional flood planning, requirements related to the adoption of regional flood plans, and requirements related to regional flood planning grants.

KEY ISSUES

The TWDB is required, pursuant to Texas Government Code § 2001.039, to review existing rules every four years. As part of its review, the TWDB must determine whether the factual, legal, and policy reasons for adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments. The TWDB reviewed Chapter 361 and determined that the factual, legal, and policy reasons for adopting the rules continue to exist and proposes to readopt the chapter without changes at this time. Any changes suggested pursuant to this rule review will be brought to the Board in the future as a formal rulemaking item.

The notice of intent to review the rules in Chapter 361 was approved by the Board during the August 15, 2024 Board Meeting. The proposal was published in the August 30, 2024 issue of the *Texas Register* for a 30-day comment period. No comments were received.

Our Mission

Leading the state's efforts
in ensuring a secure
water future for Texas

Board Members

Brooke T. Paup, Chairwoman | L'Oreal Stepney, P.E., Board Member | Tonya R. Miller, Board Member
Bryan McMath, Executive Administrator

RECOMMENDATION

The Executive Administrator recommends the publication of adoption of a review of rules in Chapter 361 to comply with Texas Government Code § 2001.039 and the TWDB's rule review schedule.

Attachment(s):

1. Notice of adoption of review of rules to be filed with the *Texas Register*.

Texas Water Development Board

Title 31, Part 10, Chapter 361

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 361.

This review is being conducted in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6759). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code, §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in these subchapters continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 361. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.