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AGENDA ITEM MEMO

BOARD MEETING DATE: April 10, 2025

TO: Board Members

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

FROM: Kendal Kowal, Assistant General Counsel

SUBJECT: Notice of proposed rule review for 31 TAC Chapter 362

ACTION REQUESTED

Consider authorizing the publication of a notice of intent to review rules in 31 Texas Administrative Code (TAC) Chapter 362.

BACKGROUND

This action proposes to publish notice of a review of the TWDB's rules in Chapter 362, pursuant to the rule review schedule.

Chapter 362 contains the TWDB's rules that govern the state flood plan, which includes definitions, guidance principles for the state and regional flood planning, and requirements related to the contents and adoption of a state flood plan. The vast majority of this chapter was recently adopted to be effective October 2023.

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the factual, legal, and policy reasons for adopting the rules continue to exist, and whether the rules should be repealed, readopted, or readopted with amendments.

Any suggested rule changes identified as part of the review will be brought to the Board in a separate Board Item for formal rulemaking process. The notice of intent will be published in the *Texas Register* and will be open for a 30-day comment period.

RECOMMENDATION

The Executive Administrator recommends the publication of notice to review rules in Chapter 362 to comply with Texas Government Code § 2001.039 and the TWDB's rule review schedule.

Our Mission

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

Board Members

L'Oreal Stepney, P.E., Chairwoman | Tonya R. Miller, Board Member
Bryan McMath, Executive Administrator

Attachment:

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

Texas Water Development Board

Title 31, Part 10, Chapter 362

The Texas Water Development Board (TWDB) files this notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 362.

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

TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continue to exist and whether these rules should be repealed, readopted, or readopted with amendments. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

Written comments on this notice may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. If sent via email, all public comments should be sent directly to rulescomments@twdb.texas.gov. Please do not submit comments through any third-party forms or websites. Receipt of third-party submissions cannot be guaranteed. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the Texas Register. Include “Chapter 362” in the subject line of any comments submitted.