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AGENDA ITEM MEMO

BOARD MEETING DATE: May 9, 2024

TO: Board Members

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

FROM: Alexis Lorick, Assistant General Counsel

SUBJECT: Notice of adoption of rule review for 31 TAC Chapter 356

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 356.

BACKGROUND

The action proposes to publish adoption of the Texas Water Development Board's (TWDB) review of rules in Chapter 356 pursuant to the TWDB's rule review schedule. Chapter 356 covers the rules that include and are related to (the):

- Definitions;
- Requirements for the designation of the state's groundwater management areas;
- Submission of desired future conditions by applicable stakeholders;
- Appeal and adoption process related to desired future conditions;
- Approval process for groundwater management plans;
- Data collection and training for certain districts authorized by Chapter 36 of the Texas Water Code; and
- Brackish ground water production zones

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the factual, legal, and policy reasons for adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.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

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Board Members

May 9, 2024

Page 2

Chapter 356 and determined that the factual, legal, and policy reasons for adopting the rules continue to exist and proposes to readopt the chapter without any changes. 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 356 was approved by the Board during the March 5, 2024 Board Meeting. The proposal was published in the March 15, 2024 issue of the *Texas Register* for a 30-day comment period. No comments were received.

RECOMMENDATION

The Executive Administrator recommends the publication of adoption of a review of rules in Chapter 356 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*.

Attachment

Texas Water Development Board

Title 31, Part 10, Chapter 356

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 356.

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 re-adoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the March 15, 2004, issue of the *Texas Register* (49 Tex Reg 1740). 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 re-adoption 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 re-adopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 356. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.