



P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

AGENDA ITEM MEMO

BOARD MEETING DATE: August 15, 2024

TO: Board Members

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

FROM: Alexis Lorick, Assistant General Counsel

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

ACTION REQUESTED

Consider authorizing the publication of a notice of intent to review rules in 31 Texas Administrative Code (TAC) Chapter 361.

BACKGROUND

This action proposes to publish notice of a review of the TWDB's rules in Chapter 361, pursuant to the rule review schedule.

Chapter 361 contains the TWDB's rules that governs regional flood planning which includes definitions, guidance principles for state and regional flood planning, requirements related to the adoption of regional flood plans, requirements related to regional flood planning grants. The vast majority of this chapter was recently adopted to be effective November 2023.

KEY ISSUES

The TWDB is required, pursuant to Texas Government Code Section 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the factual, legal, and policy reasons for adopting the rules continue to exist, and whether the rules should be repealed, readopted, or readopted with amendments.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.

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
Bryan McMath, Interim Executive Administrator

RECOMMENDATION

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

Attachment(s):

1. Notice 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 this notice of intent to review the 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.

The TWDB will consider whether the initial factual, legal, and policy reasons for adopting rules in this chapter continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

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. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the Texas Register. Include "Chapter 361" in the subject line of any comments submitted.