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AGENDA ITEM MEMO

BOARD MEETING DATE: August 21, 2025

TO: Board Members

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

FROM: Breann Hunter, Assistant General Counsel

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

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 362.

BACKGROUND

On April 10, 2025, the Texas Water Development Board (TWDB) authorized the publication of notice of intent to review of the TWDB's rules in Title 31, Part 10, Chapter 362 of the TAC. This item proposes to publish notice of adoption of TWDB's review of the rules in Chapter 362, related to State Flood Plan Development.

KEY ISSUES

The TWDB is required, pursuant to Texas Government Code § 2001.039, to review existing rules every four years. Pursuant to that review, the TWDB must either re-adopt, re-adopt with amendments, or repeal existing rules. The TWDB has completed its review of the rules in Chapter 362 and recommends that the rules be re-adopted, as the legal reasons for the rules continue to exist. Amendments may be published in the future.

RECOMMENDATION

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

Attachment:

1. Notice of Adoption of Review of Rules to be filed with the *Texas Register*.

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

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

Texas Water Development Board

Title 31, Part 10, Chapter 362

The Texas Water Development Board (TWDB) files the adoption of its review of 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.

Notice of the review of the aforementioned chapter was published in the April 25, 2025, issue of the *Texas Register* (50 TexReg 2628). 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 this chapter 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 362. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.