

AGENDA ITEM MEMO

BOARD MEETING DATE: March 5, 2024

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Ashley Harden, General Counsel

FROM: Alexis Lorick, Assistant General Counsel

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

ACTION REQUESTED

Consider authorizing the publication of a notice of intent to review rules in 31 Texas Administrative Code (TAC) Chapter 356.

BACKGROUND

This action proposes to publish notice of the TWDB's review of rules in Chapter 356, pursuant to the rule review schedule.

Chapter 356 contains the TWDB's rules that govern groundwater management. In this chapter are 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 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the factual, legal, and policy reasons for adopting the rules continue to exist, and whether the rules should be repealed, readopted, or readopted with amendments.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 Members

March 5, 2024

Page 2

Board Item for formal rulemaking process. The notice of intent will be published in the *Texas Register* and be open for a 30-day public comment period.

RECOMMENDATION

The Executive Administrator recommends the publication of notice to review rules in Chapter 356 to comply with Texas Government Code Section 2001.039 and the TWDB's rule review schedule.

Attachment:

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

Texas Water Development Board

Title 31, Part 10, Chapter 356

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 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.

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 356" in the subject line of any comments submitted.