

DRAFT Texas Water Development Board Regional Flood Plan (RFP) Amendment Process

The Texas Water Development Board (TWDB) acknowledges that there may be a need for amendments to Regional Flood Plans (RFP) between planning cycles. We have developed this guidance with a flowchart (below) and applicable rule references to assist the Regional Flood Planning Group (RFPG) Sponsors through this process.

31 Texas Administrative Code (TAC) 361.51 Amendments to Regional Flood Plans

A request for an amendment may be initiated by the RFPG or an entity (Political Subdivision) may request an amendment if there have been changed conditions or new information since the RFP was adopted.

An RFPG must formally consider an amendment request within 180 days after its receipt to determine whether an amendment is warranted. During the first RFPG meeting after receiving an amendment request, the RFPG may decide whether to proceed with the amendment process.

If the RFPG chooses to amend the RFP, they must follow the procedures in 31 TAC 361.21(h)(2) and provide public notice at least 7 days prior to the meeting where they will take the associated action. An RFPG's consideration for action to initiate an amendment may occur at a regular RFPG meeting. The amendment materials must be made available for public comment and for TWDB Executive Administrator (EA) review.

All amendments to an RFP must meet all the requirements related to development of an RFP.

The amendment materials shall be posted on the RFPG website and shall:

- (A) include the RFPG responses to all comments received on the amendment in accordance with §361.21(h)(2); and

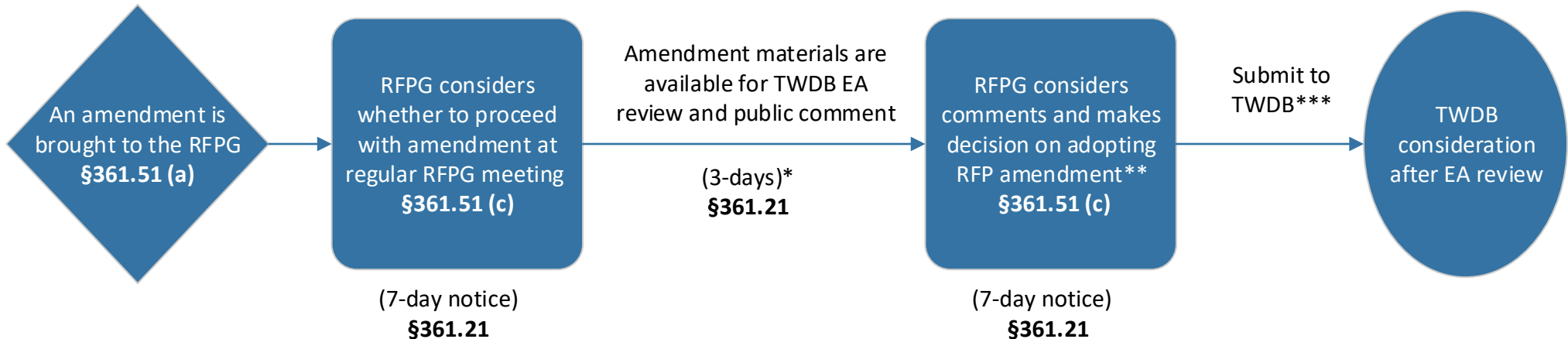
- (B) demonstrate that the amended RFP complies with statute and rules including that it satisfies the requirements in the guidance principles §362.3 of this title (relating to Guidance Principles) and that the amended RFP provision does not negatively affect a neighboring area.

The RFPG shall hold a public meeting, which could be during a regular RFPG meeting, at which the RFPG may choose to take action on the amendment. The meeting materials must be made available for 14 days at minimum after the meeting. After adoption of the amendment, the RFPG shall submit the amendment materials to the EA for review. Pursuant to 31 TAC 361.51, the EA will consider the amendment and make a recommendation to the Board which shall consider approval of the amendment.

Texas Administrative Code (TAC) 361.21 General Notice Requirements

When an amendment is brought to the RFPG, TAC 361.21 states that at a minimum the RFPG must provide notice at least 7 days prior to the meeting. Written comment must be accepted for 7 days prior to the meeting and considered by the RFPG members prior to taking the associated action. Meeting materials must be made available online for a minimum of 3 days prior to the meeting and 14 days following the meeting where the planning group will approve an amendment to the Regional Flood plan per TAC §361.51(c).

Regional Flood Plan Amendment Process Timeline



Acronyms:

EA: Executive Administrator
RFP: Regional Flood Plan
RFPG: Regional Flood Planning Group
TWDB: Texas Water Development Board

Notes:

*Written comment must be accepted for 7 days prior to the meeting and considered by the RFPG members prior to taking the associated action.
**Meeting materials must be made available online for a minimum of 3 days prior to and 14 days following the meeting.
***Submit public comments and amendment materials to TWDB.