

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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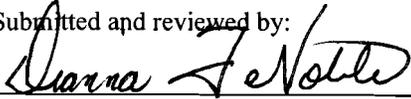
ALL Districts

On September 24, 2009, by Minute Order 111972, the Texas Transportation Commission (commission) proposed the repeal of §2.22 and new 43 TAC Chapter 2, Subchapter E, §§2.101-2.112. The commission now finds it necessary to withdraw the previously proposed repeal of §2.22 and new 43 TAC Chapter 2, Subchapter E, §§2.101-2.112 all relating to memorandum of understanding with Texas Parks and Wildlife Department to be codified under Title 43, Texas Administrative Code, Part 1.

Much of the public comment submitted (especially by local governments) objects to the proposed mitigation payments for impacts to unregulated resources to be made by the Texas Department of Transportation (department). The comments question, among other things, the development of the rates for payments and whether local governments would be ultimately responsible for the payments. The proposed rules should be withdrawn to allow the department and TPWD the opportunity to discuss the issues related to payments, and also additional ways to facilitate the environmental review process.

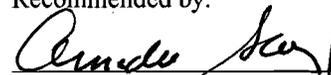
IT IS THEREFORE ORDERED by the commission that the repeal of §2.22 and new 43 TAC Chapter 2, Subchapter E, §§2.101-2.112, previously proposed by Minute Order 111972 dated September 24, 2009, are withdrawn and the executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Environmental Affairs Division

Recommended by:



Executive Director

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Minute
Number

Date
Passed