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HOUSE BILL NO. 1970

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend and reenact §§ 10.1-602 and 10.1-659 of the Code of Virginia, relating to Virginia Coastal Resilience Technical Advisory Committee; Virginia Flood Protection Master Plan.*

Patrons—Bennett-Parker and Kory

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 10.1-602 and 10.1-659 of the Code of Virginia are amended and reenacted as follows:
§ 10.1-602. Powers and duties of Department.**

The Department shall:

1. ~~Develop~~ *In coordination with the Virginia Resilience Technical Advisory Committee established in subsection C of § 10.1-659, develop* a Virginia Flood Protection Master Plan (the Plan) for the Commonwealth. This Plan shall be a place-specific plan for mitigating severe and repetitive flooding and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure. The Plan shall include, at a minimum:

- a. An inventory of flood-prone areas;
- b. An inventory of flood protection studies;
- c. A record of flood damages;
- d. Strategies to prevent or mitigate flood damage; and
- e. The collection and distribution of information relating to flooding and flood plain management.

The Plan shall be reviewed and updated by the Department, *in coordination with the Virginia Resilience Technical Advisory Committee*, on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current knowledge of the identification of flood-prone communities and of the status of applications made by localities to participate in the National Flood Insurance Program.

8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program in furtherance of the policy of the Commonwealth to assure that all citizens living in

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59 flood-prone areas may have the opportunity to indemnify themselves from flood losses through the
60 purchase of flood insurance under the regular flood insurance program of the National Flood Insurance
61 Act of 1968 as amended.

62 9. Subject to the provisions of the ~~Appropriations Act~~ *appropriation act*, provide financial and
63 technical assistance to localities in an amount not to exceed fifty percent of the nonfederal costs of flood
64 protection projects.

65 10. Serve as the lead administrator for the Virginia Coastal Resilience Master Plan and the Virginia
66 Flood Protection Master Plan.

67 11. Implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master
68 Plan.

69 12. Ensure that the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master
70 Plan are integrated.

71 **§ 10.1-659. Flood protection programs; coordination.**

72 A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master
73 Plan, the Virginia Flood Protection Master Plan, and federal, state, and local flood prevention and water
74 quality programs to minimize loss of life, property damage, and negative impacts on the environment.
75 This program coordination shall include but not be limited to the following: flood prevention, flood
76 plain management, small watershed protection, dam safety, shoreline erosion and public beach
77 preservation, and soil conservation programs of the Department of Conservation and Recreation; the
78 construction activities of the Department of Transportation, including projects that result in hydrologic
79 modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay
80 Preservation Area criteria, stormwater management, erosion and sediment control, and other water
81 management programs of the State Water Control Board; the Virginia Coastal Zone Management
82 Program at the Department of Environmental Quality; forested watershed management programs of the
83 Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance
84 programs of the Department of Agriculture and Consumer Services; the statewide building code and
85 other land use control programs of the Department of Housing and Community Development; the habitat
86 management programs of the Virginia Marine Resources Commission; the hazard mitigation planning
87 and disaster response programs of the Department of Emergency Management; the fish and wildlife
88 habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory
89 program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management
90 Board; flooding-related research programs of the state universities; local government assistance programs
91 of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the
92 Department of Historic Resources; the public health and preparedness programs of the Virginia
93 Department of Health; the State Council of Higher Education for Virginia; the State Corporation
94 Commission; and any other state agency programs deemed necessary by the Director, the Chief
95 Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal
96 Adaptation and Protection. The Department shall also coordinate with soil and water conservation
97 districts, Virginia Cooperative Extension agents, and planning district commissions; and shall coordinate
98 and cooperate with localities in rendering assistance to such localities in their efforts to comply with the
99 planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

100 B. The Director, in coordination with the Special Assistant to the Governor for Coastal Adaptation
101 and Protection and the Chief Resilience Officer, shall hold meetings of representatives of the programs,
102 entities, and localities described in subsection A at least annually in order to determine, coordinate, and
103 prioritize the Commonwealth's efforts and expenditures to increase flooding resilience and flood
104 preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood
105 Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection
106 Master Plan and provide an update on the progress of the implementation of the Virginia Coastal
107 Resilience Master Plan at any such meetings. The Department shall cooperate with other public and
108 private agencies having flood plain management programs and shall coordinate its responsibilities under
109 this article and any other law. These activities shall constitute the Commonwealth's flood resilience,
110 preparedness, prevention, and protection program.

111 C. 1. The Chief Resilience Officer, in coordination with the Special Assistant to the Governor for
112 Coastal Adaptation and Protection and the Director, shall establish the Virginia Coastal Resilience
113 Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing
114 the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.

115 2. The Committee shall be ~~comprised~~ *composed* of representatives of state agencies, coastal planning
116 district commissions, regional commissions, academic advisors, and any other representatives as needed.
117 Members shall serve at the pleasure of the Governor and shall include the following individuals or their
118 designees: the executive directors of coastal planning district commissions and regional commissions; the
119 Special Assistant to the Governor for Coastal Adaptation and Protection; the Director; the Director of
120 the Virginia Department of Emergency Management; the Director of the Virginia Department of

Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of the Virginia Marine Resources Commission; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the William and Mary School of Law Coastal Policy Center; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The Chief Resilience Officer shall serve as chairman of the Committee.

3. The Chief Resilience Officer shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.

4. Appointed members shall serve in an advisory role without compensation.

5. The Committee shall meet at least quarterly.

6. The Department, the Special Assistant to the Governor for Coastal Adaptation and Protection, and the Coastal Zone Management Program shall provide staff support to the Committee.

7. The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting.

~~Additionally, the Committee may be called upon to~~ 8. *The Committee shall* assist the Department with the development and updating of the Virginia Flood Protection Master Plan *pursuant to § 10.1-602.*