

VIRGINIA ACTS OF ASSEMBLY -- 2022 RECONVENED SESSION

CHAPTER 786

An Act to amend and reenact §§ 2.2-215 and 2.2-435.11 of the Code of Virginia, to amend the Code of Virginia by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.5, and to repeal § 2.2-222.4 of the Code of Virginia, relating to Chief Resilience Officer.

[H 517]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-215 and 2.2-435.11 are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.5 as follows:

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural and Historic Resources (the Secretary) is created. The Secretary shall serve as the Chief Resilience Officer for the purposes of duties required pursuant to § 2.2-222.4, and shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Wildlife Resources, and the Department of Environmental Quality and for the Chief Resilience Officer pursuant to § 2.2-220.5. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural and Historic Resources, or reassign any agency listed in this section to another Secretary.

§ 2.2-220.5. Chief Resilience Officer.

A. The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience, recurrent flooding, all flooding-related pre-disaster hazard mitigation, and adaptation. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth.

B. The Chief Resilience Officer's duties, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall include but not be limited to the following:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas.

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area.

3. Serve as the primary point of contact on all issues relating to pre-disaster hazard mitigation and coordinate the planning of resilience initiatives across state government.

4. Create and oversee the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan in accordance with § 10.1-602 to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

5. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth.

6. Coordinate the dissemination of the best available science, legal guidance, and planning strategies to the public.

7. Beginning July 1, 2023, and every two years thereafter, report to the Governor and the General Assembly on the status of flood resilience in the Commonwealth. The report shall serve as an evaluation of flood protection for critical infrastructure, including human and natural infrastructure. The report shall identify risks to critical transportation, energy, communication, water and food supply, waste management, health, and emergency services infrastructure. The report shall also include the status of flood resilience planning. In preparing the report, the Chief Resilience Officer shall also coordinate with the Director of Diversity, Equity, and Inclusion and shall be assisted by all relevant Secretariats and agencies.

§ 2.2-435.11. Special Assistant to the Governor for Coastal Adaptation and Protection; duties.

A. The position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Special Assistant) is created. The Special Assistant shall be the primary point of contact for the resources to address coastal adaptation and flooding mitigation. The Special Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy and shall initiate and assist with economic development opportunities associated with

adaptation, development opportunities for the creation of business incubators, the advancement of the academic expertise at the Commonwealth Center for Recurrent Flooding Resiliency, coordination with the Virginia Growth and Opportunity Board, safeguarding strategic national assets threatened by coastal flooding, and pursuing federal, state, and local funding opportunities for adaptation initiatives.

B. In consultation with the Chief Resilience Officer designated pursuant to § ~~2.2-222.4~~ 2.2-220.5, the Special Assistant shall:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and

3. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and assist in overseeing and coordinating funding initiatives of all agencies of the Commonwealth.

2. That § 2.2-222.4 of the Code of Virginia is repealed.