

22103972D

HOUSE BILL NO. 602

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 2.2-215, 10.1-602, 10.1-603.24, 10.1-603.25, and 10.1-659 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1.3 of Chapter 6 of Title 10.1 a section numbered 10.1-603.28, by adding sections numbered 10.1-658.1 through 10.1-658.9, and by adding in Article 6 of Chapter 6 of Title 10.1 sections numbered 10.1-660 and 10.1-661, relating to Department of Flood Control; Commonwealth Flood Plan.

Patrons—Hayes and Williams Graves; Senator: Ebbin

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-215, 10.1-602, 10.1-603.24, 10.1-603.25, and 10.1-659 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1.3 of Chapter 6 of Title 10.1 a section numbered 10.1-603.28, by adding sections numbered 10.1-658.1 through 10.1-658.9, and by adding in Article 6 of Chapter 6 of Title 10.1 sections numbered 10.1-660 and 10.1-661 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, *Department of Flood Control*, Marine Resources Commission, Department of Wildlife Resources, and the Department of Environmental Quality. 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.

§ 10.1-602. Powers and duties of Department.

The Department shall:

1. Develop a flood protection plan for the Commonwealth. This plan shall include:

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 flood protection plan shall be reviewed and updated by the Department 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 and planning district commissions for planning purposes, in order to assure necessary local and regional 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 number and value of property properties damaged by major floods.

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

5. 3. 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 hundred-year flood.

6. 4. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local

INTRODUCED

HB602

59 flood plain management programs, including an evaluation of the enforcement of and compliance with
60 local flood plain management ordinances, rules and regulations.

61 7. 5. Coordinate with the ~~United States~~ Federal Emergency Management Agency to ensure current
62 knowledge of the identification of flood-prone communities and of the status of applications made by
63 localities to participate in the National Flood Insurance Program.

64 8. 6. Establish guidelines which will meet minimum requirements of the National Flood Insurance
65 Program in furtherance of the policy of the Commonwealth to assure that all citizens living in
66 flood-prone areas may have the opportunity to indemnify themselves from flood losses through the
67 purchase of flood insurance under the regular flood insurance program of the National Flood Insurance
68 Act of 1968 as amended.

69 9. 7. Subject to the provisions of the ~~Appropriations Act~~ *appropriations act*, provide financial and
70 technical assistance to localities *and planning district commissions* in an amount not to exceed ~~fifty~~ 50
71 percent of the nonfederal costs of flood protection projects.

72 **§ 10.1-603.24. Definitions.**

73 As used in this article, unless the context requires a different meaning:

74 "Authority" means the Virginia Resources Authority.

75 "*Board*" means the Commonwealth Flood Board established in § 10.1-658.3.

76 "Cost," as applied to any project financed under the provisions of this article, means the total of all
77 costs incurred by the local government as reasonable and necessary for carrying out all works and
78 undertakings necessary or incident to the accomplishment of any project.

79 "Department" means the Virginia Department of ~~Conservation and Recreation~~ *Flood Control*
80 *established pursuant to § 10.1-658.2.*

81 "*Director*" means the Director of the Department of Flood Control.

82 "Flood prevention or protection" means the construction of *public or private* hazard mitigation
83 projects, acquisition of land, *restoration or protection of natural features*, or implementation of land use
84 controls that reduce or mitigate damage from coastal or riverine flooding.

85 "Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a
86 flood plain with historic and predicted floods, the assessment of flood risk, and the development of
87 strategies to prevent or mitigate damage from coastal or riverine flooding.

88 "Fund" means the Virginia Community Flood Preparedness Fund created pursuant to § 10.1-603.25.

89 "Local government" means any county, city, town, municipal corporation, authority, district,
90 commission, or political subdivision created by the General Assembly or pursuant to the Constitution of
91 Virginia or laws of the Commonwealth.

92 "Low-income geographic area" means any *area within a locality*; ~~or community within a locality~~, that
93 has a median household income that is not greater than 80 percent of the local median household
94 income, *any locality that has a median household income that is not greater than 80 percent of the*
95 *Commonwealth median household income*, or any area in the Commonwealth designated as a qualified
96 opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal
97 Revenue Service.

98 "*Natural infrastructure*" means *infrastructure that uses, restores, or emulates natural ecological*
99 *processes and (i) is created through the action of natural physical, geological, biological, and chemical*
100 *processes over time; (ii) is created by human design, engineering, and construction to emulate or act in*
101 *concert with natural processes; or (iii) involves the use of plants, soils, and other natural features,*
102 *including through the creation, restoration, or preservation of vegetated areas using materials*
103 *appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surge, and*
104 *for other related purposes.*

105 "Nature-based solution" means an approach that reduces the impacts of flood and storm events
106 through the use of environmental processes and natural systems. A nature-based solution may provide
107 additional benefits beyond flood control, including recreational opportunities and improved water quality.

108 **§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.**

109 A. The Virginia Shoreline Resiliency Fund is hereby continued as a permanent and perpetual fund to
110 be known as the Virginia Community Flood Preparedness Fund. All sums that are designated for deposit
111 in the Fund from revenue generated by the sale of emissions allowances pursuant to subdivision C 1 of
112 § 10.1-1330, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the
113 Fund from the repayment of loans made by it to local governments, all income from the investment of
114 moneys held in the Fund, and any other sums designated for deposit to the Fund from any source,
115 public or private, including any federal grants and awards or other forms of assistance received by the
116 Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for
117 deposit to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to
118 it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest
119 accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall
120 remain in the Fund. All loans and grants provided under this article shall be deemed to promote the

public purposes of enhancing flood prevention or protection and coastal resilience.

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural and Historic Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, by approval of the Board, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance. *The Director, upon approval from the Board, shall direct the distribution of loans and grants from the Fund to local governments.*

E. Localities shall use moneys from the Fund primarily for the purpose of implementing flood prevention and protection projects, *including on publicly-owned or privately-owned properties*, and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 15 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. *No less than 15 percent of the moneys disbursed from the Fund each year shall be used for projects located within the geographic area identified under § 15.2-7600 et seq.* Priority shall be given to projects that implement community-scale, *as designated by a local government*, hazard mitigation activities that use nature-based solutions *or natural infrastructure* to reduce flood risk.

F. Any ~~locality~~ *local government* is authorized to secure a loan made pursuant to this section by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

G. Any ~~locality~~ *local governments* using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a ~~locality~~ *local government* forgives the principal of any such loan, any obligation of the ~~locality~~ *local government* to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect. The total amount of loans forgiven by all ~~localities~~ *local governments* in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

§ 10.1-603.28. Record of application for grants or loans and action taken.

A record of each application for a grant or loan and the action taken thereon, including Department analysis and scoring, shall be open to public inspection at the office of the Department. The Authority shall submit an annual report to the General Assembly and the Governor on the Fund and the administration of all grants and loans made from the Fund.

§ 10.1-658.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Board" means the Commonwealth Flood Board established pursuant to § 10.1-658.3.

"Department" means the Department of Flood Control established pursuant to § 10.1-658.2.

"Director" means the Director of the Department of Flood Control established pursuant to § 10.1-658.2.

§ 10.1-658.2. Department of Flood Control; statement of policy.

A. The Department of Flood Control is hereby established under the authority of the Secretary of Natural and Historic Resources to provide technical expertise in all aspects related to flood control, management, mitigation, abatement, and recovery. The Department shall include a Director, to be appointed by the Governor to serve at his pleasure for a term coincident with his own. The Director shall maintain a staff with combined expertise as may be required to carry out the provisions of this chapter.

B. The purposes of the Department are to:

1. Direct a comprehensive flood control program to include data collection, planning, research, analysis, modeling, and project management related to flood control and flood control projects in the Commonwealth;

2. Coordinate with the U.S. Army Corps of Engineers Greater Lakes and Ohio River, North Atlantic, and South Atlantic Divisions and with the U.S. Army Corps of Engineers Baltimore, Huntington, Nashville, Norfolk, and Wilmington Districts on matters related to flood risk management and reduction.

3. Serve as a nonfederal sponsor for civil works projects managed by the U.S. Army Corps of Engineers;

4. Provide technical assistance to localities in the development of local and regional flood control plans;

5. Provide technical assistance in the execution of the duties of the Board;

6. Make available flood risk data to localities for planning purposes, in order to assure necessary local and regional 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 database to include all flood protection projects implemented by federal agencies, state agencies, and local governments.

7. Perform all acts necessary or convenient to carry out the purposes of this article.

C. The Director shall serve as the Special Assistant to the Governor for Coastal Adaptation and Protection for the purposes of duties required pursuant to § 2.2-435.11.

§ 10.1-658.3. Commonwealth Flood Board.

The Commonwealth Flood Board is established as a policy board in the executive branch of state government in accordance with § 2.2-2100.

§ 10.1-658.4. Membership; terms; quorum; meetings.

A. The Board shall have a total membership of 19 members that shall consist of 12 nonlegislative citizen members and seven ex officio members.

The Secretaries of Agriculture and Forestry, Commerce and Trade, Health and Human Resources, Natural and Historic Resources, Public Safety and Homeland Security, Transportation, and Veterans and Defense Affairs shall serve as ex officio members.

Nonlegislative citizen members shall be appointed by the Governor as provided in Subsection B, subject to confirmation by the General Assembly. Appointments of non-legislative citizen members shall be for terms of five years commencing on July 1, upon expiration of the terms of existing members, respectively, except that four initial appointees shall serve three-year terms, four shall serve four-year terms, and the remainder shall serve five-year terms. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No non-legislative citizen member shall be eligible to serve more than two consecutive five-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. Ex officio members of the Board shall serve terms coincident with their terms of office.

B. Of the non-legislative citizen members appointed to the Board, one member shall be a resident of Planning Districts 2, 3, 4, or 5, one member shall be a resident of Planning Districts 6 or 7, one member shall be a resident of Planning District 8, one member shall be a resident of Planning District 15, one member shall be a resident of Planning Districts 17 or 18, one member shall be a resident of Planning District 22, and one member shall be a resident of Planning District 23. The remaining members shall be appointed from the Commonwealth at large, provided that at least two reside in urbanized areas with populations greater than 200,000 and are designated as urban at-large members and at least two reside outside urbanized areas with populations of 200,000 or less and are designated as rural at-large members. The at-large members shall be appointed to represent rural and urban flood protection needs. Each appointed member of the Board shall be primarily mindful of the best interest of the Commonwealth at large instead of the interests of the planning district from which chosen or of the interest represented. No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board.

C. The Secretary of Natural and Historic Resources shall serve as chairman of the Board and shall have voting privileges only in the event of a tie. Other ex officio members shall not have voting privileges. The Board shall elect a vice-chairman from among its membership. Nine members shall constitute a quorum of the Board for all purposes. The Board shall meet at least once every three months and at such other times, on the call of the chairman or of a majority of the members, as may be deemed necessary to transact such business as may properly be brought before it. It shall be the duty of the Board to keep accurate minutes of all meetings of the Board, in which shall be set forth all acts and proceedings of the Board in carrying out the provisions of this title.

§ 10.1-658.5. Compensation; expenses.

Members shall receive such compensation for the performance of their duties as provided in

§ 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

§ 10.1-658.6. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Provide accountability for and oversee the management and disbursement of funds from the Community Flood Preparedness Fund in accordance with § 10.1-603.25 and any other state and federal funds established after the enactment of this statute for flood risk reduction, flood risk management, and adaptation to sea-level rise.

2. Oversee the development, implementation, and updating of the Commonwealth Flood Plan in accordance with § 10.1-660.

3. 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 U.S. Army Corps of Engineers, the U.S. Department of Agriculture, the Federal Emergency Management Agency, the U.S. Geological Survey, the Tennessee Valley Authority, other federal agencies, and local governments.

4. Annually evaluate the alignment of the Commonwealth's flood mitigation objectives with the following state programs, or their successors in interest, and any associated grants and loans: (i) the Six-Year Improvement Program of the Virginia Department of Transportation; (ii) the brownfields program of the Economic Development Partnership Authority; (iii) the long-range transportation plan of the Virginia Department of Transportation; (iv) hazard mitigation plans and grant programs of the Department of Emergency Management; (v) the Dam Safety, Flood Prevention and Protection Assistance Fund of the Department of Conservation and Recreation; (vi) the Water Quality Improvement Fund of the Department of Environmental Quality; (vii) the Clean Water Revolving Fund of the Virginia Department of Health; (viii) the Community Development Block Grant program of the Department of Housing and Community Development; and (ix) the Drinking Water Revolving Fund of the Virginia Department of Health; and

5. Submit an annual report on actions taken by the Board, the Commonwealth, and local governments to mitigate the impacts of current and future precipitation, riverine, tidal and storm surge flooding and sea-level rise on the Commonwealth to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Services for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 10.1-658.7. Staffing.

The Department shall provide staff support to the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 10.1-658.8. Commonwealth Flooding Scientific and Technical Advisory Committee.

A. The Commonwealth Flooding Scientific and Technical Advisory Committee (the Committee) is hereby established as an advisory committee of the Board to assist the Commonwealth in developing and implementing a Commonwealth Flood Plan established pursuant to § 10.1-660. The Committee shall be appointed by the Board in consultation with the Director and shall be composed of faculty members of Virginia institutions of higher education with technical expertise in fields related to climatology, geology, hydrology, engineering, planning, marine science, and economics. The Committee shall meet at least twice each calendar year.

B. Members of the Committee shall receive no compensation for their service. Members of the Committee shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

§ 10.1-658.9. Commonwealth Flooding Stakeholder Advisory Committee.

A. The Commonwealth Flooding Stakeholder Advisory Committee (the Committee) is hereby established as an advisory committee of the Board to assist the Commonwealth in developing and implementing a Commonwealth Flood Plan. The Committee shall be appointed by the Board in consultation with the Director and shall be composed of representatives from flood-prone communities, planning district commissions, business, real estate, and environmental nongovernmental organizations. The Committee shall meet at least twice each calendar year.

B. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

§ 10.1-659. Flood protection programs; coordination.

305 The provisions of this chapter shall be coordinated. The Board and the Department shall coordinate
306 any actions taken pursuant to the provisions of this chapter with the Virginia Coastal Resilience Master
307 Plan, the Commonwealth Flood Plan developed pursuant to § 10.1-660, and other flood plans of the
308 Commonwealth, and federal, state, and local flood prevention and water quality programs to minimize
309 loss of life, property damage, and negative impacts on the environment. This program coordination shall
310 include but not be limited to the following: flood prevention, flood plain management, small watershed
311 protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs
312 of the Department of Conservation and Recreation; the construction activities of the Department of
313 Transportation, including projects that result in hydrologic modification of rivers, streams, and flood
314 plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater
315 management, erosion and sediment control, and other water management programs of the State Water
316 Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental
317 Quality; forested watershed management programs of the Department of Forestry; the agricultural
318 stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture
319 and Consumer Services; the statewide building code and other land use control programs of the
320 Department of Housing and Community Development; the habitat management programs of the Virginia
321 Marine Resources Commission; the hazard mitigation planning and disaster response programs of the
322 Department of Emergency Management; the fish habitat protection programs of the Department of
323 Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood
324 plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the
325 state universities; local government assistance programs of the Virginia Soil and Water Conservation
326 Board; the Virginia Antiquities Act program of the Department of Historic Resources; and any other
327 state agency programs deemed necessary by either the Director of the Department of Flood Control, or
328 the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for
329 Coastal Adaptation and Protection. The Department of Flood Control shall also coordinate with soil and
330 water conservation districts, Virginia Cooperative Extension agents, and planning district commissions,
331 and shall coordinate and cooperate with localities in rendering assistance to such localities in their
332 efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22
333 (§ 15.2-2200 et seq.) of Title 15.2. The Director of the Department of Flood Control and either the
334 Special Assistant to the Governor for Coastal Adaptation and Protection or the Chief Resilience Officer
335 shall jointly hold meetings of representatives of these programs, entities, and localities in order to
336 determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding
337 resilience. The Department of Flood Control shall cooperate with other public and private agencies
338 having flood plain management programs and shall coordinate its responsibilities under this article and
339 any other law. These activities shall constitute the Commonwealth's flood prevention and protection
340 program.

341 **§ 10.1-660. Commonwealth Flood Plan.**

342 A. Not later than July 1, 2025, and before the end of each successive five-year period after that date,
343 the Commonwealth Flood Board shall prepare and adopt a comprehensive Commonwealth Flood Plan
344 that incorporates regional flood plans approved under § 10.1-661. The Commonwealth Flood Plan
345 shall:

- 346 1. Provide for orderly preparation for and response to flood conditions to protect against the loss of
347 life and property;
- 348 2. Be a guide to state, regional, and local flood risk management and control policy;
- 349 3. Contribute to water resources development and natural resource preservation; and
- 350 4. Build on the principles and efforts of the Virginia Coastal Resilience Master Planning Framework
351 and Virginia Coastal Resilience Master Plan, which included basing decisions on the best available
352 science; enhancing equity through adaptation and protection efforts; protecting natural infrastructure
353 and prioritizing nature-based solutions; promoting planning at the community and regional scale; and
354 focusing on the most cost-effective protection and adaptation solutions, where appropriate.

355 B. The Commonwealth Flood Plan shall include:

- 356 1. An inventory of flood-prone areas;
- 357 2. An inventory of flood protection studies;
- 358 3. A record of flood damages;
- 359 4. An evaluation of the condition and adequacy of flood risk management infrastructure on a
360 regional basis;
- 361 5. A statewide, ranked list of ongoing and proposed flood risk management and mitigation projects
362 and strategies to protect against the loss of life and property from flooding and a discussion of how
363 those projects and strategies further water resources development and natural resource preservation,
364 where applicable;
- 365 6. An analysis of completed, ongoing, and proposed flood risk management and mitigation projects
366 included in previous state, regional, and local flood plans, including which projects received funding;

7. An analysis of development in areas currently vulnerable to flooding, including precipitation, riverine, tidal, and storm surge flooding;

8. An analysis of development and projected development in areas affected by increased flooding, including precipitation, riverine, tidal, and storm surge flooding, as a result of sea level rise, changing precipitation patterns, or other forces.

9. An analysis of the projected loss of natural infrastructure due to flooding and recommendations for protecting and restoring natural infrastructure.

10. Legislative recommendations the Board considers necessary to facilitate flood risk management and mitigation planning and project construction; and

11. A record of changes and updates made to each section since the previously adopted Plan and plans for future changes in successive plans.

C. The Commonwealth Flood Plan and supporting data shall be maintained in an online format so as to be easily accessed by other governmental entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources.

D. The Board, in coordination with the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Wildlife Resources, the Department of Emergency Management, the Department of Transportation, the Commonwealth Transportation Board, and the Department of Housing and Community Development, shall adopt guidance principles for the Commonwealth Flood Plan that reflect the public interest of the entire Commonwealth. The Board shall review and revise the guidance principles, with input from the foregoing departments and board as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new Commonwealth Flood Plan.

E. On adoption of a Commonwealth Flood Plan, the Board shall deliver the plan to the:

1. Governor;
2. Lieutenant Governor;
3. Speaker of the House of Delegates; and
4. Appropriate legislative committees and legislative leadership.

§ 10.1-661. Regional flood planning.

A. The Commonwealth Flood Board shall:

1. Designate flood planning regions corresponding to river basins and floodplains;
2. Provide technical and financial assistance to the flood planning groups;
3. Adopt guidance principles for the development of regional flood plans, including procedures for amending adopted plans; and
4. Designate a local government or regional agency within each flood planning region to support the regional flood planning group and serve as a fiscal agent.

B. In designating flood planning regions, the Board may use planning district commission boundaries established pursuant to § 15.2-4200 or otherwise divide or combine river basins or floodplains to promote efficient planning in a flood planning region.

C. The Board shall designate representatives from each flood planning region to serve as the initial regional flood planning group. The initial regional flood planning group may then designate additional representatives to serve on the regional flood planning group. The initial regional flood planning group shall designate additional representatives if necessary to ensure adequate representation from the interests in its region, including the public, local governments, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, and water utilities. The regional flood planning group shall maintain adequate representation from those interests. In addition, the Board, the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Wildlife Resources, the Department of Emergency Management, the Department of Housing and Community Development, and the Department of Transportation each shall appoint a representative to serve as an ex officio member of each regional flood planning group.

D. Each regional flood planning group shall hold public meetings as provided by Board rule to gather from interested persons, including members of the public, suggestions and recommendations as to issues, provisions, projects, and strategies that should be considered for inclusion in a regional flood plan.

E. Each regional flood planning group shall consider the information collected under subsection D in creating a regional flood plan. A regional flood plan shall:

1. Use information based on scientific data and updated mapping; and
2. Include:
 - a. A general description of the condition and functionality of flood risk management and mitigation infrastructure in the flood planning region;
 - b. Flood risk management and mitigation projects under construction or in the planning stage;
 - c. Information on land use changes and population growth in the flood planning region;

428 d. An analysis of development in areas currently vulnerable to flooding, including precipitation,
429 riverine, tidal, and storm surge flooding and flood risk management and mitigation solutions for those
430 areas.

431 F. After a regional flood planning group prepares a regional flood plan, the group shall hold at
432 least one public meeting in a central location in the flood planning region to accept comments on the
433 regional flood plan. The regional flood planning group shall:

434 1. Cooperate with the Board to determine what method of providing notice for the public meeting is
435 most accessible to persons in the flood planning region; and

436 2. Publish, post, or otherwise disseminate notice of the public meeting according to the method
437 described by subdivision 1.

438 G. The notice published, posted, or otherwise disseminated under subsection F shall contain:

439 1. The date, time, and location of the public meeting or hearing;

440 2. A summary of the regional flood plan;

441 3. The name, telephone number, and address of a person to whom questions or requests for
442 additional information may be submitted; and

443 4. Information on how the public may submit comments.

444 H. After consideration of the comments received at the public meeting, the regional flood planning
445 group shall adopt the regional flood plan and submit the adopted regional flood plan to the Board. The
446 Board shall make a determination as to whether the regional flood plan:

447 1. Satisfies the requirements of regional flood plans adopted in the guidance principles described by
448 subsection A and the requirements of Subsection E;

449 2. Adequately provides for the preservation of life and property, the development of water resources,
450 and the preservation of natural resources; and

451 3. Affects a neighboring area.

452 I. If the Board makes a determination that an element of a regional flood plan negatively affects a
453 neighboring area, the Board must coordinate with the affected area to adjust the plan to ensure that no
454 neighboring area is negatively affected by the plan.

455 J. The Board shall approve a regional flood plan when it:

456 1. Satisfies the requirements of subdivisions H 1 and 2; and

457 2. Does not negatively affect a neighboring area.

458 K. A flood planning group may amend a regional flood plan after the plan has been approved by the
459 Board according to rules adopted by the Board.

460 L. Each regional flood planning group and committee or subcommittee of a regional flood planning
461 group is considered a public body and subject to the Virginia Freedom of Information Act (§ 2.2-3700
462 et seq.).