

Commonwealth Center for Recurrent Flooding Resiliency



Joint Subcommittee on Coastal Flooding

October 30, 2017

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HB1774 Workgroup

- HB1774 (2017) directed the CCRFR to convene a workgroup to consider **alternative methods of stormwater management in rural Tidewater localities**.
- Workgroup **facilitated by the Virginia Coastal Policy Center** at William & Mary Law School. Included engineers and representatives of state agencies, local governments, developers, mitigation bankers, the environmental and agricultural communities, and others. **Research support provided by VIMS and ODU**.
- The bill provided that the Workgroup was to review and consider the creation of **rural development growth areas**, the development of a **volume credit program**, the payment of fees to support **regional stormwater BMPs**, and the allowance of **the use of stormwater in highway ditches** to generate volume credits.
- The bill requires the CCRFR to **report** the results of the Workgroup's analysis to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources **by January 1, 2018**.

HB1774 Workgroup

Split into two subcommittees:

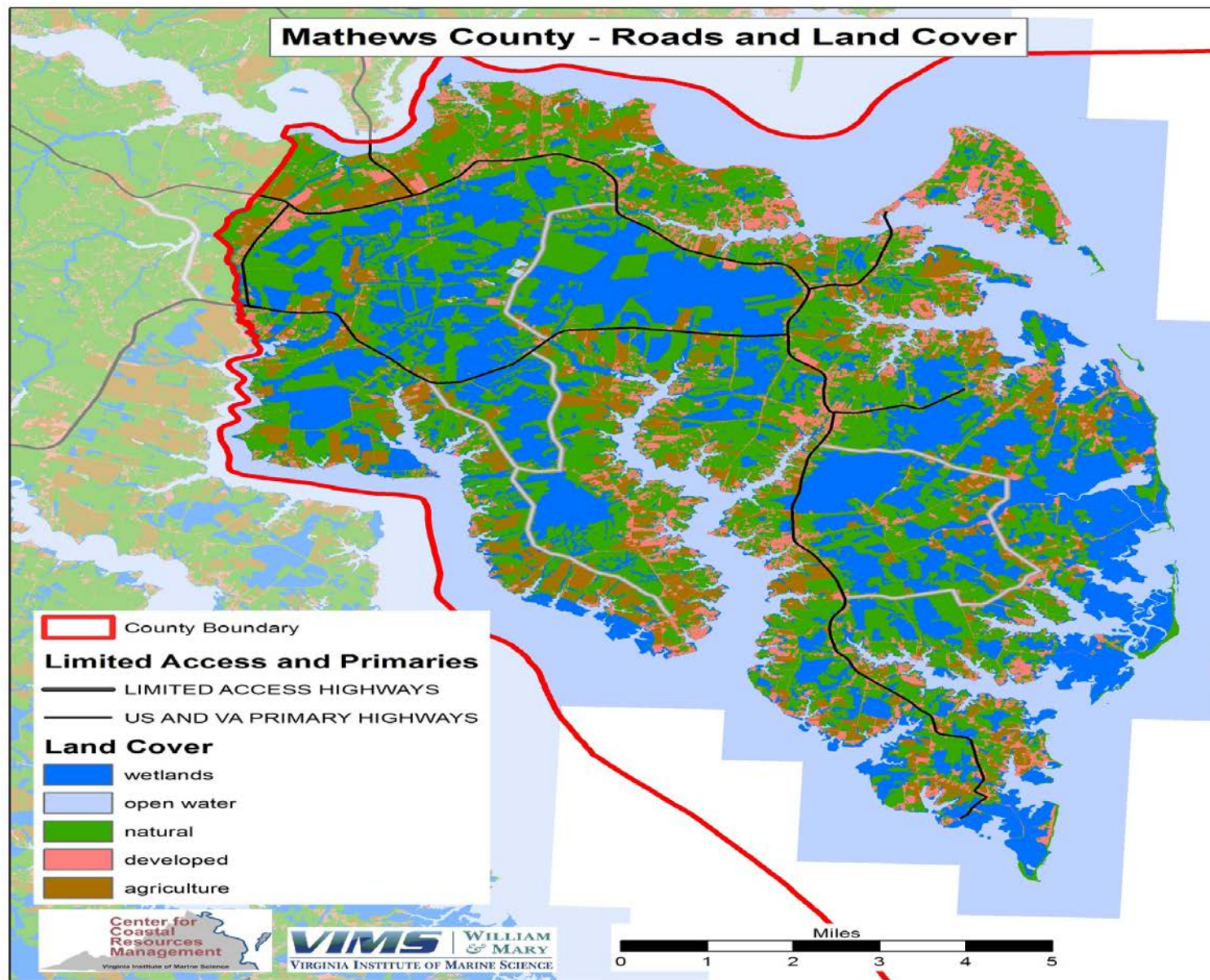
- ***Subcommittee 1:*** Analysis of volume credit trading program, regional stormwater BMPs, and use of stormwater in roadside ditches
- ***Subcommittee 2:*** Analysis of alternative methods to manage stormwater, for use by rural Tidewater localities – *must be easier to administer but no less water quality protective.*

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Subcommittee 1:

- Found no market for **Volume Credits** Program & it is complicated to administer, requiring extensive staff
- So looked at a **large-scale program to reduce pollutants** in the ditch water, to help the Commonwealth achieve its nonpoint source load allocation under the Chesapeake Bay TMDL. VIMS research indicated there would not be sufficient pollutant load to make a significant difference, but found that most pollutant load comes from agriculture in these rural areas.
- So analyzed the development of **targeted BMPs to reduce the agricultural pollutant load.**

Mathews County - Roads and Land Cover



HB1774 Workgroup

- The **Chesapeake Bay Program** already is reviewing ditch maintenance as a stormwater management practice & considering what efficiency to assign to it.
- The Subcommittee recommended, and the Workgroup approved, a draft list of **recommendations of ways the Commonwealth could fund** such a program once the Bay Program completes its review (2018).
- ***This will create an incentive to address flooding from stormwater in unmaintained ditches in rural Tidewater localities.***
- At final Workgroup meeting on Nov. 29, will review CCRFR report containing their recommendations and supporting analysis from VIMS and ODU.

HB1774 Workgroup

Subcommittee 2:

- Rural localities said their concern is with administering the Energy Balance Method – requires an engineer on staff.
- After reviewing some alternatives, decided upon a **tiered approach to stormwater management only for these rural localities, based upon the percent of impervious cover** in a watershed. Localities may opt to be more stringent in areas of concern and use the current stormwater regulations' Energy Balance Method instead of the tiered approach.
- The Subcommittee's recommendations were approved by the Workgroup. At final Workgroup meeting on Nov. 29, will review CCRFR report containing their recommendations and supporting analysis from VIMS and ODU.

HB1774 Workgroup

The Workgroup also approved a recommendation to authorize only these rural localities to **accept stamped/sealed plans and supporting calculations**, as well as required inspection/monitoring reports, from a licensed professional retained by the applicant **in lieu of local plan review**.

CCRF goal: Submit report by Dec. 1.

Raise, Raze or ReLo?

Localities Are on the Front Lines

***An Unfunded Mandate from Mother
Nature & Father Time***



**WILLIAM & MARY
LAW SCHOOL**

**VIRGINIA COASTAL
POLICY CENTER**

POTENTIAL POLICY NEXT STEPS

Planning

- Provide **state level leadership** to **plan** for recurrent flooding & **seek funding**
- Conduct **Relative SLR Impact Analysis** (infrastructure/water/septic/natural resources/etc.)
- **Educate** the public about impacts (FEMA SFH Zone is not the only analysis) - *AdaptVA*
- State discretionary funding programs should **require that resilience to recurrent flooding be taken into account** when designing infrastructure or making resource management decisions, & **discourage location of state-funded infrastructure in high flood risk areas**

Execution

- Express authority for **all** Tidewater localities to **plan & zone** for predicted flooding risk (& **Hazard Mitigation Plan**)
- Develop state infrastructure **design standards** & authorize **building code revisions** as needed, including use of flood-resistant materials
- **Funding** (Shoreline Resiliency Fund; possible impact fee service area or service district with a tax; analyze existing funding programs (e.g., VRA) to determine if they can be used for flood resilience projects, or create a grant program like SLAF)