

**THE DRAFT SUMMARY OF THE MEETING OF THE
SPECIAL COMMITTEE ON RECURRENT FLOODING AND SEA LEVEL RISE
SEPTEMBER 26, 2014**

1. Summary of the June 20, 2014 Meeting of the Special Committee on Recurrent Flooding and Sea Level Rise

The Summary of the June 20, 2014 Meeting of the Special Committee on Recurrent Flooding and Sea Level Rise was accepted as distributed.

2. Public Comments

Mr. Dan Bell, Urban Land Institute, and Dr. Hans-Peter Plag, Old Dominion University, gave some brief comments to the Committee on the Resilient Region Reality Check, a proposed annual event sponsored by ODU and ULI to increase the region's resilience to coastal hazards such as sea level rise.

3. Committee By-Laws

Mr. Ben McFarlane, HRPDC, briefed the Committee on proposed by-laws. Ms. Ellen Roberts, Poquoson, suggested that the draft by-laws be amended by changing X to Y.

The Committee voted to adopt the by-laws as distributed with Ms. Roberts' suggestion.

4. Dutch Dialogues

Mr. Tom McNeilan, independent consultant, briefed the Committee on a proposal to work with the Dutch Embassy to bring a Dutch Dialogues workshop to Hampton Roads. The Dutch Dialogues are a series of workshops that have been held by the Dutch in conjunction with local stakeholders in several cities, including New Orleans, St. Louis, and New York City. These workshops build on the history and experience the Dutch have in address water issues, such as flooding and stormwater management. Mr. McNeilan briefed the Committee about the Dutch perspective in landscape planning for water, their history with flooding and flood protection, and their approach to water management and flood mitigation. He then presented a preview of what such a work shop could accomplish in Hampton Roads, using the New Orleans and New York Dutch Dialogues as examples.

Mr. McFarlane made some additional comments. The workshop will be focused on local government needs, but will have non-governmental stakeholders involved. Workshop sites and participants will be selected or nominated by localities.

The Committee indicated continued interest in having a Dutch Dialogues workshop in Hampton Roads.

5. Legislative Priorities

Mr. McFarlane informed the Committee that the HRPDC has appointed a legislative committee to develop a regional legislative agenda package for the 2015 General Assembly session and that advisory committees have been asked to submit recommendations. Two proposals related to flooding and sea level rise have been submitted to the HRPDC staff:

- 1) Mandatory Real Estate Disclosure for Flood Damage (Portsmouth)
- 2) Support for Subsidence Monitoring and Research (USGS)

Ms. Meg Pittenger, Portsmouth, briefed the Committee on a proposal Portsmouth is including in its legislative package to mandate disclosure of recurrent or nuisance flooding impacts on residential properties to prospective buyers. This proposal stems from the city's concerns with recurrent flooding and sea level rise and the lack of information about flood damages or vulnerability available to buyers. The city is suggesting that the Joint Subcommittee on Recurrent Flooding consider recommending legislation to the General Assembly that would mandate disclosure to prospective buyers of a property a list of all flood damages to a prospective property in which an insurance claim was made.

The Committee asked if Portsmouth had developed specific language for such legislation. The City is recommending that the Joint Subcommittee develop any such language. Ms. Gayle Hicks, Hampton, asked if the City had a fallback position, such as providing cluster maps instead of information about specific properties. The city would not be disclosing the data, so there should be no issues with data confidentiality.

The Committee discussed the need to get more information out to the public regarding flooding and to get the public to access and use that information.

Mr. Roy Hoagland, Virginia Coastal Policy Clinic, stated that the clinic has produced a paper on disclosure requirements.

The Committee discussed different options for potential legislation, including whether the data disclosed would be for claims or actual flood damages or for being located within a flood zone.

The HRPDC staff will work with Portsmouth staff to further develop the proposal.

Ms. Whitney Katchmark, HRPDC, briefed the Committee on a proposal to monitor and research land subsidence. Building on some recent work, the current proposal is to design an ongoing land subsidence monitoring program to serve the needs of regional planners. The region could also ask the state to fund the monitoring program through the budget. The estimated cost for the study would be \$50,000. The region could either ask the state for the funding or fund the study through the PDC budget.

Mr. Ron Williams, Norfolk, suggested that the PDC should cover the cost of the study but ask the state to cover the costs of setting up the monitoring program. Mr. McNeilan suggested reconsidering InSAR analysis. Ms. Roberts stated that some staff members at NASA Langley have done some research on subsidence and suggested that the HRPDC staff should contact them.

6. Regional Floodplain Management Standards

Mr. McFarlane briefed the Committee on an assessment of regional floodplain management standards and proposals for regional policies or recommendations. One of the Committee's missions is to develop recommendations for local governments. As local floodplain management ordinances are currently being updated, there is an opportunity to develop a regional consensus on specific policies. Two such policies are freeboard requirements and whether or not to adopt Limit of Moderate Wave Action lines on local flood insurance rate maps. Both policies are supported by the Hampton Roads Regional CRS Workgroup.

Current freeboard rates vary across the region, with some localities having no requirements at all to 3' in Hampton, Isle of Wight, Norfolk, and York. Potential recommendations include:

- 1) Adopting a minimum freeboard of 1'
- 2) Adopting a higher freeboard requirement, such as 2' or 3'
- 3) Adopting higher freeboard requirements in V or VE zones and lower requirements in A or AE zones

Mr. Brian Lewis, Gloucester County, stated that they would accept a regional recommendation, but are not interested in going any higher at this time. Ms. Roberts suggested that the region could encourage participation in the CRS program. Mr. Williams stated that Norfolk started at 2' and went to 3', partially based on concerns about sea level rise. Ms. Hicks suggested looking at savings to flood insurance premiums resulting from freeboard.

The Committee voted to recommend that the Commission adopt a resolution recommending local governments consider adopting freeboard requirements. No specific amount was recommended.

The Limit of Moderate Wave Action is a new component on flood insurance rate maps that delineates Coastal A zones, which are within the 1% annual event zone and would be expected to experience wave heights between 1.5' and 3'. Localities are not mandated to adopt higher standards for these zones, but it is recommended that they adopt V zone standards for these areas, which would apply to building foundations and freeboard requirements. There are CRS program benefits to adopting these standards.

Ms. Hicks suggested waiting until after the new maps are adopted. Ms. Shanda Davenport, Suffolk, suggested looking at state model ordinance language on Coastal A zones.

The Committee decided not to recommend an action on LiMWA policies at this time.

7. HRPDC Update

Mr. McFarlane provided the Committee with an overview of the status of various projects and efforts related to recurrent flooding and sea level rise in the state. The Joint Subcommittee on Recurrent Flooding met on September 10, 2014 and heard presentations on the impact of flooding on businesses, the mitigation of risk, perspectives from the commercial real estate industry, and the findings of the Secure Commonwealth Panel's Recurrent Flooding Sub-Panel. The Governor's Climate Change and Resiliency Update Commission held its first meeting on September 10, 2014. The Commission heard a summary of previous efforts, and is currently focused on reviewing the previous Commission's recommendations and identifying priorities for quick implementation. The next meeting of the Commission will be held December 5 at William and Mary. In July, the HRPDC hosted a three-day NOAA workshop on Climate Adaptation for Coastal Communities at Newport News Waterworks. Partners included NOAA, VCZMP, Wetlands Watch, and CBNERR. Attendance was over 40 participants each day. New LIDAR data has been received by HRPDC for Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Virginia Beach, and York County. It will be made available to localities upon request. The HRPDC and Virginia Beach are nearing completion of a sea level rise report, "Developing a Local Sea Level Rise Adaptation Plan for Virginia Beach." The report includes policy reviews and recommendations, a description of a proposed public engagement strategy, a critical infrastructure inventory, and maps showing sea level rise vulnerability and storm surge vulnerability as affected by sea level rise. The HRPDC is also working on a sea level rise technical assistance grant project from the Virginia Coastal Zone Management Program which runs through the end of 2014. This project includes developing new regional sea level rise inundation maps using the new LIDAR data.

8. Committee Comments

Mr. Williams announced that in December a Resiliency Technical Advisory Panel from the Urban Land Institute will be visiting Norfolk to develop recommendations for the Fort Norfolk site. Norfolk will likely include some members of the Committee on the list of local and regional stakeholders to be interviewed by the panel.

Mr. Donald Goodwin, Franklin-Southampton, announced that the city and county are still looking for a stormwater program manager. The U.S. Corps of Engineers is continuing its study of riverine flooding and mitigation strategies in the area.

Mr. Greg Johnson, Virginia Beach, announced that the city has decided to develop a comprehensive sea level rise response plan, including the creation of a steering committee comprised of senior city officials. Consultant interviews are scheduled for next week. The city council has budgeted \$3 million for the plan.

9. Other Matters

The next meeting of the Special Committee on Recurrent Flooding and Sea Level Rise will be scheduled for December 2014 at the HRPDC office in Chesapeake, Virginia. The specific date is to be determined. Materials will be sent in advance for review.