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HOUSE BILL NO. 237

HOUSE BILL NO. 257
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources

on _____)

(Patron Prior to Substitute—Delegate Lopez)

A BILL to amend and reenact § 10.1-658 of the Code of Virginia, relating to Virginia Coastal Resilience Master Plan.

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-658 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-658. State interest in resilience and flood control.

A. The General Assembly declares that storm events and rising tidal waters cause recurrent flooding of Virginia's land resources and result in the loss of life, damage to property, unsafe and unsanitary conditions and the disruption of commerce and government services, placing at risk the health, safety and welfare of those citizens living in flood-prone areas of the Commonwealth. Flood waters disregard jurisdictional boundaries, and the public interest requires the management of flood-prone areas in a manner which prevents injuries to persons, damage to property and pollution of state waters.

B. The General Assembly supports and encourages those measures which prevent, mitigate, and alleviate the effects of sea level rise, stormwater surges, and all causes of recurrent flooding and declares that the expenditure of public funds and any obligations incurred in the development of flood control and other civil works projects, the benefits of which may accrue to any county, municipality, or region in the Commonwealth, are necessary expenses of local and state government. The General Assembly shall prioritize measures that use community-scale and regional-scale planning, protect and enhance natural and nature-based approaches, address socioeconomic inequities, and enhance equity through flood resilience and preparedness.

C. The General Assembly supports and encourages flood resilience through implementation of the Virginia Coastal Resilience Master Plan and implementation of the Virginia Flood Protection Master Plan developed pursuant to § 10.1-602.

D. The Department shall be responsible for the implementation of the Virginia Coastal Resilience Master Plan and Virginia Flood Protection Master Plan and shall serve as the lead administrator.

E. The Virginia Coastal Resilience Master Plan shall be updated at least every five years; shall, at a minimum, 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, *including the identification of areas where marshes may migrate in the face of sea level rise*; (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.