



## **Adaptive Planning for Flooding and Coastal Change in Virginia: Next Steps for the Commonwealth**

December 5, 2014

Brinkley Commons Room 2025, William & Mary School of Business

Presented by

**Virginia Coastal Policy Clinic at the William & Mary Law School  
Center for Coastal Resources Management at the Virginia Institute of Marine Science  
Virginia Sea Grant**

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Last year, the Virginia Coastal Policy Clinic (VCPC) at the William & Mary Law School and the Center for Coastal Resources Management (CCRM) at the Virginia Institute of Marine Science (VIMS) hosted a forum for state and local government officials as well as coastal stakeholders to discuss the legal and policy challenges presented by coastal flooding.

Described as a “game-changer” for Virginia, the event generated recognition that the magnitude and complexity of these challenges places local governments in a position of needing a variety of assistance if they are to meet their responsibilities to protect health, safety, and welfare.

Since this precedential gathering, state level action in response has included:

- The Virginia Secure Commonwealth Panel established a Sub-Panel on Recurrent Flooding. The Sub-Panel has recently released its findings, making a series of recommendations for improving planning for, and responding to, recurrent flooding.
- The Virginia General Assembly created a Joint Subcommittee on Recurrent Flooding. It has met twice, receiving testimony from sectors ranging from the Army Corps of Engineers to insurance providers and is considering potential legislation for the 2015 General Assembly Session.

- Governor McAuliffe launched the Climate Change and Resiliency Update Commission, charging it to provide him within a year with a set of significant, achievable outcomes that focus on adaptation.

At the regional and local level, planning district commissions, academia, and city and county governments have undertaken actions ranging from adopting new freeboard ordinances to analyzing new intergovernmental collaborative structures.

***Adaptive Planning for Flooding and Coastal Change in Virginia: Next Steps for the Commonwealth*** will move forward the current dialogue by providing a forum for the next meeting of the Governor’s Climate Change and Resiliency Update Commission. It will also bring together for discussion national, state, and local experts and leaders on current actions being taken to adapt to flooding and coastal change and highlight key legal and policy matters currently confronting both the public and private sectors.

The Next Steps are happening now. Come and learn, and help shape, what they are.

## Agenda

<b>8:30</b>	<b>Registration and Coffee</b>
<b>9:00</b>	<p><b>Welcome and Introduction to the Conference</b></p> <p>Davison M. Douglas, Ph. D., J.D., Dean, William &amp; Mary Law School  Roy A. Hoagland, Esq., Director, Virginia Coastal Policy Clinic, William &amp; Mary Law School</p>
<b>9:15</b>	<p><b>Call to Order of the Governor’s Climate Change and Resiliency Update Commission</b></p> <p>The Honorable Molly Ward, Virginia Secretary of Natural Resources  The Honorable Brian Moran, Virginia Secretary of Public Safety  Members of the Commission</p> <p><i>Governor McAuliffe created the Climate Change and Resiliency Update Commission by Executive Order and at its first meeting in September charged it to formulate several achievable actions to address climate change, with a particular focus on adaptation. At its meeting today, the Commission will receive updates from a number of individuals actively engaged in responding to climate change in Virginia.</i></p>
<b>9:30</b>	<p><b>Commission Meeting</b>  <b>Report on Climate Change Progress in Virginia</b></p> <p>James Redick, Co-Chair, Secure Commonwealth Panel, Recurrent Flooding Subpanel</p> <p><i>The Secure Commonwealth Panel’s Recurrent Flooding Sub-Panel report provides an extensive list of tactical and strategic recommendations for how the Commonwealth can respond and otherwise adapt to the challenges and threats presented by recurrent flooding</i></p>

*and sea level rise. Chaired by State Senator John Watkins and Norfolk’s preparedness director Jim Redick, the 100+ page report examines everything from legal authority to public perception and education. Co-chair Jim Redick will present an overview of the work and highlight the priority recommendations of the sub-panel.*

Carlton H. Hershner, Jr., Ph. D., Director, Center for Coastal Resources Management, Virginia Institute of Marine Science

*Dr. Carl Hershner of the Center for Coastal Resources Management (CCRM) at the Virginia Institute of Marine Science (VIMS) will share an analysis conducted by the CCRM and the Virginia Coastal Policy Clinic (VCPC) of the steps taken to date to address climate change since the issuance of the 2008 Kaine Commission on Climate Change report. The Kaine Commission developed 113 recommendations related to climate change mitigation and adaptation. Dr. Hershner will provide an overview of both state and local actions and highlight the critical gaps that remain unresolved.*

Colonel Paul Olsen, District Engineer, US Army Corps of Engineers

*Col. Paul Olsen, District Engineer for the Norfolk District of the Army Corps of Engineers will provide an overview of the Army’s current strategy for preserving the military’s assets in Hampton Roads in light of the threats of sea level rise. Col. Olsen is a registered professional engineer in the Commonwealth of Virginia and holds a Masters of Science in civil and infrastructure engineering from George Mason University.*

Bill Shelton, Director, Virginia Department of Housing and Community Development

*Bill Shelton, the Director of the Virginia Department of Housing and Community Development, will discuss the \$1 billion National Disaster Resilience Competition that the U.S. Department of Housing and Urban Development launched in September and the potential for Virginia to receive grant funding through this program.*

*Q&A from the Commission members*

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<b>10:30</b>	<b>Break – Sponsored by the Middle Peninsula Planning District Commission</b>
<b>10:45</b>	<b>Commission Meeting (continued)</b> <b>Action Items</b>  <i>Discussion among Commission members</i> <ul style="list-style-type: none"><li>• Recommend Chief Resilience Officer</li><li>• Appoint Work Group Chairs</li><li>• Appoint Commission liaison to Joint Legislative Subcommittee on Recurrent Flooding</li><li>• Request development of sea level rise protocol</li></ul>

	<ul style="list-style-type: none"> <li>• Request development of legal framework and recommendations related to recurrent flooding</li> <li>• Recommendation regarding potential HUD grant activities</li> </ul>
<b>11:30</b>	<b>Adjournment of Commission Meeting</b>
<b>11:30</b>	<b>Lunch</b>
<b>12:00</b>	<b>Keynote Address</b>  THE HONORABLE TIM KAINE, UNITED STATES SENATOR FOR VIRGINIA John T. Wells, Ph.D., Dean, Virginia Institute of Marine Science
<b>1:00</b>	<b>Break – Sponsored by the Middle Peninsula Planning District Commission</b>
<b>1:15</b>	<b>FEMA, National Flood Insurance Program’s Community Rating System, and Local Government Liability</b>  <u>Moderator:</u> Patricia Roberts, J.D., Director, Clinical Programs, William & Mary Law School James Andris, VCPC Student, Fall 2014 Kristen Clark, VCPC Student, Spring 2014 Shannon Hulst Jarbeau, CFM, Assistant Director, Wetlands Watch Bill Lesser, CRS Coordinator, FEMA, Mitigation Planner, FEMA Region III  <i>New FEMA regulations are driving changes to the National Flood Insurance Program. As a result of these reforms, premiums are rising. Participation in the NFIP Community Rating System provides local governments with the opportunity to reduce the premiums for homeowners and business owners located in the locality. Panelists will share how communities can help their constituents through participation in this incentive program. Participation in this program is one of many choices that local governments can consider as a method of adapting to the impacts of climate change. Local government actions taken and those not taken in the face of adapting to climate change raise questions of potential governmental liability. The panel will conclude with a look at the extent of liability in this emerging area.</i>
<b>2:00</b>	<b>Break – Sponsored by Dewberry</b>
<b>2:15</b>	<b>Adaptation: Market Sector Responses</b>  <u>Moderator:</u> Skip Stiles, Executive Director, Wetlands Watch Scott Hunter, Founder and President, Comparity Insurance Simplified Lewis L. Lawrence, III, Executive Director, Middle Peninsula Planning District Commission Janet E. Milne, Esq., Director, Environmental Tax Policy Institute, Vermont Law School Michael Vernon, Business Development Director, Flood Mitigation Hampton Roads  <i>While much of the discourse on flooding focuses on the problems it poses, this panel will discuss new business opportunities evolving out of recurrent flooding. As flood insurance rates climb, property owners will be looking for ways to reduce these costs. Public adaptation programs like FEMA can sometimes be complicated. As a result, an increasing segment of the</i>

*population may turn to the private sector for ways to adapt. Panelists will share how insurance policies can be made to promote the twin goals of making homes safer and cheaper to insure; new business opportunities growing out of adaptation and mitigation; and the role of public sector solutions in market driven responses.*

<b>3:15</b>	<b>Break – Sponsored by Dewberry</b>
<b>3:30</b>	<b>Social Vulnerability</b>  Moderator: Lynda L. Butler, J.D., Professor of Law, William & Mary Law School Erica Holloman, Ph.D., Project Director, Southeast CARE Coalition Molly Mitchell, Senior Scientist, Center for Coastal Resources Management, Virginia Institute of Marine Science Lisa Schiavinato, Esq., Co-Director, NC Coastal Resources Law, Planning, and Policy Center Sarah L. Stafford, Director, Thomas Jefferson Program in Public Policy, William & Mary  <i>State and local governments need to consider a broad range of factors when formulating policy decisions regarding recurrent flooding and climate change. One of the leading questions is what role social vulnerability should play in these decisions. The Red Cross defines social vulnerability “as the diminished capacity of an individual or group to anticipate, cope with, resist and recover from the impact of a natural or man-made hazard.” Panelists will share their perspectives and analyses on the intersections of race, law, science and environmental justice in community vulnerability assessments. New mapping tools and legal analyses will help frame the panel discussion.</i>
<b>4:30</b>	<b>Next Steps: Where Do We Go From Here?</b>  Michelle Covi, Ph. D., Assistant Professor of Practice, Ocean, Earth and Atmospheric Sciences, Old Dominion University  Roy A. Hoagland, Esq., Director, Virginia Coastal Policy Clinic, William & Mary Law School  <i>Adaptation Voices from Virginia</i> Ben McFarlane, Regional Planner, Hampton Roads Planning District Commission Curtis Smith, Director of Planning, Accomack-Northampton Planning District Commission, Coastal Adaptation Working Group (CAWG) Ray Toll, Director of Coastal Resilience Research, Old Dominion University, Hampton Roads Intergovernmental Pilot Project  <i>Audience Poll and Dialogue:</i> What should be the Commonwealth’s priorities over the next few years?  <i>Audience Adaptation Efforts:</i> One minute ‘advertisements’ by registrants on adaptation efforts underway in their organization, business, or community.  <i>Currently, the conversations surrounding climate change and its impacts such as sea level</i>

*rise and recurrent flooding are shifting from theoretical dialogue to concrete actions. One of the steps in this evolution is improving cooperation between different levels of government. Panelists will share intergovernmental steps currently occurring in the Commonwealth. This will be followed by an open discussion of where we are headed, focusing on audience input on what they think the Commonwealth's priorities should be and what actions they are currently taking.*

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5:00	Adjourn to Wine & Beer Reception
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## Registration Information

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Registration is required to attend. Seating is limited.

Please click here to [Register Now!](#)

**Public Participation:** In addition to registrants having the opportunity to provide a one minute public announcement that captures the adaptation efforts in their organization, business, or community, the event will include a number of audience participation polls administered through “Poll Everywhere” via an online service or its smart-phone app. **Please download the app in advance to participate.** <http://www.polleverywhere.com/app>

**Please direct any questions to:** Mary-Carson Stiff at [mbsaunders@wm.edu](mailto:mbsaunders@wm.edu)

*The Virginia Coastal Policy Clinic is a collaboration among William & Mary School of Law, Virginia Institute of Marine Science, and Virginia Sea Grant.*