

COASTAL VIRGINIA COMMUNITY RATING SYSTEM
WORKGROUP



WORKING TOGETHER FOR A STRONGER VIRGINIA

To Whom It May Concern,

The Coastal Virginia Community Rating System (CRS) Workgroup (“CRS Workgroup”) promotes education and cultivation of strong floodplain management programs in the Commonwealth of Virginia. Established in 2010, the CRS Workgroup includes locality representatives from a wide range of coastal communities in Virginia, although we invite members from outside the coastal zone through the accommodation of remote access to meetings. In addition to locality floodplain managers, emergency managers, engineers, and planners, our membership includes the academic community, nonprofit sector, business community, and regional and state government. We meet every other month to provide a forum about the National Flood Insurance Program (NFIP), the CRS Program, FEMA’s Hazard Mitigation Grant programs, hazard mitigation planning, climate adaptation, flood resilience, and more.

HB 504 was enacted in the 2020 legislative session to modify the Chesapeake Bay Preservation Act (CBPA) to include “coastal resilience and adaptation to sea-level rise and climate change” as one of the purposes of the Act. The CRS Workgroup acknowledges the importance of accounting for future conditions in areas regulated by the CBPA to help further water quality and flood risk reduction in the Commonwealth. However, we appreciate the opportunity to comment on how the draft regulations enacting the inclusion of future conditions could negatively impact the Virginia communities participating in the CRS Program and the flood insurance policyholders who depend on the annual premium discounts earned by the community.

The NFIP’s Community Rating System (CRS) is a voluntary incentive based program that rewards localities that take extra steps to reduce flooding with lower annual flood insurance premiums for policyholders. Communities earn points by adopting plans, programs, and policies that promote flood risk reduction. Total points correspond to different class ratings, which in turn correspond to discount percentages on annual flood insurance premiums. Communities can earn points for actions in four categories: public information, mapping and regulations, flood damage reduction, and warning and response.

Several communities in Virginia are earning credits for prohibiting development and filling inside the CBPA Resource Protection Area (RPA) buffers. The communities are rewarded these points when they prove they are enforcing the Act’s prohibition of development in the RPA, with few approved exemptions. Wetlands Watch, a nonprofit based in Norfolk, Virginia, filed an official appeal to the CRS Task Force, the national policy board that reviews what activities are eligible for CRS credits, requesting that all VA communities be eligible to receive credit for the

CBPA RPA buffers. Communities must prove they are enforcing the Act’s development restrictions, as written in state regulations. The CRS Task Force used the state regulations for their official review and **revising the regulations to allow filling in the RPA would jeopardize existing and future credits earned by communities participating in the CRS program, thereby jeopardizing the annual flood insurance premium discounts, upon which community residents and businesses rely.**

Additionally, a significant percentage of RPA buffers overlap with Special Flood Hazard Areas (SFHA), which are regulated by communities as part of their participation in the NFIP. Placing fill in the SFHA is considered “development” and must comply with local floodplain ordinances. Allowing fill in the RPA may conflict with local floodplain ordinances, and lack of coordination between these requirements could result in noncompliant development in the SFHA. Virginia, as a state, is also a NFIP participating community, so creating a requirement that would supersede the local floodplain ordinances is not an option, as this could jeopardize both the Commonwealth’s and localities’ NFIP compliance. **If a community is noncompliant with the NFIP, the community and its residents could lose access to flood insurance coverage, disaster assistance, and certain federal grants and loans. As the Northam Administration has made clear, many communities in the Commonwealth are vulnerable to flooding; losing these NFIP benefits would be catastrophic for many Virginians.**

We look forward to the incorporation of climate change risks into this essential piece of legislation, and we hope that you will take our concerns into consideration.

Sincerely,

Mary-Carson Stiff
Chair
Coastal Virginia CRS Workgroup