



# COMMONWEALTH of VIRGINIA

Office of the Governor

George Allen  
Governor

## EXECUTIVE MEMORANDUM 2-97

### FLOODPLAIN MANAGEMENT PROGRAM FOR STATE AGENCIES

#### Purpose

The purpose of this executive memorandum is to provide floodplain management policies and requirements to ensure the Commonwealth avoids unnecessary disaster cost and risk to human health, safety, and welfare; to emphasize the responsibility of all state agencies to promote flood hazard mitigation; and to assign responsibility for leadership and coordination to the Department of Conservation and Recreation, under the direction of the Secretary of Natural Resources.

#### National Flood Insurance Program: Policy and Requirements

The continued availability of flood insurance and many types of floodplain disaster assistance, development loans, and other financial resources are dependent on state and local participation in the National Flood Insurance Program (e.g. National Flood Insurance Act and regulations, Stafford Disaster Assistance Act). Lack of State compliance with the National Flood Insurance Program will result in State suspension from the program and increased disaster costs for the Commonwealth. The guidelines of the National Flood Insurance Program are not overly burdensome and provide common sense guidelines for avoiding risks in flood hazard areas.

1. The Department of Conservation and Recreation (DCR) shall be the coordinating agency for floodplain management and the National Flood Insurance Program. The Chief of the Floodplain Programs Section shall serve as the State Coordinator for the National Flood Insurance Program.

2. Pursuant to Section 10.1-603, *Code of Virginia*, and in accordance with 44 CFR Section 60.12 of the National Flood Insurance Program Regulations for Floodplain Management and Flood Hazard Identification, all construction or land disturbing activities initiated by an agency of the Commonwealth, or by its contractor, in floodplains shall comply with the locally adopted floodplain management ordinance.

As a matter of policy, new state-owned buildings shall not be constructed within a 100-year floodplain unless a variance is granted by the Director, Division of Engineering and Buildings, in his capacity as Building Official for state-owned buildings pursuant to Section 36-98.1 of the *Code of Virginia*. A variance will be considered if the following conditions are met:

- a. Reasonable or economically justified alternatives do not exist.
- b. The lowest floor for the proposed construction is elevated or flood proofed two feet above the base flood elevation.
- c. Reasonable access during flood events is demonstrated. Water dependent uses, such as water treatment facilities, boat houses, fish hatcheries, and other similar uses, are a reasonable use and are exempt from floodplain prohibitions. The use, however, must comply with appropriate codes, ordinances, and regulations, and be flood proofed to the maximum extent practicable in conformance to Section 3107, Virginia Uniform Statewide Building Code.

The Building Official for state-owned buildings will provide written rulings on variance requests after consultation with the State Coordinator for the National Flood Insurance Program. Appeals to rulings may be made to the State Building Code Technical Review Board (Department of Housing and Community Development).

3. In the event a locality is not participating in the National Flood Insurance Program, State agencies shall comply with the standards of the Program when undertaking land disturbing or construction activity. These projects shall be submitted to the Building Official for state-owned buildings for review.

**Floodplain Management Coordination: Policy and Requirements**

The Department of Conservation and Recreation is the lead coordinating agency for floodplain management policy and programs of the Commonwealth. Floodplain management is an issue that impacts numerous agencies with land management, public works, construction and reconstruction, or related regulatory oversight. To assure coordination and efficiency in state agencies:

1. The Department of Conservation and Recreation is to Chair the Virginia Interagency Task Force on Floodplain Management. Within thirty days of the effective date of this executive memorandum, DCR will provide to the Governor's Office for review, approval, and implementation an outline of the structure of this task force. The task force will be a forum to develop interagency recommendations and products to promote the mitigation of public and private flood damages in the Commonwealth.
2. State agencies participating in flood protection projects with a federal interest shall be coordinated with the DCR Floodplain Programs Section. DCR shall serve as the technical advisor of the Commonwealth on viability of proposed alternatives.
3. Federal disaster assistance for flood damaged public buildings in the floodplain is calculated based on the assumption that the Commonwealth has flood insurance to the value of the building or limits of the program. The total amount of cost shared federal disaster assistance for an individual structure in the floodplain can be reduced by the amount of insurance available. Annually, the Department of General Services (DGS) shall review changes in the limits for the National Flood Insurance Program, which shall be provided to DGS by DCR, and determine if the Commonwealth's insurance program provides adequate protection. DGS shall provide DCR with a written summary of their findings.

Applicability and Effective Date

This Executive Memorandum rescinds Policy Memorandum 3-78: Floodplain Management Program for State Agencies, issued by Governor John N. Dalton.

This Executive Memorandum applies to all executive branch state agencies and institutions and shall be effective July 1, 1997, and shall remain in full force and effect until superseded or rescinded by further executive action.



George Allen  
Governor