

WV State Resiliency Office



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WV SRO Programmatic Update: Development of the State Flood Resiliency Plan

This discussion will focus on changes to state code that were implemented during the 2023 Legislative session regarding the WV State Resiliency Office. Focus will be placed on the new Flood Resilience Plan which will replace the Flood Protection Plan. Attendees will have the opportunity to make recommendations on development of the new plan.

Senate Bill 677

1. Introduced by Senator Swope with the assistance of Pew Charitable Trust
2. Clean Up of Existing State Code
 - WV Code 29-31
 - Disaster Recovery Trust Fund
3. Directs SRO's Focus on Disaster Recovery
4. Placed minimum qualifications for disbursement of the Disaster Recovery Trust Fund
5. Established the Flood Resiliency Trust Fund and placed minimum qualifications for use of those funds
6. Replaced the 2004 Flood Protection Plan with the State Flood Resiliency Plan

SRO Roles and Responsibilities

- (1) Serve as **coordinator** of all economic and community resiliency planning and implementation efforts, including, but not limited to, flood protection programs and activities in the state;
- (2) Develop a new state **Flood Resiliency Plan** due to the Board no later than June 30, 2024;
- (3) **Coordinate** an annual review of the state Flood Resiliency Plan and update the plan no less than biennially, with updates due to the board no later than June 30 in even-numbered years;
- (4) Recommend **legislation** to reduce or mitigate flood damage;
- (5) Report to the Joint Legislative Committee on Flooding at least quarterly;
- (6) **Catalog, maintain, and monitor** a listing of current and proposed capital expenditures to reduce or mitigate flood damage and other hazards, and other useful and desirable resiliency efforts;

SRO Roles and Responsibilities

- (7) **Coordinate planning** of flood projects with federal agencies;
- (8) Improve professional management of flood plains;
- (9) Provide **education and outreach** on flooding issues to the citizens of this state;
- (10) Establish a single **website** integrating all agency flood information;
- (11) **Monitor federal funds and initiatives** that become available for disaster recovery and economic and community resiliency or other flood or hazard mitigation, and to **direct expenditures** on behalf of the Governor;
- (12) Pursue additional funds and resources to assist not only with **long-term recovery** efforts but also **long-term community and statewide resiliency efforts**;
- (13) Coordinate, integrate, and expand planning efforts in the state for hazard mitigation, long-term disaster recovery, and economic diversification;
- (14) Coordinate long-term disaster recovery efforts in response to disasters as they occur;

SRO Roles and Responsibilities

- (15) Establish and **facilitate regular communication** between federal, state, local, and private sector agencies, and organizations to further economic and disaster resilience;
- (16) Receive resources, monetary or otherwise, from any other governmental entity and **disburse** those resources to effectuate the purposes of this article;
- (17) Execute **cooperative agreements**, where appropriate, between the State Resiliency Office and the federal and/or state governments;
- (18) **Contract**, where appropriate, on behalf of the State Resiliency Office, with the federal government, its instrumentalities and agencies, any state, territory or the District of Columbia, and its agencies and instrumentalities, municipalities, foreign governments, public bodies, private corporations, partnerships, associations, and individuals;
- (19) Use funds administered by the State Resiliency Office for the maintenance, construction, or reconstruction of **capital repair and replacement** items as necessary to effectuate the purposes of this article;

SRO Roles and Responsibilities

- (20) **Accept and use funds** from the federal government, its instrumentalities and agencies, any state, territory or the District of Columbia, and its agencies and instrumentalities, municipalities, foreign governments, public bodies, private corporations, partnerships, associations, and individuals for the purposes of disaster recovery, hazard mitigation, flood mitigation, flood prevention, and disaster response programs;
- (21) Hire necessary employees at an appropriate salary equivalent to a competitive wage rate;
- (22) Enroll appropriate employees in PERS, PEIA, and workers' compensation and unemployment programs, or their equivalents: *Provided*, That the State Resiliency Office, through the receipt of federal and/or state funds, pays the required employer contributions;
- (23) Develop a human resources division that will administer and manage its employees and receive state matching funds as necessary to ensure maximum federal funds are secured;
- (24) Have the ability to secure all other bonding, insurance, or other liability protections necessary for its employees to fulfill their duties and responsibilities;

SRO Roles and Responsibilities

- (25) Have the ability to draw upon other departments, divisions, agencies, and all other subdivisions of the state for **research** and input in fulfilling the requirements of this article, and **its requests are to have priority over other such requests**;
- (26) Participate in the interdepartmental transfer of permanent state employees, as if he or she were a department secretary, under the provisions of §5F-2-7 of this code.
- (27) Notwithstanding any other provision of this code to the contrary, **acquire legal services** that are necessary, including representation of the board, its employees, and officers before any court or administrative body from the office of the Attorney General, who shall provide such legal assistance and representation, and
- (28) Take all other actions necessary and proper to effectuate the purposes of this article.
- The office shall have any other additional authority, duties, and responsibilities as prescribed by the Governor to effectuate the purposes of this article. Due to the at-will employment relationship with the office, its employees may not avail themselves of the state grievance procedure as set forth in §6C-2-1 *et seq.* of this code.

Current Tasks, Activities, and Updates

- WV Silver Jackets
- Flood Resilience Plan
- Long Term Recovery Plan
- Debris Management Plan
- 2023 Hazard Mitigation Plan
- Milton Flood Wall
- Watershed Studies

Disaster Recovery Trust Fund

- (1) To accept appropriations, gifts, grants, bequests, and devises from any source, public or private, for deposit into the Recovery Fund, and to use or dispose of the same to provide assistance to any person, political subdivision, or local organization for recovering from a disaster, or otherwise involved in disaster recovery activities;
- (2) To make and execute contracts, leases, releases, and other instruments necessary or convenient for the exercise of its power;
- (3) To make, and from time to time, amend, and repeal bylaws for the governance of its activities not inconsistent with the provisions of this article;
- (4) To sue and be sued;
- (5) To acquire, hold, and dispose of real and personal property;
- (6) To enter into agreements or other transactions with any federal or state agency, political subdivision, or person;
- (7) To provide for the deposit of any funds or assets of the West Virginia Disaster Recovery Trust Fund with the state Treasurer for investment pursuant to §12-6C-6 of this code;

Disaster Recovery Trust Fund

(8) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(9) To provide financial assistance to state and local governmental entities for the nonfederal share for federal disaster assistance programs;

(10) To provide for financial assistance to homeowners and communities that are not eligible for Community Development Block Grant-Disaster Recovery and other federal funding assistance;

(11) To provide loans and grants to local governments in disaster areas that need immediate cash flow assistance;

(12) To provide grants to governmental entities and organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code to repair or replace infrastructure or equipment damaged as a result of a natural disaster;

(13) To provide financial assistance for verifiable losses of agricultural commodities due to a natural disaster; and

(14) Do all acts necessary and proper to carry out the powers granted to the State Resiliency Office within its disaster recovery mission.

Disaster Recovery Trust Fund

- (1) **Disbursements** shall be prioritized to the benefit of **low-income households and geographic areas**, and **not less than 50 percent** of all funds disbursed through the Disaster Recovery Trust Fund following any particular disaster event shall be disbursed to the benefit of low-income geographic areas, low-income households, or to local organizations conducting disaster recovery activities to the benefit of low-income geographic areas or low-income households;
- (2) Disbursements to the benefit of a political subdivision may only be allowed upon the verification to the State Resiliency Officer that the recipient political subdivision has adopted, or will adopt within 24 months, the following programs or measures or risk forfeiture of future funding opportunities:
 - (A) Town road and bridge standards consistent with or exceeding those listed under the most current version of **standards published by the West Virginia Department of Transportation**;
 - (B) A **flood hazard bylaw**, or an adopted interim flood hazard bylaw as an intermediary step to secure enrollment and participation in the National Flood Insurance Program (NFIP), if applicable;
 - (C) A **local Hazard Mitigation Plan** that meets the provisions of 44 CFR § 201.6 that has been approved by the local community and is approved or in the process of securing final approval by FEMA. The local mitigation plan may be part of a larger multijurisdictional or regional mitigation plan;
 - (D) Adoption of a **local Emergency Operations Plan (EOP)** in accordance with State standards; and
 - (E) Attainment of an active **rate classification** (class #1 through #9) under FEMA's Community Rating System (**CRS**) that includes activities that prohibit new structures in mapped flood hazard zones; and
- (3) Disbursements may be further prioritized or conditioned at the discretion of the State Resiliency Officer and upon approval of the State Resiliency Office Board.

Flood Resiliency Trust Fund

- (1) Disbursements from the Flood Fund shall be used solely for the purposes of **enhancing flood prevention or protection** as required by this article. The State Resiliency Office shall manage the Flood Fund and may disburse from the Flood Fund its reasonable costs and expenses incurred in the management of the Flood Fund;
- (2) Disbursements shall be prioritized to the benefit of **low-income** geographic areas, and not less than **50 percent** of all funds disbursed through the Flood Resiliency Trust Fund shall be disbursed to the benefit of low-income geographic areas and low-income households;
- (3) Disbursements shall be prioritized toward the implementation of **nature-based solutions**, and not less than **50 percent** of all funds disbursed through the Flood Resiliency Trust Fund shall be disbursed to implement nature-based solutions. Of disbursements made to implement nature-based solutions, not less than **25 percent** of these disbursements shall be utilized for the **acquisition** of single-family primary residences and multifamily residences in areas currently or projected to be subjected to significant flood impacts, assistance to residents **relocating** outside of the floodplain, and **floodplain restoration** activities on properties acquired through the Flood Fund;

Flood Resiliency Trust Fund

(4) Disbursements to the benefit of a political subdivision may only be allowed upon the verification to the State Resiliency Officer that the recipient political subdivision has adopted, or will adopt within 24 months, the following programs or measures:

(A) Town road and bridge standards consistent with or exceeding those listed under the most current version of standards published by the **West Virginia Department of Transportation**;

(B) A **flood hazard bylaw**, or an adopted interim flood hazard bylaw as an intermediary step to secure enrollment and participation in the National Flood Insurance Program (NFIP), if applicable;

(C) A local **Hazard Mitigation Plan** that meets the provisions of 44 CFR § 201.6 that has been approved by the local community and is approved or in the process of securing final approval by FEMA. The local mitigation plan may be part of a larger multijurisdictional or regional mitigation plan;

(D) Adoption of a local **Emergency Operations Plan** (EOP) in accordance with state standards; and,

(E) Attainment of an active **rate classification** (class #1 through #9) under FEMA's Community Rating System (**CRS**) that includes activities that prohibit new structures in mapped flood hazard zones; and

(5) Prioritization and conditions for disbursements at the discretion of the State Resiliency Officer and upon approval of the State Resiliency Office Board.

Flood Resiliency Trust Fund

(d) Upon state receipt of **Community Development Block Grant-Disaster Recovery** funds in relation to a flood disaster event, and in order to provide the state with the flexibility required to provide assistance to any person, political subdivision, or local organization recovering from the flood disaster event, **a minimum of six percent of those funds shall be dedicated for the purposes of Flood Resiliency Plan development and implementation activities** to the extent that those purposes are in compliance with applicable federal laws and regulations governing such funds and compatible with the state's long-term recovery goals.

Flood Resiliency Plan

- Initially the Goals, Objectives and Recommendations will be taken from the 2004 Flood Plan.
- Utilize an **annual or biennial symposium** to assist in reviewing, updating, and monitoring the plan.
- Aimed at **Digital Use** (User can print)
- Digital version will link to 2004 FPP and past plans directly.
- Implement a “**Read What You Need**” scenario.
- **Progress and tracking** for an annual/biennial scorecard.

Flood Resiliency Plan

I. Authorization and Document Guide

II. Conceptual Summary with:

- A. Long Term Goals for the Resiliency Plan (Flood Plan)
- B. The Objectives on how to meet the goals (Flood Plan)
- C. The **Biennial Focal Points**
- D. Resiliency network structure ("**Family Tree**" for visualization)

III. Prioritization

- A. Populations
- B. Regions
- C. **Socio-economic status**
- D. **Repetitive loss**
- E. **Critical infrastructure**
- F. Identify gaps in data

➤ Will contain maps of the state with overlays for visual reference

Flood Resiliency Plan

IV. Recommended Actions by Sector & Organization (Flood Plan)

A. Federal Organizations

1. Legislative Branch
2. Executive Branch
3. Agencies

B. State Organizations

1. Legislative Branch
2. Executive Branch
3. Agencies, Commissions, and Boards

Flood Resiliency Plan

C. Regional Organizations

1. Conservation Districts
2. Regional Planning and Development Councils

D. County Organizations

E. Municipalities

F. Communities

G. NGOs

H. Utilities

I. Businesses

J. Residents

Flood Resiliency Plan

V. Progress and Tracking

A. Dollars expended

1. Mitigation projects
2. Other projects (Dam rehab, Flood walls, Maintenance)
3. Training
4. Education & outreach
5. Research and studies

B. Projects completed

C. Objectives and recommendations met

D. Educational output and participation

E. Website and social media hits

F. Crowd sourced feedback (annual survey, annual/biennial symposium)

G. Legislation passed

VI. Appendices

Questions and Discussion



Resiliency Plan Feedback



Flood Resiliency Plan Input Form
QR Code

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