To Whom it May Concern:

Wetlands Watch is a nonprofit based in Norfolk, Virginia, that works to conserve and protect wetlands by offering solutions to tidal wetlands’ largest threat, sea level rise. We appreciate the opportunity to comment on the draft Grant Manual for the Community Flood Preparedness Fund (“the Fund”). We hope that the Department of Conservation and Recreation (“DCR”) will take our comments into consideration when finalizing the Grant Manual, as our organization is very familiar with the importance of prioritizing plans, studies, and projects that will allow for localities to better prepare themselves for increased flooding, due to both sea level rise and increased rainfall.

The following is a bulleted list of our comments in response to the proposed Grant Manual:

- **First and foremost, it is clear that much of the draft Grant Manual is a replication of the VA Dam Safety, Flood Prevention, and Protection Assistance (“VA Dam Safety”) Grant Manual with inclusions of relevant Community Flood Preparedness Fund language.** Much inappropriate language is brought forward and it is critical that the finalized Grant Manual be rewritten to eliminate unrelated information and correctly prioritize the intentions of the Fund. Several sections and subsections of the Fund draft Grant Manual do not align with the priorities of the Fund and it is clear that these sections are copied directly from the VA Dam Safety Grant Manual. For example, Part III of both Grant Manuals are almost identical, creating a special problem at Section III (C) 1 where the information to be included reflects the priorities and requirements of the VA Dam Safety fund and not the priorities of the Fund. Furthermore, the tables in Appendix B illustrate the problems of copying and pasting the VA Dam Safety Manual to the Fund Draft Manual inappropriately.

- **The Grant Manual focuses heavily on coastal areas, but it must equally prioritize inland, riverine areas that experience flooding.** The draft Grant Manual frequently references coastal areas and how they should address flooding through the use of these funds, but it does not put the same emphasis on the non-coastal areas of the state that also experience frequent flooding. We fear that the lack of inclusion of these non-coastal areas in the Grant Manual will lead to minimal allocation of funds to these areas in subsequent grant rounds.

- **The Grant Manual should allow for funds awarded from the Fund to be utilized as match funds.** If DCR wants localities to truly get ahead of flood risk, DCR must allow them to leverage these monies to finance additional projects and work critical to reduce the impacts of flooding. Allowing these funds to be utilized as a match will build capacity across the Commonwealth and provide a valuable multiplier to the Fund.
• The Grant Manual must clearly detail the number and duration of grant periods per year, indicate how much funding is available, and allow sufficient time between requests for proposals (RFPs) and proposal deadlines. This information is crucial to assure localities can best prepare to apply for these funds. Under-resourced localities have complained about the short time between RFP announcements and deadlines on grants, especially those that require approval by a City Council/Board of Supervisors (as these certainly will). The administrative burden of preparing grant proposals is significant for localities and they should have some estimate of funds available in advance to guide their decision whether to apply.

• The Grant Manual must clarify which designation applies - a locality-certified floodplain manager is not the same as a Certified Floodplain Manager (“CFM”). The statutory language that establishes the Fund (Va. Code § 10.1-603.25) states that “[l]ocalities shall use moneys from the Fund primarily for the purpose of implementing flood prevention and protection projects and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager [emphasis added].” However, the draft Grant Manual defines a “locality-certified floodplain manager” as “a Certified Floodplain Manager according to the Association of State Floodplain Managers...who is in the employ of a local government.” If DCR is to require localities to have a CFM to certify areas of recurrent flooding within their locality, DCR will need to provide more resources to localities to get them connected with CFMs for hire or to train their own.

• DCR should adopt a phased approach to the draft Grant Manual’s ASFPM CFM requirement. COVID training backlogs have resulted in a waitlist for in-person CFM training at FEMA’s Emergency Management Institute in Emmitsburg, MD (the location where trainings are most frequently held). If a trainee cannot attend an Emmitsburg course, the alternative option is a course held in their state. The last time the CFM course (L-273) was offered in Virginia was in May and December 2019, and prior to 2019, it was last offered in Spring 2017. There is simply not enough training available in the State to expect local governments to be trained for Fund eligibility. Given this reality, DCR should adopt a phased approach to this CFM requirement, only requiring the designation when the training capacity exists.

• The Grant Manual should provide examples of community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk. The draft Grant Manual states that “[p]riority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.” However, no definition or examples are given for community-scale hazard mitigation activities. If localities are to successfully apply for these funds, they must be given a better idea of what a community-scale project looks like.

• The Grant Manual must provide further clarification on what constitutes a Community Resilience Plan. The draft Grant Manual provides dueling definitions
for a resilience plan by defining both a “Community Resilience Plan” and a “Resilience Plan” in its Definitions section. DCR should also provide an example of a completed resilience plan. Furthermore, the draft Grant Manual outlines that DCR will certify resilience plans and that this “determination will stand for a period of three years,” without outlining the process by which a locality receives certification or recertification of their resilience plan.

- **The Grant Manual should further refine what constitutes a local government.** The draft Grant Manual defines local government as “any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.” This is a very inclusive definition that sweeps in a range of entities (i.e. the Hampton Roads Regional Arena Authority) that can apply for these funds. Additionally, this definition omits federally-recognized tribes as eligible applicants for the Fund. Once a clear definition of what constitutes a local government is decided, the Grant Manual must explicitly state if all entities that fall under this term are required to have an approved community resilience plan before applying for project funding, as this is currently unclear in the draft Grant Manual.

- **The Grant Manual must further clarify and define the various projects, plans, and studies that are eligible for the Fund.** The draft Grant Manual defines “projects” as “all phases of proposed uses of the fund including plan development, permitting, research, and data gathering as well as implementation and installation.” This use of this singular term throughout the manual to encompass all proposed applications for the Fund is confusing and should be broken apart into separate terms with their own respective definitions. This is especially needed as the draft Grant Manual refers to funding categories throughout, but does not define these categories. We suspect this inconsistency is a result of using the text and structure from the VA Dam Safety Grant Manual, which does not separate funding into two distinct categories (planning/capacity building and project). This inconsistency, and many other examples like it, highlights the urgent need for a careful review of the Fund Grant Manual to ensure it is separate and distinct from the VA Dam Safety Grant Manual.

- **In general, the Grant Manual must consistently use the same terms it explicitly defines throughout the entire document.** There are many instances within the draft Grant Manual that use terms that are not the same as the terms defined in the beginning of the manual, such as the use of “low-income localities” instead of the defined term “low-income geographic area[s].” Another common example is the use of “locality” instead of the defined term “local governments.” Similarly, there is alternating use of “community resilience plan” and simply “resilience plan.” Additionally, some terms are used that are not defined at all, such as “environmental justice community.” The most glaring example of this is the lack of a definition of “community-scale,” a statutorily established priority for funding. The Grant Manual will need to clear up all of these inconsistencies to avoid confusion.
• **Low-income geographic areas that apply to the Fund should not be required to provide a match.** The intention of setting aside 25% of the monies allocated to the Fund to low-income geographic areas is to ensure that they are not left behind in flood resilience efforts, as they have been historically. Requiring a match for these communities will only limit their ability to apply for these funds, and should therefore not be required. If DCR will not consider eliminating the match requirement, the percentages should be significantly lower, perhaps to 5% in the planning/capacity building category and a maximum of 5-10% in the project category. In-kind contributions should be acceptable forms of match for all applicants, but especially for low-income geographic areas.

• **The Grant Manual must further clarify how low-income geographic areas will be determined and do so in such a way that eliminates the possibility of a locality “gerry-mander” these areas for their advantage.** DCR must ensure that low-income geographic areas are full participants and beneficiaries of the Fund and not just included to access the set-aside or raise the application score. The Grant Manual, and the staff who determine grant awards for the 25% allocation to low-income geographic areas, must be sure that projects proposed in these areas are genuine and pay adequate attention to the communities located therein.

• **Establishing project grant matches based on the cost percentage of nature-based/green infrastructure practices needs to be reworked as it may disadvantage these practices.** The draft Grant Manual outlines that project matches are required based on the inclusion of nature-based/green infrastructure practices, which is calculated by “the relevant percent of project implementation cost.” Prioritizing project matches in this way is problematic because a small percentage of the area proposed in a project could be utilizing nature-based/green infrastructure solutions, but take up a large portion of the proposed project cost due to high expenses of contractor fees, natural plants, etc. Going the other way, a nature based practice could provide 70 percent of the protection but be a small percentage of the cost, compared to an impoundment or hardened structure. It may make more sense to structure matches based on the percentage of area that will include nature-based/green infrastructure solutions, not the relevant percent of project implementation cost.
  ○ Although we think matches should be based on the percentage of area that will include these practices for the first iteration of the Grant Manual, **future iterations of the Grant Manual should modify grant matches to promote the most successful flood resilience methods and capture the complexity of the solutions needed to be successful.** In order to do this successfully, a stakeholder advisory group should be created to identify these methods after the impacts of the first grant rounds and their successful/unsuccesful implementations are examined.

• **The Grant Manual must reconsider how approved projects are funded through its reimbursement process.** The draft Grant Manual states that “[g]rant funds will be disbursed on a reimbursement basis and may be drawn down quarterly or
after the completion of the approved project.” Low-income geographic areas receive some initial funding for projects, but other resource-constrained localities do not. This may deter resource-constrained localities from applying for the Fund. This is a real problem for planning and capacity building grants if funds are not allocated until after the completion of a plan or study, where a local government may need some resources upfront to send staff to attend training sessions or to hire a consultant to deliver a plan or assessment.

- **The Grant Manual should provide a provision for interim progress reports on funded projects.** The draft Grant Manual outlines that DCR “will conduct project inspections as necessary to ensure conformance to grant terms” and highlights that an official report out to DCR is only required 30 days after project completion. DCR should require additional report outs by grantees, especially for those that have been granted multi-year projects, to ensure that milestones are being met.

- **The Grant Manual should not contain a requirement that applicants have to provide two alternatives to their proposed activity within their application to the Fund.** The draft Grant Manual states an applicant must: “Briefly describe two alternatives to the proposed activity that have been considered. One alternative should be no action, and one alternative should be another project type that could reasonably address the issue identified. Explain these alternatives and the reason the proposed project was selected. Include how the two alternatives differ from the proposed activity, and how the cost and benefit of the alternatives compare to the proposed activity.” While an applicant should outline what taking no action would mean in their proposed project scenario, it is burdensome to require localities to provide an additional alternative to their proposed activity. This requirement will only further burden low-income geographic areas, as well as those localities who lack staff and resource capacity.

- **The Grant Manual must address how studies of state-wide significance, conducted by Virginia state agencies or others, will be selected, funded and reported.** In previous conversations with DCR, it was mentioned that a portion of the Fund monies would be allocated to studies conducted by DCR or other state agencies. The draft grant manual does not make state agencies eligible for the Fund, nor does it contain any information on this potential allocation. The use of the Fund for “studies of statewide or regions significance” needs clarification, especially if DCR or another entity still intends to use a portion of the Fund for these studies. It is not clear why an eligible locality would want to request funding for a statewide study, but that seems to be the only way to get such a study done.

- **The $25,000 minimum award for planning/capacity building grants may be too high and burdensome for local governments seeking small incremental levels of support to build capacity.** If a local government lacks capacity it will be difficult to (a) piece together multiple elements of an application to reach the $25,000 minimum, (b) manage the multiple elements during the grant period, and (c) report on the elements at the end of the grant period. The Fund should lower the minimum enough
so, for example, a local government could apply to send one staff person to attend a CFM training and take the test (estimated cost $1,000 - $2,000).

- **The Grant Manual must clarify what constitutes a project as being previously funded within DCR programs and explain the rationale.** The draft Grant Manual states: “[n]o project or portion thereof identified in a previously awarded and reimbursed application from DCR is eligible for funding,” a phrase that is pulled directly from the VA Dam Safety Grant Manual. It is unclear why DCR funding is being singled out. For example, if an entity received money from the DCR Heritage Program to acquire the property in the past, does that mean an eligible entity cannot apply to the Fund to do a restoration or flood control project on that same property? If DEQ funded the acquisition project instead of the DCR Heritage Program, then could an eligible entity apply for the Fund?

- **The inclusion of considering the ConserveVirginia Floodplain and Flooding Resilience layer should be omitted or given less emphasis in the Grant Manual.** When the draft Grant Manual references land acquisition projects, which are the highest earning activity in the scoring section (50 points), it states “[a]pplicants should also determine if lands are included in the ConserveVirginia Floodplain and Flooding Resilience layer.” The ConserveVA Floodplain and Flooding Resilience layer is not comprehensive or accurate enough to be included in the highest scored project activity, and should be either 1) omitted entirely from the finalized Grant Manual, or 2) localities should be able to challenge the use of these layers in their application, particularly for floodplain and flooding in urban and coastal areas. For example, there is no portion of the City of Norfolk that touches the ConserveVA Floodplain and Flooding Resilience layer, but a significant percentage of the City limits are located within the FEMA mapped floodplain and in great need of flood resilience through the use of acquisition.

- **The Grant Manual should highlight opportunities for localities to partner with nonprofits and other groups to help execute projects, specifically those dealing with acquisition.** The draft Grant Manual does not reference any opportunities for localities to partner with other organizations to strengthen their project proposals. In particular, localities should be encouraged to partner with land conservation organizations when applying for projects such as land acquisition, as these groups are experts in determining how conserved land should be managed/converted after acquisition occurs.

- **The Grant Manual should require a deed restriction or conservation easement over parcels once acquisition and structural demolition occurs.** As mentioned, the acquisition of property is the highest scoring grant activity, but few details are provided regarding the stewardship of property post-acquisition. A deed restriction or conservation easement are commonplace for the FEMA acquisition program and help insure no future development occurs on the property.
- Capacity building applications should **not** require the inclusion of supporting documents in the Scope of Work Narrative. If the purpose of an application is to build capacity in a community, the applicants may not have access to the supporting documentation required, such as historic flood damage data and/or images.

- The **Scope of Work Narrative** for project applications should include maps of recurrent flooding areas and areas that will flood under future conditions. The statute restricts expenditure of the Fund to “areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager.” Those areas (and not “Historic flooding data,” as stated in the draft Grant Manual) should be included in the Scope of Work. Also the future flooding conditions are necessary to be included in the local government’s DCR certified flood resilience plan.

- **Requirements for operations and maintenance plans in project applications must be more extensive in the Grant Manual.** Adequate operation and maintenance plans are essential for successful proposed projects and DCR’s provision of a model O&M plan would be useful. The plan should also require cost estimates for the mandatory five-years after the project is completed.

**Scoring Criterion Comments**

- **The Scoring Criterion for the Grant Manual should be revised to accurately reflect the two separate grant categories: planning/capacity building and projects.** The Scoring Criterion in the draft Grant Manual seems to only apply for project grant categories, but it includes 5 points for “Capacity Building” and 10 points for “[r]evisions to existing resilience plans and modifications to existing comprehensive and hazard mitigation plans.” These allocations seem inconsistent with the Fund’s programmatic and legislative intent. The resilience plans criteria does not match the flood resilience plan, which is required for project grant funding, because it implies this criteria would only apply for the scenario where a local government has already created a plan. The Grant Manual must include either a separate scoring criterion for planning/capacity building grant applications, or better integrate the two grant categories into the Grant Manual’s Scoring Criterion table.

- **The Scoring Criterion in the Grant Manual should accurately prioritize low-income geographic areas.** In the scoring criteria, the low income geographic area score is 10 points, while the 25% threshold statutory requirement for the Fund is not a priority threshold, it is a set-aside. The use of the ADAPT VA Social Vulnerability Index as a scoring criterion is confusing, as there is no explanation of the relationship of a score on that Index and the Fund’s definition of a “low-income geographic area.”

- **Community-scale projects must be included in the Scoring Criterion in the Grant Manual.** The Grant Manual states that “[p]riority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions**
to reduce flood risk.” While nature-based solutions are included in the Scoring Criterion, there is no inclusion of “community-scale,” (and as mentioned above there is no definition of this term in the draft Grant Manual).

Thank you for the opportunity to comment on this important draft Grant Fund Manual. We applaud the Commonwealth’s generous dedication of a portion of the Regional Greenhouse Gas Initiative auctions to the Virginia Community Flood Preparedness Fund. Resources of this magnitude have never before been allocated to flood risk reduction efforts in Virginia, which is why our organization feels strongly that the Fund governance documents should appropriately reflect the immense opportunity.

Sincerely,

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Executive Director