

# Adaptive Planning for Flooding and Coastal Change in Virginia: Legal and Policy Issues for Local Government

September 13, 2013

[Matoaka Woods Room, William & Mary School of Education](#)

Sponsors

**The Commonwealth of Virginia**  
**Virginia Coastal Policy Clinic, William & Mary Law School**  
**Virginia Institute of Marine Science**  
**Virginia Environmental Endowment**

The overall goal of the conference is to provide a forum for local governments and coastal stakeholders to identify the specific issues they have encountered in dealing with coastal flooding so that state agencies and other stakeholders can assist in efforts to manage the problems. The conference will also begin to identify the legal issues created by recurrent flooding and coastal change, and what actions may be needed at local and state levels to begin addressing them. Conference attendees will have the opportunity to respond to and inform a draft set of legislative proposals designed for the 2014 General Assembly. A follow-up conference, hosted by VIMS, the Virginia Department of Emergency Management (VDEM) and the Army Corps of Engineers (COE) focusing on the technical aspects of adaptation planning, will be held in October.

## Agenda

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<b>8:30</b>	<b>Registration and Coffee</b>
<b>9:00</b>	<b>Welcome</b> Taylor Reveley, President, William & Mary Delegate Chris Stolle, Virginia Beach
<b>9:15</b>	<b>Introduction to the Conference:</b> The Honorable Doug Domenech, Secretary of Natural Resources
<b>9:30</b>	<b>Coastal Flooding from the Locality's Perspective: Challenges and Concerns</b> <ul style="list-style-type: none"><li>• The Honorable Paul Fraim, Mayor of Norfolk</li><li>• The Honorable Will Sessoms, Mayor of Virginia Beach</li><li>• The Honorable Molly Ward, Mayor of Hampton</li></ul> <p><i>The purpose of this session is to provide city leadership the opportunity to identify and explain some of the most challenging policy and infrastructure concerns they face as they plan for and address flooding and storm surge problems.</i></p>
<b>10:30</b>	<b>Break -- Sponsored by Virginia Sea Grant</b>
<b>10:45</b>	<b>Discussion: What Local Challenges Require State Leadership?</b> <i>Moderated by Carl Hershner, VIMS, Molly Mitchell, VIMS, and Shana Jones, VCPC</i> <p><i>After the discussion, we will distribute a short list of ideas for potential legislative proposals for the group's consideration. We will discuss the proposals in the afternoon.</i></p>

11:15	<p><b>Challenges facing local governments: Virginia’s Potential Leadership Role</b> Joseph Maroon, Executive Director, Virginia Environmental Endowment</p>
11:30	<p><b>Break and Get Boxed Lunch</b></p>
12:00	<p><b>Introduction:</b> Davidson Douglas, Dean, William &amp; Mary Law School</p> <p><b>Lunch Discussion:</b>  <b>Building Cooperation and Collaboration on Adaptation: A View From the Center</b></p> <ul style="list-style-type: none"> <li>• David Bailey, Element VI Consulting, <i>former chief of climate policy for ExxonMobil</i></li> <li>• David Bookbinder, Element VI Consulting, <i>former chief climate counsel for Sierra Club</i></li> </ul> <p>Adaptation is a policy that requires a long term, sustained policy approach. Successful adaptation will also require engagement from private industry and private property owners, given that the majority of coastal land is held privately. The speakers, who have advocated on national and international levels regarding climate adaptation, will discuss the challenges involved and suggest effective ways to engage the private sector; how state and local government are likely to be the most important actors in adaptation responses; what state and local government can expect (or not expect) from Washington; and what academia, private industry, local government, and NGOs should see as their roles in the debate.</p>
1:00	<p><b>Break</b></p>
1:15	<p><b>Legal Issues: Between a Rock and Hard Place? Local Government Authority, Duties, and Regulatory Responsibilities</b></p> <p><b><i>Framing the Legal Problems: Is a Holistic Strategy for Managing Stormwater, Flooding, and the Bay TMDL Possible or Advisable?</i></b> Speaker Pollard, Christian &amp; Barton, LLP</p> <p><b><i>The Dillon Rule and Local Government Authority: An Overview of the Issues</i></b> Professor Ron Rosenberg, William &amp; Mary Law School</p> <p><b><i>Maintaining Services: A duty today, potential issues tomorrow?</i></b> Shana Jones, VCPC Director and Chris Olcott, Virginia Sea Grant Summer Legal Fellow</p>
2:30	<p><b>Break</b></p>
2:45	<p><b>Legal Issues Continued: Property Rights and “Takings” Issues for Local Governments</b></p> <p><b><i>The Supreme Court’s Recent “Takings” Cases: The <u>Koontz</u> and <u>Arkansas</u> Decisions -- What Do They Mean for Local Government?</i></b> Professor Lynda Butler, Chancellor Professor of Law, William &amp; Mary Law School</p> <p><b><i>Understanding <u>Lucas</u> and related “takings” law: Would rebuilding restrictions after a storm event result in a “total economic wipeout” and constitute a “takings”?</i></b> Sharon Pandak, Greehan, Taves, Pandak &amp; Stoner, PLLC</p>
3:30	<p><b>Break</b></p>

3:45	<p><b>Issues and Concerns: A Locality Perspective</b></p> <p><b>Jim Redick</b>, CEM Director, Norfolk Emergency Preparedness and Response  <b>Joseph DuRant</b>, Deputy City Attorney, City of Newport News  <b>David Hansen</b>, Deputy City Manager, City of Virginia Beach  <b>Lewie Lawrence</b>, Executive Director, Middle Peninsula Planning District Commission</p> <p><i>Moderator: Skip Stiles, Wetlands Watch</i></p>
4:15	<p><b>Next Steps: Where Do We Go From Here?</b></p> <p><i>Discussion of Draft Legislative Proposals</i>  Senator John Watkins and Joe Lerch, Virginia Municipal League (VML)</p>
4:55	<p><b>Invitation to Second Technical Workshop – VIMS, COE and VDEM</b>  Professor Carl Hershner, VIMS</p> <p><b>Invitation to January 30-31 Environmental Law &amp; Policy Review Symposium: The Role of Law and Government in Protecting Communities from Extreme Weather and Coastal Flood Risks: Local, Regional, and International Perspectives</b>  Professor Ron Rosenberg, William &amp; Mary Law School</p>
5:00	<p><b>Adjourn to Wine &amp; Beer Reception</b>  <i>Sponsored by Greehan, Taves, Pandak &amp; Stoner, and Virginia Chapter, American Planning Association</i></p>

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## Registration Information

Thanks to generous funding from the Virginia Environmental Endowment, the conference is free and lunch will be provided. Registration will begin at 8:30. CM and CLE credits to be available for participants are pending. Please click here to [Register Now!](#)

Please direct questions to:

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