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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Conservation and Recreation
<b>Virginia Administrative Code (VAC) citation</b>	4 VAC 5-50-10
<b>Regulation title</b>	Flood Prevention And Protection Assistance Fund
<b>Action title</b>	To repeal through an exempt action the Flood Prevention and Protection Assistance Fund Regulations
<b>Final agency action date</b>	March 26, 2008
<b>Document preparation date</b>	March 26, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulatory action repeals 4 VAC 5-50-10 et seq., the Flood Prevention and Protection Assistance Fund regulations, pursuant to Chapter 648, enactment clause 3 and Chapter 765, enactment clause 3 of the 2006 Virginia Acts of Assembly, which provide “[t]hat the Department of Conservation and Recreation shall repeal through an exempt action the Flood Prevention and Protection Assistance Fund Regulations (4 VAC 5-50-10 et seq.)” These regulations had existed to ensure the proper administration of the Fund through the establishment of policies, criteria, conditions, and procedures for awarding loans and grants from the Fund to local public bodies. At the time of their enactment, the Fund was authorized to make loans and grants to any local public body for the purpose of assisting the local public body in the development and implementation of flood prevention or protection projects, or for flood prevention or protection studies. The Director of the Department of Conservation and Recreation was authorized to adopt the regulations by the then-effective version of section 10.1-603.18 of the Code of Virginia.

Chapters 648 and 765 of the 2006 Virginia Acts of Assembly re-titled the Fund the “Dam Safety, Flood Prevention and Protection Assistance Fund” and substantially rewrote the Code sections applicable to it, which are contained in section 10.1-603.16 et seq. The Fund is now administered by the Virginia Resources Authority in cooperation with the Department of Conservation and Recreation, and is authorized to make loans and grants to local governments for dam repairs, locally administered dam rehabilitation programs, dam break inundation zone mapping, floodplain studies, and floodplain projects. The Fund is also authorized to make loans to private individuals and entities for dam repair projects. As set forth by section 10.1-603.18, project eligibility and priority criteria for the Fund are contained within a guidance document developed by the Director of the Department of Conservation and Recreation and approved by the Virginia Soil and Water Conservation Board. The Director’s authority to adopt regulations governing the Fund has been removed.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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Pursuant to Chapter 648, enactment clause 3 and Chapter 765, enactment clause 3 of the 2006 Virginia Acts of Assembly, the Department of Conservation and Recreation repeals the Flood Prevention and Protection Assistance Fund regulations (4 VAC 5-50-10 et seq.) effective March 26, 2008.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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It is not anticipated that the repeal of this regulation will have a direct impact on the institution of the family or family stability. Funds previously made available under the regulations to address environmental and public safety issues remain available under the re-established Fund’s loan and grant guidance manual criteria. In fact, uses of the Fund have been expanded to provide greater public benefits.