

GEORGETOWN CLIMATE CENTER

The Georgetown State-Federal Climate Resource Center

Regulating for Rising Seas

Jessica Grannis

**Marine Law Symposium
Roger Williams School of Law
November 15, 2012**



Sandy, 2012



Isaac, 2012



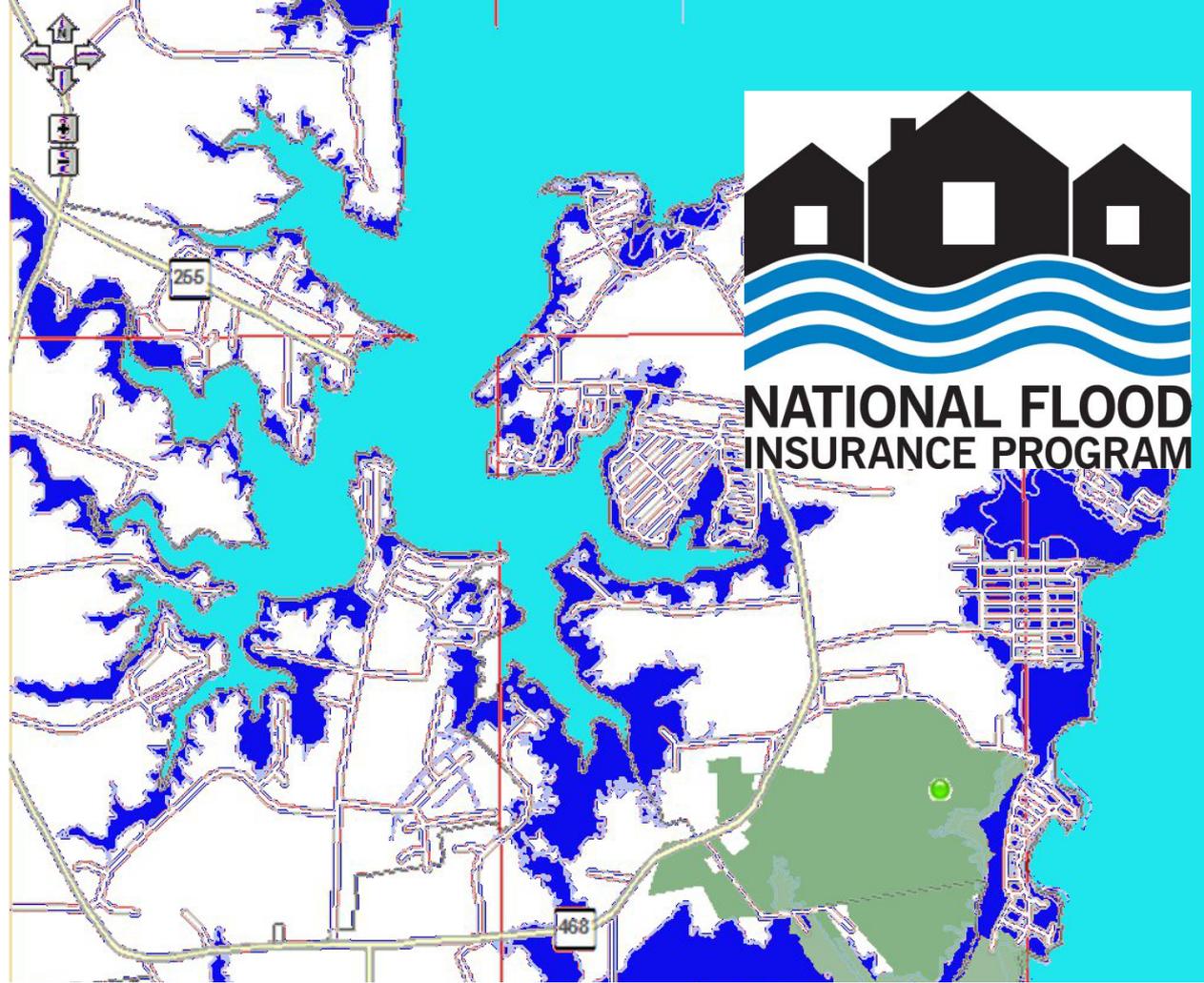
Irene, 2011



Lee, 2011

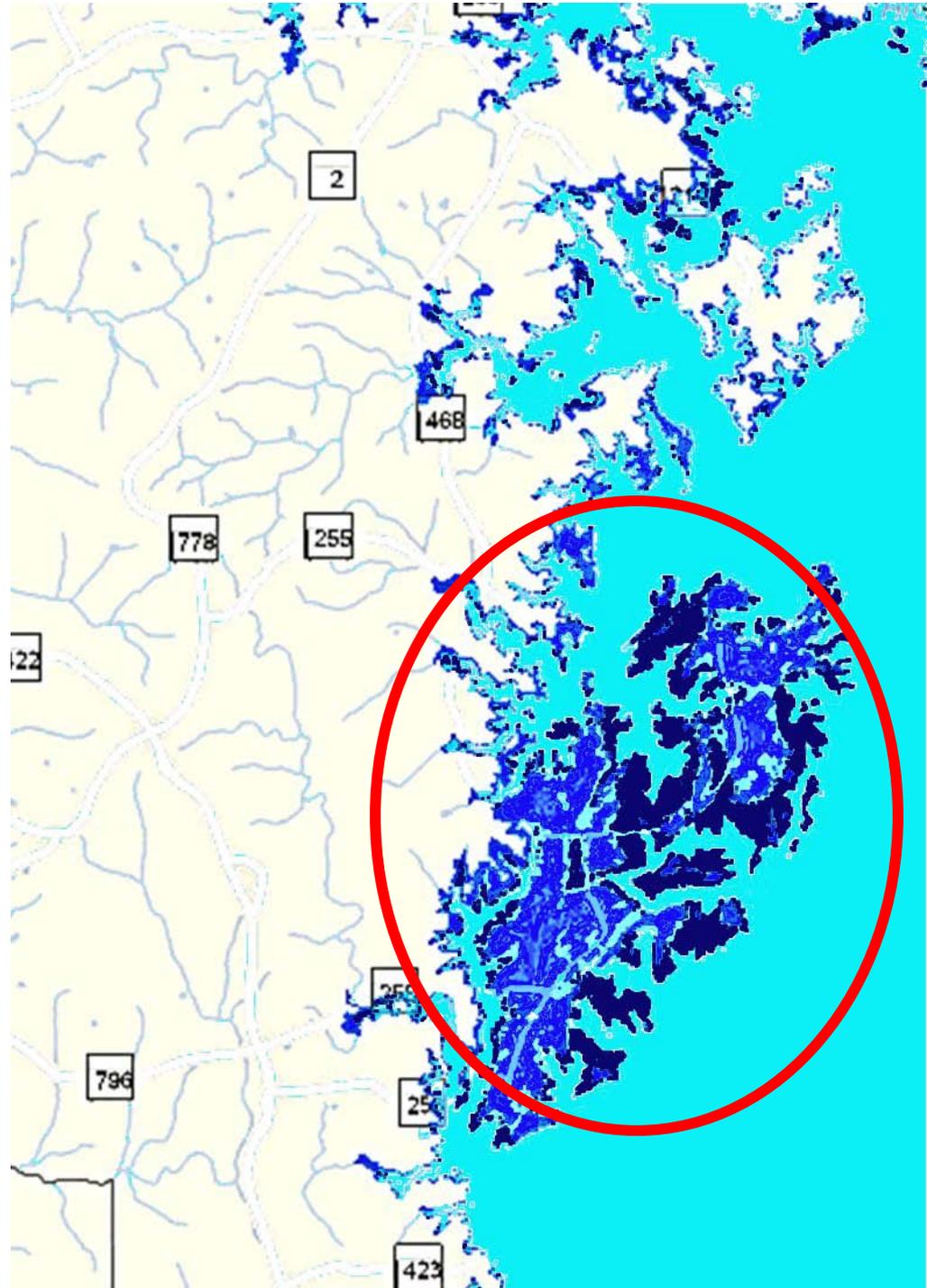


Ike, 2008

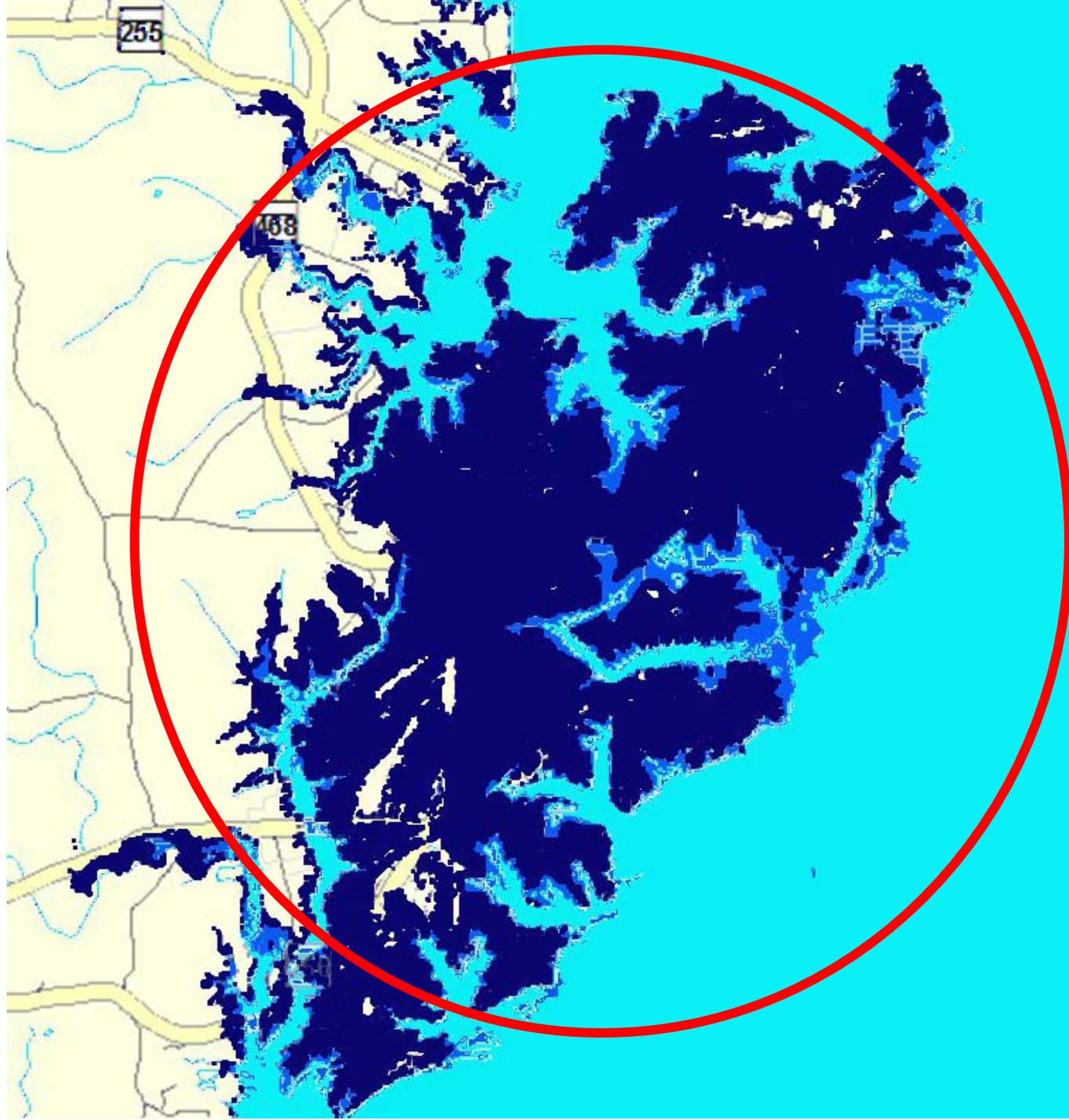


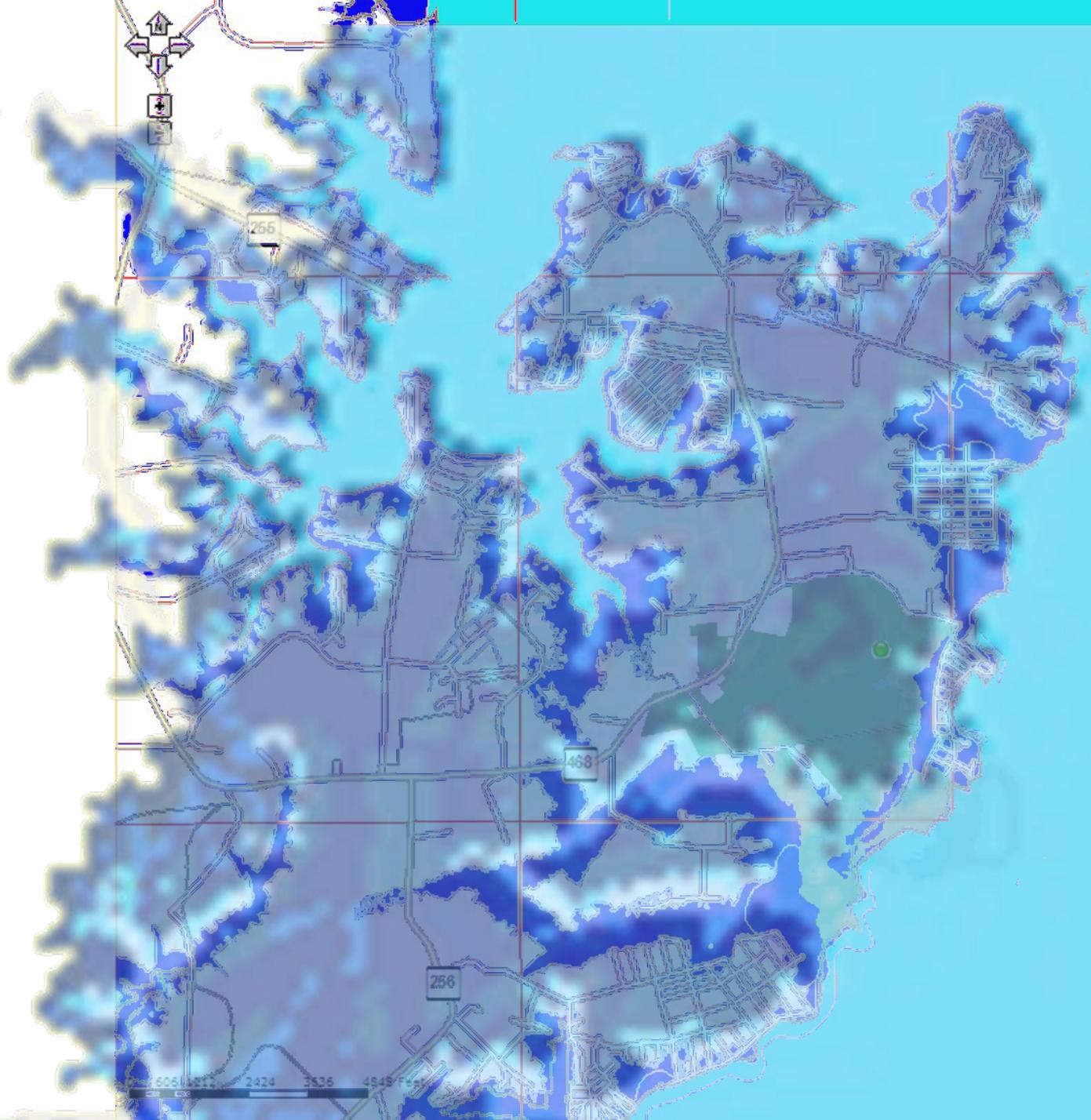
- **Problem = floodplain regulations**
- **Solution = floodplain regulations**

Shady Side, MD
Cat. 3 Hurricane



Shady Side, MD
5-10 feet SLR



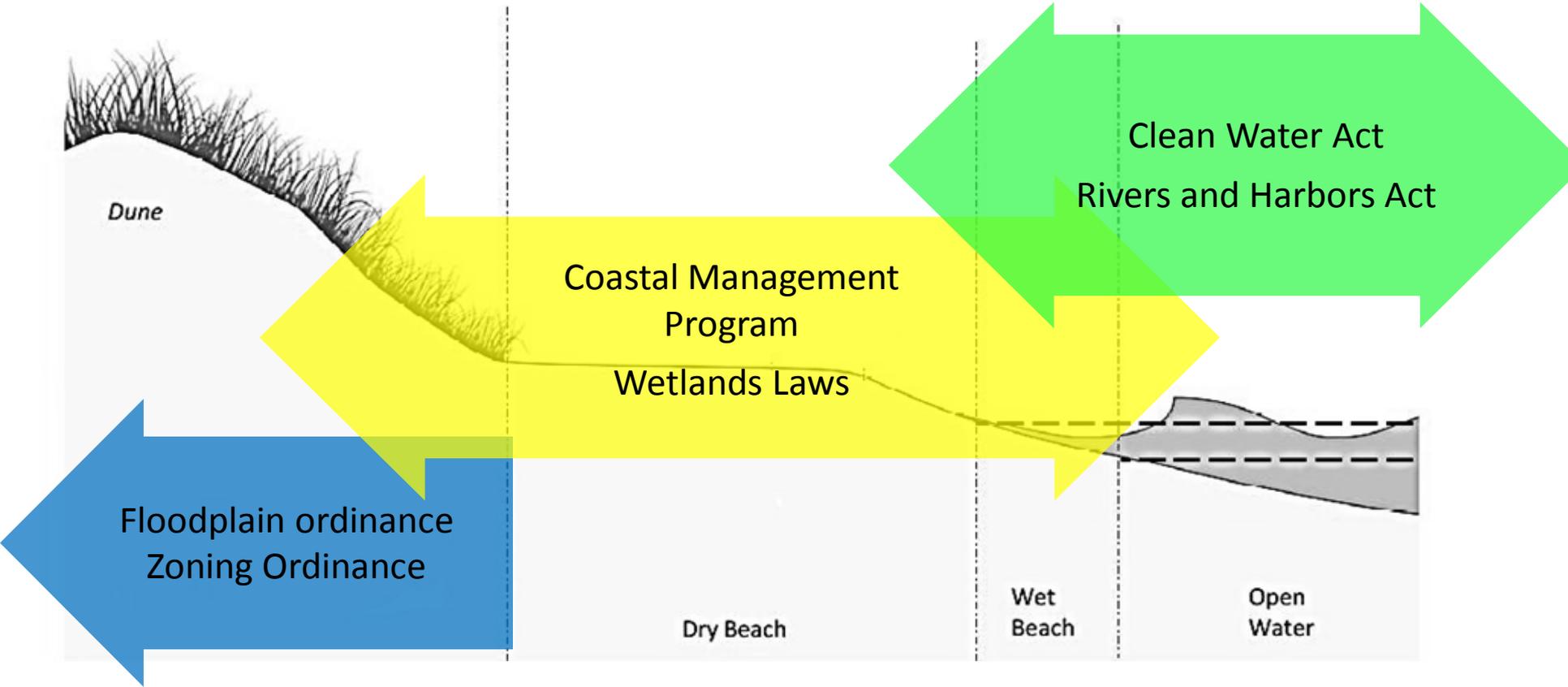


Regulatory silos

local

state

federal



Dune

Clean Water Act

Rivers and Harbors Act

Coastal Management Program

Wetlands Laws

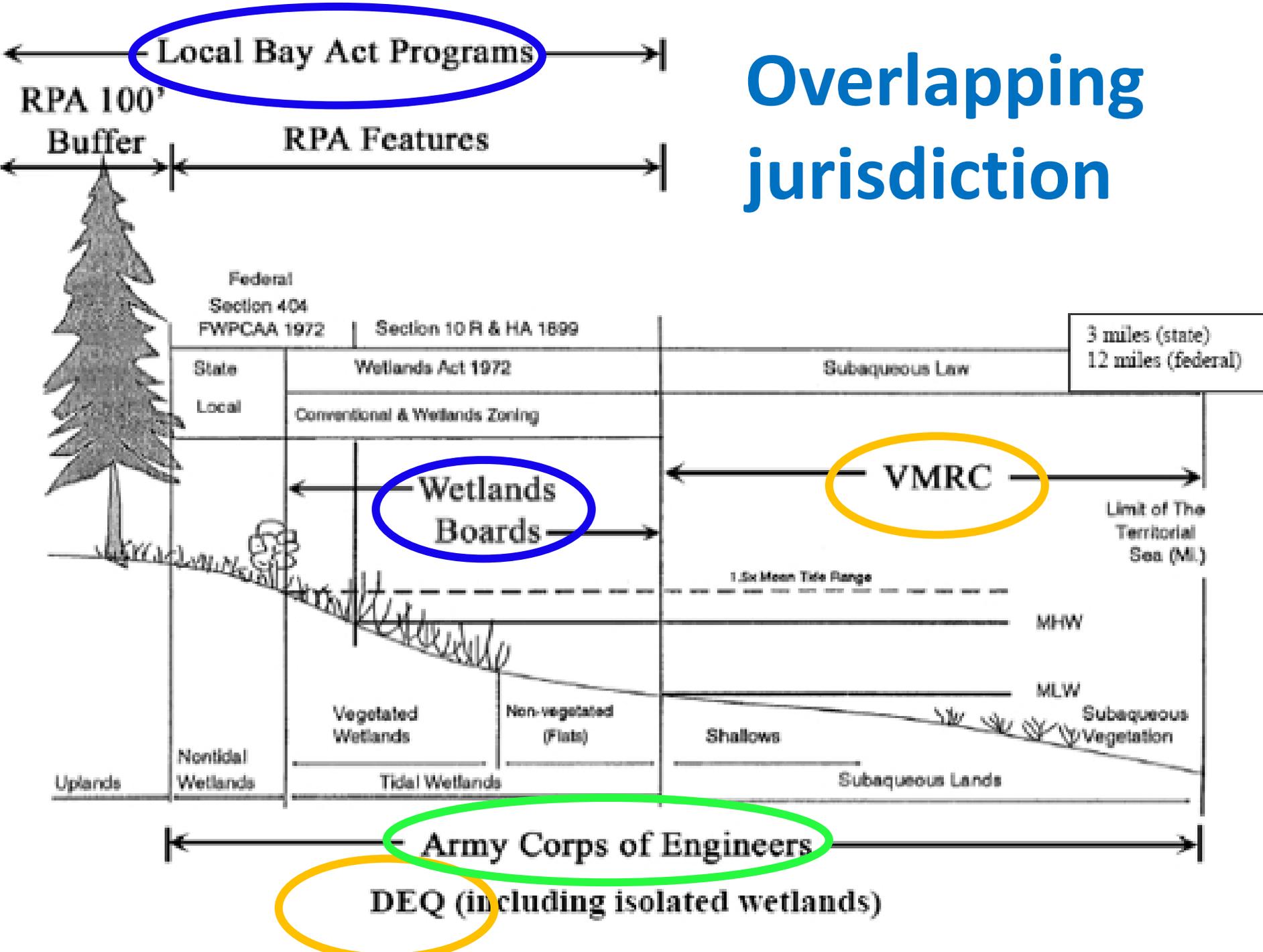
Floodplain ordinance
Zoning Ordinance

Dry Beach

Wet Beach

Open Water

Overlapping jurisdiction



The Solution: SLR Ordinance

Accommodate Zone

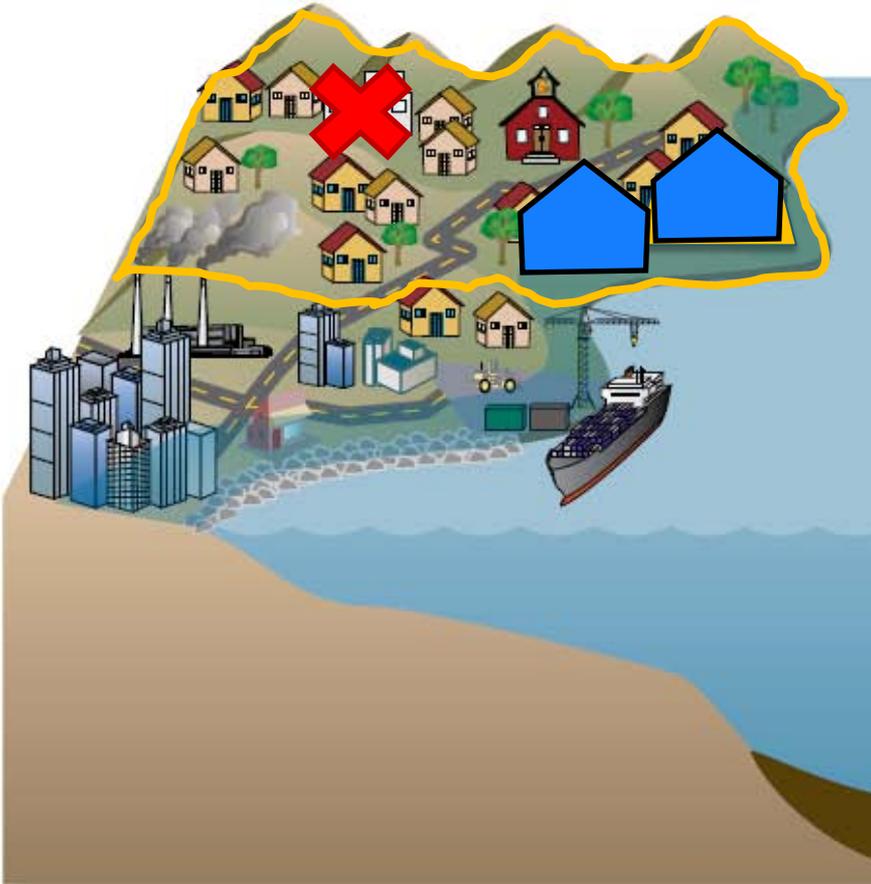
Conservation Zone



Protect Zone

Adapted from graphic in *Comprehensive Strategy to Reducing Maryland's Vulnerability to Climate Change, Phase I: Sea-level rise and coastal storms*

Accommodate Zone

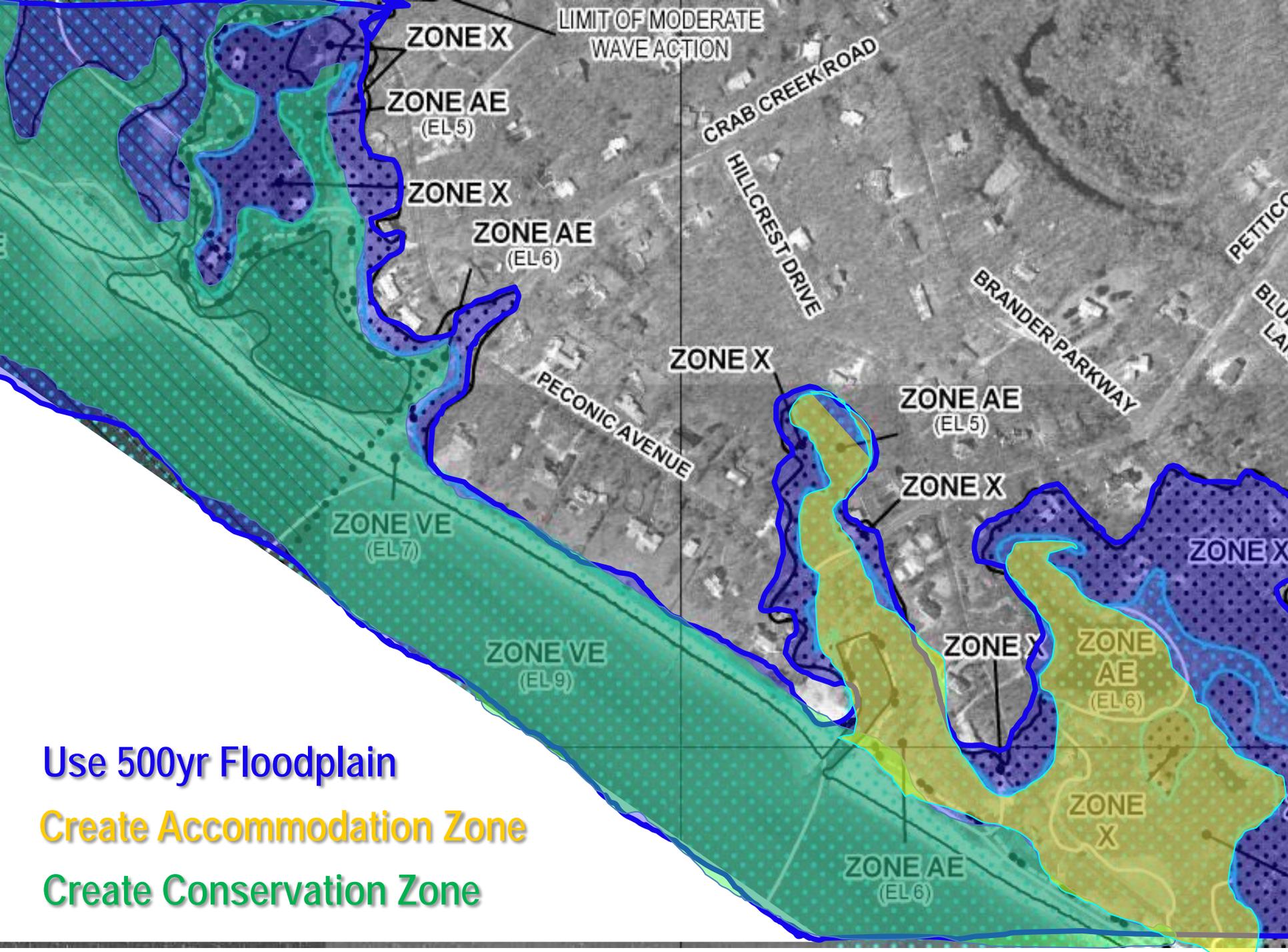


- Increase freeboard
- Increase setbacks
- Limit structure size
- Prohibit critical facilities

Conservation Zone

- Downzone
- Setbacks and buffers
- Restrict rebuilding





Use 500yr Floodplain

Create Accommodation Zone

Create Conservation Zone

Is it legal?

Question

Analysis

Is it legal?

Question	Analysis
Local Authority?	<ul style="list-style-type: none">• Zoning Enabling Act• Floodplain Management Statute
State laws?	<ul style="list-style-type: none">• Critical Areas Act• Living Shorelines Protection Act
Federal laws ?	<ul style="list-style-type: none">• National Flood Insurance Program• Americans with Disabilities Act
Constitutional?	<ul style="list-style-type: none">• Takings• Substantive due process

Is it legal?

ACCOMODATION

CONSERVATION

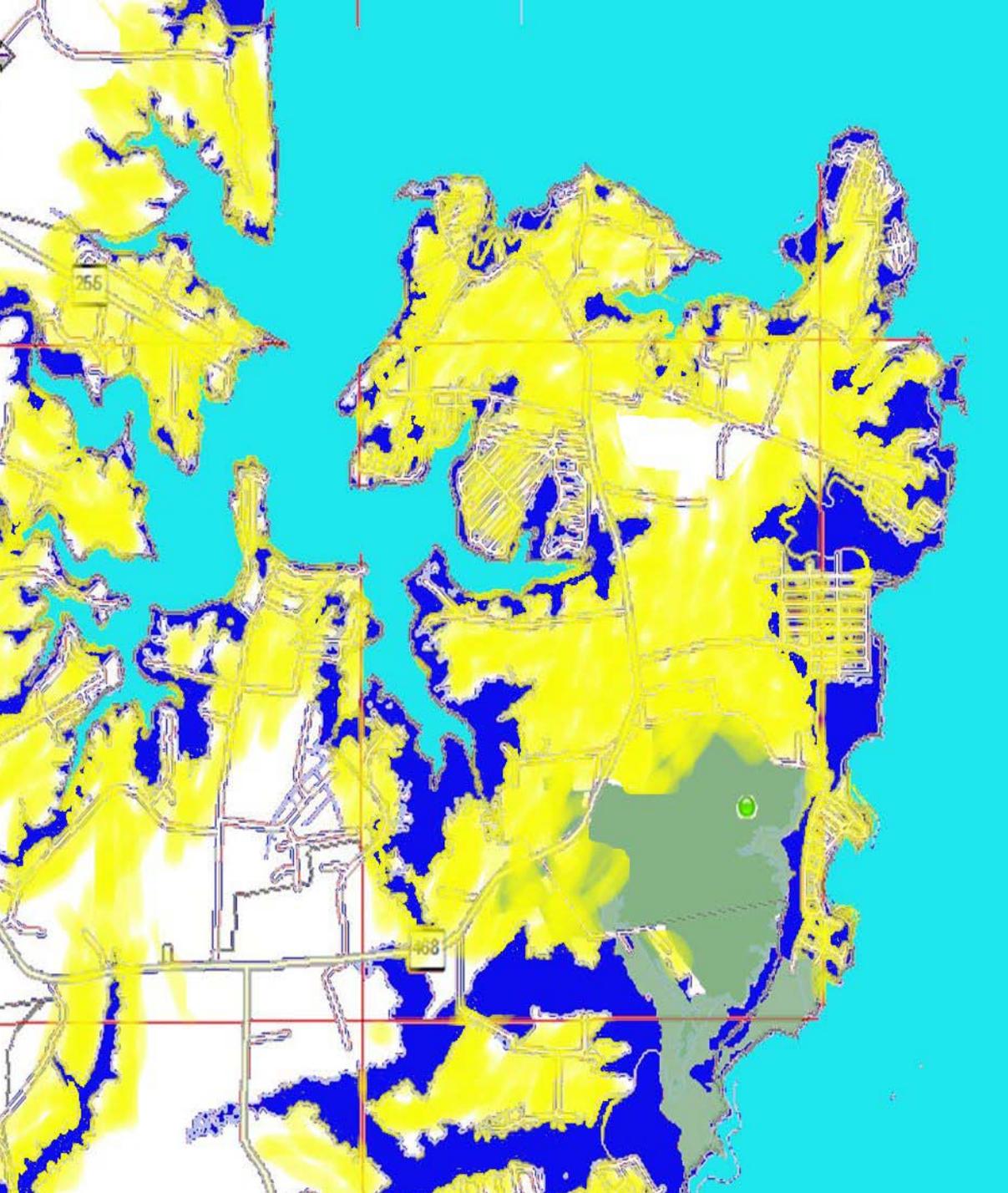
State: CAA

Fed: ADA

Con: Takings

Is it legal?

	Setbacks	Freeboard	Size Limits	Rebuild Limits	Downzone
State: CAA	?	✓	✓	!	!
Fed: ADA	✓	?	✓	✓	✓
Con: Takings	✓	✓	✓	!	!



Reforms

- insurance subsidies
- SLR mapping



MUSEUM STORE

Karna Kinn-Ahn Haley Memorial
An educational, inspirational, and healing place
marking national history of

Challenges remain

But, adaptation has benefits



Other Shameless Plugs



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Adaptation Clearinghouse™

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Tap into the adaptation expertise of the Georgetown Climate Center and its partners. Find resources using the search, mapping, and browsing tools displayed on this page.

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Urban Heat

Sector Materials to Get You Started



Coasts



Public Health



Transportation



Water

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By Sector

By Location

By Organization Type

Find Adaptation Resources Near You



Get Resources

Highlighted This Week

Federal Actions for a Climate Resilient Nation - Progress Report of the Interagency Climate Change Adaptation Task Force

In October 2009, President Obama signed Executive Order 13514, Federal Leadership in Environmental and Energy Performance, which sets sustainability goals for Federal agencies and focuses on...



Recently Added Resources

Climate Change Hits Home: Adaptation Strategies for the San Francisco Bay Area
The San Francisco Planning and Urban Research Association (SPUR) promotes "good planning and more..."

Add to My List

SECURE Water Act Section 9503(c) - Reclamation Climate Change and Water, Report to Congress, 2011

This report is prepared in fulfillment of the

A wide-angle photograph of a beach at dusk or dawn. The sky is filled with large, dramatic clouds in shades of blue, grey, and pink. The ocean is visible in the distance with a few waves breaking. The foreground is a wide expanse of light-colored sand. A few small figures of people can be seen scattered across the beach. On the far left, a portion of a wooden structure, possibly a lifeguard stand, is visible.

For more information....

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<http://www.georgetownclimate.org/adaptation/>

Anne Arundel County

Shady Side

Current Land Uses

