

## Legal and Policy Regimes for Sea-Level Rise: An Overview

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## Axes of Consideration

- Level of governance and policy (federal, state, local)
- Laws and policy to support adaptation to sea level rise vs. laws and policy that interfere with adaptation to sea level rise
- Equity

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## Federal Laws

- National Flood Insurance Policy – Federal Flood Risk Management Standard
  - ▣ Recent changes – moving towards market
- Stafford Act – Disaster Recovery
  - ▣ Recent changes – theoretically stronger hazard planning
- Coastal Zone Management Act
  - ▣ Recent changes – requirement for state plans to take climate change into account
- One-off disaster recovery funding – resistance growing
- National Environmental Policy Act (NEPA)

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## Federal Executive Action

- ▣ Interagency Task Force on Climate Change Adaptation
  - Targeted suggestions
  - Utilize NEPA authority
  - Utilize authority under other existing laws
- ▣ Follow – up reports
  - Suggested changes to “repair” standard under existing laws
  - Infrastructure vulnerability

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## State and Local Action

- ❑ Some State Comprehensive Plans
- ❑ Focus on Infrastructure Vulnerability
- ❑ Some Large Cities have major plans
  - Mega-projects
  - Fight between localities and federal government over flood maps -NYC
- ❑ Smaller localities more dependent on funding

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## Thoughts to consider

- ❑ Insurance and disaster laws mal-adaptive
- ❑ Local planning may be best, but doesn't have funding
- ❑ Could feds subsidize local work – like CZMA
- ❑ Infrastructure in danger – Where does information come from?
- ❑ Who spearheads coastal retreat? Should it be done?
- ❑ Change in property entitlements affected by rising seas
- ❑ Government liability for failure of policy

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**Liability**

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### The Legal Consequences of Ignoring Climate Change

Local decision-makers who fail to prepare their communities for climate change could find themselves in court.

BY EDWARD THOMAS, LAURIE MAZUR | OCTOBER 19, 2015



A Hawaiian highway wiped out after a dam burst and killed at least seven people. The owner of this dam was indicted for common law murder. (AP/The Honolulu Advertiser, Bruce Asato)

## Private Sector Arising in information



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