

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



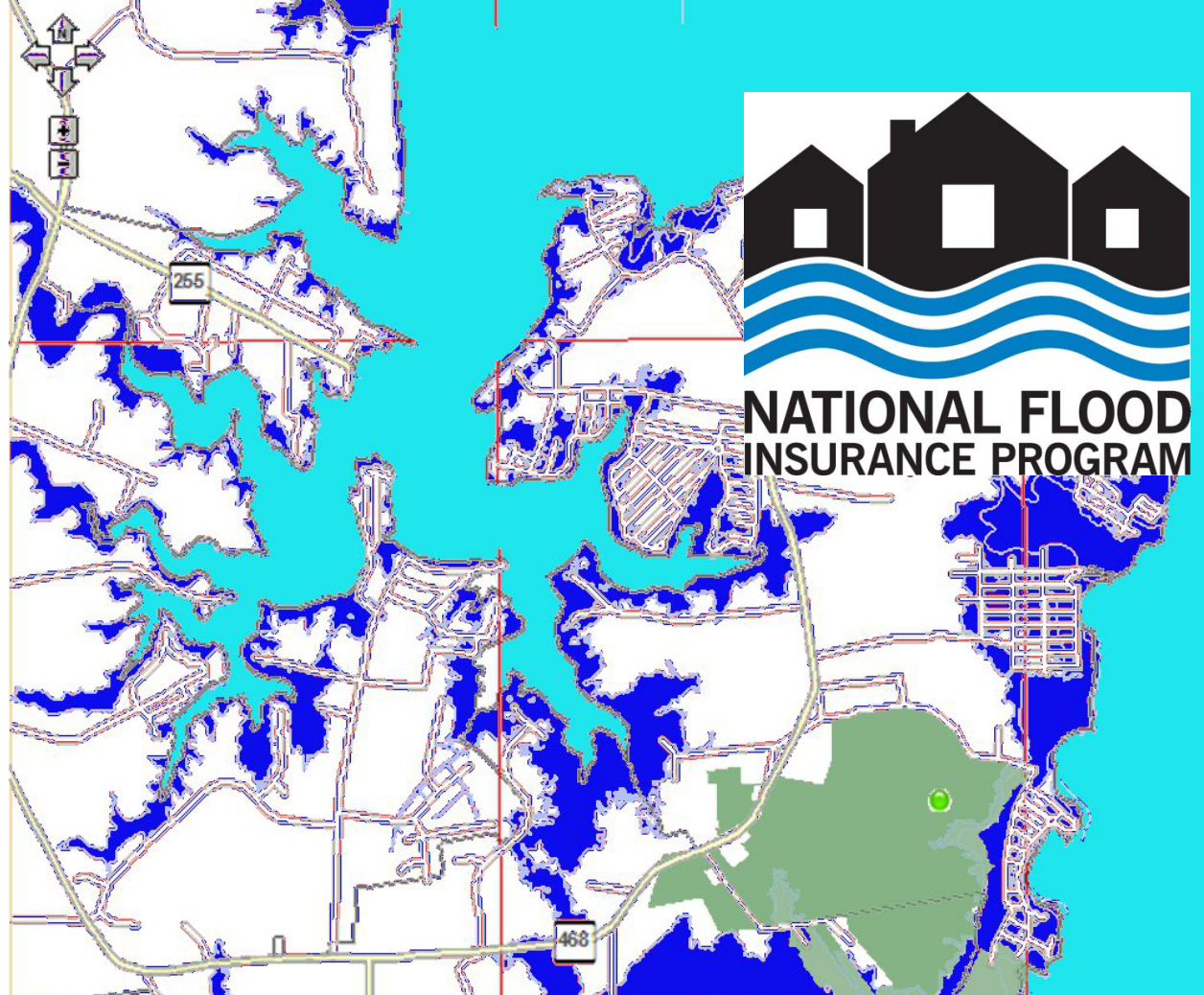
Irene, 2011



Lee, 2011



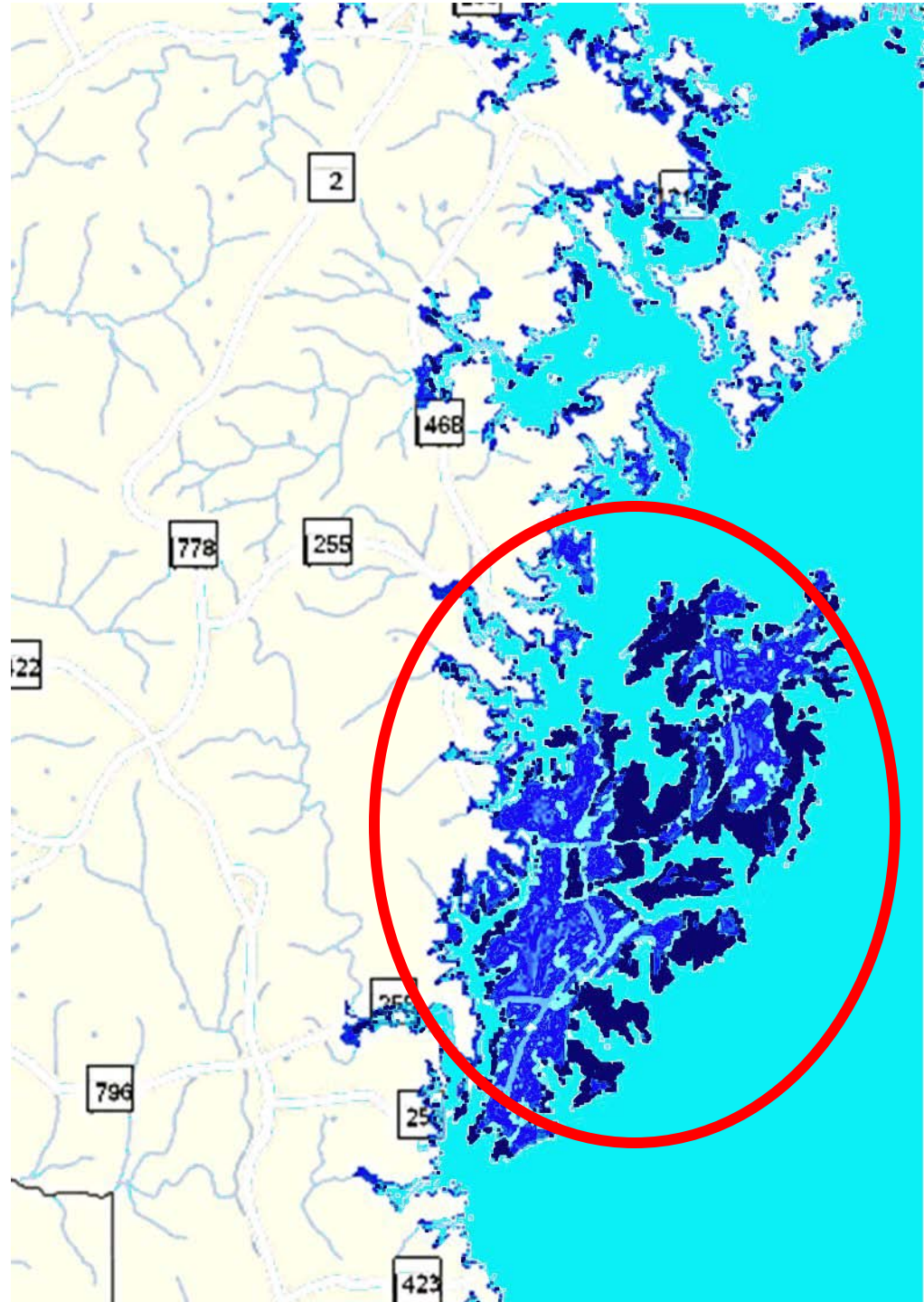
Ike, 2008



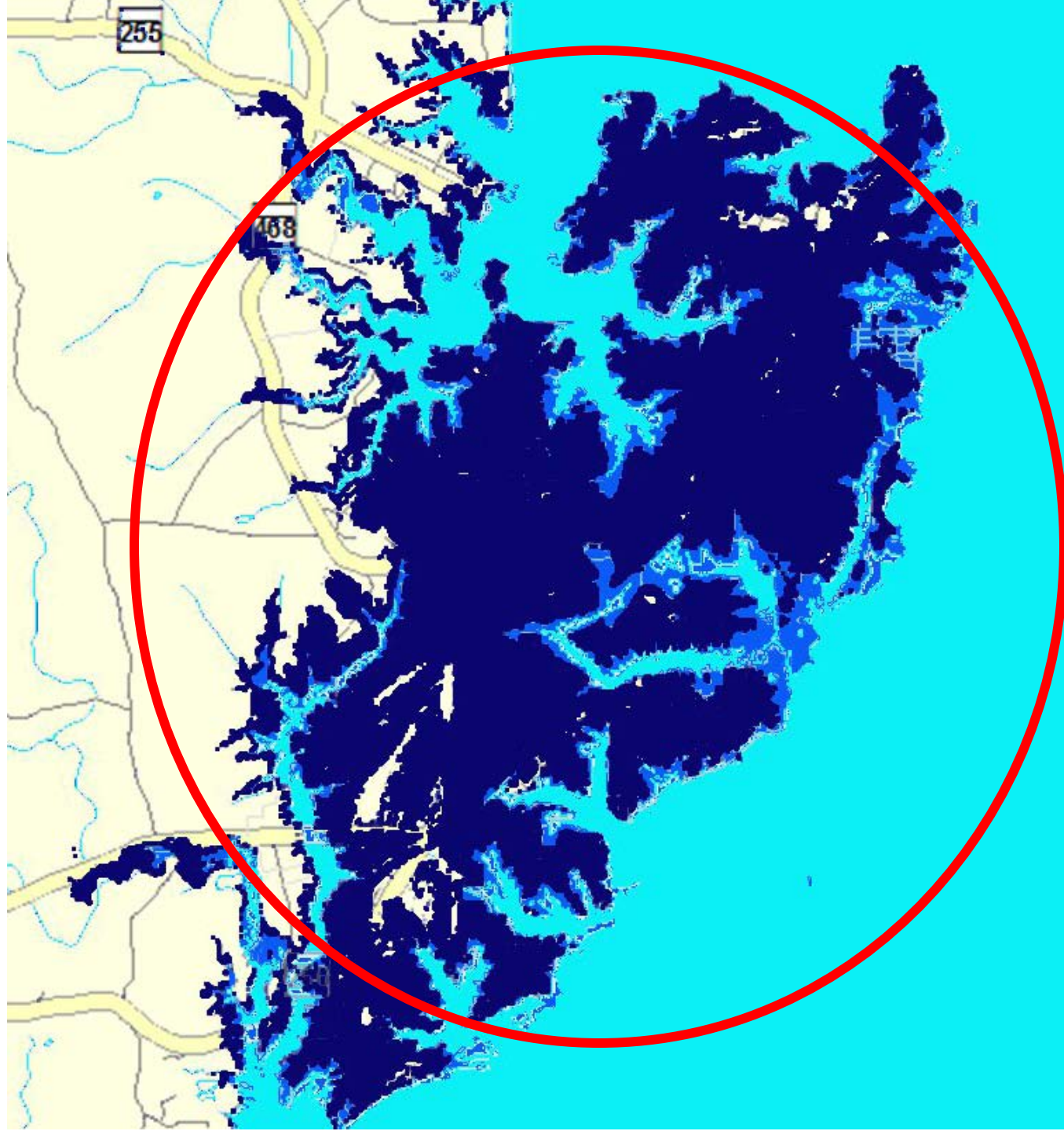
- **Problem = floodplain regulations**
- **Solution = floodplain regulations**

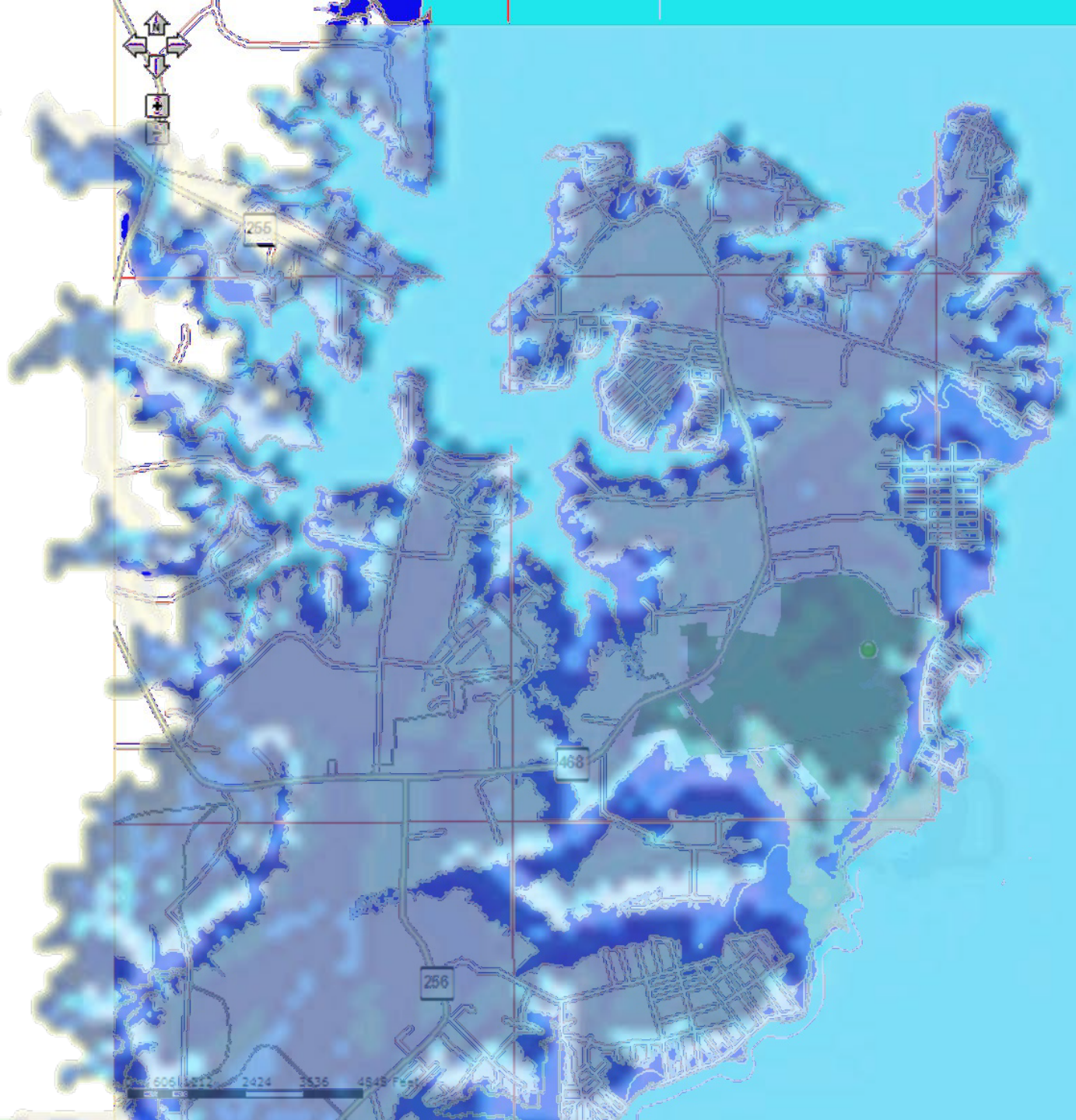
Shady Side, MD

Cat. 3 Hurricane



Shady Side, MD
5-10 feet SLR





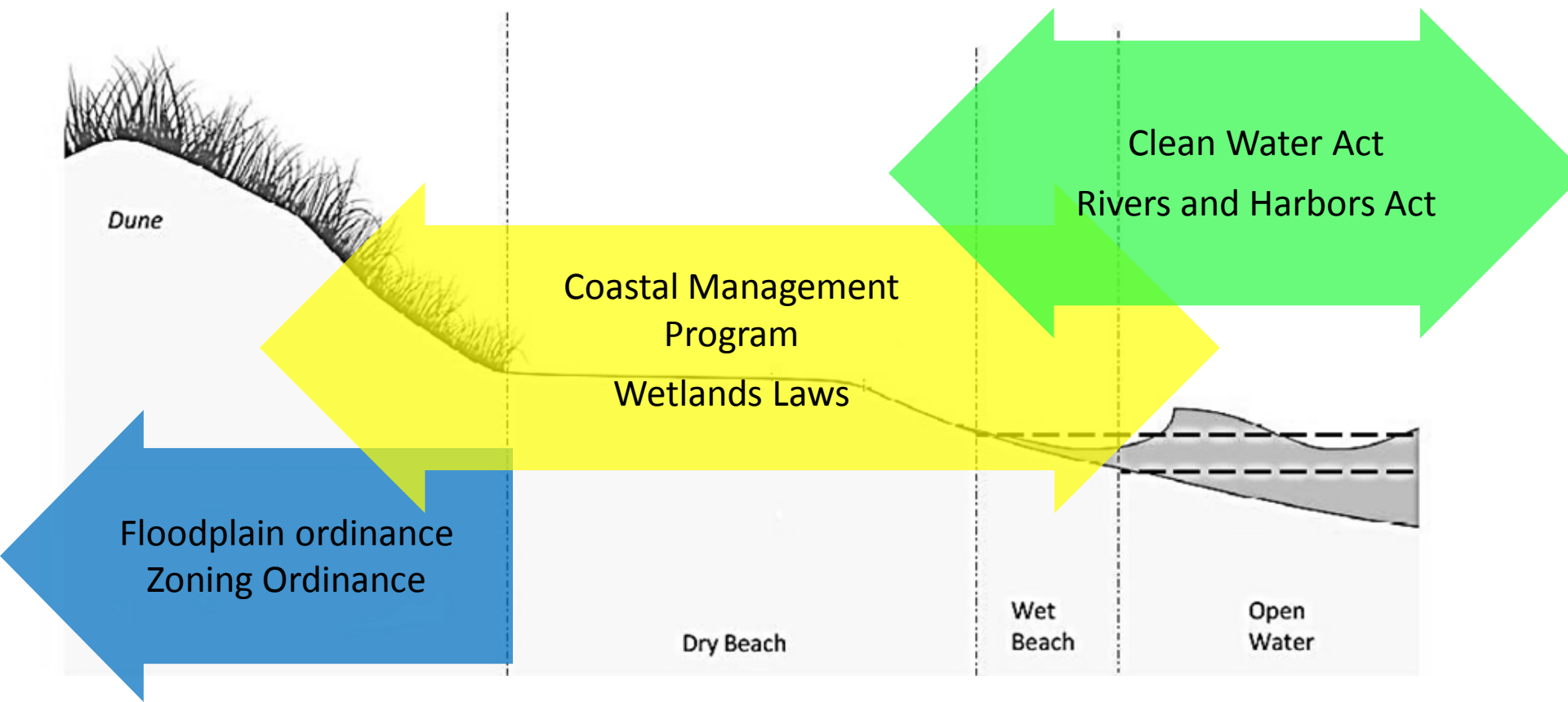
606 2424 3536 4548 Feet

Regulatory silos

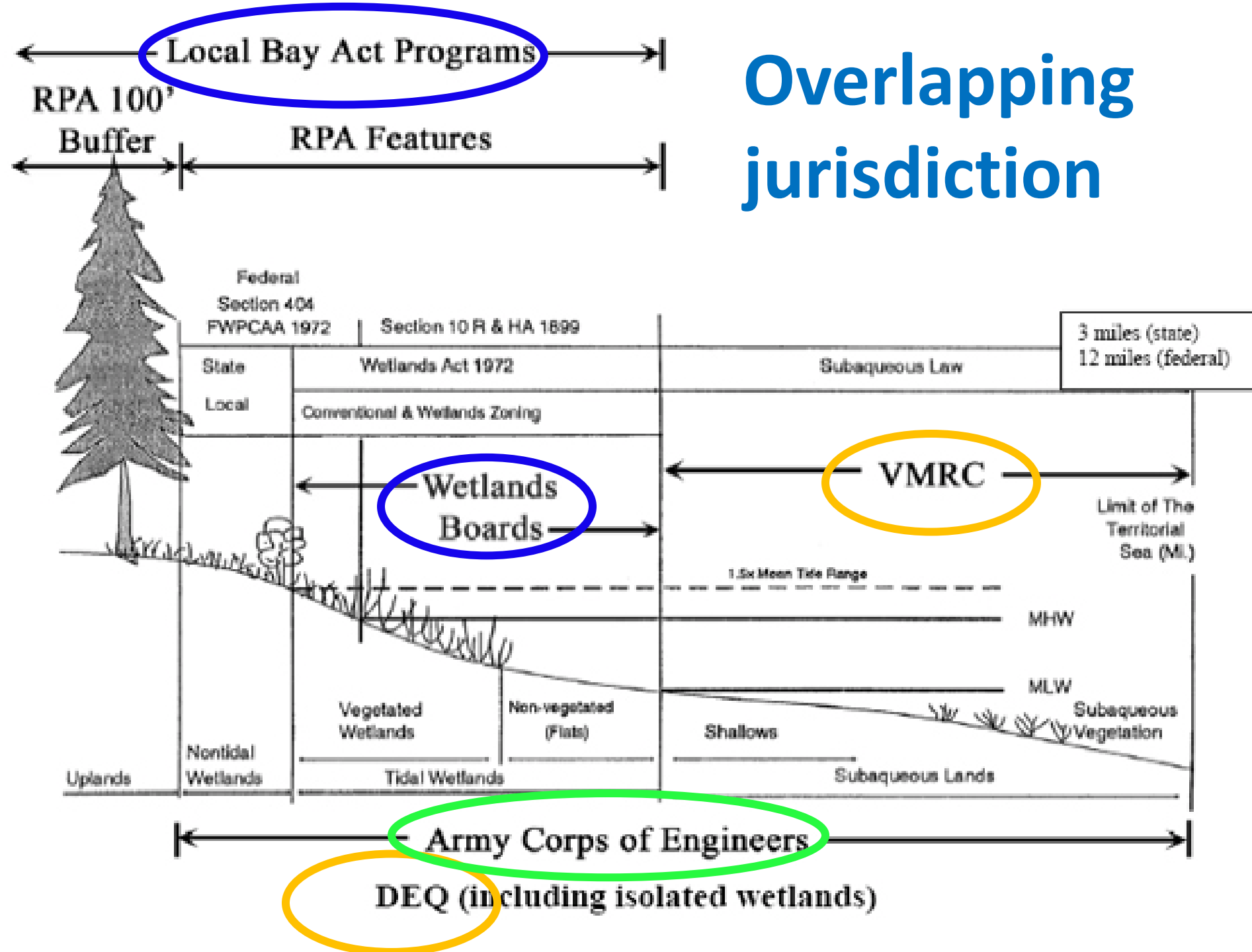
local

state

federal



Overlapping jurisdiction



The Solution: SLR Ordinance

Accommodate Zone

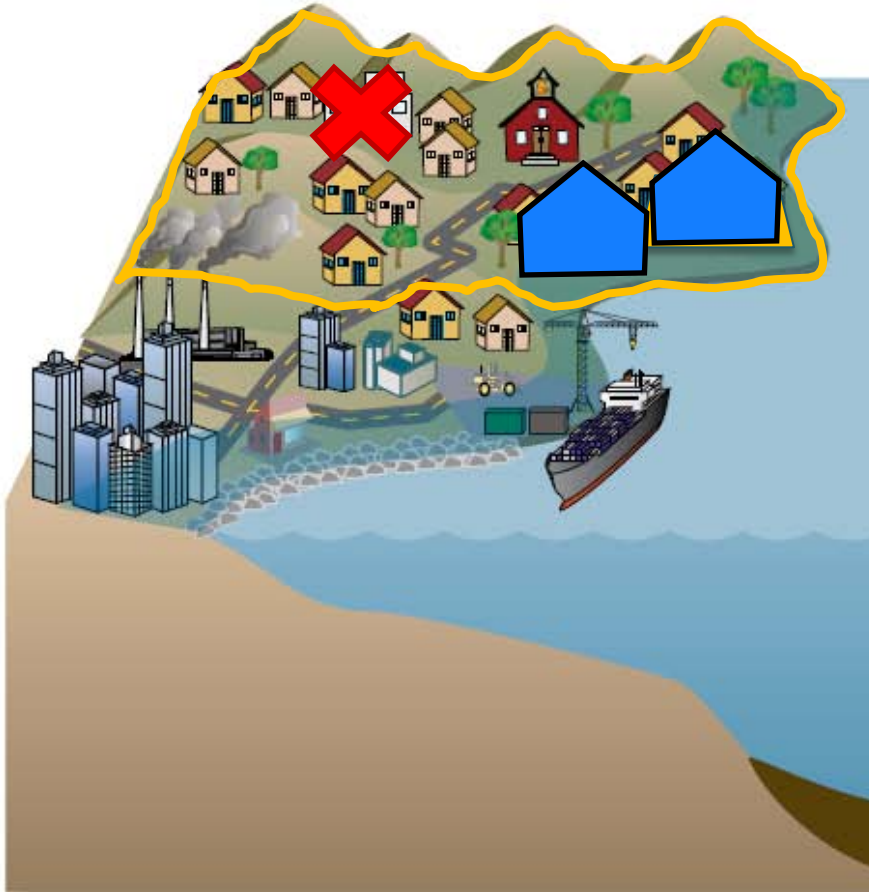
Conservation Zone



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

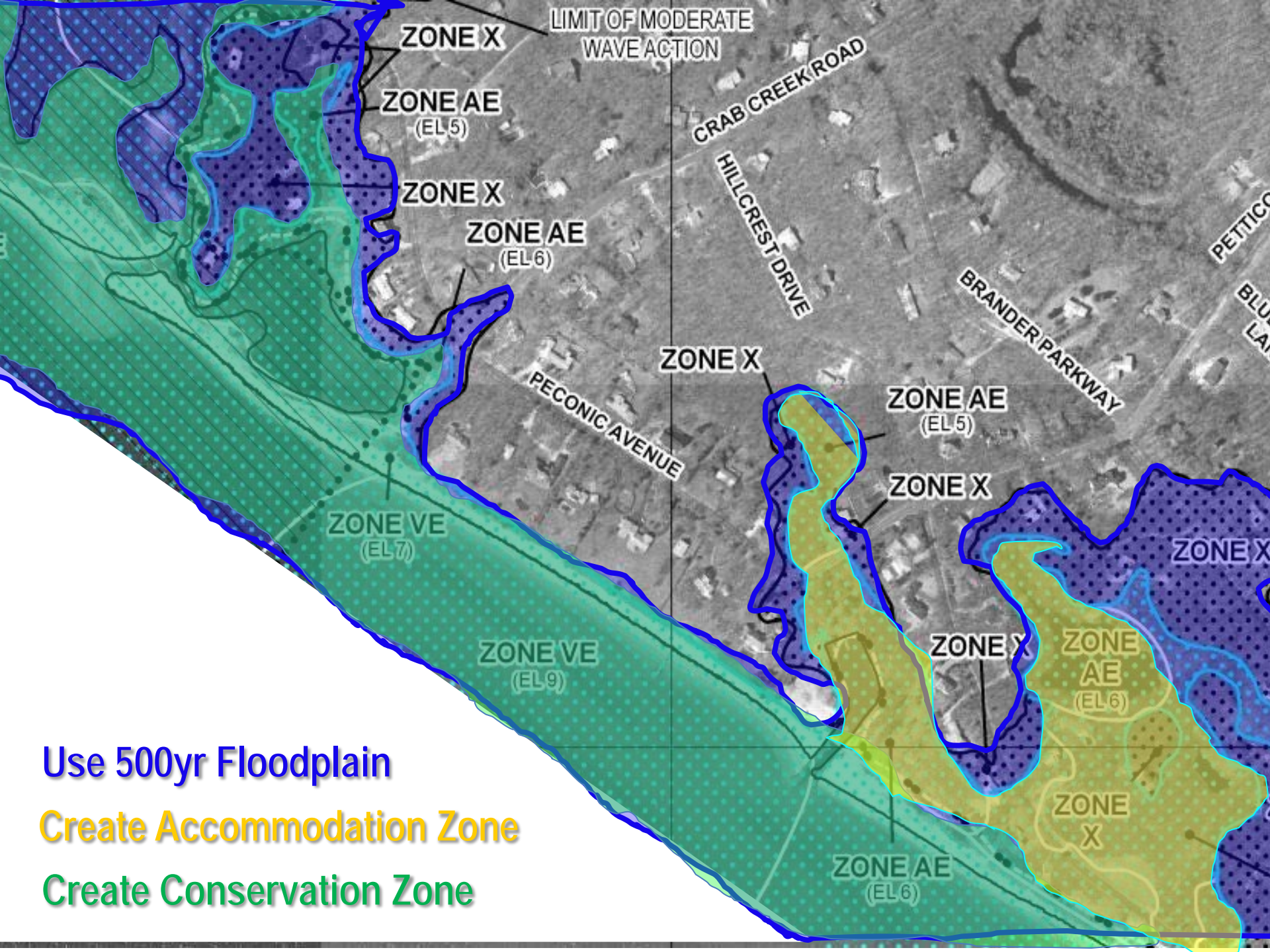


- Increase freeboard
- Increase setbacks
- Limit structure size
- Prohibit critical facilities

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

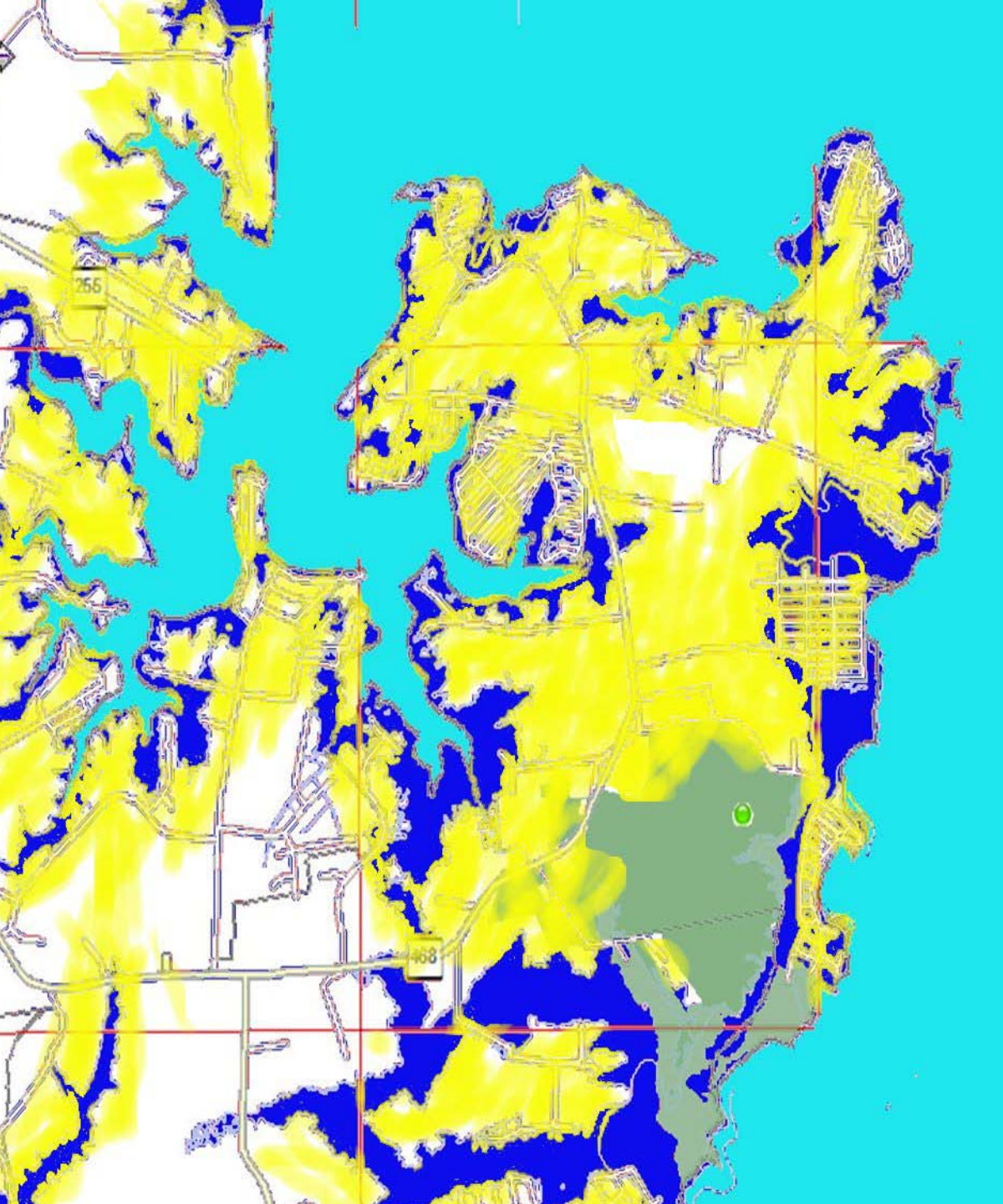
State: CAA

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



Challenges remain

But, adaptation has benefits



Other Shameless Plugs



GEORGETOWN CLIMATE CENTER

A Leading Resource for State and Federal Policy

Adaptation Clearinghouse™

Search by keywords

search

[+ Click here to browse by resource type, sector, impact](#)

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.

Featured Policy Areas



Law & Governance



Sea-Level Rise



Urban Heat

Sector Materials to Get You Started



Coasts



Public Health



Transportation



Water

Find Organizations

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 middle ground, with a few people standing on the sandy beach. The overall mood is serene and atmospheric.

For more information....

Jessica Grannis

jcg68@law.georgetown.edu
202/661-6594

[**http://www.georgetownclimate.org/adaptation/**](http://www.georgetownclimate.org/adaptation/)

Anne Arundel County

Shady Side

Current Land Uses

