

FLORIDA SEA GRANT COASTAL PLANNING PROGRAM



SAVE THE DATE FOR THE SECOND WORKSHOP ON FLOODING AND SEA-LEVEL RISE LEGAL ISSUES FOR LOCAL GOVERNMENTS

The second of a series of workshops that Florida Sea Grant is hosting around the state will take place Thursday, November 17, 2016 at the UF IFAS Extension Office—Brevard County. The workshop, “Sea-Level Rise and Flooding: Planning and Law for Local Governments” will offer professional credits for participation that include CLE, CEC, CM, & CEU. [Registration](#) available until November 14.

Future workshops will be organized for southwest Florida, southeast Florida, and Florida’s Panhandle. If you have specific questions or issues you would like to see addressed, suggestions for participants, or would like to participate as a local partner, please contact Thomas Ruppert at truppert@ufl.edu.

OCEANS ARE ABSORBING ALMOST ALL OF THE GLOBE’S EXCESS HEAT

It is amazing how much we focus on the very small increases in air temperature associated with climate change while not paying as much attention to increasing ocean temperatures; after all, we all learned early on that water holds much more heat than air. A [September 12 article in the New York Times](#) focused on this and pointed out how ocean temperatures have been rising for at least three decades. Ninety percent of excess heat trapped by greenhouse gases since 1955 has been stored in the oceans rather than in the air.

COMMENTS FROM ATTENDEES OF PREVIOUS FLORIDA SEA GRANT LEGAL WORKSHOPS

“[T]he presentations and discussions were extremely important and beneficial to the wide variety of participants.”

Jon Van Arnam, Palm Beach County Assistant Administrator & Southeast Florida Regional Climate Compact Steering Committee member

“[T]his was one of the most substantive legal forums I’ve ever attended and received similar comments from many audience members. Chock full of very useful information.”

Richard Grosso, Director, Environmental & Land Use Law Clinic & Associate Professor of Law, Nova Southeastern Shepard Broad Law Center

“[S]incere KUDOS to you and your esteemed colleagues for such a great program – here’s to making a proactive difference!”

Fawn Powers, Assistant City Attorney, City of Pompano Beach

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REPORTER WORKING ON SEA-LEVEL RISE LOOKING TO SPEAK TO COASTAL PROPERTY OWNERS

A reporter for the New York Times posted on Facebook looking for coastal property owners in Florida to potentially interview. Ian Urbina, said, “If you own a property near the coast, have you considered selling it for fear of rising seas, more erratic and frequent storms, or other climate change effects? Do you worry at all about changing flood insurance rates, property values or mortgage policies that might affect your ability to resell the coastal property?” Mr. Urbina invited responses, including your age, and town. He indicated that a reporter or editor may respond to you to learn more. Comments to Mr. Urbina may be published, but contact information will not be. If you wish to comment, you may contact Mr. Urbina at urbina@nytimes.com.

INCREASING FOCUS ON RELOCATION AND BUYOUTS OF PROPERTIES IN AT-RISK

Alaska, Louisiana, New Jersey: what could these three states possibly have in common? Answer: each of them is dealing with efforts to move people and communities out of harm’s way. [An August article](#) highlighted the small village of Shishmaref in Alaska. Residents voted to move their whole village. At this time they still don’t have a new location selected for their village.

However, it appears that the residents of Isle de Jean Charles, Louisiana—descendants of multiple native American tribes—may be the first in relocating their town. Leaders of Isle de Jean Charles submitted a proposal and received [a grant of \\$48 million from the U.S. Department of Housing and Urban Development](#) for the resettlement project. The effort seeks to ensure that the community remains together and safe

through the relocation process. The hope is that successful resettlement of this indigenous community can provide a model for relocation of other threatened communities.

Already four years on from Hurricane Sandy and the damage it did the east coast of the United States, New Jersey continues with a [program of property buyouts](#) trying to move people out of the way of flooding, storm surge, and sea-level rise. The article notes some of the challenges that buy-out programs face: people that owe more on their homes than the buy-out program offers them; some people do not want to leave their homes, resulting in a patchwork that still leaves local governments on the hook for providing services but to fewer residents; and local governments that don’t support the buyouts because of the loss of taxable real estate.

AND THE U.S NAT’L PARK SERVICE IS EMBRACING SLR. . . .

At Assateague Island, the National Park Service has gotten tired of replacing parking lots and buildings after flooding. Now, the Park Service on Assateague is taking a more flexible approach. Parking lots and infrastructure have been relocated. The new parking lots are clamshell rather than pavement and cement; new buildings are at higher elevations or more readily moved. More [here](#).

BUT WHILE SOME MOVE IN RESPONSE TO DISASTERS, OTHERS DIG IN. . . .

In response to the severe flooding that took place in parts of Louisiana in August, one town that suffered has responded by seeking to *decrease* regulations intended to prevent flood damage to properties. The mayor of the Town of Central, Louisiana said that since people could not afford to elevation to rebuild, the town seeks

to “repeal[] every additional regulation to keep us compliant with the National Flood Insurance Program. We are stripping everything down that we can as City Council.” You can read the full article [here](#).

TALKING ABOUT FLOOD INSURANCE. . . .

Next year, the National Flood Insurance Program (NFIP) will come before Congress for reauthorization. In efforts to develop ways to dig the NFIP out of debt while keeping flood insurance affordable, one suggestion that had been floated was “community-based flood insurance.” However, in late August of this year, the Government Accountability Office supported an earlier FEMA decision that, due to low community interest and challenges described in a FEMA study of community-based flood insurance, FEMA should not continue to pursue community-based flood insurance at this time. You can access the GAO report at this [link](#).

AND MORE FLOODING AND STORMS FOR FLORIDA. . . .

Hurricane Matthew hit parts of Florida’s east coast so hard with winds and storm surge that it’s hard to remember just how lucky we really were: while Matthew was very strong, it was not at its peak strength while off Florida’s coast and, importantly, the eye of the storm stayed off shore, leaving us on the “weaker” side of the storm. Nonetheless, the damage, erosion, and flooding was heavy from Daytona Beach northward. Amongst all the flooding and erosion, a new inlet opened on “Old A1A” at the neighborhood of Summer Haven, which was the site of the legal case *Jordan v. St. Johns County*, regarding access to properties on a county road that the Atlantic has been washing away over for over 50 years. Several properties are now cut off from the mainland by the new inlet.

Interestingly, the now-roadless properties *could* potentially reach their parcels across the sand that filled part of the Matanzas River when there

was a breach a few years ago just north of the new inlet; that breach filled in part of the Matanzas River with sand. Last session, the Florida Legislature allocated \$2.6 million to dredge the sand that filled part of the Matanzas River due to the older breach of the beach.

After Hurricane Matthew, we have just finished experiencing another fall “king tide,” resulting in significant flooding in many coastal communities. Communities such as Fort Lauderdale and Miami Beach are so vulnerable to such events that they begin preparing for them well ahead of time. Miami Beach installed temporary walls and pumps to help keep streets dry. As many have noted, roads and drainage systems are the “canaries in the coal mine” for sea-level rise: when they suffer, it’s really time to pay attention.

FLORIDA CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS ADOPTS SEA-LEVEL RISE POLICY

Back in April of this year, the Florida chapter of the American Institute of Architects adopted a policy recommending recognition of the fact that sea-level rise is now unstoppable, and recommending “that building designs, codes, and infrastructure accommodate three feet of sea level rise for projects in all low-lying areas, even those farther inland up tidal rivers. A news release is available [here](#).

WANT TO BE ADDED OR DELETED FROM THE LIST?

Florida Sea Grant’s Coastal Planning Program occasionally sends out notices of upcoming events and compilations of interesting articles related to sea-level rise and other coastal hazards. If you’d like to be added to this list or removed from the list, please notify Thomas Ruppert at truppert@ufl.edu.