DEC PROPOSES NEW SEA-LEVEL RISE PROJECTION REGULATIONS

Continues National Leadership in Efforts to Improve Coastal Resiliency

To better prepare coastal communities and business owners for extreme weather events like Superstorm Sandy three years ago, New York continues its national leadership by proposing new state sea-level rise projections that will help state agencies and project planners develop more resilient structures, Basil Seggos, Acting Commissioner of the New York State Department of Environmental Conservation (DEC) announced today. Public comments on the proposed regulation will be accepted following publication in the State Register through December 28.

“The sea-level rise projections DEC is proposing today reflect the best science available and are critical to Governor Cuomo’s vision of a more resilient New York in the wake of Hurricane Sandy, which devastated whole communities that are still rebuilding,” Acting Commissioner Seggos said. “Sea level projections will help state agencies, developers, planners and engineers to reduce risks posed by rising seas and coastal storms over the next several decades.”

Governor Cuomo signed the Community Risk and Resiliency Act (CRRA) in September 2014. CRRA requires applicants for certain permit and funding programs to demonstrate consideration of future physical risks due to sea-level rise, flooding and storm surge. DEC is required by CRRA to adopt state sea-level rise projections.

DEC’s regulation to adopt sea-level rise projections does not by itself create any new design standards or permit requirements. Project planners and state agencies will, however, be able to use these projections in project design, and routine permit and funding decision making, which will result in more resilient projects and safer communities to live, work and conduct business in. DEC is working with other agencies to prepare guidance that directs and supports thorough examination of sea-level rise, flooding and storm surge in several permitted and funding programs, as required by CRRA. The guidance will help project planners and agency staff select appropriate sea-level rise and flooding scenarios so they can plan for changing water levels and associated risks that might occur over the life of a project.

DEC’s proposed projections are based on peer-reviewed research by scientists at Columbia University, Cornell University and Hunter College in the ClimAID study, which was funded by the New York State Energy Research and Development Authority. The original 2011 research report and the 2014 update are available at http://www.nyserda.ny.gov.

The ClimAID projections include consideration of the possibility of rapid melt of land-based ice on Antarctica and Greenland, which could result in significantly higher rates of sea-level rise than would otherwise occur. Subsequent reports continue to affirm the underlying assumption that ice melt will likely accelerate beyond historical rates of melt.

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The proposed regulation provides a range of projections suitable for risk-based planning and review of projects of varying projected life times and risk tolerance. For example, the New York City/Lower Hudson projections range from a low of 15 inches to a high of 75 inches by 2100. Projections for Long Island and the Mid-Hudson are similar. By having a full range of projections, decision makers will be able to consider the possibility of more rapid sea-level rise when planning long-term land-use change and critical, long-lived infrastructure.

New York Secretary of State Cesar A. Perales said, “These proposed regulations are a critical step forward as the Department of State and other State agencies work to provide clear and consistent guidance to communities on how to address the future threats they face from sea level rise. These projections will help the Department work with its State, local and regional partners on the Local Waterfront Revitalization Program and SmartGrowth initiatives to plan for and create a more resilient New York.”

State Department of Transportation Commissioner Mathew J. Driscoll said, “Governor Cuomo is leading the way in making New York stronger, safer and better prepared for rough weather and high water. Working with our sister agencies, these new sea-level rise projections are an important step in helping us develop a transportation network that is more resilient and weather ready now and in the future.”

State Senator Tom O’Mara, chairman of the Senate Environmental Conservation Committee said, “The Senate has shown a great willingness to address these short- and long-term risks and challenges with last year’s passage of the Community Risk and Resiliency Act. It was overwhelmingly supported and requires consideration of extreme weather events for a large number of state programs and in the issuance of major permits. So we are a willing partner in addressing the range of these concerns with solutions like this one that are reasonable and effective.”

State Senator Diane J. Savino, the Senate sponsor of the Act, said, “The Community Risk and Resiliency Act will play a crucial role in reducing our risks from sea level rise and extreme weather events. It requires advance planning for extreme weather events as well as the consideration of the effects of climate change. Taking full consideration of the risks from sea level rise, storm surge, and flooding will increase the resilience of our communities. I am very pleased that the Department of Environmental Conservation has proposed regulations to adopt sea-level rise projections pursuant to the Act, and I’m looking forward to a vibrant discussion of these proposals in the weeks to come.”

Assemblyman Steve Englebright, Chairman of the Assembly Committee on Environmental Conservation said, “According to the National Climate Assessment, ‘the Northeast has experienced a greater recent increase in extreme precipitation than any other region in the U.S.; between 1958 and 2010, the Northeast saw more than a 70% increase in the amount of precipitation falling in very heavy events (defined as the heaviest 1% of all daily events). These statistics have been illustrated most recently by the devastating impacts of storms such as Sandy, Lee and Irene. In addition to the tragic loss of life, property and environmental damage, there is also a steep economic cost of extreme weather events and rising sea level. For example, the financial toll of Superstorm Sandy on New York is estimated to be at least $42 billion dollars. Sea level rise projections will help build resiliency into coastal communities and reduce risks to life and property by allowing critical infrastructure to be constructed in a manner to withstand future weather events.”

Daniel Zarrilli, Director of the Mayor’s Office of Recovery and Resiliency said, “Accurate science is critical to effective climate adaptation. By adopting sea level rise projections that are consistent with the climate change projections produced by the New York City Panel on Climate Change, the State is demonstrating a forward-looking approach that reflects the best available science. These coordinated projections, which also inform the City’s investments, will support the critical work of making investments in climate adaptation and resiliency across the entire State.”

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Stuart F. Gruskin, chief conservation officer for The Nature Conservancy in New York said, "The state’s release of sea level projections to implement the Community Risk and Resilience Act is another significant and welcome step to ensure that New York State is ready to face the changing climate. As we look back at the catastrophic impacts of storms like Sandy, Irene, and Lee, we are encouraged that under Governor Cuomo’s leadership New York is affirmatively acting to protect our communities from similar devastation in the future. We look forward to reviewing the proposed projections and to continuing our work with the State to implement important programs that enhance resilience across New York."

Marcia Bystryn, President of the New York League of Conservation Voters said, "These projections are the fruit of the Community Risk and Resiliency Act, which was a top priority for NYLCV in 2014. As we pause to remember the three year anniversary of Hurricane Sandy this week, this data will help us make smarter decisions as we strengthen our infrastructure and improve resiliency in advance of the next big storm. I commend Governor Cuomo and Acting Commissioner Seggos for their forward thinking."

Erin Crotty, Executive Director or Audubon New York said, "Audubon New York applauds Acting Commissioner Seggos’ introduction of sea-level rise predictions as another step towards making our coastal communities more resilient in the face of future storm events and sea level rise. Some of our most vulnerable areas lie within the Long Island Sound and Hudson River estuaries, both of which are ecologically and economically significant to the people, birds, and wildlife of New York and the Atlantic Coast. Sea level rise projections will allow for proper planning to ensure the safeguarding of natural features, processes and irreplaceable habitat in our most vulnerable areas while ensuring the protection of our residents and communities.”

Scenic Hudson President Ned Sullivan said, "Governor Cuomo is showing strong national-caliber leadership to ensure New York is combatting climate change and preparing for its impacts. Scenic Hudson has collaborated with the Department of Environmental Conservation to help communities plan for rising sea level, identifying areas and property likely to suffer inundation and damage and utilities such as sewage treatment plants likely to be disabled by intense storms and associated surges. The DEC's new sea level rise projection regulations under CRRA provide crucial guidance that will help ensure that New York is building for resilience under the 'new normal' of climate change."

The proposed regulation and support documents are available on DEC’s website at http://www.dec.ny.gov/energy/45202.html.

Written public comments may be sent to Mark Lowery, Climate Policy Analyst, NYSDEC Office of Climate Change, 625 Broadway, Albany, NY 12233-1030 or e-mailed to climatechange@dec.ny.gov.

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