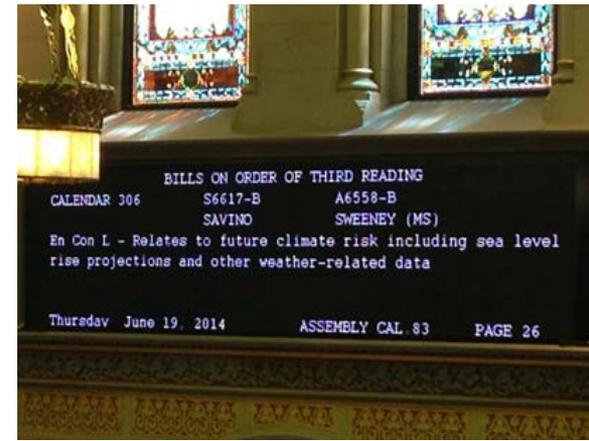




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# Community Risk and Resiliency Act

*Mainstreaming climate change considerations*

# CRRA Stakeholder Update Meeting, 11/16/15

9:15 Welcome and Introduction-*Joan Kennedy*

9:20 Opening Remarks-*Jared Snyder, Sandra Allen*

9:30 CRRA Overview-*Dazzle Ekblad*

9:40 CRRA Implementation Guidance-*Mark Lowery*

9:50 State Flood Risk Management Standard-*William Nechamen*

10:05 Protection of Waters *Guidance-Thomas Snow, Christina Dowd*

10:20 Natural Resiliency Measures Guidance-*Betsy Blair, Kristin Marcell, Francis Sheehan*

10:50 Smart Growth Public Infrastructure Policy Act Guidance-*Paul Beyer, Pamela Hadad Hurst*

11:05 Model Local Laws-*Lori Heithoff*

11:20 Questions, Answers and Discussion-*J. Kennedy*

11:50 Wrap-up and Next Steps-*M. Lowery*

12:00 Adjournment



# Opening Remarks

***Jared Snyder***, Assistant Commissioner for  
Air Resources, Climate Change and Energy;  
New York State Department of  
Environmental Conservation



**Department of  
Environmental  
Conservation**

# Opening Remarks

***Sandra Allen***, Deputy Secretary of State  
for Planning and Development;  
New York State Department of State



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# CRRA Overview

*Dazzle Ekblad, NYSDEC*



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# Community Risk and Resiliency Act

- 1) Sea-level rise projections as regulation by Jan. 1, 2016 (DEC)
- 2) Adds mitigation of sea-level rise, storm surge and flooding to Smart Growth Public Infrastructure Policy Act criteria and guidance by Jan. 1, 2017 (DEC,DOS)
- 3) Model local laws to enhance resiliency by Jan. 1, 2017 (DOS,DEC)
- 4) Consideration of sea-level rise, storm surge and flooding in 19 programs (facility-siting regulations, permits and funding) by Jan. 1, 2017 (DEC, DOS)
- 5) Requires guidance on implementation of CRRA and the use of natural resiliency measures to reduce risk by Jan. 1, 2017 (DEC, DOS)



# Programs Affected by the Community Risk and Resiliency Act

## DEC Permits

- Oil and natural gas wells
- Major projects under:
  - Protection of waters
  - Sewerage service
  - Liquefied natural gas and liquefied petroleum gas facilities
  - Mined land reclamation
  - Freshwater wetlands
  - Tidal wetlands
  - Coastal erosion hazard areas

## DEC Facility-siting Regulations

- Hazardous waste transportation, storage and distribution facility siting
- Petroleum bulk storage (including conformity with the uniform fire prevention and building code)
- Hazardous substance bulk storage

## Funding Programs

- Water Pollution Control Revolving Fund (DEC, Env. Facilities Corp. [EFC])
- Drinking Water Revolving Fund (DOH, EFC)
- Open space acquisition (DEC, Office of Parks, Recreation and Historic Preservation [OPRHP])
- Open space project operation and maintenance agreements (OPRHP)
- Landfill closure assistance (DEC)
- Coastal rehabilitation project assistance (DEC)
- Local waterfront revitalization (DOS)
- Agricultural and farmland protection (Ag. & Mkts)

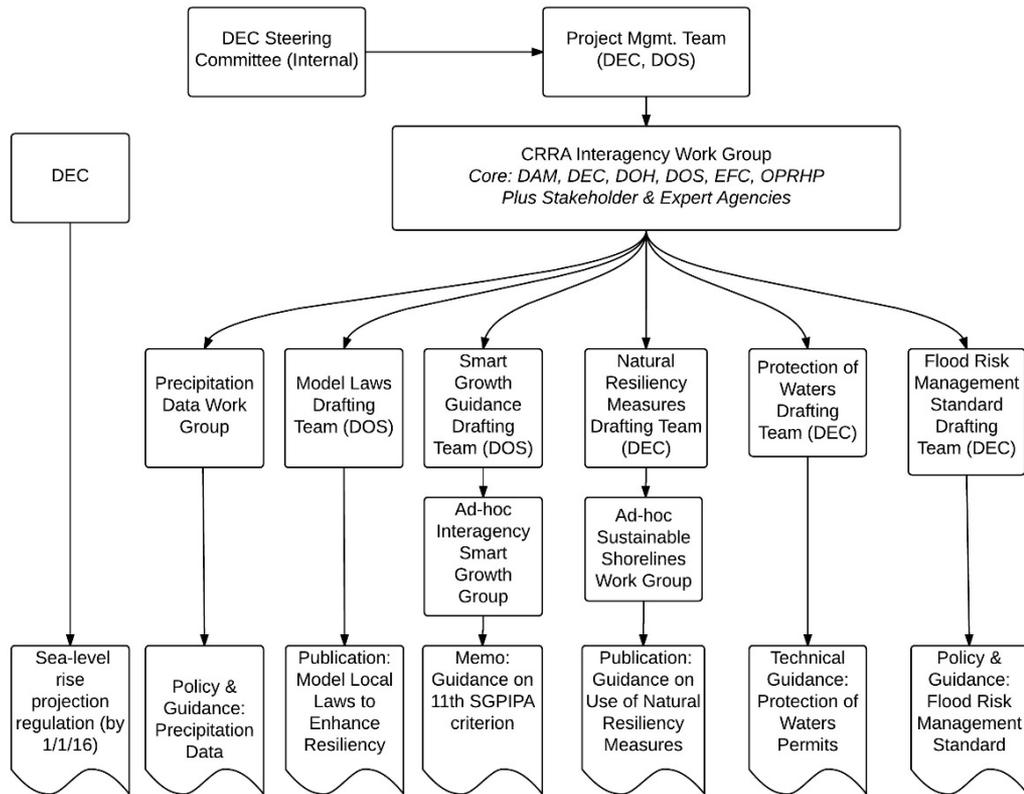


# Implementation Guidance

*Mark Lowery, NYSDEC*



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# CRRA Topical Guidance

Specific topics required by CRRA:

- Use of natural resources and natural processes to enhance resiliency
- Smart Growth Public Infrastructure Policy Act
- Model local laws to enhance resiliency



# Community Risk & Resiliency Act

## Program Discussion Results



## ***Incorporate updated flood risk standard and precipitation data into existing documents:***

- Landfill Closure Assistance Guidance
- Mined Land Reclamation Guidance
- Oil and Natural Gas Wells Guidance and EAF
- Liquefied Natural Gas & Liquefied Petroleum Gas Facility Guidance
- Coastal Erosion Hazard Area Guidance and Checklist
- Tidal Wetlands Checklist
- Water Pollution Control Revolving Fund
- Drinking Water State Revolving Fund
- Sewerage Service for Realty Subdivisions
- Open Space Maintenance and Operation Agreements



## ***Update existing program guidance to add flooding considerations:***

- Local Waterfront Revitalization Program (DOS amend applicant guidance)
- Freshwater Wetlands Guidance (DEC amend applicant guidance)
- Agriculture and Farmland Protection (DAM amend rating sheet?)
- Open Space Acquisition (DEC, OPRHP amend scoring criteria?)



## ***Consider incorporating updated flood risk standard and precipitation data into regulations:***

- Hazardous Waste TSD Facilities
- Chemical and Petroleum Bulk Storage Facilities

## ***Develop new program guidance:***

- Protection of Waters

## ***Not currently implemented***

- Coastal Rehabilitation Project Assistance



# Guidance Drafting Teams

State Flood Risk  
Management Standard

Natural Resiliency  
Measures

Extreme Precipitation

Smart Growth

Protection of Waters

Model Local Laws

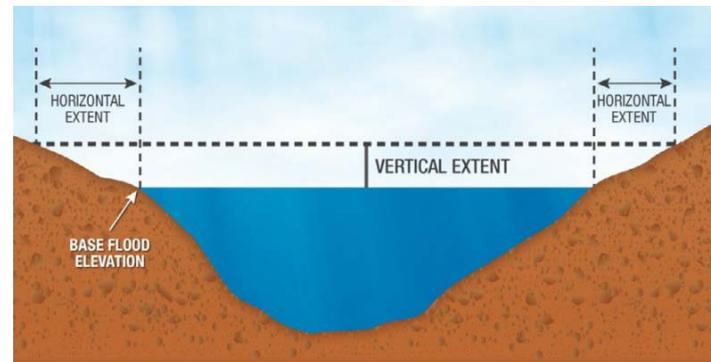


# Guidance Drafting Team Updates



# State Flood Risk Management Standard

*William Nechamen*





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# State Flood Risk Management Standard

## Guidance for Future Conditions Flooding

November 16, 2015

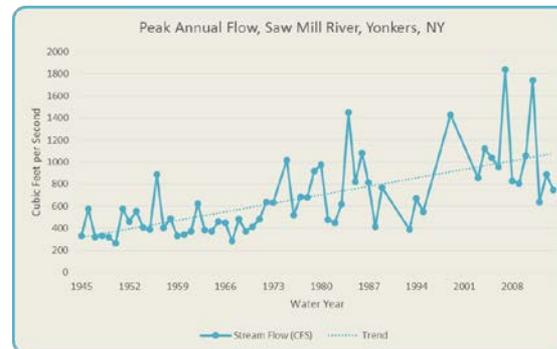
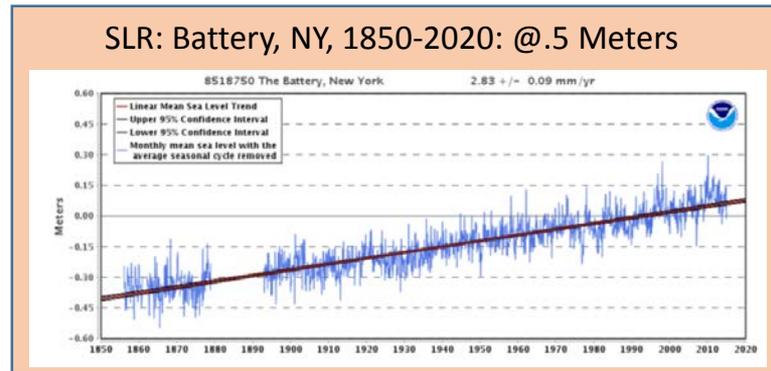
# CRRA Guidance Requirements

- Required by January 1, 2017
- Guidance on Implementation of CRRA
- Including **but not limited to** Data Sets and Risk Analysis Tools and Available Data:
  - Predicting the Likelihood of Future Extreme Weather Events



# Escalating Flood Risk

- Sea Level Rise
- Riverine Flooding
- More Intensive Precipitation Events
- Slightly Higher Total Precipitation
- Development also Increases Flood Risk



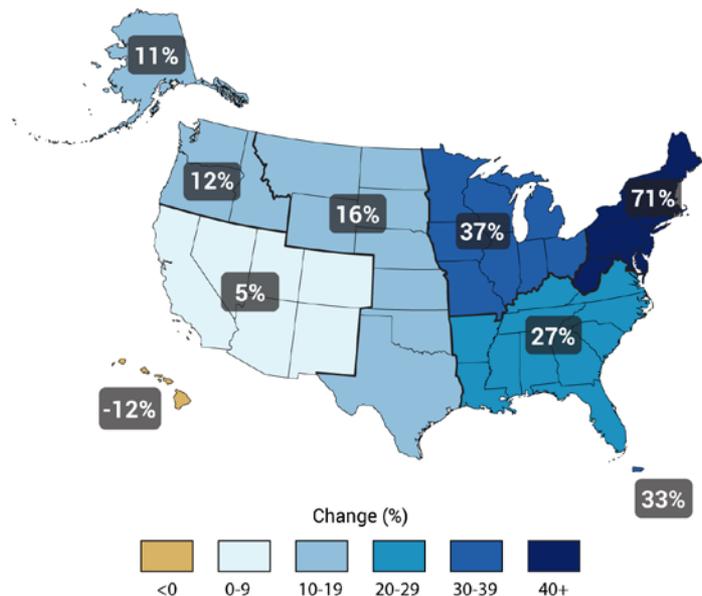
# Proposed 6 NYCRR Part 490 Projected Sea-level Rise (inches of rise relative to 2000-2004 baseline)

Region	Long Island					New York City/Lower Hudson					Mid-Hudson				
	Low	Low-medium	Medium	High-medium	High	Low	Low-medium	Medium	High-medium	High	Low	Low-medium	Medium	High-medium	High
2020s	2	4	6	8	10	2	4	6	8	10	1	3	5	7	9
2050s	8	11	16	21	30	8	11	16	21	30	5	9	14	19	27
2080s	13	18	29	39	58	13	18	29	39	58	10	14	25	36	54
2100	15	21	34	47	72	15	22	36	50	75	11	18	32	46	71



# Increases in Amount of Precipitation falling in Very Heavy Events\*: 1958-2012

Observed Change in Very Heavy Precipitation



\*The Heaviest 1% of All Daily Events

National Climate Assessment Report, Updating Data from Karl, T. R., J. T. Melillo, and T. C. Peterson, 2009: *Global Climate Change Impacts in the United States*. T.R. Karl, J.T. Melillo, and T.C. Peterson, Eds. Cambridge University Press, 189 pp

Future changes in total precipitation due to human induced warming are more difficult to project than changes in temperature. (Karl Report)



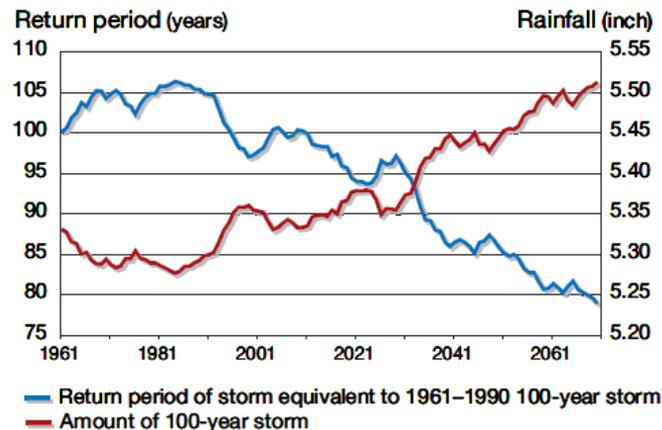
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# NYS ClimAID: Precipitation

## Rainfall Volumes and Return Periods

- 5-10% Total Precipitation Increase by 2080
- 0.2" Increase in Precipitation from 100-Year Storms 1961-2100
- 100 Year Storm becomes 80 Year Storm
- Current Trends Exceeding these Models
- Research on Intense Short Rain Events is Sparse and Recent

From Tryhorn and DeGaetano, 2010



# Purpose of Guidance

- Inform State Agencies on How To Carry Out CRRA Requirements
- Provide Guidance for other State Agency Programs Not Explicitly Mentioned in CRRA
- Provide Guidance for Local Communities and the Public on Improving Resiliency in a Changing Climate



# Work Group

- NYS DEC Bureau of Flood Protection and Dam Safety
- NYS DOT
- NYS DOS
- NYSERDA
- NYS Dormitory Authority
- NYS Office of Homeland Security and Emergency Services
- NYS Floodplain and Stormwater Managers Association
- To Request Review by Association of State Floodplain Managers
- There Will be a Review Period Prior to Final Document



# Proposed Schedule

Draft Guidance by March, 2016

Final Document by end of 2016

# Issues

- There is Uncertainty in Current Flood Data
- Uncertainty Increases in the Future
  - SLR More Certain than Riverine Flooding
  - Great Lakes Level Trends Completely Uncertain
- Cannot let Uncertainty get in the way of Resiliency

# Context: Revised Federal Flood Risk Standard

State Guidance can provide Consistency with Federal Approach: E.O. 13690

Federal Approach Redefines “floodplain”

- No Longer just FEMA’s Floodplain

Strengthens Minimum Development Requirements for Federal Projects and Federally Financed Projects

Current Federal Floodplain Standard

- One Percent (100-year) Flood Elevations (base flood)
- 500-Year Floodplain for “Critical Actions”

Federal Agencies will do Rulemaking to Formalize



# EO 13690: Floodplain Definitions

Use a Climate-Informed Science Approach (preferred); or

Use a 2-Foot “Freeboard” Approach

- One Percent Flood Elevation Plus 2 Feet, extended Horizontally
- NYS Already has 2’ Freeboard in Residential Building Code

Or: Use a 0.2% Annual Chance Flood Standard (500-yr Flood)

Critical Actions require Minimum 3’ Freeboard Standard

- Definition: Where Even a Slight Chance of Flooding is Too Great

Federal Agencies would Determine Best Approach

NEW: In coastal areas, do not use .2% standard if it is lower than 1% plus freeboard.



# State Guidance Approach

- Define Possible Future Flooding Conditions and Provide Data Sources
- Provide Approaches
  - Avoidance
  - Climate Informed Science
  - Freeboard
  - (so-called) 500 Year Flood
  - Historic Extreme Floods
  - Avoid Increasing Flood Risk to Others from Development
    - Floodway Issues
    - Green Infrastructure/Stormwater Management
- Reference Other Guidance Documents



# Items for Writing Team to Decide

- What Approach to use in What Scenario?
- Floodplain Avoidance as First Goal?
- How to Utilize Climate Informed Science
- Use of Riparian Zones or Setbacks?
- More Restrictive Standards for Critical Facilities and Critical Infrastructure?
- How to Accommodate Infrastructure that Must be in Flood Zones such as Bridges and Culverts
- Should Projected Longevity of a Facility make a Difference?
- What about Development that can Encourage Other Risky Development?



# Thank You

- William Nechamen, CFM
- Chief, Floodplain Management Section
- 625 Broadway, 4<sup>th</sup> Floor, Albany, NY 12233-3504
- William.Nechamen@dec.ny.gov
- 518-402-8146

## Connect with us:

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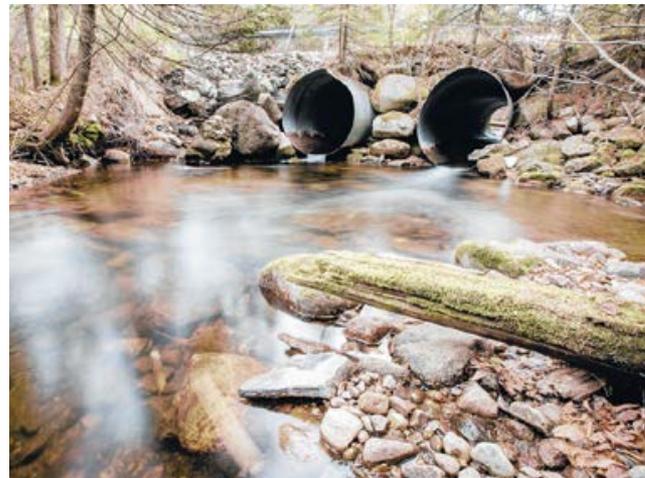
Flickr: [www.flickr.com/photos/nysdec](http://www.flickr.com/photos/nysdec)



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# Protection of Waters

*Thomas Snow, NYSDEC;  
Christina Dowd, NYSDEC*



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# CRRA – Incorporating Flood Resiliency into the Article 15 and 401 Programs

Thomas R. Snow Jr., New York City Watershed and Hurricane Sandy Recovery  
Coordinator

November 16, 2015

# Community Risk and Resiliency Act

- Applicability –
  - Article 15 Protection of Waters Program
    - Protected waters (i.e., Class C(t) or higher)
    - Navigable waters (includes adjacent/contiguous wetlands)
  - Section 401 Water Quality Certification Program



# Focus of Guidance

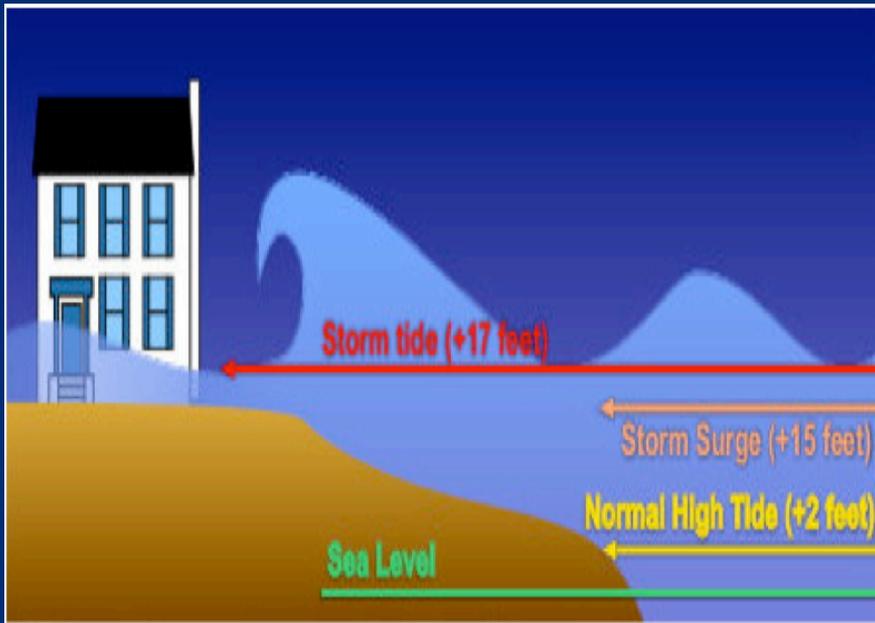
## Riverine Flooding



## Sea Level Rise



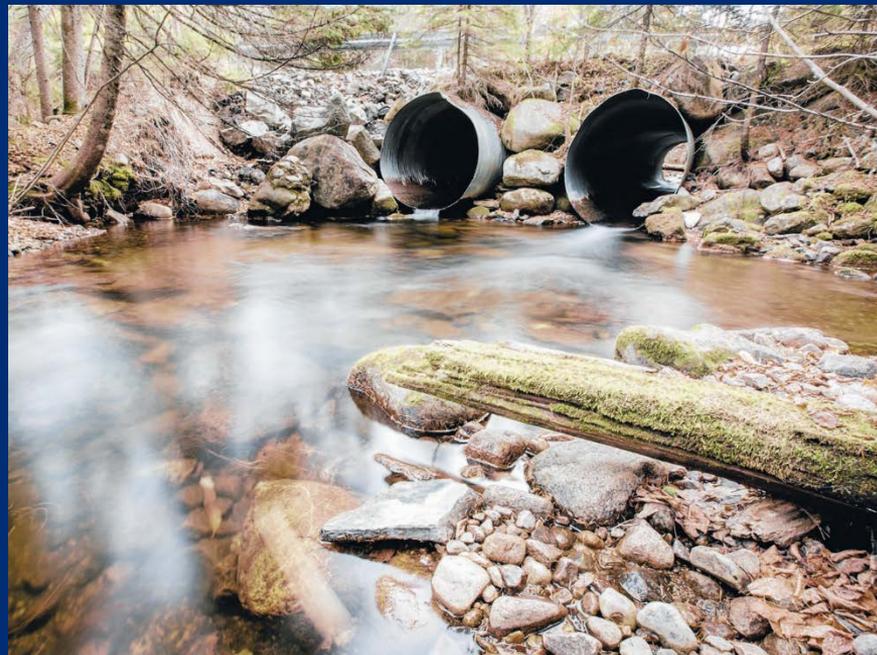
# Storm Surge -



# Bridges



# Culverts



# Unprecedented Weather Events

- August 28, 2011 – Hurricane Irene
- Sept. 7, 2011 – Tropical Storm Lee
- October 29, 2012 – Hurricane Sandy
- June/July 2013 – Mohawk Valley
- May 14, 2014 – Penn Yan, NY
- July 2014 – Sullivan County
- May 2015 – Cattaraugus and Chautauqua Counties

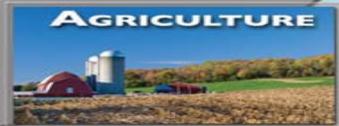
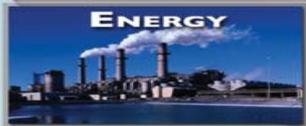
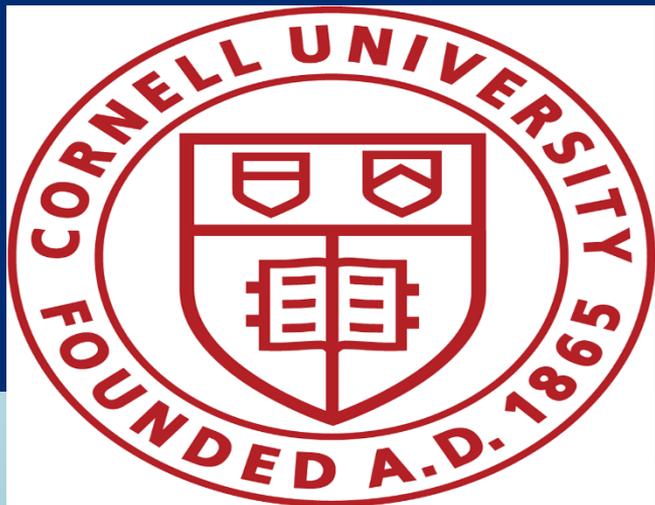


# Community Risk and Resiliency Act and its requirements

Governor Andrew M. Cuomo signed into law the Community Risk and Resiliency Act to strengthen New York State's preparedness for the effects of climate change and help protect communities against severe weather and sea level rise. Photo credit: Newsday

Need to build resiliency into permitting program process





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# Summary of Projected Temperature and Precipitation Changes in NYS (Horton et al. 2014)

Climate Change Risk	2020s	2050s	2080s	2100
<b>Change in Precipitation</b> (Middle Range – 25 <sup>th</sup> to 75 <sup>th</sup> Percentile)	1 – 8% increase	3 – 12% increase	4 – 15% increase	1 – 21 % increase
<b>Change in Precipitation</b> (High Estimate – 90 <sup>th</sup> Percentile)	8 – 10 % increase	12 – 15% increase	15 – 19% increase	24 – 26% increase or greater
<b>Change in Temperature</b>	1.5 – 3.0° F	3.0 - 5.5° F	4.0 – 9.0°F	

# Climate Regions of New York State

Region 1 – Western NY and Great Lakes Plain

Region 2 – Catskill Mt. and West of Hudson River Valley

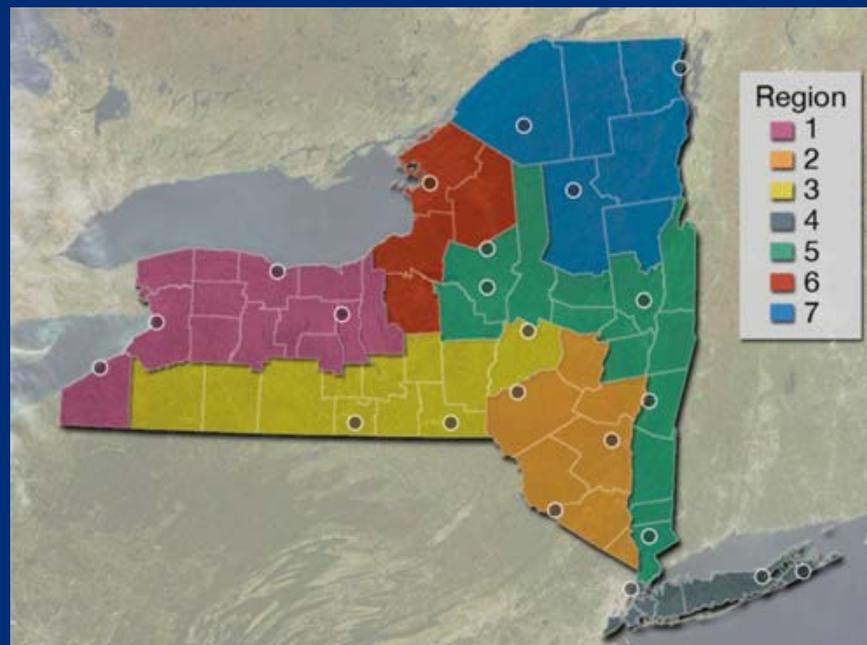
Region 3 – Southern Tier

Region 4 – NYC and LI

Region 5 – Eastern Hudson River and Mohawk River Valleys

Region 6 – Tug Hill

Region 7 – Adirondack Mt.



# Regional temperature and precipitation projections in New York State for 2100

Region	Temperature Change	Precipitation Change	Precipitation Change
		Middle Range (25 <sup>th</sup> to 75 <sup>th</sup> Percentile)	High Range (90 <sup>th</sup> Percentile)
1 – Western New York and the Great Lakes Plain	+ 4.5 to 10°F	4 to +19%	+ 24%
2 – Catskill Mountains and the West Hudson River Valley	+ 4.0 to 9.5°F	1 to +18%	+24%
3 – Southern Tier	+ 4.5 to 9.5°F	5 to +20%	+26%
4 – New York City and Long Island	+ 4.0 to 9.5°F	-1 to +19%	+25%
5 – Eastern Hudson River and Mohawk River Valleys	+ 4.5 to 9.5°F	5 to +21%	+26%
6 – Tug Hill Plateau	+ 4.5 to 10 °F	7 to +20%	+26%
7 – Adirondack Mountains	+ 4.5 to 9.5°F	8 to +20%	+26%

# So what does this mean?

- A 30% increase in the 100-year flow is nearly equal to today's 500-year storm.
- In other words, today's 500 year storm will become tomorrow's 100 year storm.
- If we're installing bridges and culverts today that will last 100 years we need to be looking at **future** hydrologic conditions when designing these structures to ensure resiliency going forward.



# Bridge and Culvert Guidance Criteria -

- a. General Design Requirements for Bridges and Culverts
- b. Specific Design Requirements for Culvert Pipes
- c. High Risk Areas – Conditions requiring larger structures
- d. Possible Special Exceptions
  - i. Conditions where a smaller structure, smaller height and less embeddedness may be allowed



# High Risk Areas – where larger structures are necessary

- Stream Geomorphology
- Public Health and Safety
- History of Flooding
- Future Risk
- Geographic location of structure

# Outline – continued

- Sea Level Rise –
  - Potentially redefining “mean high water mark”
    - 10 inches (2020) up to 75 inches or just over 6 feet (2100)
  - Applying these new projections to docks, moorings, bulkheads, piers and other proposed development located along Hudson River and coastal areas of NYC and Long Island.
  - Sea level projection mapper –
    - Scenic Hudson - Hudson River
    - NOAA – Long Island/NYC
- Storm Surge – reference storm surge maps developed by NOAA
- Stream Setbacks – Looking at Ohio Method



# Questions??

Thomas R. Snow Jr.

New York City Watershed and  
Hurricane Sandy Recovery  
Coordinator

625 Broadway, 4<sup>th</sup> Floor

Albany, NY 12233-1040

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# Natural Resiliency Measures

*Betsy Blair, NYSDEC;  
Francis Sheehan, NYSDEC;  
Kristin Marcell, NYSDEC*



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# Community Risk and Resiliency Act

## Natural Resilience Measures Drafting Team

Francis Sheehan, DEC Lands and Forests

Betsy Blair, DEC Marine Habitat

Kristin Marcell, DEC Hudson River Estuary Program/Cornell

**November 16, 2015**

*This work is/was sponsored by the National Estuarine Research Reserve System Science Collaborative, which supports collaborative research that addresses coastal management problems important to the reserves. The Science Collaborative is funded by the National Oceanic and Atmospheric Administration and managed by the University of Michigan Water Center.*

# Our charge

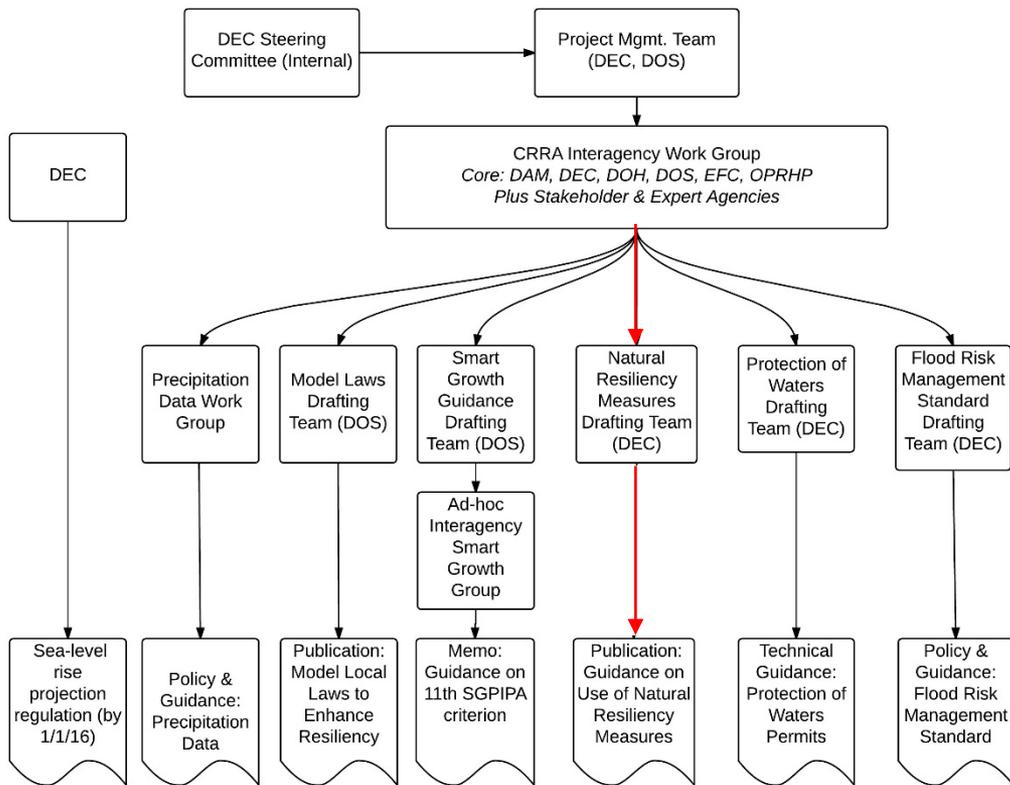
Develop “guidance on use of resiliency measures that use natural resources and natural processes to reduce risk.”

Team includes representatives from:

- DEC Divisions of Water; Lands and Forests; Fish, Wildlife and Marine Resources; Environmental Permits; Office of Climate Change; Great Lakes Program; Hudson River Ntl. Estuarine Research Reserve, Hudson River Estuary Program
- DOS Office of Planning and Development
- DOT



# Natural Resiliency Measures (NRM) workgroup within CRRA



## What is risk?

The potential for consequences where something of value is at stake and where the outcome is uncertain...  
(excerpted from IPCC)

## What kind of risk will the NRM group address?

Damage from flooding and erosion caused by sea-level rise and more intense storms.

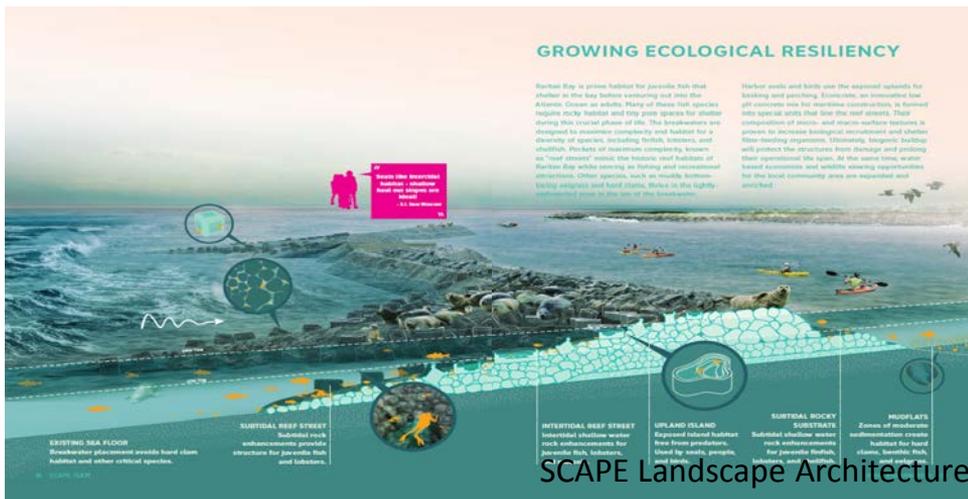


# Which natural features and processes reduce risk from flooding and erosion?

Natural features and natural processes (e.g. wetland, dune, bluff, floodplain, forest, riparian corridor).



Nature-based features that mimic natural features and processes, but are engineered and constructed by humans (e.g. marsh sill, living breakwater, constructed reef)



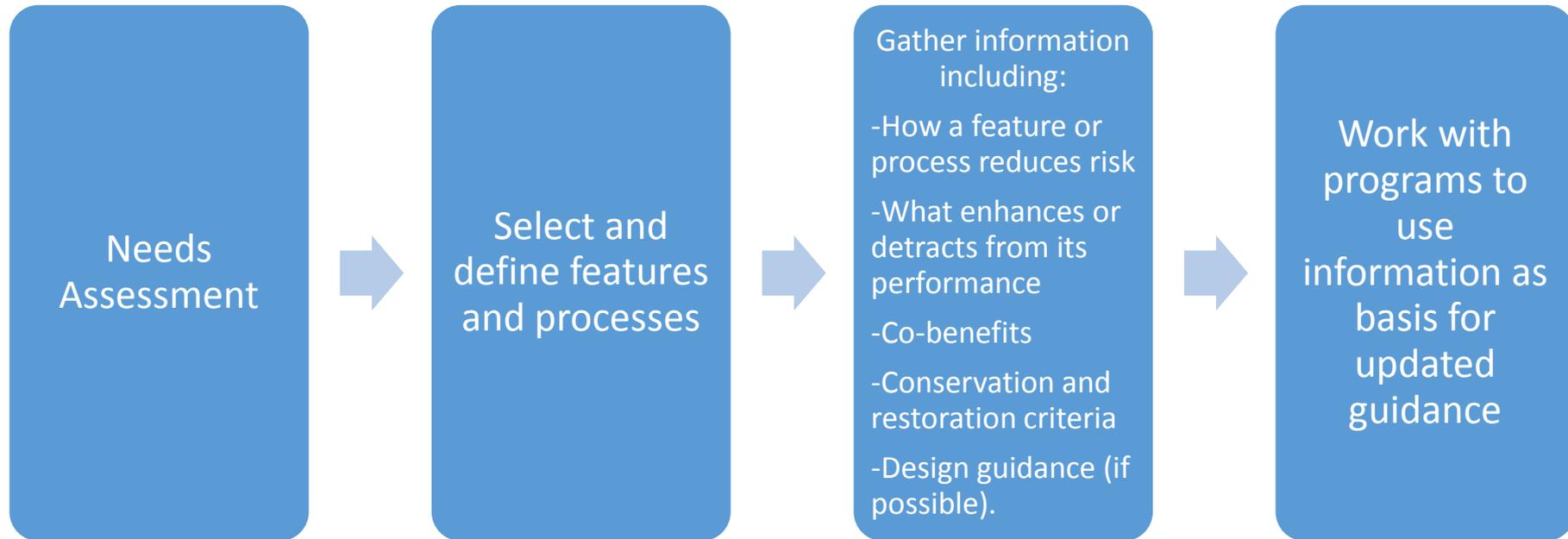
# Coastal subgroup feature examples



# Watershed subgroup feature examples



# Process



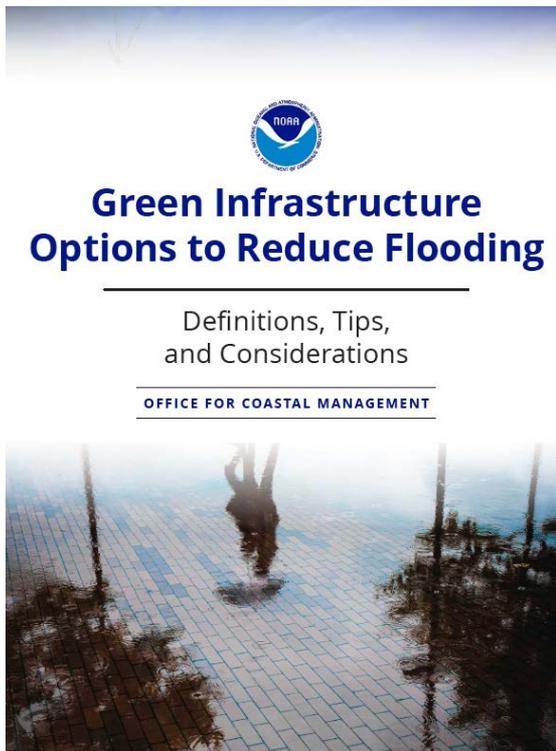
# Goals for NRM guidance

- Recognition of value of natural features and processes to reduce risk and provide services
- Recognition of factors/actions that jeopardize ability of natural features and processes to reduce risk
- Standardized descriptions of preferred approaches that conserve, restore or emulate natural features and processes that reduce risk
- Clear guidance for both permit/funding programs and project applicants.



**What might  
guidance look  
like?**

# Sample general guidance



### EXISTING FORESTS AND WETLANDS

**Description:** The most economical way to absorb and clean water is to protect existing forests and wetlands. These areas should be protected in perpetuity and expanded where possible.

**Benefits:** Such protections help absorb and store floodwaters; reduce erosion along stream banks; improve water quality through filtration; improve air quality; increase groundwater recharge; provide recreation; provide wildlife habitat; and preserve vistas and aesthetic appeal.

**Limitations:** These steps require conservation of undeveloped forest and wetland areas. If land is in private hands, communities will need to work with the landowner to get conservation agreements. Land acquisition can be expensive. Healthy and larger forests and wetlands will provide more protection.

**Maintenance required:** Measures include controlling pollution and invasive species and conducting controlled burns.



# Sample program-specific guidance

	Yes	No	Not Sure
Are there streams, wetlands, waterbodies or watercourses that require protective buffer areas?			
Is there active farmland on the parcel(s)?			
Will the active farmland be preserved?			
Is there active farmland contiguous to or within 500 feet of the subject parcel(s)?			
Is this an Agricultural Exempt parcel(s)?			
Are there ridgelines that the Town desires to be kept clear of development?			
Could development alter the visual character from offsite areas dramatically?			
Could development alter viewshed vantage points within the property?			
Have visual mitigation measures been discussed?			
Are there high-quality trees and significant groups of trees that should be preserved?			
Is there the potential for significant wildlife habitats or wildlife migration areas?			
Do any of these significant natural areas extend into abutting properties?			
Have mitigation measures been discussed?			
Are there stone walls and rock outcrops on the site?			
Is the parcel adjacent to a public recreational area?			

Sample checklist for using natural resources in site review



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# Contact

## Kristin Marcell

Climate Resilience Project Coordinator, Hudson River  
Estuary Program

(845) 256-3017 | [Kristin.Marcell@dec.ny.gov](mailto:Kristin.Marcell@dec.ny.gov)



Time for  
a Break



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# Smart Growth Public Infrastructure Policy Act

*Paul Beyer, NYSDOS;*  
*Pamela Hadad Hurst, NYSDEC*



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# Smart Growth

## Land Use, Infrastructure and Resiliency

Paul Beyer – Director of Smart Growth, NYS Department of State

Smart Growth Public Infrastructure Policy Act  
and  
CRRA

From  
Mitigation  
to  
Resiliency/Adaptation

***NJ Future*** Smart Growth Scorecard:

“How do you know Smart Growth when you see it? Smart Growth has two primary features: the “where” and the “how.” It happens “where” development can be accommodated with minimal adverse impact to the environment, and in places where development takes maximum advantage of public investments already made. Smart Growth also addresses “how” the finished development will work with neighboring development to restore choices that are missing in places marked by sprawl: such as the choice to walk or use public transit, the choice to meet neighbors in attractive common spaces, or the choice to live in an apartment, a house, or a condominium.”

## SMART GROWTH CRITERIA

### TEN CRITERIA -- TWO BROAD CATEGORIES

- **“WHERE”** – LOCATION
- **“HOW”** – DESIGN/SUSTAINABILITY

## **WHERE/LOCATION**

### **EXISTING INFRASTRUCTURE**

- “Fix-it-First”

### **MUNICIPAL CENTERS**

“areas of concentrated and mixed land uses that serve as centers for various activities”

- Environmental Justice Areas
- Transit-Oriented Development (TOD)
- Hardship Areas
- Brownfield Opportunity Areas
- Local Waterfront Revitalization Program Areas
- Downtowns/Main Streets
- Central Business Districts
- Areas Adjacent to Municipal Centers

### **DEVELOPED AREAS/INFILL**

- Municipal Plans, BOAs, LWRPs

# HOW – The Planning Principles of Smart Growth

- Compact Development
- Mix of Land Uses
- Concentrated Development (infill/re-development) in “Municipal Centers”
- Walkable/Bikable/Transit-Accessible Design – “Complete Streets”
- Variety of Housing Options – different ages, incomes, household composition
- Safe, Accessible Public Spaces
- Street Connectivity
- Strategically-Preserved Open Space/Agricultural Land/Natural Habitats

## **“Community Risk and Resiliency Act”**

K. TO MITIGATE FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICABLE.

## PRINCIPLES OF RESILIENCY

- Resistance to Storm Damage
- Ability to Bounce Back – Quickly
- Meta-Resiliency – “Bounce Forward” and Become Stronger

Governor Cuomo: “We will **build back**, and we will do it **better** and stronger than before.”

# Smart Growth Impact Statement Analysis/Questions

## **LOCATION/WHERE**

Is the project located in a floodplain or high-risk flood area?

Is the project included in a NY Rising Community Reconstruction Plan or a local Hazard Mitigation Plan?

Does the project enable or support development in an area that is, or is projected to become, a high-risk flood zone, an area vulnerable to water-based erosion, an area likely to be inundated by sea-level rise by the year 2100, or a Special Flood Hazard Area pursuant to the NFIP, with projected changes in water levels and precipitation to the year 2100?

**DESIGN/HOW  
(NATURAL SYSTEMS)**

Does the project incorporate green infrastructure, natural resources or other shoreline management measures that incorporate natural or nature-based features, alone or in combination with structural components?

Does the project design taken regional ecosystems and natural processes into account, including local or regional management plans, such as DOS Watershed Management Plans?

Does the project include Low-Impact Design (LID) approaches to conserve and re-use water and minimize water sent to piped systems?

## **RISK ANALYSIS**

Has a hazard risk analysis been conducted?

If so, what risk analysis tool was used?

## **OPERATIONS**

Is the project designed to be modified during its useful life at reasonable costs to minimize flood, storm surge and sea-level rise impacts if the risk becomes greater than anticipated based on future conditions or scientific data? Is such potential modification addressed in the project's long-term operating budget?

Has your State Infrastructure Agency communicated with other state agencies regarding potential interdependencies, support and/or coordination?

Is a system in place for periodic monitoring and measuring of the project's performance with regard to environmental changes (climate, landscape, development) and weather or storm events throughout the project's useful life?

# Model Local Laws

*Lori Heithoff, NYSDOS*



Department of  
Environmental  
Conservation



**Office of Planning  
and Development**

# **Model Local Laws**

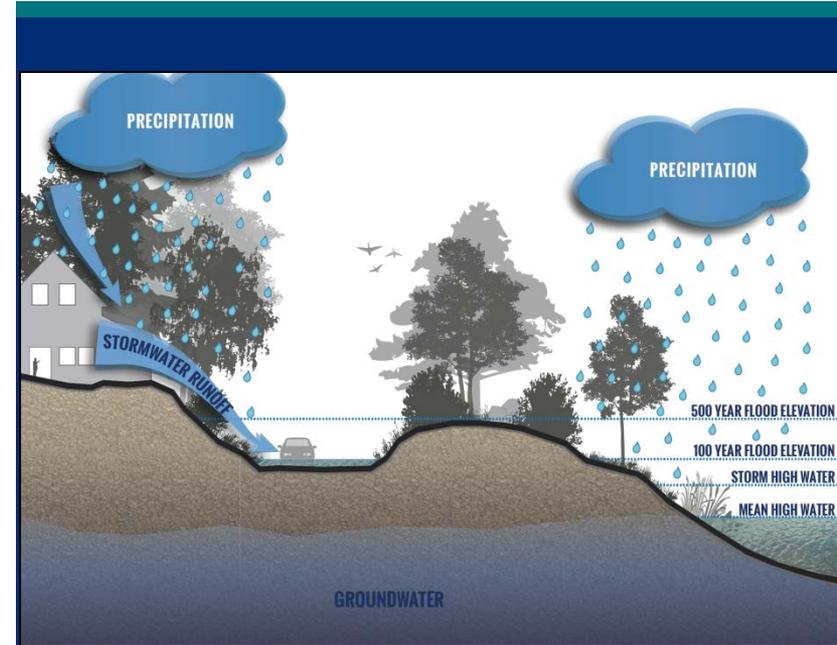
## **CRRA Interagency Work Group**

**An Office of New York Department of State**  
November 16, 2015

# Task

CRRA requires DOS, in cooperation with DEC, to prepare model local laws that include consideration of future physical climate risk due to:

- sea level rise
- storm surges
- flooding



# Premise

- 1) New York is not a “one-size-fits-all” state
- 2) Land use regulation is optional
- 3) Community typologies and risk factors differ
- 4) Capacity to administer laws varies
- 5) Differences exist in local regulatory culture

# Content of Model Local Law Publication

## Outline

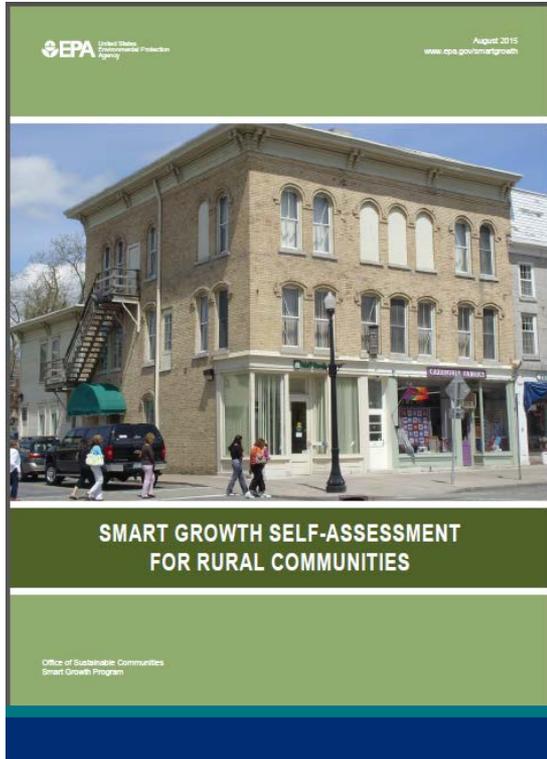
- Overview
- Importance of Planning
- Determining Risk
- Analysis of Local Land Use Laws
- Land Use Regulations
- Resilient Construction
- Post-Disaster Recovery
- Resources

## Types of Land Use Regulations

- Zoning Provisions
- Subdivision and Site Plan Review Regulations
- Stormwater Management
- Floodplain Management
- Natural Resource Regulations

Online Publication with Links to Additional Resources

# Develop a Tool to Analyze Existing Laws



How to look at existing land use regulations and identify common weaknesses

- Similar to the Smart Growth Self-Assessment For Rural Communities, EPA (2015) (From Madison County, NY)

# Provide Options

- Tiered Approach  
(Example: Minimum, Better, and Best Levels of Management Actions)
- Typologies  
(Coastal, Riverine, Developed, Natural, etc.)
- Level of Complexity

## Model Local Law on Ethics for Towns and Villages in Cayuga County

Model Local Law on Ethics for Towns and Villages in Cayuga County

Options for Language in the Model Law, 2 July 2012

### Confidential Information

*Town of Cato, Code of Ethics §19-2(C) (1970)*

No officer, employee or member of a board, commission or agency shall knowingly:

- C. Disclose confidential information concerning the property, government or affairs of the governmental body by which he is employed without proper legal authorization or use such information to advance the financial or other private interest of himself or others.

*Town of Vienna, Ethics Law §5 (2009)*

No public officer or employee whether paid or unpaid, shall discuss any confidential information acquired by him/her in the course of his/her official duties, nor use such information to advance his/her financial or other private interests or those of any other persons, including his/her family.

No public officer or employee shall discuss any Town of Vienna executive session information in a venue inappropriate to such discussions e.g.; bars, restaurants or public gatherings not sponsored by the Town.

Public officers and others attending Executive Sessions of the Town must refrain from discussing any information regarding Executive Sessions with anyone not approved by the Town Board of the Town of Vienna.

Violations of any part of this section will be referred to the Ethics Board for investigation and recommendations as listed in section 14 of this law.

*Town of Vienna, Ethics Law §6(B) (2009)*

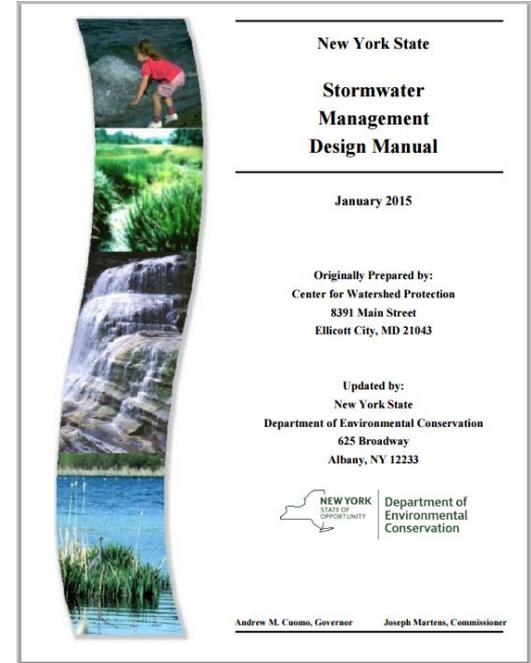
No public officer or employee shall accept employment or engage in any business or professional activity which will require him/her to disclose confidential information gained by reason of official position or authority.

*Town of Owasco, Code of Ethics §11-16 (2010)*

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

# Review Existing Model Local Laws

- Control Coastal Erosion Hazard Areas (CEHA)
- Flood Damage Prevention Law
- Stormwater Management and Erosion & Sediment Control



# Identify Good Examples in Practice

- Laws from communities known to state experts
- Reference planning and legal publications
- Staff expertise used to review other examples

Will identify source communities and provide links to local laws in context

# Fill Gaps

Zoning Districts	
Chapter 201: ZONING	
Article III: Districts, Boundaries and Regulations	
§ 201-11 RA-1 - Residential Agricultural-1 District.	
§ 201-12 RA-2 - Residential Agricultural-2 District.	
§ 201-13 RR - Rural Residential District.	
§ 201-14 HDR-1 - High Density Residential-1 District.	
§ 201-15 HDR-2 - High Density Residential-2 District.	>
§ 201-16 MU - Mixed Use District.	>
§ 201-17 C - Commercial District.	>
§ 201-18 CI - Corridor Industrial District.	>
§ 201-19 I - Industrial District.	>
§ 201-20 Hamlet Overlay District.	>
§ 201-21 Residential Density Overlay District.	>
§ 201-22 Residential Over Commercial Overlay District.	>
§ 201-23 Public Water Supply Watershed Protection Overlay District.	>
§ 201-24 Planned Development District.	>

Section 201-10  
WR –  
Waterfront  
Residential  
District.

Many municipalities will have existing land use provisions that merely need “plug-ins”

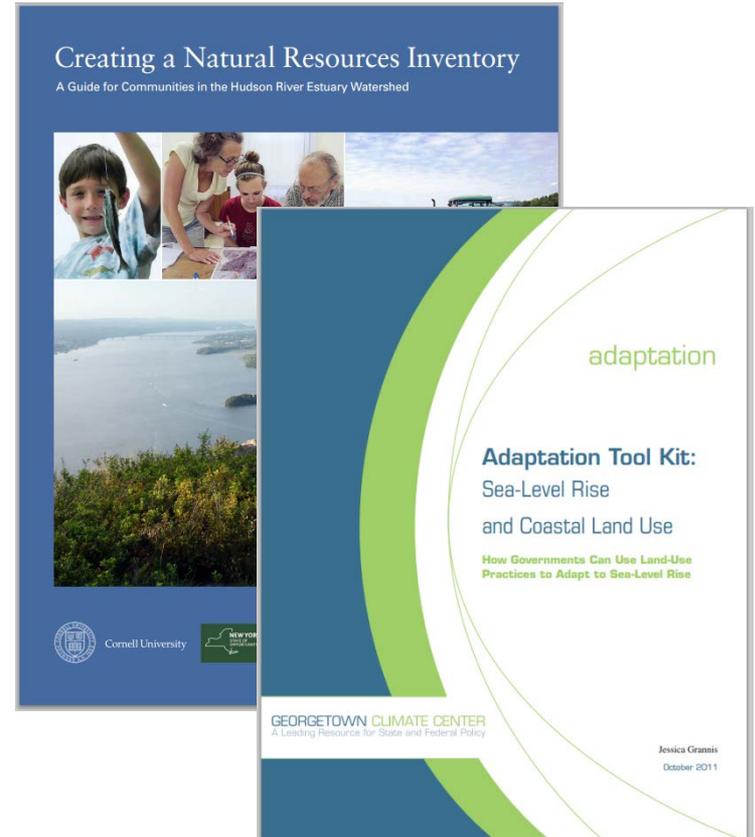
- Paragraphs and definitions that can be added to strengthen existing laws.

Some topics will be better addressed by providing stand alone provisions that address the topic more comprehensively

- Such as headwater buffers or emergency staging areas

# Provide Context

- Explain how and when to use model language
- Provide resources for additional information



# Next Steps

- Expert review of identified local laws
- Drafting to fill the gaps
- Development of local law commentary



# Wrap-up and Next Steps

*Mark Lowery, NYSDEC*

# 6 NYCRR Part 490, Projected Sea-level Rise

Proposed express terms and regulatory impact statement:

<http://www.dec.ny.gov/regulations/103870.html>.

Public comments on proposed rule:

- Through 5:00 p.m., December 28, 2015
- E-mail: [climatechange@dec.ny.gov](mailto:climatechange@dec.ny.gov) or

New York State Department of Environmental Conservation  
Office of Climate Change  
Attention: Sea-level Rise  
625 Broadway, 9th Floor  
Albany, NY, 12233-1030



# General CRRA Contact

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Environmental  
Conservation