

Legal Aspects of Adaptation to Rising Waters and Storm Surge



DAN SLONE
MCGUIREWOODS LLP

DAN SLONE
dslone@mcguirewoods.com



- Some relevant projects:
- Pattonsburg, MO
 - Valmyer, IL
 - Mississippi Coast
 - New Orleans, LA

Short essay – Developing Sustainable Visions for Post-Catastrophe Communities in Sustainability in the Global City: Myth and Practice edited by Cindy Isenhour et. al. (Cambridge University Press) to be published 2014.

On Board of:

Resilient Design Institute

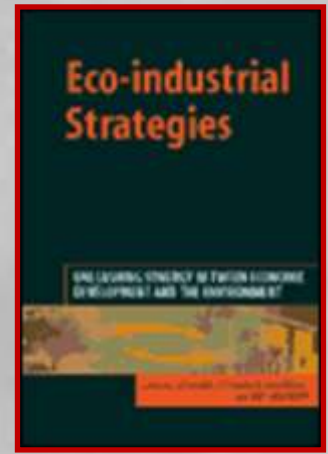
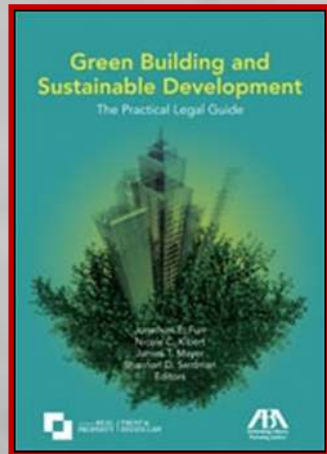
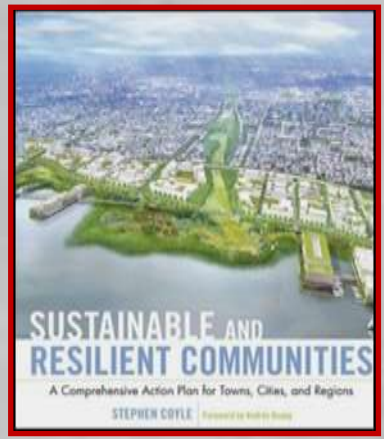
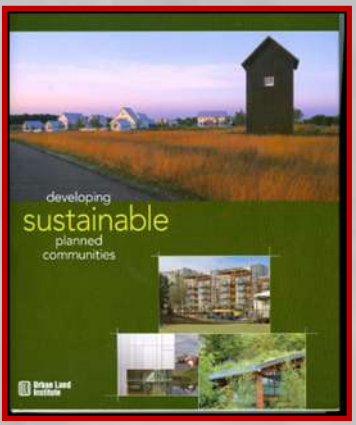
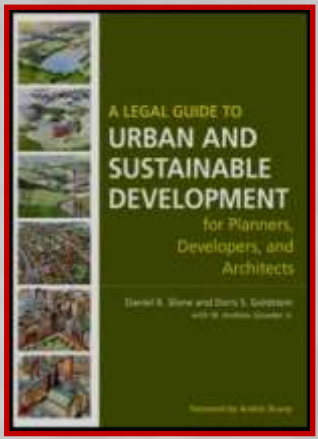
CNU


Counsel for:
EcoDistricts



World Green Building Council

CONGRESS FOR THE NEW URBANISM



A wide-angle photograph of a large, flat field that has become parched and cracked. The ground is a mix of dark brown and grey, with a complex network of deep, irregular cracks forming a mosaic-like pattern. In the background, a dense line of green trees separates the field from a large, white, two-story house with a grey roof. The sky is a clear, bright blue with a few wispy white clouds. The overall scene conveys a sense of severe drought and environmental hardship.

“Come gather round people wherever you roam, and admit that the waters around you have grown.”

-Bob Dylan

Climate change is more than rising water; adaptation will include adapting to wildfires, drought, heat waves, tornados, mud slides etc.

Hardening and Renourishment

- Liability for failure
- Increased impacts
- Holdouts
- Tax districts
- Maintenance (duty?)
- Impact of regulations (accommodation)
 - Townhouses
 - Commercial
 - Disadvantaged communities



Soft Environmental Adaptation



- Property lines
- Effectiveness
- Change in value
- Maintenance

Retreat

- Challenges
 - Social equity
 - Source of funds
 - Limitations of condemnation
 - Planning and private rights (BK)
- Infrastructure
- Road
 - Duty to maintain vs. abandonment
 - Michigan rural roads
 - Elevation
 - Ped access
 - Water access



Retreat

- Water/Sewer/Electric
 - Tariffs
 - Distributed
 - Septic
 - Smart Growth Conflicts
- Lights
- Services
- Fire and emergency
- Garbage
- Police
- School bus
- Restrictions on new construction
- Moving a community



General



- Transparency: Resilience Plan of Town of Guilford, Connecticut
- New lines
 - Expanding marshes
 - Shifting private/public lines
 - Moving flood zones



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