



# Senate

General Assembly

**File No. 490**

January Session, 2013

Substitute Senate Bill No. 1014

*Senate, April 15, 2013*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"  
AND CONSIDERATION OF SEA LEVEL CHANGE SCENARIOS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (19) of section 22a-93 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (19) "Rise in sea level" means the arithmetic mean of the most recent  
5 equivalent per decade rise in the surface level of the tidal and coastal  
6 waters of the state, as documented [for an annual, decadal or centenary  
7 period, at any sites specified in the state] in National Oceanic and  
8 Atmospheric Administration online or printed publications for said  
9 agency's Bridgeport and New London tide gauges.

10 Sec. 2. Subsection (h) of section 16a-27 of the general statutes is  
11 repealed and the following is substituted in lieu thereof (*Effective from*  
12 *passage*):

13 (h) Any revision made after October 1, 2012, shall (1) take into  
14 consideration risks associated with increased coastal erosion,  
15 depending on site topography, [caused by a rise in sea level, as defined  
16 in section 22a-93] as anticipated in sea level change scenarios  
17 published by the National Oceanic and Atmospheric Administration in  
18 Technical Report OAR CPO-1, (2) identify the impacts of such  
19 increased erosion on infrastructure and natural resources, and (3)  
20 make recommendations for the siting of future infrastructure and  
21 property development to minimize the use of areas prone to such  
22 erosion.

23 Sec. 3. Subsection (d) of section 8-23 of the general statutes is  
24 repealed and the following is substituted in lieu thereof (*Effective from*  
25 *passage*):

26 (d) In preparing such plan, the commission or any special  
27 committee shall consider the following: (1) The community  
28 development action plan of the municipality, if any, (2) the need for  
29 affordable housing, (3) the need for protection of existing and potential  
30 public surface and ground drinking water supplies, (4) the use of  
31 cluster development and other development patterns to the extent  
32 consistent with soil types, terrain and infrastructure capacity within  
33 the municipality, (5) the state plan of conservation and development  
34 adopted pursuant to chapter 297, (6) the regional plan of conservation  
35 and development adopted pursuant to section 8-35a, (7) physical,  
36 social, economic and governmental conditions and trends, (8) the  
37 needs of the municipality including, but not limited to, human  
38 resources, education, health, housing, recreation, social services, public  
39 utilities, public protection, transportation and circulation and cultural  
40 and interpersonal communications, (9) the objectives of energy-  
41 efficient patterns of development, the use of solar and other renewable  
42 forms of energy and energy conservation, [and] (10) protection and  
43 preservation of agriculture, and (11) sea level change scenarios  
44 published by the National Oceanic and Atmospheric Administration in  
45 Technical Report OAR CPO-1.

46 Sec. 4. Section 28-5 of the general statutes is amended by adding  
47 subsection (g) as follows (*Effective from passage*):

48 (NEW) (g) On and after the effective date of this section, the state  
49 civil preparedness plan and program established pursuant to  
50 subsection (b) of this section shall consider sea level change scenarios  
51 published by the National Oceanic and Atmospheric Administration in  
52 Technical Report OAR CPO-1.

53 Sec. 5. (NEW) (*Effective from passage*) (a) On and after the effective  
54 date of this section, in the preparation of any municipal evacuation  
55 plan or hazard mitigation plan, such municipality shall consider sea  
56 level change scenarios published by the National Oceanic and  
57 Atmospheric Administration in Technical Report OAR CPO-1.

58 (b) Within available resources and not less than once every ten  
59 years, the Marine Sciences Division of The University of Connecticut  
60 shall update the sea level change scenarios published by the National  
61 Oceanic and Atmospheric Administration in Technical Report OAR  
62 CPO-1. Within available resources and not less than ninety days prior  
63 to any update of such sea level change scenarios by said Marine  
64 Sciences Division, the division shall conduct not less than one public  
65 hearing concerning such update.

|   |                     |             |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>from passage</i> | 22a-93(19)  |
| Sec. 2  | <i>from passage</i> | 16a-27(h)   |
| Sec. 3  | <i>from passage</i> | 8-23(d)     |
| Sec. 4  | <i>from passage</i> | 28-5        |
| Sec. 5  | <i>from passage</i> | New section |

**ENV** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill requires the state and municipalities to consider certain sea level change scenarios when developing plans and programs. The consideration of this information does not result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

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**OLR Bill Analysis****sSB 1014*****AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"  
AND CONSIDERATION OF SEA LEVEL CHANGE SCENARIOS.*****SUMMARY:**

This bill requires the state and municipalities to consider the federal National Oceanic and Atmospheric Administration's (NOAA) sea level change scenarios published in its Technical Report OAR CPO-1 when developing certain plans and programs (see BACKGROUND). Specifically, it requires the state to consider these scenarios when developing the state (1) plan of conservation and development (Plan of C&D) and (2) civil preparedness plan and program. Municipalities must consider these scenarios when preparing a municipal (1) plan of conservation and development and (2) evacuation or hazard mitigation plan. The bill requires UConn's Marine Sciences Division to update the NOAA sea level change scenarios at least once every 10 years.

The bill also specifies that, under the Coastal Management Act (CMA), "rise in sea level" means the average of the most recent equivalent per decade rise in tidal and coastal waters surface level based on data from NOAA's Bridgeport and New London tide gauges. Currently, it is the average as documented for an annual, decadal, or centenary period at any state sites specified in NOAA publications.

EFFECTIVE DATE: Upon passage

**APPLYING NOAA SEA LEVEL CHANGE SCENARIOS*****Plans of Conservation and Development***

**State.** Under current law, the state Office of Policy and Management (OPM) must consider the risks associated with increased coastal erosion from a rise in sea level, as defined by the CMA, when

revising the state's Plan of C&D. The bill requires OPM to consider instead the risks from increased coastal erosion as anticipated in sea level change scenarios published in NOAA's Technical Report OAR CPO-1. By law, the state Plan of C&D is revised every five years.

***Municipal.*** The law generally requires municipal planning commissions to adopt a municipal plan of conservation and development at least once every 10 years, and regularly review and maintain it. These plans are a statement of policies, goals, and standards for the municipality's physical and economic development. The bill requires the commissions or special committees appointed by them to consider NOAA's sea level change scenarios in its Technical Report OAR CPO-1 when preparing the plan.

### ***Civil Preparedness Plan and Program***

By law, the commissioner of emergency services and public protection must prepare a comprehensive plan and program for civil preparedness, subject to the governor's approval. The commissioner may amend the plan and program as needed. Upon the bill's passage, the state civil preparedness plan and program must consider the sea level change scenarios from NOAA's Technical Report OAR CPO-1.

### ***Municipal Evacuation or Hazard Mitigation Plan***

Also upon the bill's passage, municipalities must consider the sea level change scenarios from NOAA's Technical Report OAR CPO-1 when preparing an evacuation or hazard mitigation plan. By law, "hazard mitigation" includes such activities as actions taken to reduce or eliminate long-term risk to human life, infrastructure, and property from natural hazards (e.g., flooding, high winds, and wild fires).

### ***UConn Update***

Under the bill, UConn's Marine Sciences Division must update NOAA's sea level change scenarios from its Technical Report OAR CPO-1 at least once every 10 years. At least 90 days before any update to the scenarios, the division must conduct at least one public hearing on the update. The division must do the update and conduct the

hearing within available resources.

**BACKGROUND**

***NOAA Technical Report OAR CPO-1***

The December 6, 2012 NOAA Technical Report OAR CPO-1 titled, "Global Sea Level Rise Scenarios for the United States National Climate Assessment," provides sea level rise scenarios to help experts and stakeholders analyze vulnerability, impacts, and adaptation strategies. It identifies four global mean sea level rise scenarios ranging from eight inches to 6.6 feet by 2100. The report specifies that the scenarios should be used with local and regional information on climatic, physical, ecological, and biological processes and the coastal communities' culture and economy.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/25/2013)