

Environment Committee Testimony of William R. Rath, Esq., Legal Research Fellow,
University of Connecticut School of Law Center for Energy & Environmental Law, March 14,
2018.

My Name is Bill Rath. I'm a Legal Research Fellow at the UConn Law Center for Energy & Environmental Law. My job for the last 18 months has been the study and analysis of the legal and policy aspects of resilience planning in the face of sea level change. Today I offer testimony on three issues associated with the sea level change provisions of S.B. 7.

Issue One: I fully support S.B. 7's intent to use the UConn sea level projections whenever sea level change is invoked by Connecticut Statutes.

Current Connecticut statutes invoke either historical tide gauge data or the 2012 NOAA global sea level change scenarios. This is problematic because historical tide gauge data do not account for the effects of climate change, and the 2012 NOAA scenarios are global averages that are not specific for any one location. In contrast, the UConn projections are quite specific to Long Island Sound. They reflect the unique geology, geography and bathymetry of the sound, and they are informed by recent climate science. And, by statute, they are updated at least once every ten years. For these reasons, the UConn projections provide the best available information for coastal management purposes, and it is wise for S.B. 7 to specify their use.

Issue Two: I fully support S.B. 7's intent to require the consideration of sea level change during coastal management decision-making and jurisdictional activities

Current Connecticut statutes require the consideration of sea level change only during planning activities like the preparation of municipal plans of conservation and development. S.B. 7 expands this consideration to include decision-making activities -- like approving coastal site plans -- and to jurisdictional activities -- like delineating coastal hazard areas. Considering sea level rise during decision-making and jurisdictional activities is an excellent coastal management practice, and is a practice that is already in use in our neighboring states of New York, Rhode Island and Massachusetts. Connecticut will be well-served by this provision of S.B. 7.

Issue Three: I fully support S.B. 7's intent to use a single, specific, and time-referenced value whenever sea level change is invoked by Connecticut Statutes.

To be useful for decision-making and jurisdictional activities, the "sea level change scenario" invoked by S.B. 7 must be a single, specific, and time-referenced sea level value - such as the "20 inches by 2050" planning value offered by Dr. James O'Donnell of CIRCA. But current statutes and S.B. 7 require the UConn projections to be based on four different NOAA scenarios that offer a near infinite number of sea level values out to the year 2100. For this reason, Section 14 of S.B. 7 must be carefully crafted to assure that there is statutory authority for the development and deployment of a single, specific, and time-referenced sea level value that is used whenever a statute invokes sea level change.

Thank you.