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Newsroom

'Shifting Seas' Symposium at RWU Law

For experts at RWU Law's Marine Law Symposium, the aftermath of Hurricane Sandy is about responding to an immediate crisis while keeping a commitment to long-term planning — a challenge complicated by the politically charged issue of climate change.

FROM ecoRI: "[R.I. Coast at Center of Marine Climate Crisis](#)" by TIM FAULKNER/ecoRI News staff



BRISTOL, Nov. 16, 2012 — For coastal planners

and managers, the aftermath of Hurricane Sandy is about responding to an immediate crisis while keeping a commitment to long-term planning — a challenge complicated by the politically charged issue of climate change.

This predicament was at center stage this week at the Marine Science Symposium hosted by Roger Williams University, where scientists, lawyers and municipal planners discussed the recent storm and its role in a changing coastal habitat.

“There are no more good decisions in a lot of these areas. Most of what we’re trying to do is make the best out of a bad situation in terms of the choices we are looking at,” said Grover Fugate, director of the Coastal Resources Management Council (CRMC).

Since Sandy ravaged much of Rhode Island’s southern shoreline, CRMC has been busy assessing hundreds of requests for emergency permits to rebuild, while also moving forward with a long-term plan for the Ocean State’s coastline.

At a Nov. 13 meeting, the CRMC board said it will not ease building regulations to accommodate construction. “The bottom line is we’re working inside the (regulations) and we are not setting a precedent,” CMRC board member Donald Gomez said.

Fugate also noted that despite the heavy damage, Sandy was technically a tropical storm when it reached Rhode Island, delivering 40-50 mph winds and a 5- to 6-foot tidal surge. By comparison, Fugate said, the 1938 hurricane recorded a 17- to 18-foot tidal surge and winds of 125 mph.

At the two-day symposium, he suggested that future storms will deliver more destruction as a result of climate change. "We're in for a ride," he said.

The research, Fugate said, is not yet reflecting the reality of recent coastal changes in Rhode Island. Within the past decade sea-level rise appears to be accelerating faster than the worst-case estimates, he said. Instead of a 1-foot rise in sea level by 2100, the water level is on track for a 3- to 5-foot increase. The surging water combined with the harsher weather is doubling the rate of coastal erosion in parts of the state, according to Fugate.

Manmade coastal barriers are failing and land surrounded by water on three sides, called headlands, are deteriorating faster than expected. "Right now we seem to be on the worst-case scenario in terms of projections," Fugate said.

The backlash against climate research must ease to allow the public to appreciate the science, according to Alison Rieser of the University of Hawaii. She described several cases of researchers defamed by climate contrarians. She called for legal protections to stop the "wholesale witch hunt that's been going on against climate scientists for many years."

Geoff Feinberg of the Yale Project on Climate Change Communication noted that most Americans believe that climate change is a reality, but politically there is a large impasse for adopting national legislation. He said progress is possible if Republicans characterize climate change as "energy independence" and Democrats focus on "renewable energy."

"If we can merge the idea of renewable energy and energy independence than we are on the right track." Feinberg said.

Tricia Jedele of the Conservation Law Foundation said regulatory action is needed so that resources aren't expended to relocate people and infrastructure. "We can't wait until the emergency has occurred to fix things," she said. "If we want more options we have to start planning ahead."

But legislation and regulatory changes may be too late to slow the droughts, flooding, warmer and acidic oceans and, in Rhode Island, rapid coastal erosion.

Fugate showed time-lapse photos of a historic South Kingstown Browning cottage and its 70-year march into the waves. He suggested that planning for dramatic climate change impacts must occur along with efforts to reverse emissions.

Long-term planning will begin with CRMC's Shoreline Change Special Area Management Plan, referred to as the Beach SAMP. Much like the heralded Ocean SAMP, the Beach SAMP is a planning partnership with the University of Rhode Island. The three-year project includes public analysis of the Rhode Island coastal system and its susceptibility to damage from climate change, such as sea-level rise and severe weather.

"The Beach SAMP will hopefully give us a chance to leap forward and stop reacting to this in this type of way, and look at it in a much more holistic, progressive fashion," Fugate said. Solutions are needed "so when these events do occur we can take advantage of that and hopefully take a leap forward rather than try and rebuild backward, which is often the case that we're in."

Rhode Island already prohibits construction of shoreline barriers along its southern coast. Development on sand dunes also is prohibited and is restricted on existing barriers.

Property owners can rebuild homes only if damage amounts to 50 percent or less of the value of the property. If the damage exceeds 50 percent, the structure must comply with the most recent building and FEMA codes.

CRMC board members are hearing from residents in Charlestown and in other waterfront communities of their intentions to rebuild despite sea-level rise and increasing perils from more-intense storms. Rebuilding in some high-risk areas is not only foolhardy, the board said, but also poses a risk of soil contamination from leaky septic systems and other underground infrastructure. Debris from rebuilt homes can also damage neighboring properties and impose clean-up and repair costs on municipalities.

Some of the more difficult rebuilding cases are confounded by a loss of waterfront and waterfront barriers, such as stone "rip rap." In general, property owners can't refill land lost to erosion.

Fugate said he is "trying to balance the interests" between rebuilding and the environment. Each application to rebuild, he said, will be decided on a case-by-case basis. "There are no good answers," he said.

It's likely that both property owners and environmentalists won't be satisfied. "We're going to be open to criticism on both sides," Fugate said.

For full story, click [here](#).