Community Risk and Resiliency Act

Mainstreaming consideration of climate change
Community Risk and Resiliency Act

- Requires sea-level rise projections (DEC)
- Requires applicants demonstrate consideration of sea-level rise, storm surge and flooding in specified permits and funding programs, and guidance on implementation (DEC, DOS)
- Adds mitigation of sea-level rise, storm surge and flooding to Smart Growth Public Infrastructure Policy Act criteria (DEC, DOS)
- Requires guidance on use of natural resiliency measures to reduce risk (DEC, DOS)
- Requires model local laws to enhance resiliency (DOS, DEC)

http://www.dec.ny.gov/energy/102559.html
Permit Programs Covered by CRRA

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

- Water Pollution Control Revolving Fund (EFC)
- Drinking Water Revolving Fund (DOH, EFC)
- Local waterfront revitalization (DOS)
- Open space acquisition (DEC, OPRHP)
- Agricultural and farmland protection (DAM)
- Landfill closure assistance (DEC)
- Coastal rehabilitation project assistance (DEC)
- Open space project operation and maintenance agreements (OPRHP)
## 6NYCRR Part 490, Projected Sea-level Rise

Inches of rise relative to 2000-2004 baseline

<table>
<thead>
<tr>
<th>Region</th>
<th>Long Island</th>
<th>New York City/Lower Hudson</th>
<th>Mid-Hudson</th>
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<tbody>
<tr>
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http://www.dec.ny.gov/regulations/103877.html
New York State Flood Risk Management Guidance

Available for incorporation into

- CRRA topical guidance and CRRA program-specific guidance, regulations, etc.
- Programs not covered by CRRA
- 6 NYCRR Part 502
- DEC’s model local law for flood damage prevention, optional additional language
- Uniform Fire Prevention and Building Code
New York State Flood Risk Management Guidance

• General guidance for all flood risk areas
  ▪ Avoid FEMA mapped 1% flood risk zone if possible
  ▪ Flood risk-management guidelines:
    o The elevation and horizontal flood hazard area resulting from adding an additional 2 ft. (3 ft. for critical facilities) to the base flood elevation
    o The area and elevation of the 0.2% annual chance flood (500-year flood)
    o Climate informed science guideline, where applicable
      ▪ BFE + (SLR or projected flows) + current freeboard
• Specific guidelines by structure type, tidal/nontidal
New York’s Climate-informed Science Flood-risk Management Guideline

**Tidal areas**
- Apply specified Part 490 projection

**Nontidal areas**
- Apply regional design-flow multipliers
Additional Guidance

• Smart Growth Public Infrastructure Project Assessment Guidance

• Natural Resiliency Measures Guidance

• Model Local Laws

The 11th smart-growth criterion: “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”
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We can solve this problem, if we have the will.