

Climate Adaptation Academy

Legal Issues in the Age of Climate Adaptation

HOW TO PROTECT LIVES, PROPERTY AND RESOURCES IN THE FACE OF CLIMATE CHANGE

November 6, 2015

8:30 am-2:30 pm

Saybrook Point Inn

2 Bridge Street

Old Saybrook, CT

8:30-9:00 Continental Breakfast

9:00-9:25 WELCOME/INTRODUCTIONS

Purpose of session: Bruce Hyde, UConn CLEAR

Opening remarks: Rep. James Albis, Chairman, House Environment Committee

Chairman, Shoreline Preservation Task Force

Include as written

9:25- 9:55 WHOSE LAND IS IT ANYWAY?

A review of the Public Trust Doctrine and submerged land ownership in relation to sea level rise, extreme storm events, and owner initiated changes, as related to potential issues of building and rebuilding. Presented by Atty. Marjorie Shansky, Marjorie Shansky, Attorney at Law

Include as written

9:55- 10:35 WHO GETS TO DECIDE WHAT CAN BE BUILT, WHERE, AND HOW, AND ON WHAT BASIS?

Part 1

State Authorities

A review of the Coastal Area Management Act and how it operates at the State level, the new Coastal Jurisdiction Line, and state flood management standards and policies. Presented by Atty. David Wrinn, CT Assistant Attorney General

Asst. AG Wrinn's presentation is not available at this time. It will be added when approval has been received.

Municipal Authorities

A review of Coastal Site Plan Review (CSPR) as applied through local planning and zoning authorities and mandatory and voluntary referral to Connecticut DEEP. Presented by Eric Knapp, Clinton ZEO

Include as written

10:45- 11:45 WHO GETS TO DECIDE WHAT CAN BE BUILT, WHERE, AND HOW, AND ON WHAT BASIS?

Part 2

Deconstructing Sams: a narrative, real world illustration of the application of CAM and State and Municipal enforcement efforts regarding an unauthorized flood and erosion control structure. (David Sams et al. v. CT Department of Environmental Protection) Presented by AAG Wrinn and Mr. Knapp.

A PowerPoint presentation was not used for this session.

11:45-12:30 Lunch

12:30 – 1:00 WHO GETS TO DECIDE WHAT CAN BE BUILT, WHERE, AND HOW, AND ON WHAT BASIS?

Part 3

Beyond the Coast: Underlying municipal authorities and emerging issues

A review and preview of adaptation related zoning, variance, and flood regulation concerns. Presented by Atty. Mark Branse, Branse & Willis LLC

Include as written

1:00- 1:45 WHAT IF WE SAY “NO”?

Takings Law: A general review and update on taking law including physical and regulatory takings, eminent domain AND negotiations toward mitigation. Presented by Atty. John P. Casey, Robinson and Cole LLP

Include as written

Strategies to Avoid or Minimize the Risk of Takings Claims – Panel Discussion

Discussion session no PowerPoint presentation

1:45-2:30 IDENTIFICATION OF LEGAL QUESTIONS

An opportunity for panelists and audience to identify outstanding legal questions for possible research follow-up by members of the legal community.

Questions and issues raised during this session will be posted on this website shortly.

