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Date: May 18, 2012 14:03:04 EDT
To: "Erin Wynia" <ewynia@NCLM.ORG>
Cc: "Sterling Cheatham" <sterling.cheatham@wilmingtonnc.gov>, "Lawless Bean" <Lawless.Bean@wilmingtonnc.gov>, "Ron Satterfield" <Ron.Satterfield@wilmingtonnc.gov>, "Tony Caudle" <tony.caudle@wilmingtonnc.gov>
Subject: Response to proposed substitute for H819 - Sea Level Rise legislation

Dear Erin:

Thank you for bringing this proposed substitute to House Bill 819 to our attention. Our Manager has asked that I provide you with comments on the proposed legislation per your request. As the largest metropolitan area in the NC Coastal Zone, the City of Wilmington has been a leader in exploring the issues and alternatives to responding to sea level rise.. We have concerns with this legislation as written on a number of fronts:

- 1) The legislation takes away the ability of the Coastal Management Commission to rely on the best advice of their Science Panel on Coastal Hazards. That panel released a report in 2010 that recommended a rate of sea level rise for a planning benchmark. After receiving considerable criticism, the Science Panel produced an addendum further justifying their position. Their recommendations are based on science and this legislation proposes to prevent us from taking advantage of that science for policy and planning.
- 2) The proposal inhibits any local jurisdiction that wants to proactively evaluate planning options to anticipate a broad spectrum of issues under various scenarios. If the intention is to restrict local governments from establishing setbacks based on sea level rise projections that exceed the rate calculated as prescribed in the proposed legislation, then the legislation should specifically address the setbacks rather than extend it to planning in general. There are many non-regulatory and non-set back planning initiatives that could be impacted by this broad-reaching restriction. As written, it would prevent planning related to public infrastructure and other issues that do not impact private property rights.
- 3) The City of Wilmington is currently in the early stages of collaborating with New Hanover County and Cape Fear Public Utility Authority (our water and sewer provider) in partnership with the EPA, FEMA and NOAA to evaluate adaptation strategies for water and sewer infrastructure. The scope of work has already been defined for this planning project and is under the control of the federal government partners. It is based on scenario planning and evaluating costs and benefits of various responses. This proposed legislation could jeopardize that pilot project and result in a lost opportunity as well as potential future economic losses to our community..

Thanks for the opportunity to weigh in on this. If you have any questions about any of these issues, let me know.

Best Regards,

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