

TESTIMONY GIVEN AT CZA HEARING
AND ADDITIONAL COMMENTS

NAME: Laura Michelle Kaplan
DATE: June 24, 2019 6 PM
PLACE: DNREC, 391 Lukens Drive, New Castle, DE

I am here representing myself although I am a member of the Advocacy Committee of the Delaware Nature Society and a member of the CZA subcommittee chaired by Ellen Kohler. I have a law degree in Environmental Law and studied with a specialization in climate change since 2006. Additionally, I have done work for various environmental organizations and clinics in Delaware.

I am commenting today on Section 12.1.6, Permit Record Keeping and Reporting, which states that

conversion permittees shall update the project's site's se level rise and coastal storm plan every 10 years, to reflect any changes to the factors listed in section 8.4.2 and

.... A probability of 1% or 2% probability of flooding or being exposed to in the High Sea Level Rise Scenario including infrastructure operations facilities which would not have been flooded according to the previous Sea Level Rise and Coastal Storms Plan, but would according to updated information ... request a major modification describing any capital improvements that must be made in order to avoid potential environmental damage in accordance with Section 8.4.24, Requirements For Conversion Permits.

... The applicant shall include: 8.4.2: A Sea Level Rise and coastal Storm Plan to prepare for the impact of sea level rise and coastal storms over the anticipated useful life of the project site including infrastructure.

It is known that Delaware is particularly susceptible to damage from climate change from storm surge, coastal storms and sea level rise due to its low elevation. Heightened frequent observation, reassessment, and preplanning is necessary in order to take into account changes in the projected rate of sea level rise, which has been escalating. In the past years even since 2017, the trajectory has changed and will continue to vacillate in intensity and speed.

Therefore, 10 years is a woefully insufficient time interval to wait in order to reassess potential damage to infrastructure and to the land, sea, marshes and rivers upon which or near which such infrastructure is planned to be, or already is, built upon, to reevaluate threats to such infrastructure.

I urge the Regulatory Advisory Committee to severely reduce this interval to constant monitoring and reporting, and instigate a dedicated system of keeping abreast of predictive scientific measurements which can forewarn property owners of conditions which can cause destruction of their property in the near and also in the foreseeable future.

It is my opinion that conversion uses, or any infrastructure at all, should not be approved in such a volatile time as the present and predicted future, and in such a vulnerable place as on the coast of Delaware, known to be one of the most fragile and vulnerable on the Atlantic coast.