

DESIGNING COASTAL GOVERNANCE TO PROMOTE RESILIENCY TO CLIMATE CHANGE

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Increasingly, coastal governments are challenged to respond to rising sea levels and increasing strength and frequency of coastal storms. Governments can take actions to reduce the vulnerability of their coastal communities to the impacts of climate change. For example, governments can adopt proactive policies, such as rolling easements, to keep their residents out of harm's way and to support the resiliency of their coastal ecosystems in the face of climate change. We define resiliency for both the natural and built environments as the ability to withstand shocks and to adapt to changing conditions while providing essential functions. While a proactive policy of rolling easements is legally defensible and should enable coastal governments to protect both human and natural communities (Titus 1998, Caldwell & Segall 2007), case studies demonstrate that a number of political factors inhibit coastal governments from actually implementing proactive climate change adaptation measures. Drawing upon both disaster relief literature and coastal case studies, we explore four possible models of coastal governance in an attempt to suggest institutional reforms designed to promote climate change adaptation measures that both support resiliency and address political barriers. The four frameworks we evaluate are (1) the public enforcement model (citizen suits), (2) the strong attorney general model (civil rights analog), (3) the expert body model (California Marine Life Protection Act analog), and (4) the specialized courts model (bankruptcy courts analog). We develop each of these models by drawing on examples from other legal fields and then analyze them as potential models for coastal governance reform.

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