



Coastal Flooding & Resiliency

Williams Mullen has established a cross-functional team to help businesses and communities deal with the increasing issues and risks from rising tides and recurring flooding.

Virginia, North and South Carolina coastal communities are no strangers to severe weather and storms, which often come with storm surges and flooding. However, many of these communities are experiencing flooding more frequently and more severely. Depending on location, this recurring flooding and accompanying storm surges are being driven by documented sea level rise, land subsidence, and ocean currents, as evidenced by over sixty years of tide gauge data, historical land elevation data, and emerging ocean current patterns. The Hampton Roads region of Virginia is being especially affected, having already faced an increase in relative sea level rise of about 1.5 feet since 1945, but other coastal shorelines of the mid-Atlantic are feeling these effects as well. These trends can be expected to continue through the current century, threatening permanent inundation of many areas over time.

Various federal agencies, state government, and many localities are already working on how to address these risks, and many businesses are also addressing these concerns. Lenders and insurers will have an important role in the marketplace for property financing and risk management associated with threatened properties. Managing these risks is becoming even more complex, then, as the financial and insurance markets and governmental agencies begin to address these issues. Williams Mullen can advise and help clients to identify these risks, shape strategies to manage and minimize them, and seek innovative solutions and even find collaborative or entrepreneurial opportunities to overcome the challenges posed by these risks.

These growing threats are more than a nuisance; they can pose significant challenges (even in the near term) to capital and infrastructure investment and business and governmental operations, triggering evolving legal and environmental risks as well. While shipyards, marinas, ports and other shoreline-dependent industries and facilities are especially vulnerable to recurrent flooding and storm surge, any facility or operation dependent on goods and services moving through coastal communities faces these risks as well due to interruption of transportation of goods, customers, employees and utility services. Developers and construction companies will face new and different ways to develop property and build to meet these risks, a reality already in several Hampton Roads cities with new building elevation standards.

Businesses and governmental entities alike will need to anticipate how recurrent and more severe flooding and potential long-term inundation may affect their ability to protect and reinvest in existing facilities; establish new facilities; operate those facilities safely; comply with environmental requirements

for facility operations, wastewater discharges, and stormwater management; overcome emerging insurance and financing challenges; and meet contractual obligations if goods and services are affected by recurrent flooding.

Coastal communities face additional concerns when considering land use planning decisions; building code standards; and maintaining and developing infrastructure and governmental services and facilities such as water, sanitary sewer and storm sewer systems and treatment plants, schools, and emergency response capability. Building awareness of and resiliency to these risks so that economies and communities can thrive despite them are important responses for success in the long run.

For business and public sectors to meet and overcome these complex challenges, they will need a team with interdisciplinary legal knowledge and experience to develop sound solutions posed by recurrent flooding and sea level rise and build resiliency to these challenges. Our Coastal Flooding and Resiliency Practice Group is designed to meet these needs by taking just such an interdisciplinary approach, relying on attorneys from our real estate and land use, environmental, infrastructure, public finance, litigation and governmental affairs practice groups located across offices to provide specific knowledge and experience where needed and a holistic strategic perspective. For example, our attorneys can help clients develop sound and cost-effective risk management approaches to facility capital investments, permitting, and operations that are affected by recurrent flooding and sea level rise threats. We can also help communities to develop solutions by advising on land use authority, defensive and adaptive infrastructure measures, and utilization of existing natural resources that can mitigate these threats, and funding and financing for these projects.

We look forward to helping businesses and communities meet, manage, and overcome the challenges posed by recurrent flooding and sea level rise and to find and pursue opportunities in the midst of these challenges.

Related News

- [Williams Mullen Launches Coastal Flooding & Resiliency Team](#)
- [Williams Mullen Announces Coastal Flooding Practice](#)
- [Coastal Flooding & Resiliency practice highlighted in Inside Business](#)
- [Coastal Flooding and Resiliency: New Challenges and Opportunities for the Commercial Real Estate and Finance Industry](#)
- [Williams Mullen Construction Industry Newsletter - Winter/Spring 2015](#)
- [Virginia's Draft State Water Resources Plan](#)
- [Williams Mullen Construction Industry Newsletter - Spring 2016](#)
- [FAA Issues Final Rule for Businesses to Use Drones](#)
- [Channing Martin Named to 2018 Class of Leaders in the Law by Virginia Lawyers Weekly](#)

Related Events

- Is Your Commercial Real Estate Collateral Under Water?

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