



March 31, 2022

Florida Department of Environmental Protection
Office of Resilience and Coastal Protection
Attn: Diane Quigley, Eddy Bouza, and Krista Shipley
3900 Commonwealth Blvd., MS 235
Tallahassee, FL 32399

RE: Draft Rule 62S-8 Statewide Flooding and Sea Level Rise Resilience Plan

On behalf of Environmental Defense Fund, a global nonprofit organization that uses science and different perspectives to make the environment safer and healthier for us all, we write to offer our comments on the draft rule *62S-8 for the Statewide Flooding and Sea Level Rise Resilience Plan*. This rule represents another step forward to creating a more resilient future for Floridians and their communities.

Environmental Defense Fund is global non-profit with a history of working with communities and ecosystems to increase their resilience for future generations. As you know, Florida faces unique opportunities and challenges from climate change with significant opportunities now to move the state in the right direction to address sea level rise and its impacts. Sea level rise impacts stormwater management, transportation, and many other services throughout the state, thus EDF believes it is essential to develop and enforce a strong Statewide Flooding and Sea Level Rise Resilience Plan (Plan). Forward-looking rule language will ensure applicants are required to consider projected sea level rise into their project proposals and consider the use of natural alternatives that are more resilient over time. Therefore, we recommend the following:

- Encourage applicants to utilize or incorporate the [2022 NOAA Sea Level Rise scenarios](#) as this is the latest science available on projected sea level rise and will provide a better snapshot of what can occur across the state.
- The “extent” of flood risk reduction is not defined in the criteria. Without defining extent two projects could have the same costs – but one that reduces risk by 10% for 4 critical assets could be ranked higher than a project that reduces risk by 70% for 3 assets.
- 62S-8.003(2)(a)2: If the goal is to protect critical assets, there should be more points given to projects addressing risk of flooding to a critical asset that identify the top five mitigation strategies for implementation. As it currently stands, this criterion is weighted the same as a flood-reducing project identified in a comprehensive vulnerability assessment.
- 62S-8.003(2)(c)1 and 62S-8.003(3)(a)2: Discourage the use of Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and Flood Zone(s) data. By using FEMA maps and data, you run the risk of not accurately reflecting the zone or area a project is in or will be in. This can leave out communities or cause projects to score lower or higher than they actually should. FEMA maps are also not forward looking and therefore do not capture future risks. We suggest using the data and methodology of [First Street Foundation’s Flood Factor](#) in conjunction with the FEMA data and maps. This publicly available and complementary data covers regions that are not covered in FEMA maps. In addition, Flood Factor also includes risk from tidal, riverine, rain, and storm surge.

- 62S-8.003(2)(d): Removing “existing flood mitigation” from projects that reduce upland damage costs. This terminology prioritizing existing projects and if removed would equally evaluate and weigh all projects including existing and new.
- 62S-8.003(2)(d)2: Use the already defined and in statute term for nature-based solutions instead of “natural system restoration and revegetation.” It currently reads as if these are the only two things that can be done, when it was most likely meant to mean nature-based solutions.
- 62S-8.003(3)(a): Instead of language that requires applicants to look at current flooding and erosion in a location, it would be of greater benefit to all to evaluate projects under future or projected flooding and erosion. This would also include having more proactive metrics such as estimating flood depth for the 100 year flood event under different future sea level rise scenarios and the amount of infrastructure experiencing decreased erosions rates annually if the project is implemented compared to without the project.
- 62S-8.003(3)(a): Many places throughout Florida can claim they flood regularly as nuisance and tidal flooding becomes more frequent. The current language does not make an applicant determine the extent or degree of flooding experienced. It would make more sense to have a metric such as the number of days of inundation of critical infrastructure as a measure of the degree of flooding.
- 62S-8.003(3)(a): This metric awards points based on the degree of flooding AND erosion affecting a project area, but the breakdown of points and associated language specifically states points will be awarded if evidence the project area has been flooded OR erosion has occurred. We suggest that projects should gain points only if they meet both evidence requirements of flooding and erosion instead of choosing one or the other. Overall, this section needs to be more consistent with language.
- 62S-8.003(3)(b): We have a concern that this section will be difficult for some communities particularly those that are smaller or have less capacity and experience with applying for state funding. Unfortunately, these are also communities that need funding and projects implemented the most but get left out because they can lack the local capacity to hire engineers and obtain permits needed to get points. There should be exceptions for the financially disadvantaged communities so that this section does not count against them, and they are scored fairly against other proposals.
- 62S-8.003(4)(a): Clarify if tribal communities fall within the statute definition of financially disadvantaged small communities inherently or must meet the requirements of that definition. It may be advantageous to have tribal communities explicitly defined or called out in a metric/evaluation criterion.

Now is the chance to ensure that project prioritization for the Statewide Resilience Plan is fair and just and that sustainable long-term projects are implemented for communities that need them most.

We applaud the efforts DEP has made regarding the Statewide Resilience Plan to protect Florida from sea level rise and flooding but are confident that more can be done to create robust evaluation criteria giving applicants a clear path forward for the most effective projects.

We look forward to seeing refined and robust evaluation criteria incorporating our suggestions. Please feel free to reach out with any questions or comments regarding this letter.

With gratitude,



Dawn Shirreffs
Florida Director