

# Implementing New Flood Prevention, *Climate Resilience*, and Erosion Control Boards

In 2021, the passage of [Public Act 21-115](#) modified the name and authority of Flood Prevention and Erosion Control Boards to include “Climate Resilience”. Municipalities now have a substantial tool to address the increasing pressure on landscape and infrastructure from rising sea levels, storm surge, and intensified precipitation, flooding and subsequent erosion.

Flood Prevention, Climate Resilience and Erosion Control Boards have expanded authority and new reporting requirements. Municipalities should be aware of the greater responsibilities when determining how best to integrate the expanded Board into their climate resilience strategy. Though state statute does not require towns to have a Board, towns with [increasing flood risk](#) may find having a discrete Board composed of members with technical and fiscal expertise can be an effective and efficient way to address growing problems.

While the Board does not have regulatory authority, land use commissions that do have authority can consult with their Board on applications impacting flood or stormwater management, erosion control measures or other related climate resiliency issues.

## What Changes Have Been Made as a Result of P.A. 21-115?

### Four New and Expanded Authorities:

*The Board can now address certain infrastructure needs both within town boundaries and cooperatively among towns through joint agreements.* With the approval of each town’s legislative body, two or more towns can create a joint Board with jurisdiction over each municipal party to the joint agreement. A joint Board allows towns to coordinate cross jurisdictional flood prevention needs and more efficiently cooperate on projects. Joint efforts will be important for a watershed approach and working toward regional solutions to increased precipitation and flooding in adjacent communities.

In addition to planning, constructing, maintaining, and managing flood prevention, climate resilience, and erosion control systems, *Boards may now operate a system.* Previously, a “system” was defined as a dike, berm, dam, piping, groin, jetty, sea wall, embankment, revetment, tide-gate, water storage area, ditch, drain or other structure or facility. Now, Boards may include nonstructural and nature-based measures including removal, relocation or modification of existing structures, floodplain restoration, living shorelines and other less environmentally damaging solutions. The focus on nature-based solutions follows recommendations from the Governor’s Council on Climate Change, January 2021, [Phase 1 Report](#) and [Executive Order 21-3](#).

*The revised statute now expands the options for financing Board activities.* As previously, Boards have authority to issue bonds, establish a taxing district, or request a special assessment where revenue collected is used to prevent potential flooding hazards. Boards may now also receive federal, state, or private grants, or draw funds from a municipal [Climate Change and Coastal Resiliency Reserve Fund](#).

*Boards also now have the authority to contract with municipalities on navigation improvement projects in addition to the state and federal government.* Formerly, the board could form agreements with the Commissioner of CT DEEP only on construction projects relating to flood or erosion control. Now, projects designed to prevent other climate change impacts are included.

## New Requirements:

Boards must issue a biannual report, accessible on all involved towns' websites with a detailed inventory of the system managed by the Board including the extent and value of all property, infrastructure, and natural resources protected by the system. The Board must provide an analysis of how vulnerable communities are prioritized and protected and include a budget with revenue and expenditures of the Board.

To coordinate planning efficiency, Boards shall consider municipal plans of conservation and development, municipal and regional hazard mitigation plans, and resilience plans. In the interest of equity, Boards must be aware of identified "vulnerable communities" within their jurisdiction and evaluate how their communities will be impacted by the Board's activities. Finally, to stay abreast of current climate change science, Boards may consult with UConn CIRCA on how best to implement plans that address flooding, erosion, and resilience.



## How to Implement a Board:

A municipality with an existing Flood Prevention and Erosion Control Board or one wishing to create a Board, can do so by a vote of the municipality's legislative body to adopt C.G.S. Sec. 25 85-94 as amended by PA 21-115. Municipalities may include provisions specifying competencies for Board members in engineering, flood or stormwater management, or finance. Questions towns should ask when considering enabling a Board are:

1. What are the current or anticipated needs of the town regarding flood prevention, climate resilience, or erosion control?
2. Should the Board members be required to have certain credentials or qualifications?
3. Can, and should, the Board of Selectman act as the Flood Prevention, Climate Resilience, and Erosion Control Board?
4. How will the Board fit into the existing political structure of the town?
5. Who does the Board report to or consult with?
6. What type of budget is needed for the Board's activities?

A comparison of the function and actions of municipal Authorities, Boards, and Commissions related to climate resilience.

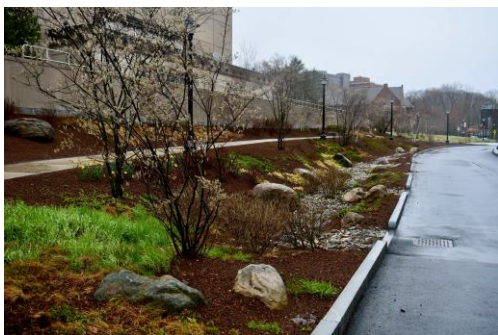
	Regulates	Advises leg. or reg. body	Operates/ maintains systems	Can assess fee or tax	Planning function	Can address flooding	Policy/ action on climate resilience
FPCREC Board		Yes	Yes	Yes	Yes-for systems	Yes	Limited to Flood related action
Zoning Commission	Yes				If combined w/planning commission	Yes	Limited to zoning authority
Resiliency Commission		Yes			Yes	Yes	Focused broadly on municipal climate resilience
Stormwater Authority			Yes	Yes	Yes-for stormwater systems	Yes	Limited to stormwater related action



## Example Actions A Board Could Take to Address a Flooding Scenario

A town with increasing development in a watershed, and a greater expanse of impervious pavement, notices downstream areas are flooding more frequently as storm precipitation increases. The Flood Prevention, Climate Resilience, and Erosion Control Board could:

1. Commission a study of the watershed including mapping of flood prone areas and the town stormwater management systems.
2. Consult with adjacent town to determine if joint action is needed.
3. Determine where the system could be improved by replacing pipes or catch basins, constructing bioswales, infiltration ponds, or rehabilitating marshlands or other infrastructure improvements.
4. Develop a plan of action with consideration of hazard mitigation and resilience plans, impacts on vulnerable communities, and town plans of conservation and development.
5. Consult with organizations that provide technical assistance, including UConn CIRCA.
6. Determine how to fund the work needed, whether from the municipal budget, grants, bonding, special assessment, or drawing on funds from the municipal Climate Change and Coastal Resiliency Reserve Fund.
7. Consult with legal authorities about just compensation for landowners if the flood management action will require taking of property for public use or purpose.
8. Construct, manage, operate, and maintain the flood management system.
9. Evaluate the effectiveness of the system; consult with the planning and zoning authority on regulation to mitigate future issues, if applicable.



### Additional Resources

[CIRCA Resilience Planning Inventory](#)

[CIRCA Municipal Resilience Planning Assistance Tools](#)

[CIRCA Green Infrastructure and Living Shorelines Resources](#)

[CIRCA Inland Flooding Resources](#)

[CT Sea Grant and UConn CLEAR Factsheet on Flood and Erosion Control Structures](#)

[CT Sea Grant and UConn CLEAR Factsheet on Flooding, Eminent Domain, and Government Authority](#)



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## Additional Guidance and Assistance

Connecticut municipalities vary in their capacity to address their unique climate challenges. The municipal legal framework has overlapping sources of authority allowing towns and cities to develop a structure to best serve the climate needs of their town. For example, in addition to the expanded authority of this Board, towns may manage flooding issues through the following:

- compliance to [Municipal Separate Storm Sewer Systems](#) and State and local stormwater management regulations;
- enabling [Stormwater Authorities](#) (New London), Coastal Resiliency Commissions (Madison), Sustainability Committees (North Stonington);
- adopting Resilience Plans (Stonington) and Coastal Resiliency Plans (Stratford); and
- participating in Council of Governments climate resilience planning.

Other sources of guidance are also available. CT DEEP has regulatory authority over water resources in the state including coastal management, dams, and waste and stormwater systems and offers technical and financial assistance to towns through programs like their Watershed Management Program and Office of Climate Planning. Some towns may qualify for federal programs for climate resilience through FEMA or NFWF as well and new programs may result from recent Federal climate legislation. CIRCA also provides resources to help towns incorporate policies, tools, climate data, and projects to improve municipal climate resilience.

Each town must tailor how to achieve resiliency planning and action best suited to its needs, statutory and regulatory requirements, and staff and volunteer capacity. For example, towns currently with effective Flood and Erosion Control Boards comprised of members with technical and financial backgrounds will easily be able to incorporate the expanded authority and reporting requirements of the enhanced Boards (Greenwich, for example). Other towns may be best suited to forming joint boards to address cross jurisdictional issues or to leverage expertise and capacity. In some municipalities, flooding, resilience, and erosion issues are already addressed through other town agencies or authorities. These municipalities should determine if gaps exist that the new expanded authority of a Board could fill (e.g. ability to operate a system; apply for grants; issue bonds; use [Climate Change and Coastal Resiliency Reserve Funds](#)). For example, in Stonington, previously the Board of Selectmen served as the Flood and Erosion Control Board, but recently voted to seat a new Board with expanded responsibilities for storm water management on the advice of the town Climate Task Force and town residents.



## Contact

To learn more about CIRCA visit [circa.uconn.edu](http://circa.uconn.edu) and the Resilient Connecticut project for more climate resilience planning tools: [resilientconnecticut.uconn.edu](http://resilientconnecticut.uconn.edu)

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