

COASTAL FEATURES

November/December 1990

The Rhode Island Coastal Resources Management Council's Report on Current Events

George N. DiMuro, CRMC Chairman
Grover J. Fugate, CRMC Executive Director

MARINE DEBRIS: A THREAT TO OUR COASTLINES



Council Chairman GEORGE DiMURO hauls trash from marsh areas of Warwick Cove during Harbor Clean-Up program on September 22nd.

On September 22, 1990, volunteers throughout Rhode Island collected tons of garbage from Rhode Island's beaches and shorelines. In Warwick, members of the CRMC staff, as well as volunteers picked up an estimated ton and a half of garbage plus the remains of an old barge.



CRMC staff members TIMOTHY DILLINGHAM and PAUL RICARD lift large pieces of styrofoam dockage from Warwick Cove during Harbor Clean-Up.

Anyone who loves the beach knows about marine debris. It comes in all shapes and sizes. There is more of it as time goes on, probably because we are generating more waste. A good portion of it is plastic; bottles, bottle caps, bags, tabs, nets, etc. the list could go on forever. These items can take 500 years to break down. They are made from a nonrenewable product -- oil. Above all other forms of debris plastics are the most threatening to ocean life, the shoreline, and ultimately to us. Unfortunately, plastic products disposed of in the ocean will be washing up on our shores for many years to come.

It is estimated that 1 million tons of trash are dumped into the ocean from boats annually. Some of this trash biodegrades, but if it is plastic, it floats. It is mistaken by birds and fish alike for food and it is ingested. Along the shoreline this is equally true. Shore birds will often mistake bits of styrofoam for minute plants and animals. They will use lost fishing line in nest building which can entangle the young in the nest. Plastics from distant countries such as Japan have been found in the Carribean, probably dumped there by a large ocean-going vessel.

In 1988, a federal law known as MARPOL (Marine Pollution) Annex 5 prohibited ships from dumping at sea. This law is enforced by the U.S. Coast Guard, and pertains to all open and coastal waters. **Violators can be fined up to \$25,000.** In Rhode Island, an individual who dumps trash overboard is committing a federal offense. State law also forbids dumping at sea. Yet, despite the laws, dumping still occurs. It happens because of limited enforcement capabilities on the part of the Coast Guard and the Harbormasters. Budget deficits locally and nationally have kept regulator agencies from expanding their enforcement capabilities. You can help by reporting violators.

CRMC has developed a brochure in conjunction with many other agencies which outlines what you can do to help stop dumping at sea. Call 277-2476 or write to the agency for a free copy.

CZMA REAUTHORIZATION APPROVED

New Coastal Zone management Act (CZMA) legislation overturns a 1984 Supreme Court Decision, *The Interior vs. California*. Under new laws, drilling for oil within the coastal waters of the United States is subject to a consistency review, before drilling can take place. The Thresher shark population off the coast of California was being adversely affected by drilling taking place in coastal waters.

Other significant legislation, as reported by the *Coastal States Organization* includes The Coastal Barrier Improvement Act of 1990, which expands Coastal Barrier Resource Systems to include 700,000 additional acres and 423 miles of shoreline in the Great Lakes, the Florida Keys and the Virgin Islands.

Legislation to establish regional marine research centers was also passed, as well as legislation to fund wetland restoration and protection projects, as part of a measure that establishes a program for zebra mussel research.

Section 306 B has established a category to address five "National Priority Program Elements" which would include:

- enhanced wetland protection and restoration;
- development and implementation of state programs to reduce adverse effects on the coastal zone from nonpoint source pollution;
- response to and prevention of threats to life and property from coastal natural hazards;
- enhanced opportunities for public access along the coast;
- development and implementation of state programs to reduce beach and marine debris in coastal waters.

Finally, the Water Resources Development Act of 1990 establishes an environmental mission for the Army Corps of Engineers. This mission would be a "no net wetland loss" policy for Corps projects. The Act excludes new floodplain development from the cost-benefit analysis for floodplain projects, and requires a feasibility study requiring community setbacks as a condition of shore protection projects.

RHODE ISLAND CRMC RECEIVES RECOGNITION FOR DEVELOPING SOLUTIONS IN SALT POND AND HARBOR MANAGEMENT

The Rhode Island Coastal Resources Management Council (CRMC) has received national recognition from the U.S. Department of Commerce and the Environmental Protection Agency (EPA) for its work helping local communities develop salt pond and harbor management plans. The Council was also recognized for its efforts in developing solutions to nonpoint source pollution problems.

The agency was recognized for "outstanding achievements and leadership throughout the nation in coastal zone management," by the EPA and Department of Commerce. Special note was given to measures taken to protect shellfish beds in coastal salt ponds, and for work in designating public rights of way along the waterfront.

CRMC HARBOR MANAGEMENT PLANS HELP TOWNS PLAN FOR THE FUTURE.

For the past eleven months, a group of individuals in South Kingstown has met to develop a harbor management plan for local coastal waters. Prompted by CRMC's Harbor Management Program, which encourages planning and development at the local level, South Kingstown has studiously researched its coastline and drafted a plan to manage it. The Town is working closely with Narragansett regarding moorings in Pt. Judith Pond.

The Harbor Management Plans developed by waterfront communities in Rhode Island will be finally approved by the CRMC. These plans will govern future coastal management issues in each town or city, and will help the CRMC to work more efficiently with individual communities. Guidelines for development of these coastal plans are included in CRMC planning and management regulations (46-23-6) in *The State of Rhode Island Coastal Resources Management Program; as Amended*.

Under these guidelines, towns must consider mooring sites, shoreline features, shellfish beds, coastal ponds, and historic areas when developing their plans. They must consider public access, marsh areas, beaches, residential areas and commercial sites. The boating public, the recreational public and the commercial and sport fishing public all must be included. Sewage treatment and disposal, both on land and water must also be considered, particularly as coastal towns continue to experience rapid growth.

The purpose of local planning is to help individual communities govern their own shorelines through development of specialized guidelines. Although these plans must be in conformance with CRMC regulations, local towns will have increased governing authority over their coastal waters.

Those wishing to comment on articles in *Coastal Features* are invited to do so. Please send to:

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 Rhode Island Coastal Resources Management Council.
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THE PUBLIC TRUST: PRESERVING COASTAL WATERS FOR THE PEOPLE

The Rhode Island Coastal Resources Management Council was one of 29 coastal states that participated in an ongoing study of a document known as the "Public Trust Doctrine" which mandates that ownership of tidal lands and waters belongs to the people, not to private individuals.

Origins of this doctrine extend back to Roman times, when the law emphasized that tidal waters were to be made available to the public for navigating and fishing. English Common Law also incorporated this doctrine, which was considered law by the original 13 American colonies.

In Rhode Island, the CRMC was instrumental in promoting landmark legislation in 1976, that revised the State's Constitution to reflect the rights of citizens regarding the waterfront. This legislation goes beyond

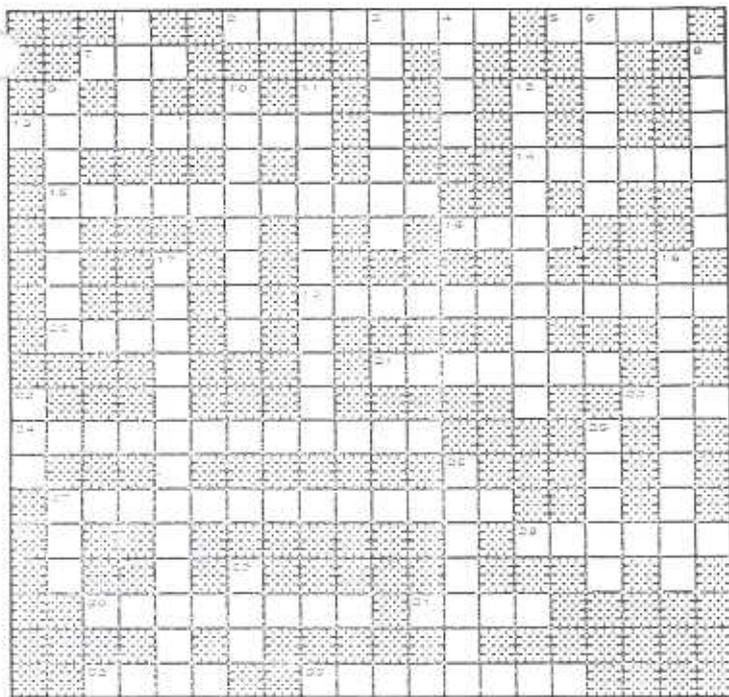
English Common Law, by not only guaranteeing individuals the right to fishing and navigating, but also "recreating," including swimming, boating, etc.

The Public Trust Doctrine in Rhode Island regulates the littoral zone -- or the coastal waters up to mean high tide. Nationally, this law was tested in Louisiana in a precedent-setting case involving the state of Louisiana and the Phillips Petroleum Company. Phillips was interested in drilling on tidal lands (lands that were covered by the incoming tide). These same lands were used by the general public for fishing, navigating and recreating. The court upheld the Public Trust and ruled against the drilling.

This doctrine, which assures public rights along coastal areas, does not however, guarantee access. Individuals must use historic rights of way to reach these tidal areas and not trespass on private property. The CRMC has helped document and mark these historic rights of way throughout the state, with the Department of Environmental Management.

HARBOR MANAGEMENT

by Chris Heisler



ACROSS

2. fecal bacterial contamination
5. the principal means of treatment and disposal of domestic waste
7. a partly enclosed body of water with a wide outlet to the sea
13. a growing concern in densely inhabited seashore areas
14. a boat basin for small boats

15. principal rules or laws to preserve our saltwater resources
16. men, muskrats, and fish all do it
19. the kind of water where boats can go safely
20. found at Rhode Island's beaches
21. detailed investigations
23. a very historical boat
24. the controlled use and systematic protection of natural resources
27. impurities that threaten our waterfront areas
28. plans to get the maximum value from land and sea
30. belly up or belly down, it's good exercise
31. cold-blooded aquatic vertebrates
32. a body of water, smaller than a lake
33. removing mud or silt from the bottom of water

DOWN

1. fabric that propels or aids in navigating a boat
3. a recreational and/or commercial activity on bodies of water
4. a sloping passage for boats
6. conduits to carry liquid waste
8. a land mass surrounded by water
9. tackle used to secure a boat in open water
10. rights associated with the banks of a body of water
11. natural surrounding
12. dedicated groups of people to do a particular job
17. directly related to man-made breachways or channels
18. the land immediately behind the shoreline
22. solid water
25. detailed methods for the accomplishment of something
26. activity using oars, motors, and or sails
27. a delicious deep water fish
29. harbor management plans (abbreviation)

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The preparation of this newsletter is financed in part by a planning grant from the National Oceanic and Atmospheric Administration, under the provisions of the Coastal Zone Management Act of 1972 (Public Law 92-583), through the Integrated Grant Administration Program administered as part of Federal Regional Council Grant FRC-IGA-01-07.

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