

CRMC Application Review Sheet

File Number: 2015-11-009
Owner Name: Town of Jamestown
Site Address: Narragansett Bay, Jamestown
Plat: ; Lot

Administrative Review

Reviewer: WJM
Completed on 11/3/15

- ☒ Application Complete
☐ Application Deficient
☐ FONSI
☐ Enforcement compliance _____

☐ EXTENSION (Enforcement review)

Missing

- _____ Application
 _____ Fee
 _____ ISDS
 _____ Proof of Ownership
 _____ Building Permit
 _____ Site Plans

Notes _____

Team Review for Acceptance

Application Deficient

- ☐ Deficiency Letter Required
☐ Notified Via Phone Call – waiting for _____

() Application Accepted Date <u>5/18/2015</u>	Assigned To:		Date Completed	Denial Recommendation	Management Sign-off
	Engineer				
	Biologist	<u>Tim Motte</u>	<u>11/3/15</u>		
	Geologist				
	Aqua				
	Dredge				
	Other	<u>Kevin Cate</u>	<u>11/3/15</u>		<u>Jeff Barnes, 11/16/15</u>

Category:

Project Type: 64

Water Type: 1 through 4

Water Area: Narragansett Bay

PGP Category: 1 2 IP ☐ Public Access 355 ☐ Public Access Easement

Short Project Description: Jamestown Harbor Management Plan



STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

16 November 2015

Jamestown Town Council
Jamestown Town Hall
283 County Road
Jamestown, RI 02806-2406

Dear Honorable Jamestown Town Council:

I am writing to you regarding the Jamestown Comprehensive Harbor Management Plan as adopted by the Jamestown Town Council on August 4, 2014 (HMP). Per Section 300.15 "Municipal Harbor Regulations" of the RI Coastal Resources Management Program (RICRMP) CRMC staff has conducted a determination of consistency review of the HMP and found it to be generally consistent with the RI Coastal Resources Management Program (RICRMP) and the CRMC Guidelines for the Development of Municipal Harbor Management Plans (Guidelines). In addition, per the CRMC Guidelines: The RI Department of Environmental Management has found the HMP to be in compliance with State Water Quality Regulations (DEM WQC File No. 14-026); the U.S. Army Corps of Engineers has found the HMP to be in compliance with its rules relating to federal navigation projects (ACOE File No. 2014-1909); and, the RI Statewide Planning Program has found the HMP to be consistent with applicable State Guide Plan elements (September 29, 2014 letter). Correspondence from the Town of Jamestown Solicitor dated June 29, 2015, attesting to the lawful adoption of the HMP by the Jamestown Town Council on August 4, 2014 and its consistency with the RICRMP is also enclosed. The following stipulations under the DEM Water Quality Certificate are mandatory and the HMP must be updated to include them within the one-year interim approval period as granted by the CRMC per the date shown on this letter; in the meantime, these stipulations are immediately in effect regardless of their current absence from the HMP:

DEM Water Quality Certificate stipulations:

1. No less than I pump out shall be on operating condition on the west side of the island at any time. Please update lines 12 and 13 on page 12 of the Plan by May 22nd to reflect this condition.
2. The Plan shall be updated by May 22nd to include the attached maps.
3. No sewage, refuse or waste of any kind shall be discharged into the waters of the State from activities associated with boating and/or managing the harbors.

4. This Water Quality Certification is valid for 5 years of the issuance of this WQC. You shall be required to submit a request for any modification(s) or extension(s).
5. This WQC does not relieve your obligation to obtain and adhere to any other applicable local, state, and federal permits prior to commencing construction. Should any stipulation/condition identified within any other applicable permit be in conflict with the conditions set forth in this WQC, the applicant shall notify the Department immediately.

The CRMC conducted a field survey on September 13, 2013 at three unauthorized mooring fields (Park Dock, Cranston Cove, and Heads Beach) to determine whether any eelgrass beds were impacted by the vessels or mooring gear installed at these sites. An underwater video camera was used to examine each site with the result that no eelgrass beds were present in any case. In addition, no use conflicts were evident during the survey or subsequent site visits conducted by CRMC staff; individuals have been regularly observed sunbathing, fishing, swimming, and/or boating in the vicinity of these sites during the two-year period since the September 13, 2013 field survey was conducted. CRMC policy and permit staff concur that each of the unauthorized mooring fields meets the requirements of the CRMC Management Procedures for the Siting of Mooring Fields and as such are herein recommended for approval by the CRMC. It is important to note however, that the town must apply to the CRMC for a determination of consistency with the RI Coastal Resources Management Program whenever considering future, additional modifications of any kind to these mooring fields, as defined by the following coordinate data, which itself must also be recorded in the HMP in RI State Plane Feet coordinates:

Head's Beach mooring area. The waters within the quadrangle defined by the following points:

- (1) 41° 32. 276N 71° 23. 233W
- (2) 41° 32. 293N 71° 23. 391W
- (3) 41° 32. 457N 71° 23. 333W
- (4) 41° 32. 449N 71° 23. 216W

Park Dock mooring area. The waters within the quadrangle defined by the following points:

- (1) 41° 33. 805N 71° 21. 671W
- (2) 41° 33. 799N 71° 21. 602W
- (3) 41° 33. 962N 71° 21. 648W
- (4) 41° 33. 962N 71° 21. 725W

Cranston Cove mooring area. The waters within the quadrangle defined by the following points:

- (1) 41° 32. 228N 71° 21. 811W
- (2) 41° 32. 222N 71° 21. 743W
- (3) 41° 32. 516N 71° 21. 686W
- (4) 41° 32. 472N 71° 21. 835W

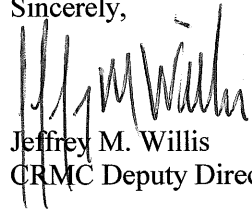
The following stipulations address required elements that were omitted or not fully addressed in the HMP; the HMP must be amended to address each stipulation within a staff recommended one year interim approval period. Upon completion, the Town of Jamestown shall submit the amended HMP to the CRMC for a determination of consistency with the RICRMP and Guidelines:

1. In addition to the moorings located within the retroactively established mooring fields at Park Dock, Cranston Cove, and Heads Beach, as allowed by CRMC, all other moorings permitted by the town as Class 1b "Riparian", Class 2a "Rights-of-way", and Class 2b "Rights-of-way" must be located within CRMC approved mooring fields. Consistent with the CRMC Guidelines for Siting Mooring Fields (Siting Guidelines), the town shall create maps to show the location, area, coordinate data in RI State Plane Feet, the mooring field perimeter, and number of moorings for each proposed mooring field.
2. In addition to the moorings addressed in the preceding stipulation #6, all other moorings (except for Class 1a "Riparian") permitted by the town must be located in a CRMC approved mooring field. Consistent with the Siting Guidelines, the town shall create maps to show the location, area, coordinate data in RI State Plane Feet, the mooring field perimeter, and number of moorings for each proposed mooring field.
3. Add a statement to identify all public, commercial, not-for-profit or other entities that exercise management authority over all mooring areas in Jamestown
4. Add a statement to address whether the town has established any municipal shoreline zoning districts; if yes, cite the applicable ordinance(s)
5. Add a statement to acknowledge municipal paper streets that have the potential to undergo a CRMC designation process for ROWs
6. Add a statement regarding the town's responsibility and actions toward implementing an inorganic waste disposal plan (i.e. "the town provides trash collection services at public waterfront facilities")
7. Add a statement that no uses of coastal/harbor waters will be restricted due to the expansion of existing or siting of new mooring fields
8. Insert "for profit commercial" after the word "All" in §78-26(d)(4) of the harbor ordinance

This one-year interim approval does not grant, infer, or in any other way provide the Town of Jamestown with unilateral authority to make any decisions regarding the environmental protection, public or private uses, or allocation of the State of Rhode Island Public Trust Resources (coastal waters, submerged lands, and the shore) as described within Section II, Part B "Administrative Divisions: Waters of Jamestown" of the HMP. This also applies to any and all other parts of the HMP. At all times and under all circumstances during this interim approval period the Town of Jamestown must consult with and request a determination of consistency from the CRMC prior to adopting any proposed changes to the HMP. This requirement also applies without exception to all parts of the harbor ordinance. In addition, the Town must request a determination of consistency from the CRMC prior to taking any action to approve, adopt, or in any other way recognize proposed or actual changes to existing mooring fields or the establishment of new mooring fields. This requirement also applies to transient anchorages or any other types of anchorage areas. Failure to comply with these requirements may cause the CRMC to rescind the HMP's approval status and enforce other penalties against the Town of Jamestown.

Per the foregoing discussion, I hereby grant a one-year interim approval of the HMP per § 300.15 of the Coastal Resources Management Program, effective November 16, 2015. This interim approval expires on November 16, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey M. Willis". The signature is stylized with a large, prominent "J" and "W".

Jeffrey M. Willis
CRMC Deputy Director

cc: Anne Maxwell Livingston, CRMC Chair
Grover J. Fugate, CRMC Executive Director
Kevin R. Cute, CRMC Policy Staff
Dave Reis, CRMC Supervising Biologist
Rich Lucia, CRMC Supervising Civil Engineer
Tim Motte, CRMC Senior Environmental Scientist
Brian Goldman, CRMC Legal Counsel
Chief Edward Mello, Director, Jamestown Harbor Office
David Cain, Jamestown Harbor Commission Chair



Policy Staff Recommendation

Date: November 16, 2015
To: Jeffrey M. Willis, CRMC Deputy Director
From: Kevin R. Cute, Marine Resources Specialist
Subject: Jamestown Harbor Management Plan Consistency Review

I have completed a consistency review of the Jamestown Comprehensive Harbor Management Plan as adopted by the Jamestown Town Council on August 4, 2014 (HMP), and find it consistent with the RI Coastal Resources Management Program (RICRMP) and the CRMC Guidelines for the Development of Municipal Harbor Management Plans (Guidelines) per CRMC regulation § 300.15 "Municipal Harbor Regulations". Tim Motte, CRMC permit staff has also reviewed the HMP and concurs with this finding of consistency. Also per the Guidelines, the RI Department of Environmental Management has found the HMP to be in compliance with State Water Quality Regulations (DEM WQC File No. 14-026); the U.S. Army Corps of Engineers has found the HMP to be in compliance with its rules relating to federal navigation projects (ACOE File No. 2014-1909); and the RI Statewide Planning Program has found the HMP to be consistent with applicable State Guide Plan elements (September 29, 2014 letter). Correspondence from the Town of Jamestown Solicitor dated June 29, 2015, attesting to the lawful adoption of the HMP by the Jamestown Town Council on August 4, 2014 and its consistency with the RICRMP is enclosed, as are all the documents cited above.

The following stipulations under the DEM Water Quality Certificate are mandatory and the HMP must be updated to include them within one year of the date upon which the CRMC grants a one year interim approval of the HMP; in the meantime, these stipulations are immediately in effect regardless of their current absence from the HMP.

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4. This Water Quality Certification is valid for 5 years of the issuance of this WQC. You shall be required to submit a request for any modification(s) or extension(s).
5. This WQC does not relieve your obligation to obtain and adhere to any other applicable local, state, and federal permits prior to commencing construction. Should any stipulation/condition identified within any other applicable permit be in conflict with the conditions set forth in this WQC, the applicant shall notify the Department immediately.

The CRMC conducted a field survey on September 13, 2013 at three unauthorized mooring fields (Park Dock, Cranston Cove, and Heads Beach) to determine whether any eelgrass beds were impacted by the vessels or mooring gear installed at these sites. An underwater video camera was used to examine each site with the result that no eelgrass beds were present in any case. In addition, no use conflicts were evident during the survey or subsequent site visits conducted by CRMC staff; individuals have been regularly observed sunbathing, fishing, swimming, and/or boating in the vicinity of these sites during the two-year period since the September 13, 2013 field survey was conducted. CRMC policy and permit staff concur that each of the unauthorized mooring fields meets the requirements of the CRMC Management Procedures for the Siting of Mooring Fields and as such are herein recommended for approval by the CRMC. It is important to note however, that the town must apply to the CRMC for a determination of consistency with the RI Coastal Resources Management Program whenever considering future, additional modifications of any kind to these mooring fields, as defined by the following coordinate data:

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6. In addition to the moorings located within the retroactively established mooring fields at Park Dock, Cranston Cove, and Heads Beach, as allowed by CRMC, all other moorings permitted by the town as Class 1b "Riparian", Class 2a "Rights-of-way", and Class 2b "Rights-of-way" must be located within CRMC approved mooring fields. Consistent with the CRMC Guidelines for Siting Mooring Fields (Siting Guidelines), the town shall create maps to show the location, area, coordinate data in RI State Plane Feet, the mooring field perimeter, and number of moorings for each proposed mooring field.

7. In addition to the moorings addressed in the preceding stipulation #6, all other moorings (except for Class 1a "Riparian") permitted by the town must be located in a CRMC approved mooring field. Consistent with the Siting Guidelines, the town shall create maps to show the location, area, coordinate data in RI State Plane Feet, the mooring field perimeter, and number of moorings for each proposed mooring field.
8. Add a statement to identify all public, commercial, not-for-profit or other entities that exercise management authority over all mooring areas in Jamestown
9. Add a statement to address whether the town has established any municipal shoreline zoning districts; if yes, cite the applicable ordinance(s)
10. Add a statement to acknowledge municipal paper streets that have the potential to undergo a CRMC designation process for ROWs
11. Add a statement regarding the town's responsibility and actions toward implementing an inorganic waste disposal plan (i.e. "the town provides trash collection services at public waterfront facilities")
12. Add a statement that no uses of coastal/harbor waters will be restricted due to the expansion of existing or siting of new mooring fields
13. Insert "for profit commercial" after the word "All" in §78-26(d)(4) of the harbor ordinance

This one-year interim approval does not grant, infer, or in any other way provide the Town of Jamestown with unilateral authority to make any decisions regarding the environmental protection, public or private uses, or allocation of the State of Rhode Island Public Trust Resources (coastal waters, submerged lands, and the shore) as described within Section II, Part B "Administrative Divisions: Waters of Jamestown" of the HMP. This also applies to any and all other parts of the HMP. At all times and under all circumstances during this interim approval period the Town of Jamestown must consult with and request a determination of consistency from the CRMC prior to adopting any proposed changes to the HMP. This requirement also applies without exception to all parts of the harbor ordinance. In addition, the Town must request a determination of consistency from the CRMC prior to taking any action to approve, adopt, or in any other way recognize proposed or actual changes to existing mooring fields or the establishment of new mooring fields. This requirement also applies to transient anchorages or any other types of anchorage areas. Failure to comply with these requirements may cause the CRMC to rescind the HMP's approval status and enforce other penalties against the Town of Jamestown.

Per the foregoing discussion, I hereby recommend a one-year interim approval of the HMP per § 300.15 of the Coastal Resources Management Program.

Signed



11/17/15

CRMC Policy Staff



MUNICIPAL HARBOR MANAGEMENT PLAN CONSISTENCY REVIEW CHECKLIST

The "Required Elements" column of this table lists the topics that must be addressed in municipal harbor management plans to meet CRMC consistency requirements. It is mandatory to correct any deficiencies listed in **red font** in the "Deficiencies and Comments" column. Comments in black font are included as guidance only. Page or appendix numbers listed in the "Referenced at page/appendix" column indicate where a Required Element was found in the draft HMP during the CRMC review process. When "Not addressed" is inserted in this column, the municipality must provide information that meets CRMC consistency requirements and indicate where it was placed in the draft HMP in the "Amended at page/appendix" column. Please refer to the CRMC's *Guidelines for the Development of Municipal Harbor Management Plans* for detailed information on the various required elements.

Final CRMC consistency review 11/2/15

CRMC CONSISTENCY REVIEW OF JAMESTOWN HARBOR MANAGEMENT PLAN			
Required Elements	Addressed at page/appendix	Amended at page/appendix	Deficiencies and Comments
I. RESOURCE INVENTORY:			
A) Physical Setting (for detailed information on required elements related to the Physical Setting see the <i>Guidelines</i> at pp. 12-13)			
1. Water Depths	p.13	confirmed	
2. DEM Water Quality Classifications	pp.17-18	confirmed	
3. FEMA V-Zones	p.12	confirmed	
4. Shoal/Dredged Areas	p.12	p.14	
5. Navigational Hazards	P.12	p.13	
B) CRMC Water Use Designations (for detailed information on required elements related to CRMC Water Use Designations see the <i>Guidelines</i> at pp. 12-13)			
1. Map/ID Areas by CRMC Water Types	pp.18-19	confirmed	
2. List Priority Uses for Each Area	Not addressed	pp.18-19	
C) Current Uses Inventory (for detailed information on required elements related to the Current Uses Inventory see the <i>Guidelines</i> at pp. 12-13)			
1. Harbor Structures			
a) marinas (pub., priv., comm.)	p.20	confirmed	
b) boatyards (pub., priv., comm.)	p.20	confirmed	
c) comm. fish. facilities	Not addressed	pp.29-30	
d) docks, wharves	pp.21-24	confirmed	
e) boardwalks	Not addressed	p.24	

f) launching ramps		pp.21-22	
2. Federal Navigation Areas			
a) channels	p.12	confirmed	
b) turning basins	p.12	confirmed	
c) anchorages	p.12	confirmed	
d) special anchorage areas	p.12	confirmed	
3. Moorings and Mooring Areas			
a) count of current moorings	p.27	confirmed	
b) describe fields of 5 + moorings;	pp.9-10	pp.10-11	Distinguish mooring zones v. mooring areas
c) ...& water area encompassed by;	pp.9-10	pp.10-11	
d) ...& management type (public or commercial entity);	Not addressed	Not addressed	State whether town, commercial, or other entity manages each mooring area
e) ...& identify management entity	Not addressed	Not addressed	Identify management entity
f) list designated mooring areas	pp.9-10	pp.10-11	
4. Other Use Areas			
a) swimming areas	p.29	confirmed	
b) public beaches	p.29	confirmed	
c) windsurfing areas	p.30	confirmed	
5. Municipal Shoreline Zoning Districts	Not addressed	Not addressed	Cite applicable ordinances if any, or state that there are no MSZD in Jamestown
D) Natural Resource Areas (for detailed information on required elements related to the Natural Resources Inventory see the Guidelines at pp. 12-13)			
1. Wildlife or Conservation Areas			
a) reserves (pub., priv.)	pp.13-15	pp.14-15	
b) areas ID'd by studies or programs	Not addressed	p.14 (eelgrass, marsh mapping)	
c) intensive scientific research areas	Not addressed	p.14, 16 (shellfish restoration, fisheries monitoring)	
2. Recreational/Comm. Fishing Areas			
a) anadromous fish runs	Not addressed	p.29	
b) spawning areas	pp.12-13	p.14	
c) shellfish beds	pp.12-13	p.14	
d) traditional fishing grounds	p.29	confirmed	

3. Biological Habitats			
a) submerged aquatic vegetation	pp.12-13	p.14	
b) intertidal flats	p.13	p.14	
c) tidal wetlands	p.13	p.14	
II. ISSUE IDENTIFICATION ELEMENTS			
A) Public Access (for further information on required elements related to Public Access see the <i>Guidelines</i> at pp. 21-24)			
1. Inventory CRMC ROWs	p.34-35	p.34	See 2013 Jamestown ROW inventory report
2. Describe condition CRMC ROWs	pp.34-35	p.34	See 2013 Jamestown ROW inventory report
3. Identify potential CRMC ROWs	p.35	p.34	See 2013 Jamestown ROW inventory report
4. Preserve, protect, enhance ROWs	p.31	p.41	
5. Town ROW maintenance program	p.31	p.41	
6. Prioritize CRMC ROW improvements	p.31	p.41	
7. State parks and launching ramps	p.32		
8. Municipal paper streets	Not addressed	Not addressed	Include paper streets as potential rows
9. Dedicated easements	p.30	confirmed	
10. Drainage outfalls	p.30	confirmed	
11. Buried cables	p.30	confirmed	
B) Water Quality (for further information on required elements related to Water Quality see the <i>Guidelines</i> at pp. 25-27)			
1. Programs to minimize water pollution	pp.16-17; pp.41-42	pp.16-17; pp.39-40	
2. Organic waste disposal plan (pumpout)	p.17	p.16	
3. Inorganic waste disposal plan (municipal)	Not addressed	Not addressed	Develop policy/recommendation
4. Encourage marina OMP/Clean Marina Program	Not addressed	p.40	
5. Restrict boats at shallow water habitat	Not addressed	Ord. §78-27(c)(5)	
C) Mooring Management (for further information on required elements related to Mooring Management see the <i>Guidelines</i> at pp. 27-31)			
1. 3:1 res./non-res. allocation policy	Ord. §78-26(b) Class 3		
2. Federal "open to all policy"	Not addressed	p.12	
3. Mooring areas in State Plane Coordinates	App. A-2	Not addressed	Park dock, head's beach, Cranston Cove mooring areas in lat/long; add RISPF coord.
4. Reference moor. area corners to landmarks	App. A-2	pp.10-11	
5. Total area (acre, ft ² , m ²)	pp.9-10	pp.9-11	
6. Estimate # boats > 25'	n/a	n/a	
7. Ensure all boats located w/in mooring area	Not addressed	p.12	
8. No uses restricted due to moor. area siting	Not addressed	Not addressed	See Bristol HMP ordinance for examples

9. No commercial moorings in fed. nav. projects	Not addressed	Ord. §78-26(d)(4)	Insert "for profit commercial" after the word "All" in this ordinance
10. Ensure flushing at sig. moor expansion	Not addressed	p.11	
11. Ensure no adverse effects on H2O quality	Not addressed	p.11	
12. No swimming or water skiing in mooring areas	Ord. §78-27(e)	confirmed	
13. Ordinance for permit system/waiting list	Ord. §78-26(c)	confirmed	
14. Moor. siting not to obstruct access to:			
a) designated shellfish mgt. areas	Not addressed	p.12	
b) traditional fishing grounds	Not addressed	p.12	
c) public recreational areas	Not addressed	P.12	
d) conservation areas	Not addressed	p.12	
15. Siting of mooring areas not to significantly adversely affect:			
a) fish/shellfish resources	Not addressed	p.12	
b) wetlands	Not addressed	p.12	
c) submerged aquatic vegetation	Not addressed	p.12	
d) other aquatic habitat areas	Not addressed	p.12	
16. Operationally maintained pumpouts	Not addressed	p.12	
17. Outhaul ordinance	Ord. §78-26(p)	confirmed	
18. Ordinance for "one-time-transfer" of mooring permits	Ord. §78-26(h)2	confirmed	
D) Storm Preparedness (note: see the <i>Guidelines</i> at pp. 33-39 for recommended methods to achieve each policy below)			
1. Develop policies to address following issues:			
a) risk assessment	Not addressed	p.47	
b) strategies to prepare, respond, recover	Not addressed	p.47	
c) identify long term mitigation projects	Not addressed	p.47	
d) coordinate local/other implementation	Not addressed	p.47	
III. ORDINANCE and IMPLEMENTATION ELEMENT	Article II. HbrMgtOrd	confirmed	
IV. PARAMETERS of LOCAL HARBOR WATERS	pp.9-11; HbrMgtOrg §78-23	confirmed	



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 4, 2015

Chief Edward A. Mello
Town of Jamestown
93 Narragansett Office
Jamestown, RI 02835

RE: **Water Quality Certificate – Jamestown HMP**
WQC File No. 14-026

Dear Chief Mello:

The RIDEM-Office of Water Resources has reviewed the Jamestown Comprehensive Harbor Management Plan ("the Plan"), the Application Form and maps of mooring fields. They were received on September 9, 2014, on September 19, 2014, and on March 2, 2015.

The State Waters associated with this project are; West Passage RI0007027E-03A Class SA, West Passage RI0007027E-03L, West Passage RI0007027E-03I Class SA{b}, Class SA East Passage RI0007029E-01A Class SA, East Passage RI0007029E-01F Class SB1, East Passage RI0007029E-01G Class SB, East Passage RI0007029E-01H Class SB, East Passage RI0007029E-01I Class SB, East Passage RI0007029E-01J Class SA{b}, RI0007029E-01M Class SA, East Passage RI0007029E-02 Class SA.

We have reviewed the Plan for and reviewed it for compliance with the State Water Quality Regulations. This review includes but not limited to fact that the Town has not proposed mooring fields in SA waters that would impact the safe harvesting of shellfish. The maps submitted on March 2nd identify 6 pump out facilities that are available to the public in order maintain a no discharge zone in the State of Rhode Island. However, at the time of this approval, the RIDEM is aware that there is only one Pump-out on the west side of Jamestown island. Since the west and east sides of the island are essentially isolated from each other with regards to pump out access, the RIDEM has inserted the following special conditions into this Water Quality Certification.

It is the determination of the Water Quality Certification Program that said project is in compliance with the requirements of the State Water Quality regulations provided that the applicant complies with the above plans and the following conditions:

1. No less than 1 pump out shall be on operating condition on the west side of the island at any time. Please update lines 12 and 13 on Page 12 of the Plan by May 22nd to reflect this condition. ** language not in HMP @ time of CRMC approval (11/4/15) - see attached email from Alisa Richardson 11/3/15 @ 2:53pm*
2. The Plan shall be updated by May 22nd to include the attached maps. *OK*
3. No sewage, refuse, or waste of any kind shall be discharged into waters of the State from activities associated with boating and/or managing the harbors.
4. This WQC is valid for 5 years of the issuance of this Water Quality Certification. You shall be required to submit a request for any modification(s) or extension(s). *KEL*

Chief Edward Mello

WQC 14-026

March 4, 2015

5. This WQC does not relieve your obligation to obtain and adhere to any other applicable local, state, and federal permits prior to commencing construction. Should any stipulation/condition identified within any other applicable permit be in conflict with the conditions set forth in this WQC, the applicant shall notify the Department immediately.

In addition to any necessary enforcement actions stemming from the violation of any of the terms or conditions of this Water Quality Certificate, issuance of this Water Quality Certificate does not bar the Department, or any of its various Divisions, from instituting any investigation and /or enforcement actions that it may deem necessary for violations of any and all applicable statutes, regulations and/or permits, including but not limited to violations of the terms or conditions of any previous Water Quality Certificate(s) issued to you as an applicant or for this site.

This is the State's Water Quality Certification, which shall have the full force and effect of a permit issued by the Director. Violation of the terms and conditions of this Certification may result in violation of the State's Water Quality Regulations and appropriate enforcement action.

Sincerely,



Alisa Richardson, PE
Water Quality Certification
Office of Water Resources

cc: Kevin Cute, CRMC

RUGGIERO, BROCHU & PETRARCA

ATTORNEYS AND COUNSELLORS AT LAW

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Peter D. Ruggiero
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June 29, 2015



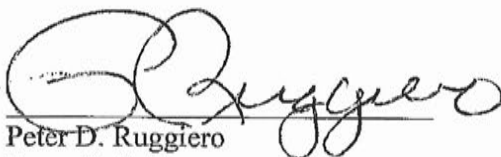
Coastal Resources Management Council
Stedman Government Center Ste. 116
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Jamestown Harbor Management Plan and Ordinance

I am the Town Solicitor for the Town of Jamestown. Pursuant to Section II, F of the Guidelines for the Development of Harbor Management Plans, be advised that the Jamestown Town Council adopted the Comprehensive Harbor Management Plan at its meeting on May 18, 2015 and adopted the Harbor Management Ordinance at its meeting on August 4, 2014. Each document was adopted pursuant to the relevant provisions for the passage of legislative acts contained in the Jamestown Town Charter and the Code of Ordinances.

Contact me if you have any questions or concerns exist regarding this matter.

Sincerely,



Peter D. Ruggiero
Town Solicitor

PDR/ml

Cc: Town Clerk
Harbor Management Commission



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

September 30, 2014



Regulatory Branch
CENAE-R-PEB
File Number 2014-1909

State of Rhode Island
Coastal Resources Management Council
Kevin R. Cute
4808 Tower Hill Road, Suite 3
Wakefield, Rhode Island 02879-1900

Dear Mr. Cute:

This is in reference to your agency's recent request for our review of the Town of Jamestown Harbor Management Plan and Harbor Ordinance (HMP). The HMP was adopted by the Jamestown Town Council on August 4, 2014.

There are no Federal Channels or Federal Anchorages in Jamestown. Therefore, our scope of review is limited and we have no comments at this time.

We appreciate the opportunity to review the Jamestown HMP. If you have any questions, please contact Michael Elliott of my staff at 978-318-8131.

Sincerely,

Barbara Newman
Acting Chief, Permits & Enforcement Branch
Regulatory Division



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
DIVISION OF PLANNING
One Capitol Hill
Providence, RI 02908-5870

September 29, 2014

Mr. Kevin R. Cute
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 028798-1900

Dear Mr. Cute:

I am pleased to notify you that the Statewide Planning Program has completed its review of the August 4, 2014 Update of the Jamestown Harbor Management Plan and found it to be in conformance with the State Guide Plan.

Please contact me with any questions you may have.

Regards,

Jared L. Rhodes, II
Chief

Cc: Kevin Nelson

JAMESTOWN COMPREHENSIVE HARBOR MANAGEMENT PLAN

I. INTRODUCTION

A. THE PURPOSE OF THE PLAN

The broad goal of the Comprehensive Harbor Management Plan is to help achieve-- consistent with the requirements of the appropriate state and federal regulatory agencies-- the most desirable use of the waters surrounding Jamestown for recreational, environmental, commercial, aesthetic, and other purposes. More particularly the plan is intended to serve as a guide for managing Jamestown's harbors and waters; for providing the maximum benefit for the public use of the water and the waterfront; for protecting the coastal environment; for resolving user conflicts; and for ensuring public access to the shoreline. Creating such a guide involves evaluating harbor resources, activities, issues and problems; establishing clear objectives; and recommending specific policies for the use, development and preservation of Jamestown's harbors and waters.

The plan is designed to be consistent with the goals of the Jamestown Comprehensive Community Plan and the relevant state and federal authorities. Its preparation has included the active participation of the public in an effort to insure that all interested parties have been represented in the planning process.

B. THE HISTORY OF THE PLANNING PROCESS

Title 46, Section 4 of the Rhode Island General Laws, 1956, Amended, provided the authority for Rhode Island communities to enact harbor ordinances and to develop regulations governing the tidal areas within their communities.

In 1964 the Rhode Island General Assembly approved legislation creating the Jamestown Waterfront Authority. It directed that authority to make a comprehensive study of the existing waterfront facilities, including their management and their physical condition; to estimate the cost of repairing or replacing inadequate facilities, or of constructing new ones; to study the economic potential of the Jamestown waterfront for commercial and recreational purposes; and to make recommendations to the General Assembly and the town for the optimal use and maintenance of the waterfront.

The establishment of the Rhode Island Coastal Resources Management Council (CRMC) in 1971 brought further impetus and direction to Jamestown's waterfront planning. By 1976 the town had published regulations governing the use of marine activities under its jurisdiction, which at that time extended over the East Ferry, West Ferry, and Dumplings areas.

1 Various attempts were made in the 1980s to draft an ordinance that would
2 supersede the regulations of the 1970s. Regulatory requirements had increased in
3 complexity over the years, and it was widely perceived throughout the state that they
4 would be even more demanding in the future. In 1988 the state directed each coastal
5 community to prepare a harbor management ordinance and a harbor management plan.
6

7 The Jamestown town council adopted a harbor management ordinance in August,
8 1988, that was conditionally approved by the CRMC in 1990, subject to the completion of
9 a suitable comprehensive harbor management plan. In 1995 the town council approved the
10 plan; and in 1996 the CRMC approved both the plan and the ordinance for a period of five
11 years.

12 C. FEDERAL AND STATE AUTHORITIES

13
14 Many higher levels of government have authority over various aspects of local
15 harbor management. The three authorities most directly involved are:
16

17 1. The United States Army Corps of Engineers (ACE)

18
19 The Army Corps of Engineers is responsible for the regulation of the navigable
20 waters of the United States and for the maintenance of navigable channels. In this role the
21 ACE may require permits for any work seaward of the mean high water line--for structures
22 or obstructions, for dredging and filling projects, and for certain private and municipal
23 improvements such as public boat ramps, docks, or commercial moorings.
24

25 The ACE is concerned with the environmental impact of projects it may undertake or
26 permit. It also seeks to maintain unobstructed access to harbor channels and requires harbors
27 dredged or maintained with federal funds by the ACE ("federal navigation projects") to be "open
28 to all on a fair and equitable basis." Should Jamestown ever have any such projects, they would
29 be subject to this requirement.
30

31 2. The Rhode Island Coastal Resources Management Council (CRMC)

32
33 The CRMC is the State of Rhode Island's primary agency for planning and
34 managing coastal resources and the uses made of tidal waters. Its purpose is to protect the
35 rights of the public with respect to the state's submerged lands, coastal resources, and tidal
36 waters, and to produce the maximum benefit for society. Its jurisdiction extends over all
37 activities taking place in the tidal waters of the state and along the coastline--generally
38 extending 200 feet inland from the inland border of designated shoreline features. The
39 various regulations, procedures, and policies of the CRMC are contained in its Coastal
40 Resources Management Program (also known as the "Red Book") which is kept up-to-date
41 by revisions. *A copy of the "Red Book" is available for public inspection at the Jamestown*
42 *Harbor Office, or online at: www.crmc.ri.gov.*
43

44 The CRMC establishes goals, policies and regulatory standards for the different
45 categories of water use it has defined throughout the state. It also provides assistance to

1 local governments making or revising harbor management plans or ordinances. It reviews
2 and either rejects or approves (or conditionally approves) those plans or ordinances.

3 4 3. Rhode Island Department of Environmental Management (DEM)

5
6 The DEM has the primary responsibility, delegated to it by the U. S. Environmental
7 Protection Agency, for implementing the Federal Clean Water Act within the state, for
8 managing the living resources of the state's waters, and for overseeing the federal and state
9 open space and land acquisition programs. More specifically, under the Federal Clean
10 Water Act DEM issues Water Quality Certifications for most water-related development
11 projects. The DEM has several regulatory divisions that are responsible for different
12 aspects of environmental management. Its Division of Water Resources regulates activities
13 that affect the water quality of the state, including salt water, groundwater, and freshwater
14 wetlands. Its Division of Fish and Wildlife, among other responsibilities, manages the
15 state-owned land on Dutch and Gould Islands as Wildlife Management Areas and, in
16 conjunction with the Marine Fisheries Council, the finfish and shellfish fisheries, and also
17 reviews and comments on all Water Quality Certification applications for possible impact
18 on fish and wildlife resources.

19
20 The DEM has established a number of regulations to further its purposes, including
21 an "anti-degradation" clause stating that there can be no degradation of classified waters
22 due to a proposed activity. It issues permits for various coastal and deep water activities;
23 and it coordinates with the CRMC to advance their overlapping objectives. *A copy of the*
24 *DEM's Water Quality Regulations is available for public inspection at the Jamestown*
25 *Harbor Office, or at: www.dem.ri.gov.*

26 27 D. LOCAL AUTHORITIES

28 29 1. The Jamestown Planning Commission

30
31 The Jamestown Planning Commission, established under the town charter, advises
32 the town administrator and the town council on all matters of planning that affect the
33 general health, safety, and well-being of the town's inhabitants. One of its major
34 responsibilities is to revise, on a regular basis, Jamestown's long-range comprehensive
35 community plan. The town council approved the latest revision of this plan in June 2002.

36
37 The text of the 2002 revision makes several recommendations relating to harbor
38 management: for example, that in East Harbor the "currently established ceiling for
39 moorings and slips be maintained" by both the town and the CRMC; that the harbor
40 commission "manage the harbor to that number"; and that future expansion be allowed
41 "only if adequate additional landside support, parking, public access, sanitary facilities,
42 etc., are provided" (p. 156). More generally the plan recommends that "mushrooming" of
43 neighborhood mooring fields should be curtailed and that "expansion of mooring fields
44 should be limited to areas where there are adequate landside facilities" (p. 135).

1 In its implementation section, the plan assigns various specific responsibilities to
2 the harbor commission. In three areas the commission is to "initiate" action: 1) to
3 "continue [the] effort to encourage transient boaters to visit and spend time on the island";
4 2) to "ensure that the number of moorings, slips, both private and commercial, are
5 supported by adequate landside facilities"; and 3) to "investigate methods for maintaining
6 the commercial fishing industry in the community" (pp. 266-68). In other areas, where to
7 avoid administrative redundancy the planning commission has deemed it appropriate to
8 assign initiation action to other agencies (conservation commission, parking committee,
9 recreation department, etc.), the harbor commission is a cooperating partner. These areas
10 include public access, parking, aquaculture, improvements at Fort Getty, development and
11 management plans for the harbor waterfronts, and matters affecting Narragansett Bay as a
12 whole (pp. 246, 261, 264, 266-70).

13 14 2. The Jamestown Harbor Commission

15
16 Authority: The General Laws of Rhode Island R.I.G.L. 46-4-6.9 delegate to coastal
17 municipalities responsibility for three main categories of activities in municipal waters:
18 managing vessel operation; managing moorings and anchorages; and managing activities
19 such as water-skiing, skin-diving, marine parades and regattas. The coastal municipalities
20 have the authority to enact ordinances to regulate these activities and to impose penalties
21 for violations.

22
23 The Jamestown Harbor Commission, established in 1989 as the Jamestown
24 Harbor Management Commission, has the primary responsibility under the authority of
25 the town council and the Jamestown harbor management ordinance for regulating and
26 managing the waters of the town of Jamestown--which includes Dutch, Gould, and
27 Conanicut Islands. (It should be noted that while the ownership of all the land on both
28 Dutch and Gould Islands is at present divided between the federal and the state
29 governments, the jurisdiction of the Jamestown harbor commission extends to those two
30 islands as it does to state or federal land on Conanicut Island itself. Because the landside
31 responsibilities of the commission are effectively curtailed for those two islands,
32 however, *in this document the terms "Jamestown", "town", and "island" will refer to*
33 *Conanicut Island alone, except when specifically stated otherwise.*)

34
35 Background: Throughout the 1990s the harbor commission exercised unusually
36 wide-ranging responsibility. Most notably, it had, effectively, direct responsibility for
37 overseeing the maintenance and repair of town-owned waterfront structures and facilities.
38 From its general income it created a substantial development fund to be used for these
39 purposes. The arrangement was apparently successful and faced little objection so long
40 as maintenance and other costs were low.

41
42 In the late 1990's, however, it became clear not only that a rapidly increasing
43 burden of long-deferred maintenance was going to require extraordinary financial and
44 administrative measures, but also that the commission faced severe constraints on its
45 ability to increase its income. The commission's mooring fees were fixed by the 1988/90
46 ordinance; its proposals to apply for significant federal funds were turned down for

1 policy reasons by two successive town councils; and lease agreements for its waterfront
2 facilities had been signed in 1995 and 1997 for ten-year periods. After extensive
3 commission, town-council, and public debate, the town council--as an ad hoc solution to
4 the immediate infrastructure crisis--amended the ordinance to permit the annual
5 fluctuation of mooring fees and, in addition, contributed to the harbor commission budget
6 a substantial sum of money from the general funds.

7
8 During 2000 and 2001 the town and the commission looked for a permanent
9 resolution to the commission's administrative, jurisdictional, and financial uncertainty. In
10 2000 the commission asked the town to take more direct administrative responsibility.
11 The town council decided, with the commission's agreement, that the chief of police,
12 rather than a volunteer chair, should oversee and execute commission policy. The
13 commission decided to give up its direct management oversight of infrastructure
14 maintenance and repair with the intention of becoming advisory with respect to those
15 matters. In 2002 it established an internal budgeting process that now clearly divides
16 both income and expenditure between harbor management and infrastructure
17 development. These broad changes have laid a solid basis for the commission's activities
18 in the future.

19
20 Administration: An executive director may be appointed by the town council to
21 supervise the harbor staff and reports both to the commission and to the town
22 administrator. The harbor staff consists of a harbormaster, a harbor clerk, and additional
23 personnel as needed. The executive director is nominated by the town administrator and
24 appointed by the town council. The harbormaster is nominated by the town administrator
25 and appointed by the Town Council. The harbormaster reports to the executive director
26 and under the executive director's supervision, enforces the policy guidance of the harbor
27 management ordinance and of the commission. The harbor clerk also reports to the
28 executive director.

29
30 Responsibilities: Under the harbor management ordinance adopted in 2011, the
31 harbor commission, in addition to its responsibilities under GLRI Sec. 46-4-6.9, shall be
32 advisory and assist in the planning for the maintenance and repair of town-owned harbor
33 facilities, such as docks, bulkheads, and boat ramps. It is responsible for monitoring the
34 condition of harbor infrastructure generally; for bringing necessary repair, maintenance,
35 and improvement projects to the attention of the town administrator; and for working
36 with the town authorities in developing multi-year plans and cost estimates for the repair
37 and maintenance of harbor facilities.

38
39 Funding: Funding for the harbor commission operating budget is currently
40 provided by: 1) private and commercial mooring fees, town-owned dockage, and outhaul
41 fees; 2) beach permits; 3) leases of town-owned waterfront property; 4) investment
42 income; 5) fines; 6) occasional specific or non-specific grants or subsidies from the town
43 and from other public and private funding sources. Presently the commission develops
44 and submits its budget recommendations to the town council for council approval. Under
45 the 2011 ordinance the executive director, with input from the commission, develops the

1 harbor commission budget and submits it to the town administrator for approval by the
2 town council.

3 4 3. Conservation Commission

5
6 The charge of the Jamestown Conservation Commission is to promote and
7 develop the natural resources, to protect the watershed resources and preserve natural
8 esthetic areas within the town. From time to time its activities overlap those of the
9 harbor commission and the Conservation Commission normally delegates one of its
10 members to attend the harbor commission's monthly meeting and liaise between the two.

11 12 E. GOALS FOR THE FUTURE

13
14 Jamestown recognizes the economic, recreational, and aesthetic importance of the
15 coastal resources under its jurisdiction. Its 1988/90 harbor management ordinance served
16 as a model for many other waterfront municipalities throughout the state. Policies of the
17 Jamestown comprehensive community plan relating to coastal resources include
18 encouraging town acquisition of unique, fragile and scenic coastal areas; encouraging land
19 management that provides opportunities for public waterfront access; and protecting water
20 quality in the salt marshes and coastal waters of Jamestown (p.245).

21
22 The goals of the Harbor Commission are:

23
24 1. To regulate uses and activities within the waters of the town, as described herein;
25 to protect the coastal environment; to minimize user conflicts; to maximize the efficient use
26 of both the water space and town-owned waterfront consistent with the other goals
27 expressed herein; and to maintain and improve public access to the waters of the town for
28 the benefit of all user groups, including residents and non-residents with or without boats,
29 who seek to use town waters for passive and active recreation.

30
31 2. To distribute equitably the burdens and benefits of harbor management and
32 development among commercial mooring operators, private mooring owners, other groups
33 or individuals with special interests in the water and the waterfront, and the town.

34
35 3. To remain consistent with the authorities granted the town under Sec. 46-4-6.9
36 of the General Laws of Rhode Island and with the goals, policies, and regulations of the
37 Jamestown Comprehensive Community Plan, the Jamestown Comprehensive Harbor
38 Management Plan, the Rhode Island Coastal Resources Management Council, the Rhode
39 Island Department of Environmental Management, and the United States Army Corps of
40 Engineers.

41 42 II. JAMESTOWN (CONANICUT ISLAND) DESCRIPTION

43 44 A. HISTORICAL BACKGROUND

1 The Narragansett Indians were early inhabitants of Conanicut Island, and the
2 English colonists named the island for Canonicus, an important seventeenth-century
3 Narragansett sachem. In 1966 archaeological excavations in the West Ferry area
4 uncovered graves from the 1600s as well as cremation burials from 3,000 years earlier.
5 Additional excavations in 1988 revealed the largest documented Native American burial
6 ground in New England, consisting of more than 200 separate graves.

7
8 In 1524 the Italian explorer Giovanni Verrazzano sailed into what was probably
9 Narragansett Bay. He recorded seeing many people, villages, and cultivated farms along
10 the coasts. Europeans were soon trading in the area. After Roger Williams settled in
11 Rhode Island in 1636, he helped other settlers purchase Aquidneck Island (in 1637) and
12 Conanicut, Dutch, and Gould Islands (in 1657) from the Narragansetts. The Town of
13 Jamestown, incorporated in 1678, embraced all of Conanicut, Dutch, and Gould Islands.

14
15 Over the next two centuries Jamestown experienced economic prosperity
16 followed by economic decline. Island residents in the colonial period were mainly
17 commercial farmers and graziers. They were linked by sailboat ferries both to Newport
18 (where they sold the bulk of their produce) and to the mainland. This period of relative
19 prosperity came to an end with the Revolutionary War and its aftermath. The destructive
20 British occupation of Newport (which also resulted in significant population loss in
21 Jamestown) was followed by a general post-war movement of regional trade and
22 economic prosperity up the bay. Both Newport and Jamestown suffered a long period of
23 economic stagnation as the mills and other industries in the northern part of the state,
24 later easily served by rail, became the driving forces of the regional economy.
25 Jamestown remained relatively isolated economically for almost a century. Its population
26 declined further, and those families remaining turned largely to self-sufficient farming.

27
28 In 1873 regular steam ferryboat service began between Jamestown and Newport
29 and, in 1888, between Jamestown and Saunderstown. At last the small population of 500
30 residents had a reliable means of transportation to Newport and the mainland. With this
31 accessibility a summer resort business quickly grew--at first as an offshoot of the older
32 and larger summer colony in Newport. Families, many from Philadelphia and St. Louis,
33 began coming to Jamestown for the entire summer, finding its relative quiet and
34 unpretentiousness preferable to Newport's increasingly hectic and expensive scene. They
35 reached Jamestown via the Fall River Line from New York to Newport, or by other ship
36 lines, and by train. Although the small year-round resident population grew slowly, by
37 the early 1900s there were available for long-term summer visitors over 1,000 rooms in
38 large residential hotels, small boarding houses, and private summer homes.

39
40 At the beginning of the twentieth century the Navy and War Departments also
41 developed a significant presence in the area. The Navy Department expanded its
42 facilities and sent a substantial part of its Atlantic fleet to spend summers stationed in
43 Narragansett Bay. To help protect the East and West Passages in case of wartime attack
44 the War Department built Forts Wetherill and Getty on Conanicut Island as part of a
45 chain of forts built for that purpose. The combined military presence was to last until
46 well after World War II.

1
2 The period between the two World Wars brought significant changes to
3 Jamestown's economy. The decade of the 1920s saw the decline of the hotel era and
4 long-term summer visitors as automobiles began to replace steamboats and trains for
5 family travel and the greater flexibility provided by automobiles encouraged shorter
6 vacation visits to more places. In the 1930s the severe economic conditions of the great
7 depression limited summer vacation travel of any type for most families. With such
8 changes taking place, the possibility of having a bridge over the West Passage became a
9 serious consideration. Easier automobile access to the island might attract more visitors
10 and year-round residents, and thereby increase land values and contribute to prosperity.

11
12 The precipitating event for the construction of a bridge--and by far the most
13 important maritime event of the 1930s--was the great 1938 hurricane. Coming after
14 many years of quiet that engendered careless boating practices and overextended
15 waterfront facilities, and catching Rhode Island (indeed, all of New England) almost
16 totally by surprise, the hurricane caused enormous destruction and loss of life. In
17 Jamestown it destroyed and damaged piers, waterfront homes, and commercial buildings;
18 it sank boats or hurled them on the shore; it led to the deaths of seven schoolchildren at
19 the head of Mackerel Cove; and, by severely damaging the ferries and both ferry docks, it
20 isolated Jamestown for two weeks from the mainland and from Newport.

21
22 Construction of a bridge over the West Passage began in December, 1938, only
23 three months after the disaster of the hurricane, and concluded about eighteen months
24 later, in July, 1940. Ferry service from Saunterstown to Jamestown immediately ended.
25 By 1988, the original prediction of 177,000 bridge crossings annually occurred every 11
26 days.

27
28 After World War II began in Europe, the Army, in 1940, modernized Forts Getty
29 and Wetherill and developed a new fort, Fort Burnside, at Beavertail to help protect the
30 growing naval installations in the area. It stretched submarine nets across both the East
31 and the West Passages, established underwater mines that could be detonated from shore,
32 and constructed sites for radar and various underwater detection devices. While the
33 military presence dominated Jamestown's activities during the War, and the coastal forts
34 remained in government hands for many years thereafter, ultimately the forts were to
35 become waterfront parks of great value to the Jamestown community and to the state.

36
37 Talk of a bridge between Jamestown and Newport began almost immediately
38 after the Jamestown Bridge opened in 1940, but plans were held up for many years--due
39 in part to military concern that the bridge's possible destruction in wartime might impede
40 naval passage on the Bay. Eventually the four-lane Newport Bridge opened in June,
41 1969, and regular ferry service to Newport ended. Soon thereafter the Route 4 connector
42 to Route 95 opened, greatly reducing driving time to Providence. As a result of these
43 developments Jamestown's population grew rapidly--doubling between 1970 and 1990 to
44 almost 5000 people. In a short period of time the old, two-lane roadbed of the Jamestown
45 Bridge became functionally obsolete. Motorists, residents, and town officials were
46 increasingly concerned about traffic safety and delays. These concerns resulted in plans

1 to replace the bridge with a four-lane span and to build a cross-island four-lane highway
2 connecting the two bridges.

3
4 Construction of the new Jamestown-Verrazzano Bridge over the West Passage
5 began in 1985. The four-lane 7,350 foot concrete span opened in October 1992; the John
6 Eldred Parkway connecting it to the Newport Bridge opened in 1994. The state let the
7 original Jamestown Bridge of 1940 stay in place pending plans for the most efficient way
8 to remove it. The result was both a potential future asset and a jurisdictional and
9 maintenance problem: the old bridge was attractive to fishermen but as of 2002 was not
10 adequately maintained or managed either for fishermen or for the adjacent community.
11 The old bridge was finally demolished and removed in 2006, apart from a short section
12 extending from the Saunderstown shore; the remaining section was removed in 2010.

13
14 Jamestown's population not only grew rapidly after 1969 but changed in
15 character. Over the decades the island became effectively a suburban community, with
16 residents typically employed on the mainland or in Newport. It also became a popular
17 retirement community. There were many new private homes and upscale housing
18 developments, and the "downtown" commercial area prospered. The farmland familiar a
19 century before was increasingly diminished in area even as residents tried to maintain the
20 island's rural character.

21
22 Easily reached in a period of unusual national prosperity, the coastal waters
23 surrounding Jamestown saw a marked increase in recreational use. Boaters were
24 attracted both by the island's intrinsic natural appeal and by its easy access to southern
25 Narragansett Bay and Rhode Island Sound. The once tranquil harbors became
26 increasingly crowded, and they bustled with new (and occasionally excessive) activity.
27 By 2002, marinas, boatyards, yacht clubs, and private moorings provided services for
28 more than 1200 private and commercial vessels moored or berthed around the island--
29 more vessels than Jamestown had residents a century before.

30 31 B. ADMINISTRATIVE DIVISIONS: WATERS OF JAMESTOWN

32
33 The waters of Jamestown are divided administratively into three major categories:
34 harbor waters, coastal waters, and mooring areas.

35 36 1. Harbor waters/boundaries

37
38 Harbor waters are divided into one or more of three "zones": a) **mooring zones**
39 (designated primarily for the placement of moorings or for transient anchorage if space is
40 available); b) **transient anchorage zones** (designated exclusively for the short-term use
41 of commercial and recreational vessels); and c) **conservation zones** (specifically
42 designated for the protection of water quality, wildlife, and plant habitat values).

43
44 Following are the designated boundaries of Jamestown's three separate harbor
45 areas: *For specific detail on the following boundary points see the map and the table of*
46 *Rhode Island State Plane Coordinates and latitudes and longitudes in Appendix A-1.*

1
2 East Harbor waters (411 acres): The northern boundary shall be a line extending
3 easterly one thousand (1,000) feet seaward from the eastern extension of Weeden Lane.
4 The eastern boundary shall be a line extending one thousand (1,000) feet seaward of the
5 shoreline. The southern boundary shall be a line extending easterly from the southern
6 point of the Fort Wetherill boat basin to government marker G "9" (Fort Wetherill Gong)
7 thence to government marker G "11" (Bull Point Bell). East Harbor waters are classified
8 as follows:
9

10 *Mooring zone* (276.7 acres). All harbor waters from the Newport Bridge to a line
11 extending from Bull Point to government marker G "11" less a 50-foot setback
12 from the mean low water mark;
13

14 *Transient anchorage zone* (82.3 acres). All harbor waters from the northern
15 boundary to the Newport Bridge in the band of water five hundred (500) to one
16 thousand (1,000) feet from shore; and all harbor waters south of a line extending
17 from Bull Point to government marker G "11" less a 50-foot setback from the mean
18 low water mark;
19

20 *Conservation zone* (52.0 acres). All harbor waters from the northern boundary to
21 the Newport Bridge in the band of water from the shore to five hundred (500) feet
22 seaward.
23

24 West (Dutch) Harbor Waters (658.8 acres): The northern boundary shall be a line
25 extending westerly one thousand (1,000) feet seaward from the western extension
26 of Orchard Avenue (Weeden Lane). The western boundary shall be a line
27 extending from the westernmost end of the northern boundary to the pier at Fort
28 Getty. West (Dutch) Harbor waters are classified as follows:
29

30 *Mooring zone* (114.8 acres). All harbor waters from a point on shore due east of
31 the Dutch Island pier to the Fort Getty pier ~~ruins~~ thence to a point at the southern
32 terminus of Maple Avenue less a 50-foot setback band extending seaward from
33 the mean low water mark;
34

35 *Transient anchorage zone* (160.0 acres). All harbor waters from the Dutch Island
36 pier ruins to a point due east on shore thence to the pier at Fort Getty less a 50-
37 foot setback band extending seaward from the mean low water mark;
38

39 *North conservation zone* (287 acres).
40

41 All waters shoreward of a line extending from the western extension of Orchard
42 (Weeden) Lane to point R on the map provided as appendix A of the
43 Jamestown Harbor Management Ordinance, thence to point Q on that map;
44

1 *South (Sheffield Cove) conservation zone* (96.6 acres). All harbor waters south of
2 a line from the pier at Fort Getty to a point at the southern terminus of Maple
3 Avenue.
4

5 *South (Mackerel Cove) Harbor Waters* (27.9 acres): From the swimming beach
6 to a straight line one thousand (1,000) feet seaward from the southernmost
7 extremities of the Mackerel Cove swimming beach. South (Mackerel Cove)
8 Harbor waters are classified as a conservation zone.
9

10 2. Coastal waters/boundaries

11

12 Coastal waters consist of all waters bordering the town from the shore to a
13 distance of five hundred (500) feet seaward that are not included in the designation
14 "harbor waters", excluding mooring areas as defined below.
15

16 3. Mooring areas

17

18 Mooring areas are areas located within the water otherwise classed as coastal
19 waters, in which a group of private non-riparian moorings are permitted. Three areas,
20 known as Head's Beach, Park Dock, and Cranston Cove, were identified by the CRMC in
21 2006 as non-conforming mooring areas, that is, as having a sufficiently dense group of
22 moorings that formal recognition as mooring areas is required.
23

24 Mooring area siting standards. All designated mooring areas sited within the coastal
25 waters and harbor areas of the town shall be setback as follows:
26

- 27 (1) From riparian moorings and shoreline rights of ways, a distance sufficient to
28 allow ingress and egress and to prevent interference with the exercise of
29 private and public rights.
30
- 31 (2) Fifty (50) feet from all residential or commercial docks, piers, floats and
32 public launching ramps.
33
- 34 (3) Public mooring areas shall be setback from Federal Navigation projects at
35 least three times the U.S. Army Corps of Engineers authorized project depth
36 from federal navigational projects.
37
- 38 (4) All moorings shall be prohibited in Federal Navigation Projects.
39
- 40 (5) All new and significantly expanded mooring areas shall be sited to ensure
41 that tides and currents aid in flushing the mooring area.
42
- 43 (6) All new and significantly expanded mooring areas shall be sited to avoid
44 adverse effects on water quality
45

- 1 (7) Mooring areas shall be sited so as to not substantially interfere with
2 designated shellfish management areas, traditional fishing grounds, public
3 recreational areas and conservation areas.
4
5 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
6 shellfish resources, wetlands, submerged aquatic vegetation and aquatic
7 habitat.
8
9 (9) Mooring and marina areas shall be adequately serviced with the number of
10 pump out facilities as stipulated in the Harbor Management Plan. Any long-
11 term reduction in pump out facilities (i.e. greater than 6 months) shall
12 require an amendment to the Harbor Management Plan.
13
14 (10) The Army Corps of Engineers (ACOE) "open to all" policy supersedes any
15 Town or State regulation, policy, ordinance, or statute.
16
17 (11) All moorings and boats shall be located within the mooring areas, except for
18 riparian moorings.
19
20

21 4. Federal Exclusion Zone

22

23 In August 2008, the Town became aware that by Federal regulation (33 CFR
24 §334.80, originally dated March 13, 1968), the US Navy has established an exclusion
25 zone within which all activities such as anchoring and fishing are prohibited. This
26 exclusion zone includes a portion of the coastal waters of the northeast Jamestown
27 shoreline, including the Park Dock area mentioned above. Historically, Jamestown has
28 permitted not only these activities but also mooring in this zone, and there are also a
29 number of docks attached to riparian properties in this zone. Navy representatives have
30 assured Jamestown representatives that the existing uses may continue.
31

32 C. PHYSICAL SETTING AND NATURAL RESOURCES

33

34 1. Physical Setting

35

36 Geography; Geology: Conanicut Island is at the entrance to Narragansett Bay,
37 dividing the Bay into East and West Passages. The island, running north and south, is
38 about 9 miles long and 1.5 miles wide at its widest point. It has about 23 miles of
39 shoreline and a land area of 9.2 square miles. (Dutch and Gould Islands add another 0.2
40 square miles.) Despite its small size, the island is divided into two almost separate
41 sections: the smaller Beavertail section in the south is connected to the rest of the island
42 only by a strip of beach at the head of Mackerel Cove. (The main part of the island itself
43 is less clearly divided by the "Great Creek" complex that runs almost across the island
44 just east of the Pell [Newport] Bridge toll plaza).
45
46

1 The underlying geography of Conanicut Island's shoreline--and of the island as a
2 whole--results largely from the action of the last period of glaciers. It consists of granite
3 and shale bedrock, sometimes exposed, but for the most part overlaid with decomposing
4 glacial till. While the shoreline contains areas of rocky cliffs, sandy beaches, and a small
5 amount of estuarine emergent wetland, it is made up primarily of rocky unconsolidated
6 material that, at the water's edge, now forms shallow beaches of mixed pebbles and sand
7 backed by low banks and vegetation. Rocky cliffs predominate along the southern
8 coastline. From the scattered islets (known as the "Dumplings") in the southern part of
9 East Harbor, and around Fort Wetherill to the mouth of Mackerel Cove, there are granite
10 cliffs with bold promontories up to fifty feet high. On the west side of Mackerel Cove,
11 and extending around Beavertail Point to Austin Hollow, there are somewhat lower cliffs
12 of shale and slate, interspersed by occasional small beaches. The only extensive sandy
13 beach is at the head of Mackerel Cove, although there are smaller ones, public and
14 private, at various points around the island.

15
16 Winds; Flood Zones: The summer months have prevailing south/southwesterly
17 winds. Winds are more variable in the winter. Storms come usually either from the
18 northeast or the southeast. The combination of wind, velocity, direction, fetch, and
19 duration creates wave action on both sides of the island, with the west side generally
20 being more active.

21
22 Parts of the island are particularly subject to storm surge, flooding, and/or velocity
23 waves during coastal storms. Along the south coast the high cliffs reduce the risk of
24 flood damage; but the island has a generally low elevation--its highest point is about 140
25 feet above sea level and most of it is well under 100 feet. Both the East and West Harbor
26 areas have the possibility of flood zones of class A (flood elevation 10.2 feet above mean
27 sea level) and V (areas subject to velocity waves that reach 15 feet above sea level).
28 Beavertail is occasionally shut off from the rest of the island temporarily as storm
29 damage blocks the road across the head of Mackerel Cove; and the Great Creek and
30 Sheffield Cove areas are especially susceptible to coastal flooding. The specific location
31 of the island's flood zones are noted on the Federal Emergency Management Agency's
32 flood insurance maps. (Appendix A-2)

33
34 Water Depths; Navigational Hazards: Conanicut Island is surrounded by water of
35 considerable depth, especially along the southern part of its eastern coast, where readings
36 of more than forty, and occasionally sixty, feet may be found within 500 feet of the shore.
37 Water near the shoreline is shallower in Mackerel Cove and to the north (especially in
38 Dutch Harbor and north of the Jamestown-Verrazzano Bridge). Specific water depths of
39 various locations around the island are indicated on NOAA charts #13223 and #13221.

40
41 Navigation to, from, and around the island is generally straightforward. Some
42 unmarked dangers to navigation do exist. There are occasional submerged or semi-
43 submerged boulders situated around the island very near the shore. There are a few
44 submerged ledges in deeper water, notably near Kettle Bottom Rock and in the
45 Dumplings area. Otherwise, as the charts indicate, navigation around the island and into
46 the harbors from any direction is well-marked and direct.

1
2 Federal Dredging and Navigation Channels: At present Jamestown has no federal
3 dredging or navigation project and no federally maintained navigation channels, turning
4 basins, anchorages, or special anchorage areas.
5

6 2. Natural Resources 7

8 Finfish and Shellfish: With its diversity of coastal habitats, location within
9 Narragansett Bay and its proximity to the Atlantic Ocean, Conanicut Island is provided
10 with a rich diversity of marine life. Both finfish and shellfish can be found in abundance
11 in the marine and estuarine waters around the island. Recreational and commercial
12 fisherman catch striped bass, bluefish, tautog, scup, fluke, squeteague, winter flounder,
13 mackerel, bonito and squid. Lobster, hard clams (quahogs) and mussels are also
14 harvested around the island. There are ongoing efforts to re-establish the once abundant
15 oyster and bay scallop populations.
16

17 Eelgrass: Probably the most important habitat found around the island are the
18 lush eelgrass beds. These areas provide spawning and nursery habitat for many marine
19 species. Recent mapping of eelgrass show the waters around Conanicut Island have the
20 most extensive eelgrass beds in Narragansett Bay. (Maps showing the location of eelgrass
21 beds are available from the Town's GIS Department.) Of the 466 acres mapped in 2007,
22 approximately 163 acres were found around Conanicut Island. Most are found on the
23 east side of the island. Every effort should be made to protect this important habitat.
24

25 Coastal Wetlands: Conanicut Island has extensive salt marshes. The Round
26 Marsh located in the center of the island is the most extensive totaling over 100 acres.
27 This is followed by the Fox Hill Marsh just east of Ft. Getty at around 25 acres, Sheffield
28 Cove marsh at approximately 15 acres, Hull Swamp Marsh at 2.8 acres and Racquet
29 Road marsh at .7 acres and South Pond Marsh at 2.6 acres. (Maps showing the location
30 of these marshes are available from the Town's GIS Department.) As in the case of
31 eelgrass, these marshes are an important spawning and nursery habitat for many estuarine
32 and marine species. Every effort should be made to protect these marshes.
33

34 Intertidal Flats: In spite of Conanicut Island's 3-5 ft. tidal range there are few
35 areas around the island that may be considered true tidal flats (areas that become dry
36 during low tide on a regular basis). Only Sheffield Cove has tidal flats exposed on a
37 regular basis. However, during extreme spring low tides and when strong winds coincide
38 with an outgoing moon tide there are additional areas around the island where large tidal
39 flats are exposed. The primary areas are Sheffield Cove, East Ferry and Potters Cove.
40 All of these areas have good shellfish populations with Sheffield Cove and Potters Cove
41 harvested on a regular basis.
42

43 3. Conservation Areas 44

45 Jamestown is committed to the conservation of its natural resources. The Town
46 Council, Planning Commission, Conservation Commission and Harbor Commission have

1 all contributed to this effort with the overwhelming support of Town residents. The
2 Rhode Island Department of Environmental Management and non-profits including the
3 Conanicut Island Land Trust, Nature Conservancy and Audubon Society of Rhode Island
4 have also contributed to this effort. Approximately one third of the Island's 6380 acres is
5 under some form of protection with approximately 1,200 acres permanently protected and
6 800 to 900 acres temporarily protected under the State of Rhode Island "Farm, Forest,
7 and Open Space Program".
8

9 In the coastal areas the efforts on behalf of conservation are manifested in a
10 variety of ways: The large parks (described later in this text), while actively used for
11 recreation, nonetheless have significant areas available for wildlife. The Conanicut
12 Island Land Trust has acquired, through gift and purchase, a number of coastal properties
13 or conservation easements. In addition, about two miles of formerly developable,
14 privately-owned coastline are now permanently protected by conservation easements or
15 by the donation or sale of the development rights to the land trust, Nature Conservancy or
16 Audubon. *For a map of the town's conservation areas see the Jamestown*
17 *Comprehensive Community Plan (2002), p. 109.*
18

19 The most important coastal areas devoted primarily or exclusively to the
20 conservation and protection of fish, wildlife and habitat are:
21

22 Great Creek complex: A wildlife conservation complex of about 95 acres in the
23 center of the island that includes the 21 acre Marsh Meadows site owned by the Audubon
24 Society of Rhode Island and the adjacent 33 acre Conanicut Island Sanctuary owned by
25 the Town of Jamestown, as well as other smaller parcels owned by the town or under
26 privately-held conservation easements.
27

28 Hodgkiss Farm: A 150 acre site, of which five acres are developed, with over one
29 mile of shoreline, managed as a farm and for conservation purposes. The town and the
30 state own 90 acres of the site; the rest is protected by conservation easements.
31

32 Fox Hill Audubon Site: A 32 acre salt marsh area located just east of Fort Getty;
33 owned by the Audubon Society of Rhode Island. The town has recently opened a
34 wildlife observation trail on this site. (The adjacent Fox Hill Farm has 61 acres of
35 privately-owned land under a conservation easement.)
36

37 Sheffield Cove Audubon Site: A 13 acre salt marsh located on Beavertail Road,
38 across from Mackerel Cove, owned by the Audubon Society of Rhode Island.
39

40 Racquet Road Audubon Thicket Site: A 19 acre wildlife site in the Dumplings
41 area with two acres of salt marsh, owned by the Audubon Society of Rhode Island.
42

43 Hull Cove and Franklin (Austin) Hollow Sites: A ten acre conservation site on
44 either side of Beavertail Road stretching from Hull's cove to Franklin (Austin) Hollow,
45 owned by the Conanicut Island Land Trust.
46

1 Lippincott Easement: A privately-owned 20 acre site, with 800 feet of coastline,
2 just north of the east side of Beavertail Park.

3
4 Dutra and Neale Farms: In 2008 the Town of Jamestown purchased the
5 development rights to 80.8 acres of the Dutra Farm and 39.8 acres of the Neale Farm.

6
7 Watson Farm: Although not permanently protected, this 259-acre working farm
8 located on the west side of the island and owned by Historic New England (formally
9 Society for the Preservation of New England Antiquities) is protected under a deed of gift
10 from Thomas Carr Watson as land held with conservation intent.

11
12 Ft. Wetherill Marine Laboratory: This facility is located on the eastern end of Ft.
13 Wetherill State Park (see II-F-3 below). It is owned by the State of Rhode Island and is
14 operated by the RI Department of Environmental Management's Marine Fisheries
15 Section. The facility consists of three recently restored military buildings housing office
16 space, a research laboratory, aquarium facility and dockage for six research vessels
17 ranging in size from 21 to 50 feet. Fisheries and habitat monitoring and management is
18 conducted at this facility.

19
20 More detailed information on the town's physical setting and natural resources may be
21 found in the 2002 Jamestown Comprehensive Community Plan, pp. 43-91, 107-22.

22 23 24 D. WATER QUALITY/WATER TYPE

25
26 Because of its lack of industrial pollution, its tidal currents and deep water close
27 to shore, and its location near the mouth of Narragansett Bay, Jamestown has waters that
28 are comparatively clean. Despite its good fortune in that respect, however, there is
29 clearly room for improvement. There are, for example, occasional sewer overflows after
30 heavy rain and occasional septic system malfunctions--problems that the town has
31 addressed by completing the construction of the new wastewater treatment plant in 2009,
32 and a new wastewater management ordinance provides for better inspection and control
33 of septic systems.

34
35 In 1999 the DEM declared all of Rhode Island's waters to be a "no discharge"
36 zone--a regulation that not only requires all vessels with marine sanitation devices
37 (MSDs) to have holding tanks but that prohibits the discharge of waste overboard. The
38 Town owns and operates one pump out station on the west side of the island and three on
39 the east side of the island. The commercial marina operator on the east operates one
40 additional pump out station and a pump out boat.

41
42 The DEM and the CRMC each have water classification systems by which they
43 set standards for appropriate uses of Narragansett Bay's waters. While these standards
44 are set for somewhat different purposes and therefore do not always coincide, the DEM
45 and the CRMC cooperate to solve problems that may result where their jurisdictions

1 overlap. The harbor commission works with these two agencies where matters of either
2 water quality or water use are concerned.

3 4 1. DEM Water Quality Designations

5
6 The DEM establishes surface water quality standards for the waters of the Bay,
7 along with uses appropriate to them. It divides the bay waters into four classes, each
8 defined by the most sensitive designated uses. It then regulates these uses for the
9 purposes of water quality protection and enhancement.

10
11 The DEM considers some use designations to be suitable for all four DEM
12 classes: aquaculture uses, navigation, and industrial cooling (and all "shall have good
13 aesthetic value"). It also considers some to be not suitable for any class: waste
14 assimilation and waste transport.

15
16 The DEM distinguishing water quality standards, as described by DEM and as
17 applied to Jamestown, are as follows:

18
19 Class SA [the most ecologically sensitive designation]: "These waters are
20 designated for shellfish harvesting for direct human consumption, primary and secondary
21 contact recreational activities, and fish and wildlife habitat." (In the DEM descriptions
22 "primary contact recreational activities" include swimming, diving, water-skiing, and
23 surfing; secondary ones include boating and fishing.) Jamestown's SA waters include
24 almost all the waters surrounding Conanicut Island, as well as the waters surrounding
25 Dutch Island and all but the northern tip of Gould Island.

26
27 "SA{b}" refers to SA waters that have "a partial use designation due to impacts
28 from a concentration of vessels." Jamestown's designated SA{b} waters are: a) in East
29 Harbor, west of a line running 1000 feet from shore that extends south from the Pell
30 (Newport) Bridge to a line running from Bull Point to buoy G "11", excluding those areas
31 designated "SB" below; and b) in West Harbor, inside the lines drawn from a point on
32 Jamestown due east of the Dutch Island pier, to the Fort Getty pier, and then to a point at
33 the southern end of Maple Avenue.

34
35 Class SB: "These waters are designated for primary and secondary contact
36 recreational activities; shellfish harvesting for controlled relay and depuration [i.e.,
37 purification]; and fish and wildlife habitat." Jamestown's SB designated waters are: a) a
38 1000-foot wide band that runs south along the coast from the northernmost point of
39 Taylor's Point to a line running due east from a point 1000 feet south of the Pell
40 (Newport) Bridge; b) in the East Ferry area of East Harbor--west of a line from Bryer
41 Point to Lincoln Street; c) in the area of the Dumplings around the Jamestown and
42 Clarke's Boat Yards; d) in Fort Cove (i.e., the Fort Wetherill boat basin); and e) around
43 the northern tip of Gould island.

44
45 Class SB1: "These waters are designated for primary and secondary recreational
46 activities and fish and wildlife habitat....Primary contact recreational activities may be

1 impacted due to pathogens from approved wastewater discharges." Jamestown has only
2 one SB1 designation: within a 300 foot radius of the marine sewer outfall off Taylor
3 Point.

4
5 Class SC: This classification involves industrial processes. Jamestown has no
6 waters classified SC.

7 8 2. CRMC Water Use Designations 9

10 The Rhode Island Coastal Resources Management Plan (CRMP) classifies all waters of
11 the State into six categories. This classification is based on characteristics of the adjacent
12 shoreline uses and does not take into consideration the characteristics of the intertidal and
13 sub-tidal habitats adjacent to these shorelines. As a result some critical habitats (eg.
14 eelgrass) are not fully protected under the CRMP. A complete description of these water
15 types and the policies associated with each can be found in the CRMP or online at
16 <http://www.crmc.state.ri.us/regulations/RICRMP.pdf>.

17
18 Type 1--Conservation Areas that "abut shorelines in a natural undisturbed
19 condition, where alterations, including the construction of docks and any dredging, are
20 considered by the Council as unsuitable." Jamestown's Type 1 waters extend: a)
21 southwestward from Fort Cove (the Fort Wetherill boat basin) along the entire shoreline
22 around Beavertail (including all of Mackerel Cove), then north along the west side of the
23 island to Fort Getty, and around it to a line running from the end of the Fort Getty pier to
24 the southern end of Maple Avenue; b) south from a straight line extension of Weeden
25 Lane (i.e., just north of the Pell (Newport) Bridge toll plaza) to the southern side of that
26 bridge; and c) around Dutch Island.

27
28 The intended uses of Type 1 waters are minimal impact only, in order to preserve
29 the natural habitat. Where significant shallow water habitat is identified, boating
30 activities shall be restricted as necessary to decrease turbidity and physical destruction of
31 such habitat.

32
33 Type 2--Low-Intensity Boating: "adjacent to predominantly residential areas,
34 where docks are acceptable, but more intense forms of development . . . would change
35 the area's character and alter the established balance among uses." Jamestown's Type 2
36 waters extend: a) north from the southern end of Maple Avenue along the entire
37 shoreline around the north end of the island, then south to a straight line extension of
38 Weeden Lane; and b) around Gould Island.

39
40 The intended use for Type 2 waters is to provide access to the water for
41 residential areas. Riparian moorings are present in Type 2 waters, as well as some small
42 residential mooring areas off neighborhood beaches that are private, through deeded right
43 access. Note: West Ferry Harbor and Dutch Harbor Boat Yard are located within Type 2
44 waters. Records indicate CRMC approved the marina perimeter of Dutch Harbor Boat
45 Yard in 1993 or 1994.
46

1 Type 3--High Intensity Boating: areas "dominated by commercial facilities that
2 support recreational boating. Here, marinas, boatyards, and associated businesses take
3 priority over other uses, and dredging and other shoreline alterations are to be expected."
4 Jamestown's Type 3 waters extend south from the southern side of the Pell (Newport)
5 Bridge to Fort Cove (the Fort Wetherill boat basin).

6
7 The intended use for Type 3 waters is recreational boating. In Jamestown there
8 are three commercial boating facilities shoreside to the only Type 3 water around the
9 island. Additionally, there are two yacht clubs and a boat owner's association marina
10 located in the Type 3 water. There is a high demand for boating facilities and access to
11 the water in Jamestown.

12
13 Type 4--Multipurpose Waters: "include the open waters of the Bay and the
14 Sounds, where a balance must be maintained among fishing, recreational boating, and
15 commercial traffic." Type 4 waters near Jamestown include those waters surrounding
16 Conanicut, Dutch, and Gould Islands not given other water-type designations. The Type
17 4 waters are out of the jurisdiction of the Town of Jamestown.

18
19 Type 5--Commercial and Recreational Harbors: "ports, [where] a mix of
20 commercial and recreational activities must co-exist." Jamestown has no Type 5 waters.

21
22 Type 6 Industrial Waterfronts and Commercial Navigation Channels: waters
23 where "water-dependent industrial and commercial activities take precedence over all
24 other activities." Jamestown has no Type 6 waters.

25
26 See Map A-1 4 for CRMC's water use designations in Jamestown's waters. More detail
27 on the CRMC designations may be found in the Council's Coastal Resources
28 Management Program as Amended (the "Red Book"), 1996 and ongoing, section 200.

29 30 31 E. FACILITIES, USES, AND ACTIVITIES

32 Jamestown's waters are widely used: shellfishing and finfishing (both
33 commercial and recreational, from shore and on boats), recreational sailing and motor-
34 boating, swimming, waterskiing, jetskiing, windsurfing, and the like are all popular.

35
36 With its excellent summer climate, ample winds, proximity to Newport, and easy
37 accessibility both to lower Narragansett Bay and the open ocean, Jamestown is a natural,
38 almost an inevitable, center for boating. Its appeal in this respect brings boaters to the
39 island both to visit and to reside. Indeed, over the past few decades boating's growth in
40 scope and intensity has been one of the most striking aspects of Jamestown's economic
41 and recreational life. Appendix A-3 includes a Zoning Map.

42
43 Recreational boating activity in Jamestown consists largely of day boating,
44 sailboat racing, recreational fishing, or cruising (transients visiting, residents going
45 elsewhere). Commercial activity is concentrated in the East and West Harbor areas.
46 Current town zoning restrictions limit to some extent the possibilities of further water-

1 based commercial development in those areas, especially as most of the harbor waterfront
2 is already committed to residential use, public recreation, or conservation.

3 4 5 1. Commercial Boating Facilities 6

7 Marinas/Boat Yards: There are four commercial marinas/boat yards available to
8 the general public in Jamestown: three in East Harbor (Conanicut Marine Services, Clark
9 Boat Yard, Jamestown Boat Yard), and one in West Harbor (Dutch Harbor Boat Yard).
10 These businesses make a considerable contribution to the local economy. They also
11 provide access to the water for any members of the public--resident or non-resident--who
12 wish to take advantage of their services.

13
14 *Clark Boat Yard*, a little less than a mile south of East Ferry (also known as
15 Round House) has 45 rental moorings; a service dock; launch service; two railway lifts; a
16 boat ramp; and a repair shop. It has on-site winter storage and on-site summer parking.
17

18 *Conanicut Marine Services* (CMS), at East Ferry, has its own pier and leases two
19 others from the town. It has 160 rental moorings; over 100 rental slips with electricity
20 and water; the only marine fuel (diesel and gasoline) pump on the island; a launch
21 service; a ship's store; showers and heads; a pumpout facility and pumpout boat; and a
22 repair shop. It has off-site winter storage and off-site summer parking. The Jamestown
23 and Newport Ferry, operated by CMS, which is based at East Ferry, provides summer
24 transportation between Jamestown, Newport, and other nearby points.
25

26 *Dutch Harbor Boat Yard* (DHBV), at the west end of Narragansett Avenue, has
27 its own service dock and leases part of the old West Ferry landing from the town. DHBV
28 has 108 rental moorings, a launch service, showers and heads, a pumpout facility, a
29 railway lift, and a full repair shop on site. It has on-site winter storage and on-site
30 summer parking.
31

32 *Jamestown Boat Yard* (JBY), south of the Clark Boat Yard, in the center of the
33 Dumplings residential area (and the oldest boatyard on the island) has a railway lift; a
34 service dock; ample shop facilities; and is able to do extensive repairs on site. JBY also
35 has 57 rental moorings; 13 outhauls; and launch service. It provides on-site winter
36 storage and on-site summer parking.
37
38

39 2. Yacht Clubs and Other Private Associations 40

41 Yacht Clubs: There are two yacht clubs on the island, both centered in East
42 Harbor. The Conanicut Yacht Club, located in the northern part of the harbor, has 19
43 moorings (17 designated commercial) and its own club building and pier. It runs a
44 children's sailing program for members that is also open, if space is available, to the
45 public. The Jamestown Yacht Club has no building or moorings of its own and uses the
46 marina facilities or general public access at East Ferry.

1
2 Private Associations: A private boating association located at the Fort Wetherill
3 boat basin, the Fort Wetherill Boat Owners Association, has 40 slips that it rents to
4 Jamestown residents. Two private beach associations at the southern end of East Harbor,
5 the Cottrell Pier Association and the Dumplings Association, have one mooring as of
6 2014³ and have swimming piers and beaches that some of their members use for access
7 to their boats.
8

9 3. Town-Owned Waterfront Structures

10
11 Jamestown owns a number of waterfront properties and structures. Those that the
12 harbor commission has been involved with one way or another are described briefly
13 below.
14

15 East Ferry: Beach and Concrete Ramp: Jamestown issues beach permits each
16 year that enable holders to store their small boats on the East Ferry Beach. In 2013 the
17 27 permits raised \$2331.00 for the harbor commission. At the same time, the boats
18 interfere to some extent with the public's free movement about the beach.
19

20 The concrete ramp is used free of charge by resident and non-resident private boat
21 owners and by commercial operators to launch small boats, usually from trailers.
22 General parking congestion in the East Ferry area, along with specific limits on trailer
23 parking, often make the ramp inconvenient both for the users and for passing traffic. The
24 ramp is ~~in fair condition and is in need of some repair~~ poor condition and is under further
25 assessment for repair or replacement.
26

27 East Ferry: "Steel" Pier: Jamestown constructed this pier in the 1970's to
28 encourage marina development. Some sections of the pier are currently under lease to
29 Conanicut Marine Services until 2015. CMS uses the pier to launch boats by crane, to
30 provide access to the floating docks, and to provide fueling services. By a recent
31 agreement the north side of the pier is now open to free public use for loading and
32 unloading on a short-term basis.
33

34 The combined basic lease for both this pier and for the adjacent wood pile pier is
35 \$14,000 with an escalation clause based on rises in CMS's slip and dockage fees that
36 made the lease worth \$37,000 to the town in 2013. As part of its lease CMS pays taxes,
37 insurance, etc., allows free pedestrian access to the piers, and is responsible for regular
38 maintenance of both piers as well as for all repairs that cost under \$2,500 (also with an
39 escalation clause) for each single repair.
40

41 East Ferry: Wood Pile Pier: The shore side portion of this pier was constructed
42 using Federal funds, and was added to by the town in the 1970's. The pier is now
43 partially leased to Conanicut Marine Services as part of the lease described above, and
44 the remainder is for public use. The pier is in good condition. The harbor commission
45 sets the rates for CMS's seasonal dockage fees: in 2013 these were \$40.00 per foot for
46 commercial vessels and \$80.00 per foot for pleasure vessels. At present the eight-foot

1 wide pier has a multi-purpose use: CMS leases space to commercial fishermen and other
2 marine businesses on a yearly basis; pedestrians and recreational fishermen, both resident
3 and non-resident, use it freely; and there is one of the town's pumpout stations and a
4 touch-and-go floating dock for boaters (originally donated by the Jamestown Yacht Club
5 and CMS, but currently managed by the town) at its end. A second touch and go dock is
6 located at the inward end of the pier. Two new 40'x20' docks were added to the
7 northeast end of the wood pile pier in 2010.

8 East Ferry: Veterans Memorial Square, Town Square, Riparian Boat Basin:
9 Memorial Square and the adjacent town square provide the riparian rights that allow the
10 town to lease the water area east of it to CMS for use as CMS's "north basin" marina.
11 Memorial Square leads to the steel pier and CMS's floating docks (the fuel tanks for the
12 steel pier pumps are buried under it). The town square leads to the wood pile pier. Much
13 of Memorial Square was repaired in 2000 and the north face of the stone bulkhead was
14 rebuilt in 2005-06. This area is the center of the town's major demand for parking; and
15 parking space dedicated to one purpose inevitably reduces parking space for others--
16 reserved areas for loading and unloading vs. general parking, shorter time limits for shop
17 owners vs. longer limits for boaters, etc. Improving parking at East Ferry is one of the
18 town planning commission's ongoing concerns. In 2013 the seawall between the north
19 side of the steel pier and the south side of the boat ramp was reconstructed.

20
21 Fort Wetherill: Boat Basin (Fort Cove) and Highway Barn Area: The Fort
22 Wetherill boat basin has been leased by the Fort Wetherill Boat Owners Association
23 (FWBOA) since 1979. The FWBOA is a private association that has constructed, and
24 owns, its piers and floating docks. With town permission it is able to use public facilities
25 for parking and float storage. It maintains a waiting list for vacancies that is open to all
26 Jamestown residents. In 2008 Jamestown and the FWBOA negotiated a seven-year lease
27 with a first year payment of \$22,000 and a second year payment of \$25,000 with a yearly
28 \$500 increase. The lease expires in 2015.

29
30 The state-owned area around the southern side of the basin has been developed by
31 the DEM into a state marine research laboratory; subject to a memorandum of
32 understanding entered into between the town and DEM. The town owns 3.5 acres of
33 land, including the old highway barn, located within 30 feet of the water's edge. The new
34 highway barn was constructed at Taylor Point in 2009.

35
36 Fort Getty: Pier, Launch Ramp: Jamestown acquired Fort Getty and its pier from
37 the U.S. Army in the 1950's. Since the 1970's the town's recreation department has
38 managed the area primarily as a seasonal trailer park and campground. The park is open
39 to the public: Residents pay \$15 for an annual parking sticker; non-residents pay \$20
40 daily for motor vehicle admission (\$30 with a boat trailer). Pedestrians and bicyclists
41 may enter free of charge.

42
43 At the north end of the park there is a boat ramp, an adjacent causeway, and, at
44 the end of the causeway, a wood pile pier. On the eastern side of the causeway the harbor
45 commission has installed 22 outhauls that it leases seasonally at \$430 for boaters with
46 commercial fishing licenses and \$500 for boaters who are purely recreational. The pier

1 itself is in only fair condition and will need some significant repair work within the next
2 five years. It has no floating dock and is too high off the water to serve small boats
3 conveniently without one. The commission installed electricity in 2000 to provide
4 leasing capacity for one or more vessels, particularly the commercial vessels no longer
5 allowed at the state-owned pier in the Fort Wetherill boat basin (Fort Cove). A kayak
6 rack has recently been constructed at Fort Getty and the same user rates apply to the Ft.
7 Getty rack as for beach permits.

8
9 In 2011 the harbor commission and the town made necessary repairs to the Ft.
10 Getty boat ramp. In 2013 the Ft. Getty outhauls were replaced.

11
12
13 West Ferry: Wharf: The West Ferry wharf (the old West Ferry landing area) is a
14 long, wide, paved and clamshell-graded facility extending into Dutch Harbor. The town
15 has CRMC permission for 20 outhauls on the south side of the wharf. The outhauls were
16 replaced in 2103. The town also owns and maintains a dinghy dock at the west end, for
17 which in 2013 it charged, on a space available basis, \$450 a season for tie-up privileges
18 (usually ten to twenty dinghies are involved). The town has a pumpout station at the west
19 end. During the summer months the wharf surface is used for parking by the public and
20 by the customers of the Dutch Harbor Boat Yard, which is located just north of the wharf.
21 The harbor commission spent almost \$200,000 in 2001 on repairs both to the surface of
22 the wharf and to its north side and west end. (The town made repairs to the south side of
23 the wharf in the early 1990's and it is in good condition.)

24
25 The Dutch Harbor Boat Yard leases part of the wharf from the town for boat
26 storage from after Labor Day through June 14 each year. Its lease is set at a base of
27 \$10,000 annually, with an escalation clause that brought the town a total of \$15,000 in
28 2013. As part of the lease, the boat yard commissions and decommissions the town's
29 docks and gangways each year without charge (perhaps a \$4000 value), shares the cost of
30 summer trash removal, and manages both the town's outhaul rentals (for which Dutch
31 Harbor Boat Yard receives one-half the income) and the town's dinghy dock (for which
32 Dutch Harbor Boat Yard receives all the income). The ten-year renewable lease runs to
33 2015. All repairs are the responsibility of the town. Some concern has been expressed
34 that the yard's boat storage and parking may limit effective public access; and the boat
35 yard and the town have been working together to resolve the issue.

36
37 Jamestown Shores (Head's) Beach; Broad Street/Park Dock: Head's Beach was
38 acquired by the Town of Jamestown in 1996 with funding from the Rhode Island Open
39 Space and Recreational Area Bonds Act. Head's Beach has three rough stone jetties
40 made of large, unsurfaced boulders and a natural launch ramp. In 2013 the town issued
41 nine beach permits for boats at this site, for which it received a total of \$954. In recent
42 years the harbor commission has issued mooring permits adjacent to the waters of Head's
43 Beach. Park Dock has the remains of an old stone jetty. RIDEM Shoreline Access
44 Grant provided for improved public access at this site. Moorings have been permitted in
45 waters adjacent to Park Dock Public funding and DEM recreational easements have
46 contributed to an increase of use and associated user conflicts. *(For further information*

1 on these two facilities see section II-F-3, below). CRMC as of 2007 is requiring that the
2 Head's Beach and Park Dock mooring fields be formalized as mooring areas, along with
3 another area used for non-riparian moorings at Cranston Cove.

4
5 Maple Avenue: The town makes available beach storage of small boats by
6 permits as issued by the Jamestown harbor office. In 2013 the town issued fifty permits
7 for kayaks and dinghies at this site, for which it received \$3880.

8
9 Boardwalks: There are no boardwalks in Jamestown.

10
11
12 4. Waterfront Parking

13
14 Parking, particularly at East Ferry and West Ferry, has been a perennial problem
15 during summers in Jamestown. It was that way when the ferries were running fifty years
16 ago; it is that way now. Business owners maintain there is not enough parking for their
17 customers; boaters maintain they have too far to walk to get to their boats; nearby
18 residents maintain they are hemmed in by visitors parking on local streets. At the same
19 time, for well over half the year, the boating season is over, the tourists and the summer
20 residents have gone, and the parking problem seems to vanish. In a 1998 planning
21 commission community survey 28% of the respondents said there was a general parking
22 problem in the downtown area; 53% said there was a problem, but only in the summer
23 season.

24
25 The town's planning commission and its parking committee have been working on
26 ways to address the issue of parking for a number of years. They have found it difficult
27 to obtain useful statistics to analyze effectively the source of the congestion. While the
28 harbor commission, for example, asks private mooring owners where they access their
29 boats and (if they drive) where they park, its questions do not always elicit helpful
30 answers. Some private mooring holders park in different places depending on the time of
31 day or week--on whether races, weekends, holidays, or special events bring more cars to
32 the center of town. Some drive when they have heavy loads to carry and walk or bicycle
33 when they do not. Some provide ambiguous, incomplete, or confusing answers to the
34 commission's questionnaire. And, of course, the questionnaire is concerned only with
35 boaters who have private moorings: it does not deal with the larger number of boaters in
36 harbor waters who use the services of the commercial operators, or who launch their
37 primary boats from the beaches--let alone with people who have driven to the harbor
38 waterfronts in summer to fish, look around, eat, shop, or otherwise enjoy themselves.

39
40 Parking is a matter of particular concern to many boaters. To meet these concerns
41 the harbor commission will work with the planning commission, to which the
42 comprehensive community plan has assigned initial responsibility for addressing matters
43 related to parking in the town. In doing so, the harbor commission will pay particular
44 attention to the needs of boaters.

1
2 5. Moorings
3

4 A mooring permit is required for all moorings located in the waters of Town of
5 Jamestown. Jamestown has over 1000 private and commercial moorings at different
6 locations around the island. In 2012 it issued a total of 1077 mooring permits--a figure
7 slightly up from the 1072 recorded twenty- one years earlier in 1991.
8

9 Private moorings fall into the following classes:
10

11 Class 1(a) riparian: owners of riparian property are entitled to apply, with priority
12 over other mooring permit classes, for up to two moorings per property parcel directly
13 adjacent to the shorefront property parcel. Only owners of riparian property may have
14 guest moorings. Only one of the two moorings permitted Class 1a permit holders may be
15 a guest mooring.
16

17 Class 1(b) riparian on coastal waters: property owners holding a freehold estate of
18 record with a deeded right of access to riparian property are entitled to apply for a single
19 mooring permit per property directly adjacent to that riparian property. The Town shall
20 provide delineation of each such mooring area. Each such mooring area is available to
21 members of the general public. This does not imply any right to trespass on private
22 property.
23

24 Class 2 (a) private easement: a non-riparian property owner holding a freehold
25 estate of record with a deeded private right-of-way or easement to coastal waters granted
26 in an original property subdivision are entitled to apply, per property, for a single
27 mooring permit directly adjacent to that right-of-way or easement. The Town shall
28 provide delineation of each such mooring area. Each such mooring area is available to
29 members of the general public. This does not imply any right to trespass on private
30 property.

31 Class 2(b) right-of-way: a non-riparian property owner holding a freehold
32 estate of record within one thousand (1,000) feet of a public right-of-way to coastal
33 waters is entitled to apply, per property, for a single mooring permit per property directly
34 adjacent to that right-of-way. The Town shall provide delineation of each such mooring
35 area. Each such mooring area is available to members of the general public. This does not
36 imply any right to trespass on private property.
37

38 Class 3 is the general class of mooring permit holders, under which anyone can
39 apply for a mooring permit. Applications for moorings, resident and non-resident, will be
40 considered in the order in which they are received.
41

42 In 2013~~4~~ there were 388 commercial mooring permits issued: 280 in East Harbor
43 and 108 in West Harbor. (The commercial mooring operators reserve some of their

1 moorings for transient boaters, the exact number each year depending to some extent on
2 the number of seasonal rentals.)

3
4 In East Harbor there are three commercial boating facilities which manage town
5 issued mooring permits:

6
7 **Clark's Boatyard** is issued 46 mooring permits annually, to be rented
8 out seasonally or as transient moorings. Clark's Boatyard is a private entity that leases no
9 land from the town. The business is self-sufficient and manages itself, other than the
10 mooring fees and reports due to the town.

11
12 **Conanicut Marina** is issued 160 town mooring permits annually, and
13 conducts its business from a combination of private land and land leased to Conanicut
14 Marina from the town. There is collaboration between the town and the commercial
15 business to manage and maintain the facilities.

16
17 **Jamestown Boat Yard** is issued 57 town mooring permits. Jamestown
18 Boatyard is a private entity that leases no land from the town. The business is self-
19 sufficient and manages itself, other than the mooring fees and reports due to the town.

20
21
22 In West Harbor, there is one commercial boating facility:

23
24 **Dutch Harbor Boat Yard.** This boatyard is issued 108 town mooring
25 permits annually, and conducts its business from a combination of private land and land
26 leased to Dutch Harbor Boat Yard from the town. There is collaboration between the
27 town and the commercial business to manage and maintain the facilities.

28
29
30 All commercial operators are required to show proof of mooring inspections
31 every three years, and are required to provide reports to the Harbor Office regarding the
32 number of seasonally rented moorings, transient moorings, boat lengths, etc. A fee is
33 also charged for each permit, based on the length of boat moored. For transient
34 moorings, the average length of all of the vessels moored seasonally is averaged, and the
35 average is used to calculate transient mooring fees due to the town.

36
37 The remainder of the mooring permits are private permits issued by the Harbor
38 Office. The permits are managed by the Harbor Office, and information regarding the
39 vessel and vessel owner is kept on file and up to date. Mooring inspections must be
40 completed every three years, by a certified mooring service provider, and the report must
41 be submitted to the Harbor Office before the permit will be renewed.

42
43 In 2012 there were 696 private mooring permits, of which 314 were Class 1a
44 (riparian); 127 of the 314 were guest moorings. 17 Class 1b (deeded rights to riparian
45 land) permits were issued. Over half of the private mooring permits (that is, 400) were
46 for the two harbor areas: 237 (54 of them Class 1) for East Harbor and 163 (38 of them

1 Class 1) for West Harbor. In coastal waters 222 of the 296 private mooring permits 90 of
2 them guest moorings were Class 1a. There were 38 private mooring permits for south of
3 the harbor areas 34 of them in Mackerel Cove and 297 for the long coastline around both
4 sides of the island to the north. In 2012 there were 112 vessels on private moorings over
5 25 feet in length moored in East Harbor and 94 moored in West Harbor.

6
7 In 2012 the total number of non-resident private moorings in Jamestown was 65,
8 or 9.34 % of the total 696 private mooring permits granted. Exclusion of the 314 Class
9 1a mooring permits would change this figure to 65 of the 382 private mooring permits
10 (17%).

11
12 There are three mooring areas on the north end of the island – Park Dock (5
13 moorings), Cranston Cove (12 moorings) and Head's beach (13 moorings). All three
14 areas have only private mooring permits located within, and there are no commercial
15 operations within at least 2 miles of each mooring area. The water Type is 2 for all three
16 areas, and the town believes this form of low intensity boating, mainly by residents of the
17 north end of the island, is consistent with the CRMC Type 2 water. The permit holders
18 are responsible for maintaining the mooring tackle, as with all private mooring permits.
19 The town maintains the ROW's to the water, where applicable, and in the case of deeded
20 rights to riparian lots, the private associations maintain and manage the private riparian
21 lot access.

22
23 There is always extreme pressure for additional private moorings. At the end of
24 2012, the harbor commission had a waiting list for mooring permits totaling 342 names:
25 122 for the West Harbor, 183 for East Harbor, and 37 elsewhere. Non-residents
26 constitute 69 of the 342 places on the waiting lists. This is approximately 20 % of this
27 list. The pressure for new moorings has always been particularly severe on the East
28 Harbor mooring field. Some East Harbor applicants have been on the list over eight
29 years, and at the present rate of turnover the most recent applicants will be waiting over
30 ten years.

31
32 Moorings in Jamestown have traditionally included a heavy concrete block or
33 other heavy anchor, a length of heavy chain that normally lies on the seabed, and a length
34 of lighter chain that is supported by a mooring ball, to which is affixed a rope bridle.
35 Standards for these traditional moorings are written into the harbor ordinance. The
36 harbor commission believes that modern mooring tackle, involving a resilient member
37 between the anchor and the mooring ball in lieu of both lengths of chain, are a distinct
38 improvement, in that they appear to result in less stress on the boat's cleats and other
39 hardware, because less scope is required, so that moorings can be placed closer together,
40 and because the habitat-destructive scrubbing action of the heavy chain on the seabed as
41 the boat and mooring are moved by wind, waves, and current is eliminated. As of spring
42 2009, the harbormaster has been encouraging the use of such resilient tackle where
43 possible for the past several years. The accompanying amended ordinance specifically
44 encourages the use of such resilient tackle.

45 46 6. Fishing

1
2 Fishing has always been, and will continue to be, an integral part of Jamestown
3 life. There is a richness of fishing opportunities around the island that attracts both
4 commercial and recreational fishermen.

5
6 Shellfishing takes place in the tidal wetlands along inlets, on intertidal flats, and
7 in concentrated areas in near-shore waters. Although the island waters contain an
8 abundance of shellfish, some shellfish areas are closed either permanently or seasonally
9 when the waters are not certified.

10
11 Note: The DEM has permanently closed to shellfishing "the waters on the east
12 shore of Jamestown, in the vicinity of East Ferry and Taylor Point, west of a line from the
13 House on the Rocks located in the Dumplings to buoy C13, west of a line from buoy C13
14 to buoy M15, and south of a line from buoy M15 to the northernmost tip of Taylor
15 Point." The DEM has seasonally closed to shellfishing "the waters on the west shore of
16 Jamestown, in the vicinity of West Ferry, which are south and east of a line from the
17 landward side of the northeast corner of the Fort Getty pier to the south side of the mouth
18 of Great Creek." (See DEM, Shellfish Closure Areas, May, 2000-May, 2001.) Seasonal
19 closure extends from the Saturday before Memorial Day to the Tuesday after Columbus
20 Day.

21
22 Aquaculture, which is supervised and administered primarily by the CRMC, is a
23 small but increasingly significant aspect of marine activity in Narragansett Bay. In 2002
24 there were three aquaculture projects underway locally, all of them either in, or near,
25 West Harbor: West of the Hodgkiss Farm there was a 4.5 acre commercial project
26 involving oyster, clam, and scallop. East of that project, nearer shore, were two small
27 experimental research projects--oyster for one; oyster, clam, and mussel for the other--
28 each with a 1000 square foot short-term lease.

29
30 As of 2012, there were two additional CRMC applications for aquaculture
31 projects in the vicinity of Jamestown. It is expected, due to recent trends, that the
32 occurrence of aquaculture projects will increase in the coming years.

33
34 Jamestown's waters have both advantages and disadvantages for aquaculture. Its
35 waters are relatively pure, but relatively high in salinity and low in nutrients. Despite its
36 mixed appeal for aquaculture, the town may reasonably expect further interest from
37 aquaculturists in future years. One of the policies of the 2002 comprehensive community
38 plan is for the town council to "support Aquaculture in and around Jamestown while
39 minimizing detrimental impacts of such operations" (p. 261), with the harbor commission
40 as a cooperating partner.

41
42 It is possible that to the current inconspicuous "bottom" aquaculture may be
43 added, from time-to-time, research projects in the Bay that are suspended from rafts or
44 constructed with floating or fixed netting. If this occurs in Jamestown's waters it may
45 result in some physical obstruction or other inconvenience for local boaters. The state
46 agencies involved have the final authority over aquaculture projects in bay waters, no

1 matter how close the projects may be to the shoreline. However, CRMC policy is to
2 notify towns and individuals likely to be affected by an aquaculture project before any
3 decision is made about it, so that they may express their views at a preliminary
4 determination ("PD"): the CRMC is interested of course not only in aquaculture but in
5 the aesthetic and recreational qualities of the bay.

6
7 **Commercial fishermen** based in Jamestown have access to Narragansett Bay's
8 finfish, lobster, and shellfish resources. While Jamestown is not itself a large center for
9 commercial fishing, the business has always been part of the fabric of the community.
10 Commercial fishermen include lobstermen, quahoggers, draggers, hook-and-liners,
11 aquaculturists, and those who fish in diving gear and from the shore. Many, both full-
12 time and part-time, target multiple species of finfish and shellfish. In 2002 there were
13 not only a number of commercial fishing vessels berthed or moored at Jamestown, but
14 many others trailered in and launched from various points on the shore.

15
16 **Recreational fishing** in Jamestown is a popular activity for residents and non-
17 residents alike. At one time the world record for the largest striped bass caught from the
18 surf was held in Jamestown. Almost all the published guides to New England saltwater
19 fishing recommend Jamestown as a site for excellent striped bass. Newspapers in
20 Providence and Newport report on the fishing in and around Jamestown in seasonal
21 weekly columns, as does the *Jamestown Press*. At present the activity helps support one
22 seasonal bait and seafood shop.

23
24 Sites for shore fishing may be found all around the island--from the big state
25 parks at Beavertail and Fort Wetherill to small access points such as Head's Beach and
26 Park Dock. The most popular shore sites are probably Beavertail, East Ferry, Fort
27 Wetherill, Fort Getty, and Taylor Point. East Ferry, because of its central location,
28 relatively limited access, and competing activities, almost always has intense problems
29 with space and parking. Similar problems exist in other areas, such as Head's Beach.

30
31 Fishing from boats--moored, docked, and trailered--is also a popular activity
32 around Jamestown. Residents and non-residents launch boats at the East Ferry, Fort
33 Wetherill, and Fort Getty ramps. The only designated parking area for boat trailers is at
34 Fort Getty.

35
36 There are no anadromous fish runs that affect Jamestown.

37 38 39 40 7. Other Water-Based Activities

41
42 Swimming: In addition to the designated and regulated Mackerel Cove Beach,
43 described below, there are a number of unnamed and unregulated publicly-owned
44 beaches and rocky coves around the island where people swim at their own risk, such as
45 at Beavertail, Fort Getty, Fort Wetherill, Head's Beach, Cranston Cove, Park Dock, and
46 other accessible public waterfronts. There are also private associations, such as the

1 Cottrell Pier Association and the Dumplings Association, both in the southern section of
2 East Harbor.

3
4 Scuba Diving: Scuba diving is a popular sport around the island, both shore-
5 based and from boats, particularly because of the deep and clear water close to shore.
6 Fort Wetherill, recognized as one of the premier scuba diving sites on the east coast,
7 attracts large numbers of divers throughout the warmer months. Many of the weekend
8 divers are students in scuba classes in Rhode Island and the adjacent states who are
9 brought to Fort Wetherill for their first open water dives.

10
11 Windsurfing, Water Skis and Jet Skis: The most popular public areas for
12 launching windsurfers are probably at Fort Getty, East Ferry, at Head's Beach, and at
13 Taylor Point. There is a five mile per hour, no-wake speed limit for all vessels in harbor
14 waters. But in harbor waters the speed limits are not always adhered to; and in coastal
15 waters there have been complaints from around the island about the noise and
16 disturbance created by jet-skiing, water-skiing, and other kinds of powerboating.

17 18 F. RECREATION AREAS AND PUBLIC ACCESS 19

20 The CRMC and the Town of Jamestown are committed to providing and
21 maintaining public access to the shoreline. Under Rhode Island law the public has (and
22 has had since the seventeenth century) the right to use the coasts of the state between
23 mean high water and mean low water for the purposes of fishing, swimming, gathering
24 seaweed, and passing along the shore. To realize this public right the CRMC and the
25 town work together to maximize the potential of existing town-owned parks and other
26 areas on the waterfront; to maintain and mark existing rights-of-way (ROWs); and to
27 identify, survey, and open potential ROWs that can best serve the public interest. (The
28 town, for example, believes that all the existing shoreline easements on public property
29 for water outflow and underground cables already provide public access to the shoreline.
30 It is currently updating its inventory of those easements.) As part of its program
31 supporting public access, the CRMC requires all harbor management plans to include
32 significant public access provisions. This section of the plan discusses where the town
33 stands at present in that respect. *Also see map in Appendix A-4.*

34 35 1. Recent Developments 36

37 In 1998 the town's parking committee appointed a subcommittee to report on the
38 town's ROWs and to make recommendations for their future utilization in terms of
39 parking and of renovation or expansion. The subcommittee (which included as members
40 the town planner and the then chair of the harbor commission) reported in April, 1999, in
41 a report entitled: The Parking Committee's Report on Public Shoreline Access and
42 Rights-of-Way in Jamestown. Building on prior work, most notably the planning
43 department's Shoreline Access and Improvement Plan of July 1992, the report discussed
44 39 sites. For each site it provided a locating map, a description, at least two photographs,
45 and recommendations for the future. The parking committee submitted the report to the
46 town council, which approved it with minor changes.

1
2 The 2002 comprehensive community plan (p. 246) takes up the parking
3 committee report under its section entitled "Water Resources (Coastal Resources)" policy
4 #2: to "encourage land management that provides opportunities for public waterfront
5 access." The draft lists four "actions" to be taken: 1) to implement the recommendations
6 outlined in the parking committee report [*Initiator*: parking committee; *Resources*:
7 recreation department; conservation commission, harbor commission, tax assessor, 1999
8 parking committee report]; 2) to maintain a current ROW inventory [*Initiator*: planning
9 department; *Resources*: CRMC, 1999 parking committee report]; 3) to actively seek
10 outside funding for enhancement of selected right-of-ways [*Initiator*: recreation
11 department; *Resources*: planning department; harbor commission]; 4) to create
12 requirements for easements to the waterfront in subdivisions where appropriate
13 [*Initiator*: planning commission; *Resources*: subdivision regulations].
14
15

16 2. The 1999 Parking Committee Report

17
18 The parking committee report provided a rating (of 1, 2, or 3) for each site it
19 discussed to provide a priority recommendation for future action, as follows:
20

21 1. "Should be fully supported and maintained with existing parking and
22 facilities." Number 1 priority sites are those of the "greatest importance and priority for
23 public access": they can "support the most people, have facilities already in place, need
24 little if any improvement, and should be fully maintained." (The report also points out
25 that they already make up 15% of Jamestown's shoreline.)
26

27 2. "If all number 1 sites are fully functioning and there is further need to provide
28 public shoreline access, these sites could be improved to provide (more) parking and
29 access. Funds for construction, possibly CRMC or DEM approvals and maintenance
30 would need to be committed to improve these sites." Number 2 priority sites "could also
31 support larger numbers of people with parking but do not currently have the necessary
32 facilities." They should have a high priority for maintenance, but development of
33 "additional parking or facilities should be considered only if the primary sites do not
34 adequately fill the community need and budget allows."
35

36 3. "Should be maintained as pedestrian access only sites." Number 3 priority
37 sites "are largely neighborhood ROWs which in most cases were first established for
38 neighborhood, pedestrian access. Most are in dense neighborhoods and are currently
39 maintained by abutting neighbors. . . . These sites are of the lowest priority because they
40 would require planning, public workshops, clearing, stair construction, boundary
41 markers, posting and possible parking arrangements in order for them to be safe and fully
42 accessible. This would be at a considerable cost to the town and would not provide
43 access for a substantial number of people. Where there are or have been encroachments,
44 it is advised that the town mark the boundaries.
45

46 3. Checklist of Public Access Sites

1 The following checklist has only brief descriptions of sites that provide, or that
2 might in future provide, public access to the shore. There are fuller descriptions of most
3 of these properties and sites, along with discussion of the issues relevant to them, in the
4 1992 planning department study and the 1999 parking committee report. (Indeed, much
5 of the following list is based on--and paraphrases--material in one or both of those two
6 reports.) The checklist takes up in order: a) federal and state-owned properties; b) town-
7 owned properties developed for public use; c) properties of whatever ownership that have
8 CRMC designation as ROWs; d) sites that may be considered potential ROWs for
9 possible future CRMC designation; and e) coastal conservation areas that permit at least
10 some public access. In the list below the parking committee's priority numbers are given
11 in parentheses just after the name of the site.

12 13 Federal and State-owned Parks

14
15 Beavertail State Park (1): a state and federally-owned park on Beavertail Point
16 managed by the DEM Division of Parks. The park consists of 183 acres and has over
17 1.25 miles of accessible coastline (rocky cliffs interspersed with, on its west side,
18 occasional small beaches). There are spectacular ocean views to the south, east, and
19 west. The Beavertail lighthouse, with a small museum, is at the end of the point. The
20 park has parking lots for over 120 vehicles, portable toilets, ocean overlooks, and a
21 number of walking trails. Fully accessible as a public ROW.

22
23 Fort Wetherill State Park (1): a state-owned park in the Dumplings area, managed
24 by the DEM Division of Parks. The park consists of 58 acres and has almost a mile of
25 coastline (high granite cliffs with one pebbly beach). There are spectacular views east to
26 the East Passage and south to Rhode Island Sound. The park has a picnic area, walking
27 trails, World War II gun emplacements that may be visited, and a boat ramp on the beach
28 much used by scuba divers. Fully accessible as a public ROW.

29
30 Fort Wetherill State Park Extension (3): a state and town-owned site of 10.5
31 acres, of which the state owns 7 acres and the town 3.5. The park consists of rocky cliffs,
32 adjacent to Fort Wetherill State Park, extending south and west of the Fort Wetherill boat
33 basin (Fort Cove). The DEM has recently renovated three old military buildings on the
34 site to serve as the Fort Wetherill marine laboratory, housing the marine fisheries section
35 of the DEM Division of Fish and Wildlife. *(There are more details in the Fort Wetherill*
36 *boat basin section of II-E-3, above.)* OK

37
38 Dutch Island, Gould Island: Accessible only by water, these two islands, of 75
39 and 41 acres respectively, deserve mention with respect to public access even though they
40 lie outside the scope of the parking committee's report. While the two islands are within
41 Jamestown's jurisdiction, they are at present each owned jointly by the state and the
42 federal government. The state has designated its portion of each island to be part of the
43 state's bay island park system in the future.

44 45 Town-Owned Properties Developed for Public Access

46

1 Conanicut Battery/DAR Memorial (unrated [under development]): a park of 22
2 acres on the west side of Beavertail surrounding the site of a Revolutionary War battery
3 (on the National Register of Historic Places) and several early-20th century military
4 installations. The park has about 100 feet of waterfront, but virtually no access to it
5 because of high and steep cliffs. When the parking committee report was written the park
6 was undergoing renovation to preserve the ruins of the fort, to provide nature walks and
7 appropriate signage, and to open the excellent views of the West Passage. The
8 renovation was completed and the park formally dedicated, in June 2002, as the
9 Conanicut Battery on Prospect Hill.

10
11 East Ferry (1): a .75 acre complex at the foot of Narragansett Avenue consisting
12 of a marina, two town piers, a town square, a memorial square, a beach extending about
13 one-quarter mile to the north, and a short, non-adjacent, shoreline nearby to the south.
14 (*See the fuller descriptions in the East Ferry sections of II-E-3, above.*) The site has OK
15 parking--which is likely to be crowded in the summer months--and is fully accessible.
16

17 Fort Getty Park (1): a 41 acre site, largely surrounded by water, at the northwest
18 corner of Beavertail, with a trailer park, camping area, restrooms, and other recreational
19 facilities. The Jamestown recreation department maintains Fort Getty, and the town is
20 improving its recreational potential on the basis of a master plan developed in 1994. (*For* OK
21 *more details see the Fort Getty section of II-E-3, above.*) The park has an admission fee
22 for automobiles. There is ample parking and waterfront access.
23

24 Hull's Cove (1): a 50 foot wide ROW with a narrow path running about a
25 hundred yards from Beavertail Road to Hull's Cove beach. The parking area for four to
26 six cars at the road's edge has little room for expansion. There is trash pick-up at the
27 roadside. The path is level but uneven, the pebbly beach has excellent ocean views. A
28 boardwalk is in the planning stage.
29

30 Jamestown Shores (or "Head's") Beach (1): a 1.7 acre site on the west side of the
31 island north of the Jamestown-Verrazzano Bridge. The site has a gently-sloping grassy
32 area with a pebbly beach. There are three stone jetties, a natural boat ramp, a picnic area,
33 trash pick-up, boats moored directly off shore, boats landing on the beach, and a parking
34 area for perhaps 20 cars. In the summer the area is often overcrowded.
35

36 Mackerel Cove Beach (1): a wide and sandy public beach at the head of
37 Mackerel Cove, with lifeguards, restroom, shower, and trash pick-up in the summer
38 months. Parking is available, for a \$15 daily fee (or a \$15 annual sticker for residents),
39 for over 50 cars. Fully accessible to the water.
40

41 Maple Avenue (2): a rough, potholed town road, with some still unresolved
42 ROW legal aspects, that terminates in a muddy, grassy area abutting an Audubon Society
43 restricted wildlife refuge and CRMC-designated conservation waters. The area is not
44 much used at present, although there are a number of dinghies. A dinghy rack under
45 town control was provided in 2002 in order to help protect the adjacent conservation
46 areas.

1
2 Potter's Cove/Taylor's Point (1): a 25 acre site just east of the Pell (Newport)
3 Bridge toll plaza, consisting of a long sandy and pebbly beach extending south toward
4 Taylor Point, which has rocky cliffs and informal trails. Parking is available in both parts
5 of the site. There are paths to the cliffs. A new set of wooden steps leads to the beach.
6 The site is accessible to the water.

7
8 West Ferry (1): the old town ferry wharf at the western end of Narragansett
9 Avenue--*more fully described in the West Ferry section of II-E-3, above.* There is OK
10 usually adequate parking and the site is fully accessible to the water.

11 CRMC-designated ROWs

12
13
14 The Town maintains a list of Shoreline Access and Right of Way Inventory as
15 presented to the Town Council May 20, 2013.

16 17 18 19 Coastal Conservation Areas with Some Public Access

20
21 Some of the coastal conservation areas (*identified in II-C-4, above*) provide
22 limited access for pedestrians: the Marsh Meadows and the Conanicut Island Sanctuary
23 sites at Great Creek; the state and town-owned portions of the Hodgkiss Farm; the Fox
24 Hill Audubon Site; the Sheffield Cove Audubon Site; the Racquet Road Audubon
25 Thicket Site.

26 27 28 29 G. EMERGENCIES: STORM PREPAREDNESS

30
31 Inevitably emergencies will occur on and in the waters surrounding Jamestown,
32 from minor ones to major ones such as hurricanes and oil spills. Inevitably the
33 Harbormaster will play a role in responding to these events.

34
35 The town's procedures for responding to emergencies are based on its
36 "Emergency Operations Plan 2012 , developed under the authority of the Rhode Island
37 Civil Defense Preparedness Act of 1973, and updated in 1994. The 2012 plan
38 established a "Jamestown Emergency Management Agency" to develop plans, and to be
39 responsible, for any kind of emergency the town might have to confront. Response to
40 specific emergencies as they arise is the responsibility of the "Council of Emergency",
41 which reports to the town council and town administrator (who together constitute the
42 "Council of Defense"). In this command structure the harbormaster reports to all three
43 organizations and is a member of the "Council of Emergency" along with the chief of
44 police, the fire chief, the town engineer, etc. The harbor commission has no role to play.

1 Hurricanes and other severe storms are almost certain to do more damage than
2 any other emergency in the harbor commission's area of concern. Over the years
3 hurricanes have caused extensive damage to Conanicut Island and to the boats in its
4 waters: high winds, flood waters, and storm surges have taken lives and destroyed both
5 boats and waterfront facilities. The town's current response to hurricanes may be found
6 in its 18-page document "Hurricane Defense" (approved by the town council in 2012,
7 which spells out precisely the steps to be taken by the appropriate town authorities in the
8 progressing stages from hurricane watch, to hurricane warning, to any post-hurricane
9 crises that may arise. The harbormaster's assigned responsibilities are almost exclusively
10 dedicated to the safety of boaters, of boats, and--in conjunction with others--of waterfront
11 property.

12
13 The best possible defense against hurricanes is preparedness. Improperly located
14 or maintained moorings, poorly secured boats, and an uninformed and unprepared public
15 can result in serious risk to life and property. Preparation for hurricanes has been an
16 ongoing concern of the harbor commission. In 2000 the Commission produced a two-
17 page flier, "HURRICANE READY? Tips for Preparing for a Hurricane Strike", which it
18 sent to each mooring permit holder and distributed further through marinas, yacht clubs,
19 and other appropriate locations. (See Appendix B-1 for "Hurricane Defense" [1992] and
20 the flyer "Hurricane Ready?" [2000].
21
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29

30 H. REFERENCES

- 31
32 Jamestown, Town of
33 Conservation Commission, Planning Department, and Recreation Department,
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35 Emergency Management Agency
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37 Hurricane Defense, Jamestown, Rhode Island, August, 1992
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39 Fort Getty Park Master Plan, December 1994.
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41 Comprehensive Harbor Management Plan, 1995
42 Harbor Management Ordinance, 1990
43 "Team A" informal reports on future Harbor Management Commission
44 responsibilities, etc., dated August 31, October 6 and 11, 2000
45 Wright, H.M., position paper on Harbor Management Commission
46 responsibilities, etc., dated December 10, 2000

1 Harbor Commission, DEM Water Certification Map, December 6, 2014
 2 Harbor Commission, DEM Water Certification Map, February 27, 2015
 3 Parking Committee
 4 The Parking Committee's Report on Public Shoreline Access and Rights-
 5 of-Way in Jamestown, April 1999
 6 Planning Commission
 7 Jamestown Comprehensive Community Plan, 2002
 8 Shoreline Access and Improvement Plan, prepared by Rebecca J Carlisle,
 9 July 1992 Rhode Island, State of: Coastal Resources Management
 10 Council
 11 Coastal Resources Management Program ("Red Book"), 1996 and
 12 ongoing
 13 Guidelines for the Development of Municipal Harbor Management Plans,
 14 June 1998
 15 Public Access to the Rhode Island Coast, written by Pamela Pogue and
 16 Virginia Lee, February 1993
 17 Public Works Department
 18 Harbor Commission's Asset Inventory List (Approved by the Commission
 19 on 02.12. 2014 and the Town Council on 04.07.2014)
 20 Shoreline Access and Right of Way Inventory, May 20, 2013
 21
 22
 23 Rhode Island, State of: Department of Environmental Management
 24 Water Quality Regulations, August 1997 and ongoing
 25 Shellfish Closure Areas, May, 2000-May, 2001, Narragansett Bay, May 2000
 26
 27
 28
 29
 30
 31
 32
 33
 34

1 III. ISSUES AND IMPLEMENTATION

2
3 A. MOORINGS

4
5 One of the most serious and urgent issues presently confronting the town with
6 respect to harbor management lies in the number and placement of its current moorings,
7 both private and commercial: the placement of moorings in the waters around
8 Jamestown may be in violation of DEM or CRMC regulations, or both. Since it is
9 important that the town be in compliance with all CRMC and DEM regulations, the
10 issues these moorings raise probably represent the most immediate problems for the
11 harbor commission to address.

12
13 Another issue is that there are a number of moorings that are not used as required
14 by the ordinance, and there are also a number of "ghost moorings", that is, floating
15 mooring balls that are not being used and constitute obstructions. Both preclude issue of
16 new mooring permits.

17
18 Issue: East Harbor:

19
20 The 1988/90 harbor management ordinance (and repeated in the 1995
21 comprehensive harbor management plan) stated that the eastern boundary of East Harbor
22 "shall be a line extending 1000 feet seaward of the shoreline." Even as the ordinance was
23 being written, however, there may have been moorings east of that line. Whatever the
24 exact situation at that time, the harbor commission received approval for the East Harbor
25 mooring field from the town council, the CRMC, and the DEM. Since recognition of this
26 nonconformity a significant percentage of the moorings outside the harbor boundary have
27 been eliminated. As of 2007 DEM and CRMC have advised the harbor commission that
28 the remaining private moorings outside the 1000 foot line may continue to be permitted
29 but are to be reduced by attrition. However, it is to be noted that a number of the
30 moorings outside the 1000 foot line are commercial moorings permitted by the Army
31 Corps of Engineers and not subject to town or state jurisdiction.

32
33 Goal: To continue the process of reducing the number of non-conforming
34 moorings, to eliminate moorings that are not being used as intended, and to eliminate
35 ghost moorings.

36
37 Policy: To provide as many mooring spaces for resident and non-resident boaters
38 as is appropriately feasible while, at the same time, conforming to the requirements of the
39 CRMC and the DEM and wherever possible eliminating non-conforming moorings by
40 attrition, eliminate unused moorings by enforcement of the ordinance, and remove ghost
41 moorings and other unauthorized anchored objects.

42
43 Implementation:

44
45 Action: Continue the program, begun in 2001, of reducing, through attrition, the
46 private, non-Army Corps of Engineers-permitted moorings outside the 1000 foot line

1 until such time as the town and the DEM and CRMC reach a mutually satisfactory
2 solution. Employ resilient tackle where possible to allow closer spacing of moorings.
3 Enforce the ordinance to eliminate unused moorings and remove ghost moorings and
4 other unauthorized anchored objects.

5
6 *Reference:* See sections II-D on water quality and II-B and II-E-5 on
7 administrative divisions and moorings, above.

8
9 *Responsibility:* *Initiator:* Harbor commission; *Resources:* Harbormaster

10
11 *Timing:* The rate of attrition being unpredictable, timing is uncertain; but the
12 commission will report regularly to both the DEM and the CRMC and will work with the
13 two agencies to develop other plans should they find progress unsatisfactory in the
14 future. In any case, the program will be thoroughly reviewed at the end of five years. In
15 recent years numerous unused and ghost moorings have been eliminated through the
16 efforts of the harbormaster.

17
18 *Costs:* There should be no appreciable costs at this stage.

19
20 Issue: Coastal Waters/Mooring Areas

21
22 Despite Rhode Island's recent "no discharge" policy the U.S. Food and Drug
23 Administration still in part determines water purity (and therefore whether or not
24 shellfish can be shipped out of state) by counting the number of boats with marine
25 sanitation devices that are moored in a given area. The maximum number of boats with
26 marine sanitation devices permitted in a given area without risk of water quality
27 degradation is nine. In addition, the CRMC considers: a) that "any designated area
28 managed by a commercial enterprise, a club, city, or town where five or more
29 recreational craft are kept at moorings" constitutes a "recreational mooring area," and, b)
30 that "any dock, pier, wharf, float, floating business, or combination of such facilities that
31 accommodate five or more recreational boats" constitutes a "marina" (see Redbook,
32 300.4). The DEM also uses a five recreational boat limit.

33
34 In 2001 the DEM suggested to the harbor commission that several stretches of
35 Jamestown's coastal waters--particularly Cranston Cove and Head's Beach--might be in
36 jeopardy of triggering either DEM or CRMC action in this respect. This situation exists
37 even though the exact size of the area in which moorings are counted is not specifically
38 quantified (or quantifiable) and therefore has to be a matter of judgment on the part of the
39 DEM, the CRMC, and, by extension, the town.

40
41 In late 2006 CRMC officials performed an on-the-water survey and identified
42 three areas that in their view constituted non-conforming mooring areas, known as Park
43 Dock, Head's Beach and Cranston Cove.

44
45 Goal: To insure that the various stretches of Jamestown's coastal waters are
46 properly administered.

1
2 Policy: To optimize the efficient use of coastal waters while, at the same time,
3 conforming to the requirements of the CRMC and the DEM

4 Recommendations:

5
6 a) That the areas identified by CRMC as non-conforming mooring areas be
7 established as conforming mooring areas under the Ordinance.

8
9 b) That the harbor commission clearly identify, for discussion--both by the local
10 residents and by town residents generally--the alternative future choices for those areas,
11 and draft regulations setting forth the organizational structure whereby additional
12 mooring areas may be established as needed.

13
14 c) That no new moorings be permitted in any mooring area without provision of
15 adequate shoreside facilities, namely parking, restrooms, and trash disposal.

16
17 d) That the commission work with both the CRMC and the DEM to achieve a
18 satisfactory resolution for all parties.

19
20 Implementation:

21
22 *Action:* Resolve any issues between the Town and the CRMC and DEM
23 respecting the possibility of excessive numbers of moorings in Jamestown's coastal
24 waters, and formally recognize the three mooring areas identified by CRMC as such.
25 Revise the Ordinance accordingly. Remove moorings from the Park Dock and Cranston
26 Cove areas by attrition, removal of unpermitted moorings, and relocation of moorings as
27 feasible, so that these areas can revert to coastal water status.

28
29 *Reference:* See sections II-D on water quality and II-B and II-E-5 on
30 administrative divisions and moorings, above.

31
32 *Responsibility: Initiator:* Harbor commission; *Resources:* Harbormaster;
33 residents of relevant areas.

34
35 *Timing:* Begin immediately to find a satisfactory resolution within six months of
36 when CRMC approves this plan.

37
38 *Costs:* There should be no appreciable costs at this stage.

39
40 Issue: All Waters

41
42 The town council upon the recommendation of the harbor commission may
43 establish a shared mooring program in town waters.

44
45 B. WATER QUALITY

1 Water quality as it relates to moorings in Jamestown waters (see "Issue A:
2 Moorings", just above) is the harbor commission's most immediate and urgent water
3 quality issue. In addition, the town must always be on guard to protect and enhance its
4 water quality in general.

5 Issue: Toxic and Pathogenic Substances
6

7 Although Rhode Island has declared its waters to be a sewage "no discharge" zone,
8 there is continual need to eliminate the discharge of toxic and pathogenic substances. While
9 the town's present harbor management ordinance has a list of prohibited substances, it must
10 bring the ordinance up-to-date with respect to the recent state "no discharge" regulation and
11 with respect to limiting activities that might lead to accidental discharges.
12

13 Goal: To maintain and improve Narragansett Bay's water quality by prohibiting activities
14 that would degrade it and by eliminating activities that threaten or impair existing water quality
15 in accordance with DEM water quality regulations.
16

17 Policy: To comply with present and future water quality standards for vessels on
18 moorings as well as in all other respects. To encourage marinas and shipyards to adopt, where
19 they have not already done so, operation and maintenance measures to protect the coastal waters.
20 To continue to monitor and protect, as necessary, areas where significant shallow-water habitat is
21 identified.
22

23 Recommendation: That the Harbormaster ensure that those individuals issuing
24 moorings, permits, etc. are familiar with the state standards, regulations, and guidelines
25 and that they adhere to those standards.
26

27 Implementation:
28

29 Action: Amend the harbor management ordinance regularly and as necessary to
30 bring it into accordance with state regulations and to prohibit in-water servicing activities
31 such as antifreeze discharges, painting, and paint scraping.
32

33 Reference: See section II-D, above, and the 1988/90 harbor management
34 ordinance, Section 7 ("Regulated Activities").
35

36 Responsibility: *Initiator:* Harbor commission; *Resources:* Town council.
37

38 Timing: These changes should be undertaken as soon as the new ordinance is
39 approved.
40

41 Costs: There should be no costs involved.
42
43

44 C. PUBLIC ACCESS
45

46 1. Land Access

1
2 In its 1998 Guidelines for the Development of Municipal Harbor Management
3 Plans (p. 24), the CRMC requires that "Harbor Management Plans shall include public
4 access provisions that: a) Inventory and catalogue the condition of all existing CRMC
5 designated rights-of-way in the community, and identify potential rights-of-way for
6
7 designation by the CRMC; b) Establish goals, policies, and recommended actions
8 designed to preserve, protect, and enhance the existing public rights-of-way to the tidal
9 waters of the town; c) Design a maintenance program to be implemented by the
10 community to improve and maintain all municipally owned rights-of-way; and d)
11 Develop a prioritized list of CRMC-designated rights-of-way that are municipally owned
12 which could be improved by either public or private entities and identify appropriate site
13 improvements required."

14
15 The town parking committee (in its 1999 report) and the town planning
16 commission (in its 2002 revised comprehensive community plan) have already
17 undertaken studies concerned with the identification, prioritization, and maintenance of
18 existing and potential public access sites and rights-of-way. The comprehensive
19 community plan (p.246) has assigned the harbor commission to be a resource in the
20 implementation of two matters pertaining to public access: to implement the
21 recommendations outlined in the parking committee report and to seek outside funding
22 for enhancement of selected rights-of-way. It seems most efficient for the harbor
23 commission, rather than try to develop a separate program, to work with the planning
24 commission to implement the planning commission's recommendations.

25
26 Issue: Enhancement of Public Access

27
28 Goal: To provide, maintain, and enhance public access to the shoreline.

29
30 Policy: To support the policies and actions of the current comprehensive
31 community plan.

32
33 Recommendation: That the harbor commission work with the relevant town
34 authorities and the local marinas to implement the comprehensive community plan.

35
36
37 Implementation:

38
39 Action: Establish a subcommittee to work with the planning commission in the
40 matter of public access.

41
42 Reference: See sections I-D-1 on the planning commission and II-F on recreation
43 areas and public access, above.
44

1 *Responsibility: Initiator:* Recreation department; planning department;
2 *Resources:* Parking committee, planning commission, harbor commission, conservation
3 commission, public works department.
4

5 *Timing:* There should be planning commission liaison reports provided to the
6 harbor commission at six-month intervals on the status of this issue.
7
8

9 2. Water Access. (See also: D. TOWN-OWNED WATERFRONT STRUCTURES)
10

11 On many occasions the sentiment has been voiced that Jamestown lacks adequate
12 public facilities for both local and visiting boaters. In general, there is inadequate so-
13 called "touch and go" dock space where boaters can tie up for a short time (residence
14 time is limited to 30 minutes) to load and unload crew, supplies, gear, trash, and so forth.
15 For example, there are many documented incidents of conflicts between boaters
16 attempting to use the touch-and-go dock at the east end of the Wood Pile Pier (WPP) and
17 persons fishing. There is also very limited free dinghy dock space for transients, and no
18 free dock for boaters desiring to tie up for a few hours (as above, time on the touch-and-
19 go docks is limited to thirty minutes)
20

21 Issue: Enhancement of Public Access, Resolve Boater/Fisherman Conflicts
22

23 Goal/Policy To provide better touch-and-go dockage, reduce or eliminate
24 conflicts between the boating and fishing communities, and provide better access to
25 the shore for visiting boaters or mooring holders .
26

27 Recommendation: That the harbor commission work with the relevant town
28 authorities and the local marinas to improve public dock facilities.
29

30 Implementation:
31

32 *Action:* In early 2008, the Town Council directed the JHC to set aside a portion
33 of the WPP for fishing and provide an additional short-stay touch-and-go dock to the
34 north side of the WPP. If implemented these could be expected to alleviate the conflicts
35 noted and provide better touch and go dockage. A new touch-and-go dock was added to
36 the WPP over the in winter of 2009-2010.
37

38 If a new floating dock is constructed, possibly a free transient dinghy dock space
39 could be incorporated into in a space not suitable for full-size boats.
40

41 No proposals are currently on the table for providing town-owned dockage for
42 visiting boaters, and it is difficult to see how this could be accommodated without very
43 significant construction; perhaps this need can be best left to the commercial operators, as
44 at present.
45

46 *Timing:* As above, these matters are currently on the JHC's active docket.

1
2 Costs: Each of the above options will involve some cost, at this point
3 undetermined, although the JHC has obtained a detailed design and estimate for a new
4 touch-and-go dock to be added to the WPP, and has sent it out for bids. Whether this and
5 other improvements can be funded through the JHC budget or will require Town
6 contribution is likewise not yet apparent.
7
8
9

10 D. TOWN-OWNED WATERFRONT STRUCTURES 11

12 Jamestown has a number of waterfront structures (and adjacent properties) that
13 support water-based activities. With varying degrees of urgency, the harbor commission
14 needs to consider the possible future uses of these structures and properties for the years
15 ahead as they pertain to its own particular goals.
16

17 As the commission considers the best possible long-term use for these structures
18 and adjacent properties--the beach, launch ramp, concrete pier, wood pile pier with two
19 attached touch and go docks, and public bulkheads at East Ferry; the barn area and
20 waterfront at the Fort Wetherill boat basin; the pier, launch ramp, and outhauls at Fort
21 Getty; the wharf at West Ferry, etc.--a number of questions come to mind: Should the
22 town continue the current uses of these structures or find other ones? Should it choose
23 the uses that maximize boater support, public access, or town revenue? Should it sell any
24 of the structures to private interests? Where leases are coming due should the town
25 renew the current leases on roughly the same terms; should it limit or eliminate certain
26 uses; should it seek the highest market offer; should it operate the facilities itself?
27

28 Many of the issues the harbor commission needs to discuss with respect to future
29 uses result from differing groups having desirable and reasonable goals and interests that
30 compete with each other: the convenient location of the East Ferry boat ramp for boaters
31 competes with a free flow of vehicular traffic in the area; the use of, and income from,
32 East Ferry beach permits competes with free pedestrian movement on the beach; on the
33 congested wood pile pier at East Ferry a variable mix of commercial and recreational
34 fishers, recreational boaters, and tourists compete for room on small spaces above the
35 water; and so on. Some of the issues have priority for discussion over others: properties
36 with upcoming lease renewals to consider; structures in a bad state of repair; properties--
37 such as Fort Getty and the Fort Wetherill boat basin--already the subject of evaluation by
38 other departments of the town.
39

40 It is self-apparent as well that the existing waterfront structures are in various
41 degrees of disrepair, and that further action is needed to resolve conflicts between user
42 groups. The Wood Pile Pier underwent significant repair and improvements as the result
43 of storm damage in 2013. Repairs have been made to the steel pier, and the utility
44 installation there has been finished off properly. East Ferry boat ramps should be
45 repaired and/or upgraded. The Ft. Getty Boat ramp was replaced in 2009. The dock at Ft.

1 Getty needs some repair. The outhauls at Ft. Getty and West Ferry were completely
2 reconstructed in 2013.

3
4 The principal user group conflict at East Ferry is between recreational (and, in the
5 spring, subsistence) fishermen and boaters who both desire to use the outer floating touch
6 and go dock. A floating dock is not a suitable place for fishing; nonetheless, if fishing is
7 to be permitted on the wood pile pier at all, the seaward end will always be the preferred
8 spot. To address this issue, the JHC has constructed a new touch-and-go dock for the
9 WPP; fishing is not allowed on this dock, so fishermen are now restricted to the pre-
10 existing touch-and-go dock. To an extent, this has displaced commercial fishing dock
11 space, at present (2010) commercial fishing is in decline and the space seems to be
12 available. Nonetheless, it is to be hoped that commercial fishing will recover, and then
13 the space will be again required. Given that the Town's policy is to encourage
14 commercial fishing, we should not hasten to permanently eliminate the town-constructed
15 portion of the wood pile pier as a commercial fishing dock.

16
17 Finally, the old ferry dock at East Ferry is an eyesore and hazardous, with rusty
18 rebar protruding through gaping holes in the sagging, concrete deck. This should be
19 repaired or removed entirely. Properly repaired, the space might serve as a sort of scenic
20 lookout, perhaps with picnic tables and the like. Proposals for improvements here are
21 being investigated as of late 2011.

22
23 The commission cannot resolve these issues on the town's behalf. It must work
24 with the planning commission, the recreation department, other appropriate town
25 departments, and tenants before making recommendations to the town council. But as
26 the town body most immediately involved in the management of waterfront structures, it
27 should initiate discussion of the issues pertaining to them.

28
29 Issue: The Long-term Future of the Town's Waterfront Structures (and Adjacent
30 Properties) As described in the Harbor Commission's Asset Inventory List (as approved
31 by the Commission on 02. 12. 2014 and the Town Council on 04.07.2014).

32
33 Goal: To make timely recommendations to the Town Council on this subject over
34 the next five years. More specifically, resolve the conflicts between user groups,
35 especially at the wood pile pier. Further, survey the condition of the town-owned
36 structures and make repairs and upgrades as needed.

37
38 Policy: To find the best possible long-term use for the town's waterfront
39 structures and associated properties and make repairs and improvements so as to achieve
40 those uses.

41
42 Recommendation: That the commission immediately determine the order in
43 which it believes the various structures should be discussed and that it then work with the
44 planning commission, the recreation department, other appropriate town agencies, and
45 tenants to make recommendations to the town council on the future of these structures.
46

1 Implementation:

2
3 *Action:* Determine the future of town-owned waterfront facilities.

4
5 *Reference:* See II-E-3 on town-owned waterfront structures, above.

6
7 *Responsibility:* *Initiator:* Harbor commission; *Resources:* Planning
8 commission, planning department, recreation department, tenants of leased properties.

9
10 *Timing:* As of 2010, the JHC has had a survey of the WPP carried out, has
11 constructed an additional touch-and-go dock to be added to the WPP, has obtained an
12 estimate of. The curbs and rails on the north side of the East Ferry area and the repairs to
13 the steel pier are complete.

14
15 *Costs:* Significant costs will be incurred in obtaining properly engineered,
16 reliably budgeted proposals to address the foregoing issues (although the harbor
17 commission has already had some of the planning and engineering work done), and quite
18 substantial cost would be involved in carrying some of these out.

19
20
21 E. COMMERCIAL FISHING

22
23 Jamestown's commercial fisheries help to maintain the island's quality of life.
24 They have historical, social, and economic significance. Like the island's farms and
25 areas of natural open space they reflect the past and contribute to the traditional rural and
26 maritime atmosphere that islander's prize so much. They add richness and variety to what
27 might otherwise be an increasingly monotonous community. And with other
28 commercial fisheries they provide, through the marketplace, the means by which most
29 residents exercise their right to benefit from the "free and common fisheries" guaranteed
30 by the state constitution.

31
32 To be successful, commercial fisheries need reasonable support and opportunity.
33 Rhode Island (and other states) supports commercial fisheries in a variety of ways.
34 Jamestown supports them through reduced dockage fees (just as, for similar reasons, it
35 subsidizes open space and farms through lower taxes). Yet to succeed, commercial
36 fisheries must also have adequate waterfront working space; access to vessels, docks, and
37 shore; and well-maintained fish habitats--all within the context of waters and a waterfront
38 serving many different purposes.

39
40 Issue: The Appropriate Support for Commercial Fishing

41
42 Commercial fishermen at present have no guarantee of adequate waterfront
43 working space in Jamestown. They have occasional difficulty, especially during
44 congested times, finding places to park and both from the water and the shore
45 approaching docks to load and unload cargo. Like recreational fishermen, they are
46 particularly concerned that non-point sources of pollution and activities in sensitive areas

1 may threaten the food web and water quality and thus the viability of marine resources.
2 Their distinctive character is that they are businessmen providing food for the general
3 public and that they are dealing with a perishable product.
4

5 Goal: To ensure that, with appropriate regard for the needs of others interested in
6 the water and the waterfront, commercial fishermen are adequately supported in
7 their activities.
8

9 Policy: To make a commitment to provide priority space for fishing vessels at all
10 appropriate town-owned waterfront facilities and to support the leasing of dock
11 space at other facilities at equitable rates. To work with the state to preserve and,
12 where possible, to upgrade the water quality and marine habitat of the near-shore
13 waters.
14

15 Recommendations:
16

17 a) That the town gives first priority to the town-constructed portion of the
18 wood pile pier at East Ferry to any commercial fishermen requesting dock space.
19

20 b) That the town attempt to provide ample dock and outhaul space for
21 commercial fishermen at other town-owned locations on the island and to provide
22 and ensure access to docks from shoreside and from the water to facilitate
23 commercial fishing operations.
24

25 c) That the town consider commercial fishing business needs along with
26 other businesses when considering parking designation and road access, and that it
27 consider parking options for commercial fishermen at other access points when it
28 formulates plans for those sites.
29

30 d) That the town work with the state to balance the interests of commercial
31 fishing with the size of mooring fields and other boating activities in relation to
32 maintaining open waters accessible for marine resources.
33

34 Implementation:
35

36 *Action:* Work with the planning department, the recreation department, the
37 parking committee, and the DEM to achieve this goal.
38

39 *Reference:* See section II-C on natural resources, especially subsections 1-2
40 above; Section II-D on uses and activities, especially subsections 3-6, above; and
41 Section III-D on town-owned waterfront structures, above. Also see the 2002
42 comprehensive community plan, p. 268.
43

44 *Responsibility:* *Initiator:* Harbor commission; *Resources:* Planning
45 commission, town council, tenants of town-owned waterfront properties.
46

1 *Timing:* This will be an ongoing project tied to the town consideration of
2 what to do with its waterfront structures and adjacent properties.

3
4 *Costs:* There should be no costs attached to this project until the town has
5 decided the future of its waterfront facilities.

6 7 8 F. EMERGENCIES: STORM PREPAREDNESS 9

10 Storm preparedness is vital for everyone on or near the waterfront. While the
11 town's responsible organization, the emergency management agency, has developed, and
12 is continuing to develop, detailed emergency procedures for storms (as well as for other
13 potential disasters) there is still work for the harbor commission to do.

14
15 *Issue:* To contribute in the most effective way possible to the town's emergency
16 procedures for storm preparedness.

17
18 *Policy:* To assist the emergency management agency in improving emergency
19 procedures so as to provide the greatest safety possible for people and property on the
20 island and on adjacent waters.

21
22 *Recommendation:* That the harbor commission assist the emergency
23 management agency in whatever way the agency may find useful to improve and
24 publicize hazard mitigation plans for storms and for other emergencies that fall within the
25 commission's area of concern.

26 27 Implementation: 28

29 *Action:* Work with the harbormaster to find ways the commission may be useful
30 to the emergency management agency.

31
32 *Reference:* See Section II-G on storm preparedness, above, and the CRMC 1998
33 Guidelines, pp. 31-38, 71-82. Also see the Jamestown Emergency Operations Plan
34 (2012)

35
36 *Responsibility: Initiator:* Emergency management agency; *Resources:* Harbor
37 commission, other relevant town authorities, etc.

38
39 *Timing:* Require an annual report from the harbormaster on this issue.

40
41 *Costs:* There should be no costs involved.

42 43 44 G. OUTHAULS 45

1 Concern about outhauls has increased over the past several years not only in
2 Jamestown but also in other waterfront communities throughout Narragansett Bay--
3 particularly in the bay's southern sections. The issues involved include various
4 competing rights or desirable goals, such as free passage along the shore below mean
5 high water, free passage on the water, riparian owners making optimum use of their
6 shorefront property, abutting riparian owners making optimum use of the adjacent
7 waters, the comparative ecological impact of outhauls vis-a-vis piers, and so on. There
8 are policy issues, such as whether outhauls attached to piers should be treated differently
9 from those attached to the shore, and so on. And there are the usual harbor management
10 issues of jurisdiction, administration, expenses, and fees.

11
12 In May, 2000, as a way of beginning to address the issues, the harbor commission
13 approved a motion to notify owners of outhauls that in future they must file a yearly
14 application for each outhaul they own. It also announced that a fee would be charged for
15 outhauls in 2001. (The Commission referred only to outhauls attached to in-water
16 moorings, assuming that dock-to-piling and dock-to-shore outhauls fall under the
17 jurisdiction of the CRMC.) There was little response to the Commission's notice, and it
18 was not possible to follow up on the matter in 2000.

19
20 At about the same time, the CRMC began independently to address some of the
21 complicated legal and policy issues involved. As a consequence of CRMC's
22 involvement, in 2001 the role of the Commission with respect to outhauls was largely one
23 of assisting the CRMC: of participating in CRMC discussions when invited and of
24 providing whatever information the CRMC or the town might find useful.

25
26 As of 2007, the CRMC had proposed regulations pertaining to outhauls, such that
27 municipalities may permit up to two (2) outhauls to the contiguous waterfront property
28 owner. The accompanying revised ordinance allows the harbor commission to regulate
29 outhauls on riparian property, set a fee to be charged, and so forth, and will set a policy
30 whereby permit-holders for the outhauls on town property at Fort Getty and West Ferry
31 will lose their permits if the outhaul is not used, as in the case of moorings.

32
33 Goal: To resolve, in conjunction with the appropriate town agencies, the various
34 issues pertaining to outhauls in Jamestown waters.

35
36 Policy: To develop a fair and equitable method of managing outhauls in
37 Jamestown waters that is consistent with our fundamental goals: minimizing user
38 conflicts, maximizing the efficient use of the water, protecting the coastal environment,
39 and maintaining and enhancing public access to the shore; and remaining consistent with
40 the goals, policies, and regulations of the CRMC.

41
42 Recommendations:

43
44 a) That the Commission make a census of all existing outhauls that includes, for
45 each outhaul, the exact location of the outhaul, specifications of the mooring tackle
46 attached to the outhaul, the length of the outhaul line, the kind of boat kept on the outhaul

1 (primary? dinghy? motorboat? sailboat?), to what extent the outhaul impedes the right of
2 passage along the shore, and any other information that seems pertinent to developing
3 suitable policy. As of 2014, no private outhauls exist.

4
5 b) That the Commission work with the relevant town agencies to develop a
6 policy appropriate to Jamestown's particular circumstances.

7
8 Implementation:

9
10 *Action:* See "Recommendations", above.

11
12 *Reference:* See section II-E-5 on moorings, above.

13
14 *Responsibility:* Initiator: Harbor commission; Resources: recreation department,
15 planning commission, CRMC.

16
17 *Timing:* Policy should be developed, so that, if necessary, appropriate
18 consultation with the CRMC may be undertaken, and so that public hearings and any
19 amendments to the harbor management ordinance may be completed before the deadlines
20 for the budget and for application forms are due in early 200[4]9.

21
22 *Costs:* There should be only minor administrative costs in developing this policy.

23
24
25 **H. HARBOR BOUNDARIES**

26 In an effort to resolve issues related to the town's harbor boundaries, the harbor
27 commission should direct its attention to developing, for presentation to the DEM and
28 CRMC, a plan to correct the anomalies in harbor boundaries that now exist. Some of the
29 problems with the current harbor boundaries that have been raised by various members of
30 the commission are as follows:

31
32 East Harbor: Mooring zone: The waiting list time for moorings in the East
33 Harbor mooring zone is now well over ten years, and yet there are areas in that zone that,
34 realistically, cannot be utilized for moorings, where boats are exposed both to strong
35 winds and to strong tides, and where access is extremely difficult for individuals who do
36 not belong to a nearby yacht club or a commercial mooring launch service. There has
37 been, also, a reduction in the size of the mooring zone (and an increase in the size of the
38 transient zone) through the recent movement of government marker G"11" to the north.
39 An additional complication is that the U.S. Army Corps of Engineers granted commercial
40 mooring permits for areas outside the harbor's 1000' line that pre-date the 1988/90
41 ordinance. Finally, the town currently has no 50-foot setback from the shore for its
42 mooring areas in either harbor and it allows swimming in those areas (except from town-
43 owned property)--an arrangement that has worked well in the past but that the CRMC
44 may require to be changed if it cannot be grandfathered. It would be greatly
45 advantageous, even if no increase in size is possible, to be able to reconfigure the
46 mooring zone in a way that could make its use more efficient. Transient zones: Perhaps

1 Policy: To work--consistent with town, DEM, and CRMC guidelines--to provide
2 more mooring spaces for residents and non-residents, to provide more convenient public
3 moorings and anchorages for visiting boaters, to provide more productive approaches to
4 conservation, and to reduce total harbor areas where that is possible.

5
6 Recommendations: The town shall review its existing harbor lines and propose
7 amendments as deemed necessary and with consideration to CRMC and DEM
8 regulations.

9
10 Implementation:

11
12 *Action:* Establish an ad hoc subcommittee to study the issue and report to the full
13 Commission. Establish an appropriate liaison with both the CRMC and the DEM.

14
15 *Reference:* See sections II-B, on current harbor boundaries, and II-D, on CRMC
16 and DEM water classifications, above; the CRMC's Coastal Resources Management
17 Program ("Red Book"), 1996 and ongoing; and the DEM's Water Quality Regulations,
18 August 1997 and ongoing.

19
20 *Responsibility:* Initiator: Harbor commission; Resources: planning commission,
21 conservation commission, CRMC, DEM.

22
23 *Timing:* The most urgent task for the Commission is to resolve issues relating to
24 East Harbor moorings. It should undertake the harbor boundary issue either after or in
25 conjunction with that Issue.

26
27 *Costs:* There should be only minor administrative costs in resolving this issue.
28

TOWN OF JAMESTOWN

STORM PREPAREDNESS AND HAZARD MITIGATION

December 10, 2012

One of the critical harbor and shoreline users is the individual boater. Because they are often the primary occupants of the harbor area, they should be given special attention. As part of this element of the harbor plan and related ordinance, each boater should complete and submit to the Harbormaster a preparedness plan. There is a growing amount of technical and educational material being developed for individual boat owners about to prepare for storm events.

The following is a summarization of key points contained in the current literature.

Boat owners will be faced with the decision of what to do with their boats in advance of a storm event.

If the storm is less than tropical strength and the decision is made so that boats can remain tied to the docks, all lines should be doubled and chaffing protection provided where dock lines pass through fairleads and chocks over the vessel's side. Dock lines should be attached to the high end of the pilings, if on a floating dock, rather than to cleats or other fastenings on the dock.

If mooring tackle has been recently inspected and serviced, leaving the boat on the mooring may be the best option. One of the drawbacks to staying on a mooring, as with staying at a dock, is the threat of storm surge. Check with expected storm-surge forecasts to determine if the scope of the mooring will provide sufficient holding power at maximum tidal flow. All individuals using their moorings during a storm must notify the Harbormasters Office that they will be weathering the storm on the mooring. Those same individuals will also be required to notify the Harbormaster again when finally leaving the vessel. The Town of Jamestown requires mooring inspections to be done every third year, before the mooring permit will be renewed.

Regardless of whether the boat remains at a dock or mooring, there are some basic steps that need to be taken before the storm strikes. The first step is to minimize the amount of surface area the wind can work against. The more surface area the wind has to push on, the greater the strain on all components of your boat and securing devices. Remove sails entirely and stow them below deck, especially roller furling jibs. Secure or remove everything in the cabin that is not fastened down, with particular attention to the galley area and chemicals stored in lockers. Secure all ports and hatches, and remove and cap all funnels. Tightly secure the tiller or wheel with strong lines from either side of the cockpit, do not leave coils of line on deck, and take out all slack from running lines on

the deck or mast. In order to minimize damage caused by impact of loose boats in a crowded harbor, it is important to place fenders on both sides of the boat. Once all precautions have been taken, the boat owner should leave the boat and seek shelter.

Can the municipality tow a disabled vessel?

According to the U.S. Coast Guard, assistance cases fall into two broad categories: distress and non-distress. Distress is defined as imminent danger requiring immediate response and assistance (U.S. Coast Guard COMDTINST 16101.2B, p. 2). If the situation is life threatening, the historic law of the sea obliges the Harbormaster, or any boater, to render assistance.

In cases of distress the Coast Guard should be notified immediately of the situation and of the intent of the Harbormaster. The Harbormaster plays a key role in the hierarchy of emergency response, as he/she is often the first to arrive on-scene. If the Coast Guard deems it necessary, it may direct other private/public resources, in addition to its own, to respond. If the Coast Guard arrives and finds a stable situation with the first responders capable of assisting, it may withdraw its response equipment.

However, if the Coast Guard finds the situation unstable, and if the first responders are unable to provide the necessary assistance, it will intervene immediately. When a Harbormaster responds to a distress situation, and provides some form of emergency aid, he/she is afforded protection from liability through Title 46, Section 2303 of the US Code which states:

Any person...who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance for any act or omission in providing or arranging salvage, tonnage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonable prudent man would have acted under the same or similar circumstances.

The key phrase here is “act as an ordinary, reasonable prudent...” which dictates that the Harbormaster must act in good faith and in a reasonable, seamanlike manner. Any variance from this standard may increase liability.

This potential liability, and the fact that alternatives exist, should dissuade the Harbormaster from towing. Other resources that may be able to offer assistance can be contacted. The Coast Guard will issue a Marine Assistance Request Broadcast (MARB) which solicits voluntary response of anyone who can assist the disabled mariner (including Coast Guard Auxiliary Units and good Samaritans) (U.S. Coast Guard COMDTINST 16101.2B, p. 2). A Harbormaster may also contact a friend or family member of the boater for assistance.

Another viable form of assistance may be sought through professional towing companies that work in the area. The Harbormaster can provide the disabled boater with information on how to contact these companies, and their current rates. In most instances these firms will contact the boater directly in response to the MARB. Once the boater decides upon a service and a verbal agreement is made, the Harbormaster cannot interfere with that contract. Safe Sea - 401-294-2360 Sea Tow - 800-338-7327

It is clear that "good faith" actions of Harbormasters are protected, to some degree, by the "Federal Boating Safety Act of 1971," but to what extent remains uncertain. Unfortunately, there is no statutory framework from which to formulate guidelines. Issues such as this are decided by customary law, which means each case is reviewed individually by a judge and jury. Because there are so few cases involving Harbormaster liability, judges and jurors lack prior judicial decisions which set precedents. It is therefore difficult to predict the extent to which Harbormasters will be protected by the state. In order to limit the potential of being found liable, Harbormasters must realize the extent of their liability and must make rational, professional decisions which can be supported as reasonable actions before a court of law.

What is the municipalities mooring liability?

The major concern focuses on the Harbormaster's involvement with setting mooring standards, placing ground tackle and conducting inspections. In order for a Harbormaster to avoid or minimize the amount of liability he/she must exercise reasonable care. This includes:

- (1) setting mooring standards which are appropriate for the area. The Harbormaster must be able to justify the standards which have been set. The maximum load the mooring gear is expected to withstand must be identified and documented (Taylor, 1992);
- (2) providing mooring occupants with information on the stress points of moorings and offering advice on dealing with extreme weather conditions; and
- (3) ensuring that all mooring gear under town control is routinely inspected, and that proper records of these inspections are kept. The question of liability continually arises if the town conducts the inspections itself. Liability results not because the town inspects the mooring, but because it does so improperly or fails to correct a situation in which the mooring does not meet specifications. The Town of Jamestown places the burden of mooring inspection on the boaters. Moorings are to be inspected every third year by a certified mooring inspector. (*Harbor Management Ordinance, Sec. 78-26(k). Mooring Inspections.*)
- (4) Identifying and correcting situations which may cause damage to a moored vessel. If a Harbormaster learns that two boats are hitting one another while on town managed moorings, the situation needs to be rectified quickly. The Harbormaster must first stop the vessels from hitting. This can be achieved by removing one of the vessels from its mooring. The Harbormaster then decides where to move the vessel. Jamestown mooring tackle specifications are indicated in the Jamestown Town Codes. Information on mooring

specifications and storm preparedness can be obtained through the Harbormasters Office.

HAZARD MITIGATION PLAN

SUMMARY FOR THE TOWN OF JAMESTOWN AND SURROUNDING WATERS

- Land Use: The land use along the shores of Jamestown is a combination of residential and boatyards. water dependent commercial development, such as marinas, boat yards, etc. The majority of residential and commercial properties will be significantly affected in the event of severe weather combined with high tides and a substantial storm surge.
- Moorings: The town regulates mooring fields in

100. Authority:

The primary authority for carrying out the responsibilities detailed in this plan is vested with the Harbormaster, who will work in cooperation with the harbor commission. However to successfully complete the activities outlined in this plan, the Harbormaster is required to work with other town departments including the: planning board, police and fire departments, town planners, building code official, department of public works and the emergency management director.

200. Goals of the Harbor Hazard Mitigation Plan

To prevent the loss of life and property by:

- properly preparing for storm events
- having a completed and enforceable response and recovery plan
- working in cooperation with harbor and shorelines users to ensure that a coordinated approach is applied to hazard mitigation
- integrating harbor hazard mitigation activities with other, ongoing, local hazard mitigation programs.
- identifying and completing long term actions to redirect, interact with or avoid the hazard.

300. Risk Assessment

310. General Characteristics:

Conanicut Island is surrounded by water of considerable depth, especially along the southern part of its eastern coast, where readings of more than forty, and occasionally sixty, feet may be found within 500 feet of the shore. Water near the shoreline is shallower in Mackerel Cove and to the north (especially in Dutch Harbor and north of the Jamestown-Verrazzano Bridge). Specific water depths of various locations around the island are indicated on NOAA charts #13223 and #13221.

Navigation to, from, and around the island is generally straightforward. Some unmarked dangers to navigation do exist. There are occasional submerged or semi-submerged boulders situated around the island very near the shore. There are a few submerged ledges in deeper water, notably near Kettle Bottom Rock and in the

Dumplings area. Otherwise, as the charts indicate, navigation around the island and into the harbors from any direction is well-marked and direct.

The waters surrounding Jamestown can be divided into three general uses:

1. Open space – approximately 34 % of Jamestown's waterfront is open space.
2. Residential - this use totals approximately 63 % of the land use. Generally, the single family dwellings are built upon lots that range from 10,000 square feet to 1+ acres.
3. Commercial – commercial waterfront uses, such as marinas comprise 3% of the

320. High Hazard Areas:

Historically, flooding has always been significant during storm events for Jamestown.

330. Risk Assessment Table

Threat	Marine interest		Effect	Result -1	Result -2
Flood/surge	Boaters on moorings and docks			decreased scope	Dragging
			Lower		threaten shoreline homes
			Middle		threaten shoreline business
			Upper		Severe threat to auto bridge
	Marina facility			flooded facility	floating debris
				spills of hazardous material	threaten surrounding
				Docks topping piles	freed docks and boats
	Private residences				flooded property
				Docks topping piles	freed docks and boats
Wind	Boaters on moorings			windage	Dragging or pennant
	Marina facility			windborne debris	structural damage

400. Strategies for Preparedness, Response and Recovery

410. Town of Jamestown - The Harbormaster will coordinate all harbor activities related to preparation, response and recovery. This will be done in coordination with the emergency management officer and other department heads.

410.1 Preparedness - The Town of Jamestown, through its Harbormaster, will activate the following preparedness, response and recovery plan 72 hours prior to a severe storm event or as necessary for unpredictable events.

THE SAFFIR-SIMPSON HURRICANE SCALE

The Saffir-Simpson Hurricane Scale is a 1-5 rating based on the hurricane's present intensity. This is used to give an estimate of the potential property damage and flooding expected along the coast from a hurricane landfall. Wind speed is the determining factor in the scale, as storm surge values are highly dependent on the slope of the continental shelf in the landfall region. Note that all winds are using the U.S. 1-minute average.

Category One Hurricane:

Winds 74-95 mph (64-82 kt or 119-153 km/hr). Storm surge generally 4-5 ft above normal. No real damage to building structures. Damage primarily to homes, shrubbery, and trees. Some damage to poorly constructed signs. Also, some coastal road flooding and minor pier damage. Hurricanes [Allison](#) of 1995 and [Danny](#) of 1997 were Category One hurricanes at peak intensity.

Category Two Hurricane:

Winds 96-110 mph (83-95 kt or 154-177 km/hr). Storm surge generally 6-8 feet above normal. Some roofing material, door, and window damage of buildings. Considerable damage to shrubbery and trees with some trees blown down. Considerable damage to mobile homes, poorly constructed signs, and piers. Coastal and low-lying escape routes flood 2-4 hours before arrival of the hurricane center. Small craft in unprotected anchorages break moorings. [Hurricane Bonnie](#) of 1998 was a Category Two hurricane when it hit the North Carolina coast, while [Hurricane Georges](#) of 1998 was a Category Two Hurricane when it hit the Florida Keys and the Mississippi Gulf Coast.

Category Three Hurricane:

Winds 111-130 mph (96-113 kt or 178-209 km/hr). Storm surge generally 9-12 ft above normal. Some structural damage to small residences and utility buildings with a minor amount of curtainwall failures. Damage to shrubbery and trees with foliage blown off trees and large trees blown down. Mobile homes and poorly constructed signs are destroyed. Low-lying escape routes are cut by rising water 3-5 hours before arrival of the center of the hurricane. Flooding near the coast destroys smaller structures with larger structures damaged by battering from floating debris. Terrain continuously lower than 5 ft above mean sea level may be flooded inland 8 miles (13 km) or more. Evacuation of low-lying residences with several blocks of the shoreline may be required. Hurricanes [Roxanne](#) of 1995 and [Fran](#) of 1996 were Category Three hurricanes at landfall on the Yucatan Peninsula of Mexico and in North Carolina, respectively.

Category Four Hurricane:

Winds 131-155 mph (114-135 kt or 210-249 km/hr). Storm surge generally 13-18 ft above normal. More extensive curtainwall failures with some complete roof structure failures on small residences. Shrubs, trees, and all signs are blown down. Complete destruction of mobile homes. Extensive damage to doors and windows. Low-lying escape routes may be cut by rising water 3-5 hours before arrival of the center of the hurricane. Major damage to lower floors of structures near the shore. Terrain lower than 10 ft above sea level may be flooded requiring massive evacuation of residential areas as far inland as 6 miles (10 km). [Hurricane Luis](#) of 1995 was a Category Four hurricane while moving over the Leeward Islands. Hurricanes [Felix](#) and [Opal](#) of 1995 also reached Category Four status at peak intensity.

Category Five Hurricane:

Winds greater than 155 mph (135 kt or 249 km/hr). Storm surge generally greater than 18 ft above normal. Complete roof failure on many residences and industrial buildings. Some complete building failures with small utility buildings blown over or away. All shrubs, trees, and signs blown down. Complete destruction of mobile homes. Severe and extensive window and door damage. Low-lying escape routes are cut by rising water 3-5 hours before arrival of the center of the hurricane. Major damage to lower floors of all structures located less than 15 ft above sea level and within 500 yards of the shoreline. Massive evacuation of residential areas on low ground within 5-10 miles (8-16 km) of the shoreline may be required. [Hurricane Mitch](#) of 1998 was a Category Five hurricane at peak intensity over the western Caribbean. [Hurricane Gilbert](#) of 1988 was a Category Five hurricane at peak intensity and is one of the strongest Atlantic tropical cyclones of record.

LEVEL 3 - 72 HOURS

1. If hurricane, begin tracking and monitoring hourly weather reports
2. Contact any services under contract for after event to assess their readiness
3. Manage harbor traffic as it increases during marina/boater preparation activities
4. Ensure fuel tanks are full and reserve batteries are charged
5. Inventory and update first aid equipment and other onboard emergency tools
6. Contact local marinas and boat moving companies for statuses to relay to mariners.
7. Maintain radio watch
8. Alert local port community, encouraging boat owners to seek safe refuge, remove boats from water, or take action to minimize damaging effects
9. Alert local marinas, marine interests, holders of mooring permits, and occupants of special anchorage areas to impending emergency.
12. Document waterfront using photographs or video
13. Start tracking time and resource allocations for possible state and federal reimbursement.
14. Post notice to have all vessels removed from Town docks.

LEVEL 2 - 48 HOURS

1. Continue to perform activities in level 3
2. Contact mooring permit holders who are not complying with preparedness plan.
3. Assist marinas/waterfront business with special requests
4. Continue to manage harbor traffic as it increases
5. Finalize emergency work schedule with assistant Harbormasters
6. Confirm arrangements to have Harbormaster vessel hauled and stored
7. Preparation of town properties with department of public works, that includes:
 - removing all town equipment from flood plain
 - securing all items such as trash bins, benches, etc..
 - complete necessary precautions for Harbormaster office
8. Establish liaison with police, fire and public works departments
9. Alert maritime community to unsafe conditions in the harbor as needed
10. Curtail regular business activities
11. Begin regular patrols of the harbor to ensure necessary individual precautions are begin taken
13. Alert local harbor community to any impending closure of anchorages or waterways.
14. Encourage local marinas to suspend fueling operations and to secure fueling piers sufficiently to minimize pollution threat.
15. Inventory of individuals who plan on staying on their moored vessels during the storm event.

LEVEL 1 - 24 HOURS

1. Final patrol of the harbor
 - inventory number of vessels and precautions taken by harbor and shoreline users
 - clear public pier of vessels and equipment
2. Log information on transient boats
3. Fuel Harbormaster vessel
4. Haul and store Harbor Patrol vessel with assistance of the Department of Public Works
5. Complete shoreline survey and final harbor check from shore
6. Alert harbor community to any unsafe conditions in harbor
7. Continue to perform pertinent level 2 activities.
7. All vessels must be removed from town docks at this time. Transient moorings **will not** be allowed to be used during any storm event.

410.2 Response - The Town of Jamestown's policy is that no emergency watercraft will be dispatched for emergency response during a storm event. All requests for assistance will be forwarded to the nearest Coast Guard Station. This policy will remain in effect unless revoked by the Fire Chief or Police Chief. The Harbormaster will remain on-call to address any harbor related issues. This will also allow the Harbormaster vessel to begin operation immediately at the

conclusion of storm. The Harbormaster shall monitor police, fire and marine frequencies throughout the event.

410.3 Recovery - Immediately after the event has terminated, the town has three recovery priorities.

Priority 1:

Reestablish the Harbormaster's Office as an operational unit in order to facilitate the second and third priority

Priority 2:

Take the necessary immediate action to minimize additional risk to life and property.

Priority 3:

Reopen the harbor for recovery activity.

To achieve these priorities, the following sequential actions will be taken:

IMMEDIATE 24 HOURS

1. Assess readiness of the Harbormaster's Office, correct deficiencies
 - reestablish radio communications.
2. Complete rapid appraisal of damage
3. Provide damage assessment information to town officials.
4. Initiate pre-established contracts services companies (towing, salvage) if required
5. Institute security watches as necessary
6. Alert maritime community to unsafe conditions in the harbor
8. Track time and resource allocation of Harbormaster's Office for possible state and federal reimbursement.

MID-TERM 1 TO 14 DAYS

1. Complete comprehensive inventory of damage using photographs and video if possible
2. Notify appropriate parties regarding damage (i.e., mooring holders)
4. Contact local harbor and shoreline users to assess their situation
6. Begin to remove large pieces of floating debris from the harbor
7. Assist town and state agencies with damage assessments and emergency permitting process.

LONG-TERM 14 TO 90 DAYS

1. Analyze effects of storm on the harbor. Complete summary report within 30 days of storm event for Town Council and Town Administrator.
2. Review mitigation list and selection actions that could be implemented during the recovery phase
3. Conduct an evaluation meeting for harbor and shoreline users to identify problems not properly addressed by this plan
4. Complete a survey of boat damage
5. Update hazard mitigation plan and identify new mitigation opportunities
7. Assist emergency situations as appropriate
8. Track time and resource allocations for possible state and federal reimbursement.

420. Harbor and Shoreline Users

421. Marina facilities - As part of the Town of Jamestown's harbor hazard mitigation plan, all marina facilities as defined by CRMC, will submit a hazard mitigation plan to the Harbormaster within 90 days of this document being approved. The facility's plan will be updated annually and any changes will be reported to the Harbormaster by January 1 of each year.

Facility plans will include:

- Primary contact person primary and secondary phone numbers.
- VHF channel that is monitored
- List of facility staff who are expected to assist in preparation, response and recovery phases.
- List of hazardous material stored on site (i.e. waste oil, fuel tanks, solvents). This information can be extracted from the facilities Environmental Operations and Maintenance Plan.
- Inventory of potential recovery equipment (heavy equipment, generators), including outside contracts for special equipment for recovery phases
- Debris disposal plan
- Special assistance requested from town
- List of preparation, response and recovery activities and timing

422. Boaters -. The Town of Jamestown does not have any town managed transient or seasonal moorings. All of the permits issued are for private or commercial mooring permits. Via the Online Mooring permitting system, email and text notices can be sent to individual permit holders notifying them of impending storms.

Mooring standards have been developed to maximize safety during normal weather conditions. To safeguard a moored boat during a severe storm event, additional precautions will be necessary. These actions will include:

- Improving the connection between the vessel and the mooring chain by using chafing gear and extra lines.
- Reducing windage
- Whenever possible, increase scope.

Boaters should also consider:

- Bypassing the mooring swivel and attach the chain directly to the pennant.
- Hauling their boat and storing it upland
- Leave anchor lights and auto bilge pumps on.
- Ensure that self-bailing cockpit drains are clear of debris
- Add an emergency catenary weight at the vessel end of the chain to absorb shock

Boat owners are encouraged **NOT** to stay aboard during major storm events. The town's standard procedure is not to respond to on-the-water requests for assistance during a major storm event. Such requests for assistance will be forward to the nearest U.S. Coast Guard Station.

423. Waterfront business (excluding marinas) - All waterfront business are expected to take the necessary precautions to protect their property.

424. Shorefront home owners- All shorefront homeowners are expected to take the necessary precautions to protect their property.

425. Special Hazards

1. Town Docks- all vessels shall be cleared of the town commercial dock 72 hours prior to expected storm event.
2. Transients- vessels not usually moored in the harbor, but seeking safe refuge will be allowed to moor in the specified anchorage areas. Transit yachts will not be allowed to tie to a mooring if not authorized by both the mooring owner and the Harbormaster. Transient vessels seeking shelter will provide the Harbormaster with:
 - Name of owner and captain if different.
 - Home port
 - Registration/documentation numbers
 - Length, draft and type (power/sail)
 - Number of persons aboard
 - Address and phone were owner can be contacted
3. Passenger vessels and ferries- As deemed necessary by the Harbormaster, local passenger vessels and ferries will submit individual plans to the Harbormasters. These plans will include information about planned preparedness, response and recovery actions.

500. Inventory of longer term mitigation projects

1. Maintaining the existing seawalls. Although it does not provide complete protection, there is a measure of safety gained by having the seawall properly maintained.

2. Methods to increase scope within the harbor without losing surface area maximization should be explored. Actions may included a targeted approach to removing vessels from moorings and increasing the scope with storm pennants for those that remain. In the existing mooring configuration, increasing mooring scope is difficult. Therefore, the town should explore alternative methods for gridding the mooring field that will allow space maximization and increased scope.
3. Implement an annual education and training program conducted by the Harbormaster for the public. This program should focus on storm preparedness for the boater. Other workshops should be conducted with the help of the building inspector and planning board to discuss shoreline construction standards and storm proofing homes and business.
4. The Harbormaster should compile a list educational material that can be shared with harbor and shorefront users.
5. Maintain an accurate lists of principle marine interests including marinas, waterfront business, neighboring Harbormasters, Coast Guard, Towing and Salvage Companies, Environmental Response teams, Key vessel operators (charter boats and ferries) fishing cooperatives, etc.
6. Starting at the beginning of each hurricane season (June 1) the Harbormaster shall:
 - review local harbor hazard mitigation plan and update as necessary
 - distribute and post revised plan
 - inspect all storage sheds, outbuildings, and portable office trailers for proper tie-down.
 - inspect all emergency power sources and lighting systems to ensure they are operational
 - prepare and distribute a storm checklist for to boaters
7. Conduct a Disaster Mitigation workshop for Business and Industry in cooperation with RI Emergency Management Agency. Propose activities that can be implemented to mitigate damage. Suggested actions for local coastal business may include:
 1. Place more essential equipment and functions on higher levels of the structure, above the anticipated flood level;
 2. Construct berms around the facility;
 3. Install or have dewatering pumps;
 4. Provide emergency generators and potable water storage;
 5. Install blowout plugs in floor slabs whose elevation is below anticipated flood elevation.
 6. Install master shutoff valve controls for sewer, gas, and water above anticipated flood elevation;
 7. Reinforce walls to carry hydrostatic and hydrodynamic loads;
 8. Install flood proof electrical systems and utility cores in areas subject to flooding; and
 9. Install safety glass in windows.

8. Assess the feasibility of developing a volunteer corp who can assist the Harbormaster secure vessels during the phase or maintain security patrols after an event.

600. Coordination

Memorandum of Agreement shall be entered into with the Department of Public Works to establish the working relationship between it and the Harbormaster for completing the following activities: preparing pubic waterfront property and hauling and storing the Harbormaster vessel

In order to further coordinate local policies contained in the comprehensive land use plan for resource protection, coastal management, the town should consider the following policies.






1. The town should work with appropriate state agencies to ensure that Post-storm shoreline management options for shoreline areas shall be consistent, to the extent possible, with use, density and other land uses policies and standards contained in the comprehensive land use plan.
2. Create local priorities for acquiring coastal properties to promote hazard mitigation, public recreation, and resource management objectives contained in the comprehensive plan.
3. Post-storm redevelopment options should consider impacts to evacuation routes, as determined by emergency management officials.
4. Maintain and or adopt minimum parcel size and configuration requirements on the subdivision of critical shoreline features.
5. Discourage platting of shoreline properties and encourage replatting to accommodate post-storm relocation of structures landward.

THE TOWN OF JAMESTOWN, RI

HARBOR COMMISSION

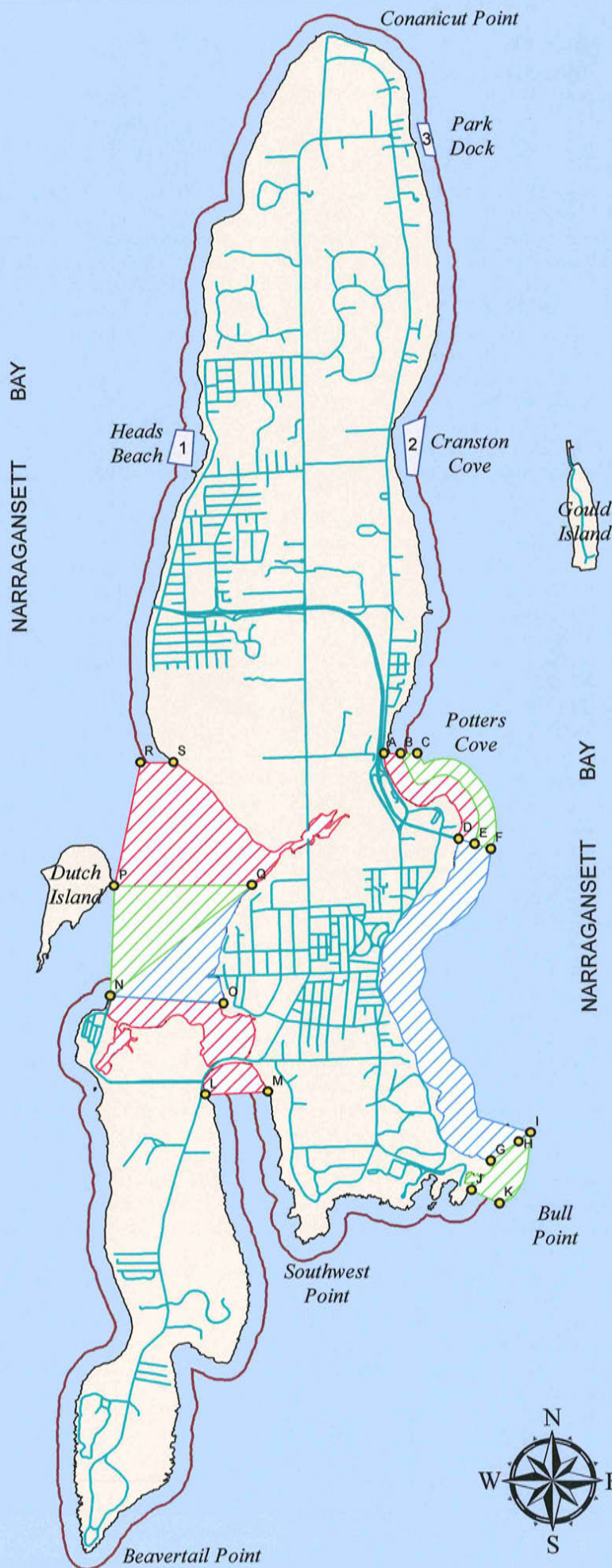
APPENDIX A-1: *Waters Under the Jurisdiction of The Town of Jamestown*

Legend

- Jamestown Harbor Boundaries
-  Proposed Mooring Areas
-  Transient Zone
-  Mooring Zone
-  Conservation Zone
-  Coastal Waters

0 1 2 Miles

The information depicted on this map is
for illustrative purposes only.
For legal boundary definition or regulatory
interpretation please consult the Harbor
Management Ordinance.



THE TOWN OF JAMESTOWN, RI

HARBOR COMMISSION

APPENDIX A-2: TABLE OF HARBOR BOUNDARIES

Map Point	Latitude	Longitude	RISPC NAD -1983North (y)	RISPC NAD -1983East (x)	Location Description
A	41.514193	-71.366305	157019	364699	Easterly extension of utility pole line on northerly side of Weeden lane at MHW (mean high water)
B	41.514191	-71.364476	157019	365200	500 ft. east of Map Location A
C	41.514203	-71.362654	157024	365699	1000 ft. east of Map Location A
D	41.507166	-71.358164	154462	366933	Centerline - Newport Bridge at MHW
E	41.50673	-71.356423	154307	367410	Centerline - Newport Bridge 500 ft. from Map Location D
F	41.506325	-71.35469	154157	367885	Centerline - Newport Bridge 1000 ft. from Map Location D
G	41.48067	-71.35493	144809	367835	"Bull Point" at MHW
H	41.482239	-71.351875	145382	368671	1000 ft. from Map Location G on G-I line.
I	41.482976	-71.3506	145651	369020	Government mark G-11 (Bull Point Bell)
J	41.478283	-71.35711	143938	367239	Southwesterly corner of Ft. Wetherill stone and concrete pier at MHW
K	41.477197	-71.35404	143544	368081	Government mark G-9 (Ft. Wetherill Gong)
L	41.486331	-71.386188	146,824	359,267.00	West end of east-west line, 1000 ft. south of Beavertail Road at MHW
M	41.48641	-71.379352	146890	361140	East end of east-west line, 1000 ft. south of Beavertail Road at MHW
N	41.494429	-71.39656	144768	356345	Southwest corner of Ft. Getty Pier at MHW
O	41.493734	-71.384138	149557	359825	Southern terminus of Maple Avenue at MHW
P	41.503433	-71.396088	153087	356547	Concrete pile at Dutch Island pier ruins
Q	41.503421	-71.380956	153088	360692	Eastern extension of Map Location P to MHW at Conanicut Island
R	41.513501	-71.394417	156785	357362	1000 ft. west of Map Location S
S	-41.513581	-71.389441	156787	358363	Wall & fence line at northerly line of Orchard Lane at MHW

THE TOWN OF JAMESTOWN, RI

HARBOR COMMISSION

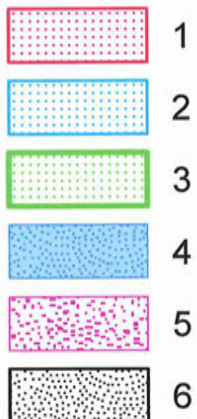
CRMC Water Designations

MAP A-1



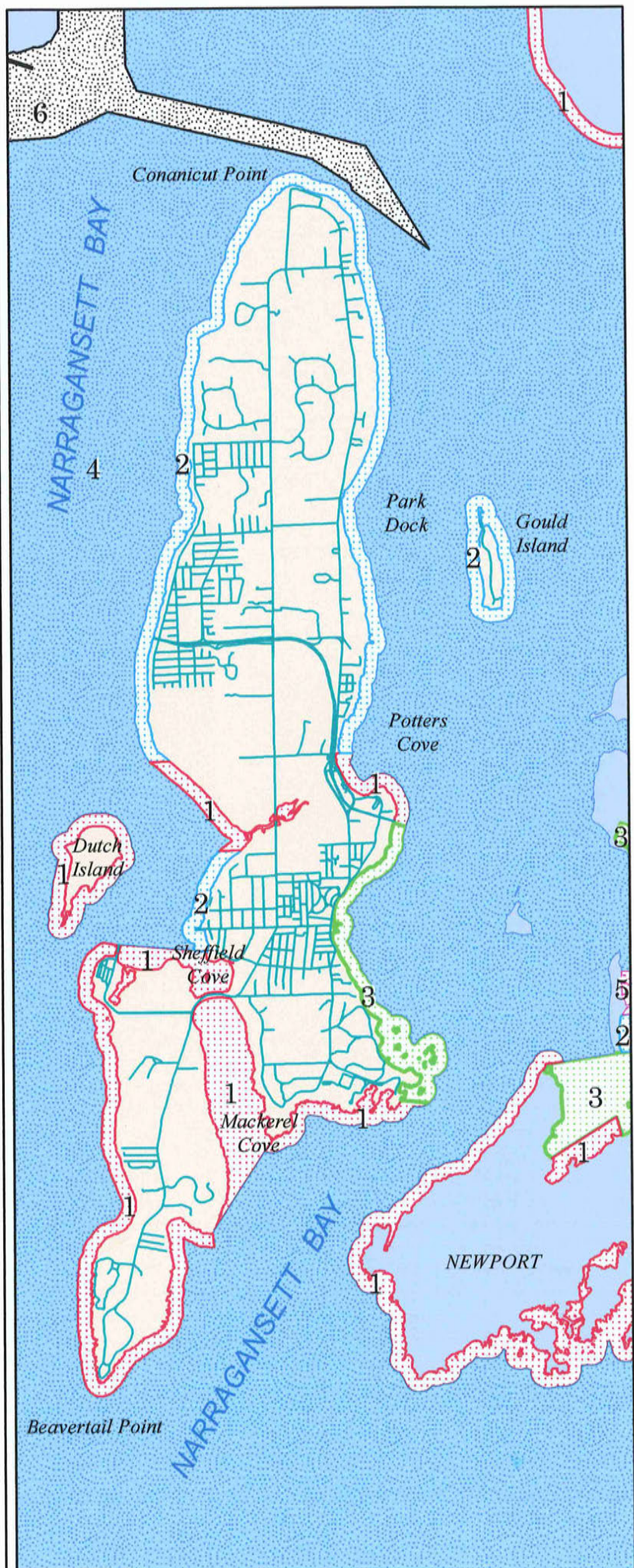
Legend

CRMC Water Designation Type



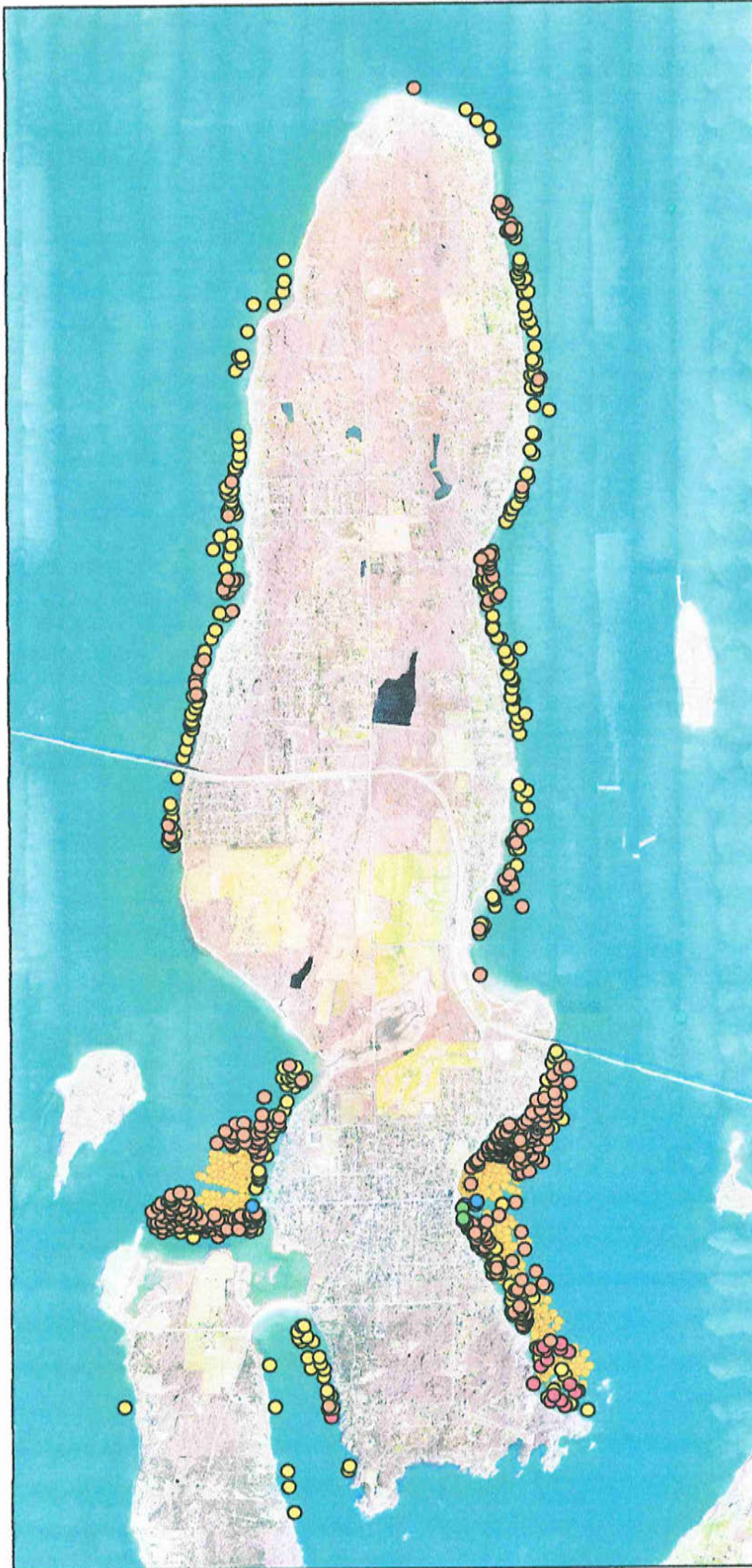
The information depicted on this map is for illustrative purposes only. For legal boundary definition or regulatory interpretation please consult the Harbor Management Ordinance.

RIGIS



The Town of Jamestown Harbor Department

DEM Water Quality Certification



Commercial Moorings

East Ferry	286
West Ferry	108

Riparian Moorings

326

Non-Riparian Moorings

351

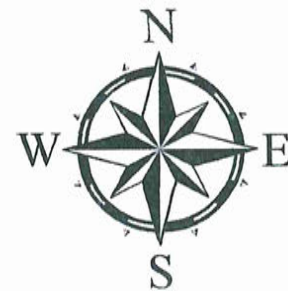
East Passage	211
West Passage	140

Town Owned Pumpout Stations

East Ferry	3
West Ferry	1

Conanicut Marine (East Ferry)

Fixed pumpout station (tied into town line)	1
Pumpout boat	1



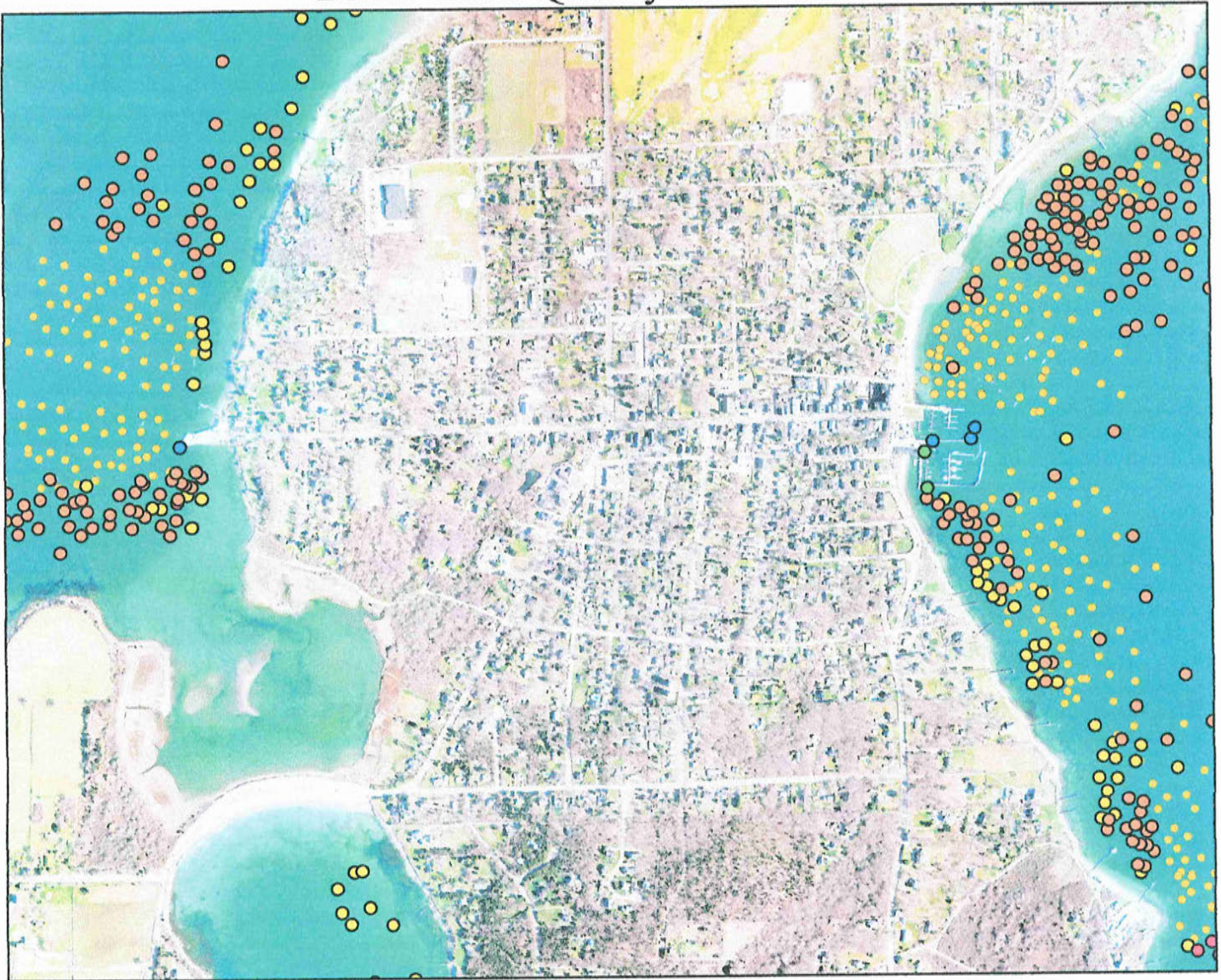
0 6,200 12,400 Feet

The information depicted on this map is for general planning purposes only.

The Town of Jamestown, Rhode Island

Harbor Department

DEM Water Quality Certification



0 1,700 3,400 Feet

Commercial Moorings

East Ferry	286
West Ferry	108

Riparian Moorings

326

Non-Riparian Moorings

351

East Passage	211
West Passage	140



Town Owned Pumpout Stations

East Ferry	3
West Ferry	1

Conanicut Marine (East Ferry)

Fixed pumpout station (tied into town line)	1
Pumpout boat	1

The information depicted on this map is for general planning purposes only.

Jamestown Harbor
Department
K. Devlin 10/6/2014

2013 SHORELINE ACCESS: Existing and Potential Rights-of-Way

TOWN OF
JAMESTOWN
RHODE ISLAND

Map Legend

Features

- Highways
- Roads

Boundaries

- Jamestown
- RI Municipal
- Other States

Rights-of-Way

- No 1 Priority Sites
- No 2 Priority Sites
- No 3 Priority Sites
- No recommendation until further review
- CRMC ROW Designation

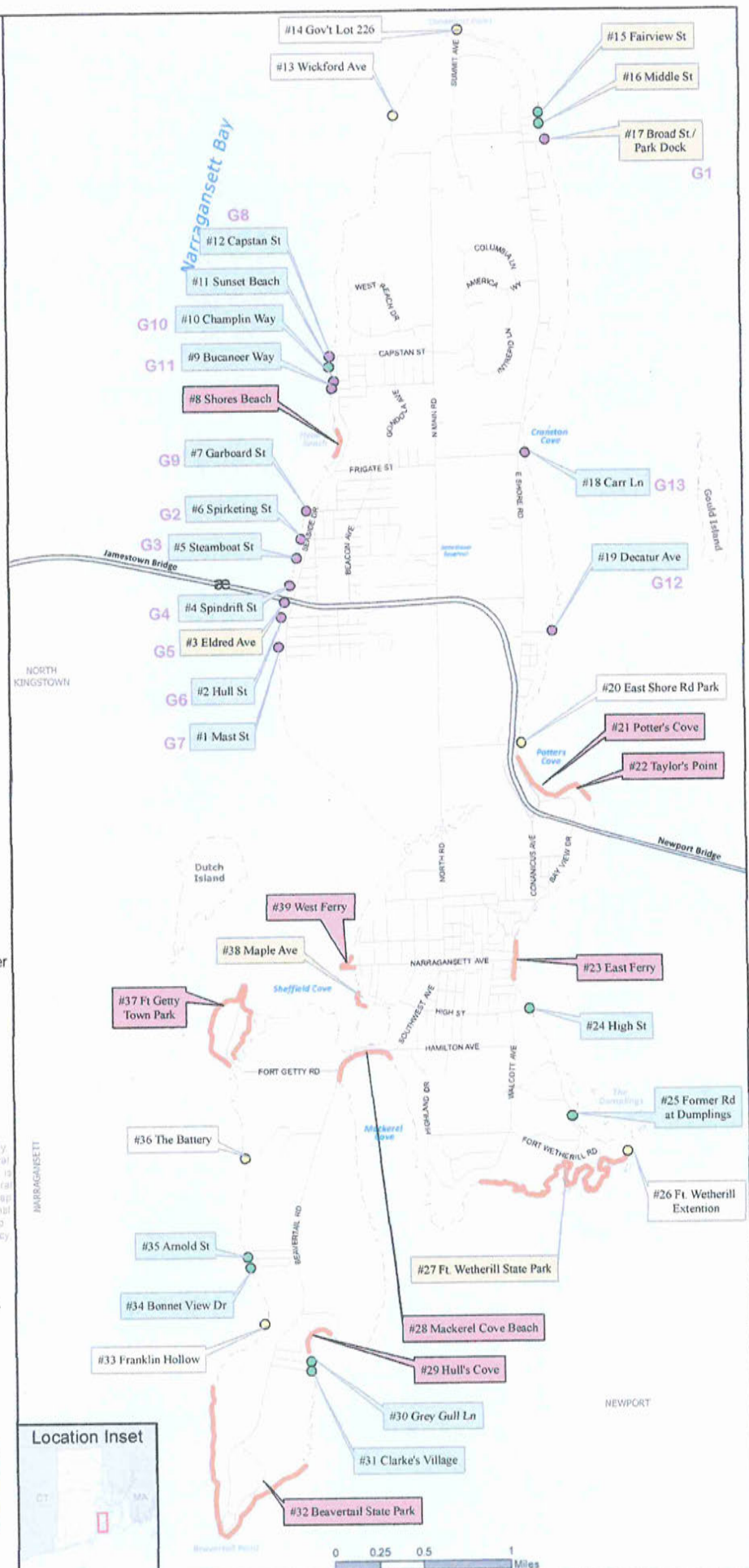
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Justin Jobin, Erin McKinley
Marianne Diffin
Jamestown GIS Dept.
March 2013



Location Inset



Jamestown Zoning Map

Amended and Adopted
by Town Council on
10/22/2009

Disclaimer:

The information depicted on this map is for general planning purposes only. It may not be adequate for legal boundary definition.

0 0.25 0.5 0.75 Miles

1 inch = 800 feet

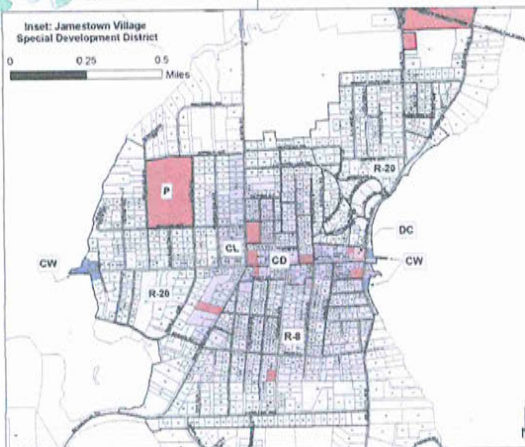
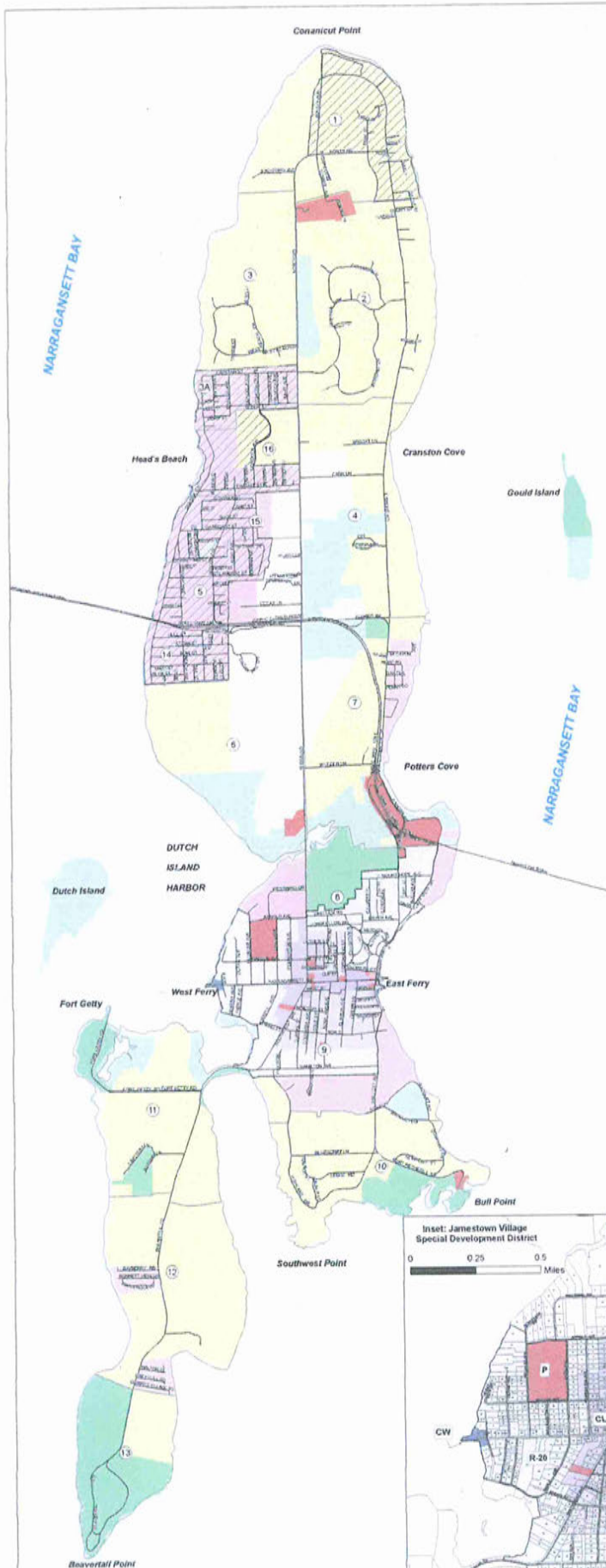
1:9,600

Zoning Districts

- OS-1 Conservation Preserve
- OS-2 Park and Recreation
- Rural Residential 200,000 sq ft (RR-200)
- Rural Residential 80,000 sq ft (RR-80)
- Residential 40,000 sq ft (R-40)
- Residential 20,000 sq ft (R-20)
- Residential 8,000 sq ft (R-8)
- Commercial Downtown (CD)
- Commercial Limited (CL)
- Commercial Waterfront (CW)
- Downtown Condominium (DC)
- Public (P)

Overlay Districts

- High Groundwater Overlay District - Protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer.
- Jamestown Village Special Development District
- Plat Map Boundary and Number 1



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MainStreetGIS
www.mainstreetgis.com

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The Town of Jamestown, RI
EXISTING ZONING MAP WITH JAMESTOWN
VILLAGE SPECIAL DEVELOPMENT OVERLAY DISTRICT



MAP 12 **Hydrologically Sensitive Areas**

TOWN OF JAMESTOWN **RHODE ISLAND** Comprehensive Plan, 2014

Map Legend

-  Roads
-  Highways
-  Streams
-  Waterbodies
-  A & AE Zone*
-  V - Zone**
-  Town Water Supply Watershed
-  Wetlands

*A & AE Zone: Area within a Special Flood Hazard Area, landward of a V Zone or landward of an open coast without mapped V Zones.

**V - Zone: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Source:
 RIGIS
 The Town of Jamestown
 FEMA FIRM Hazard
 Data for 2010

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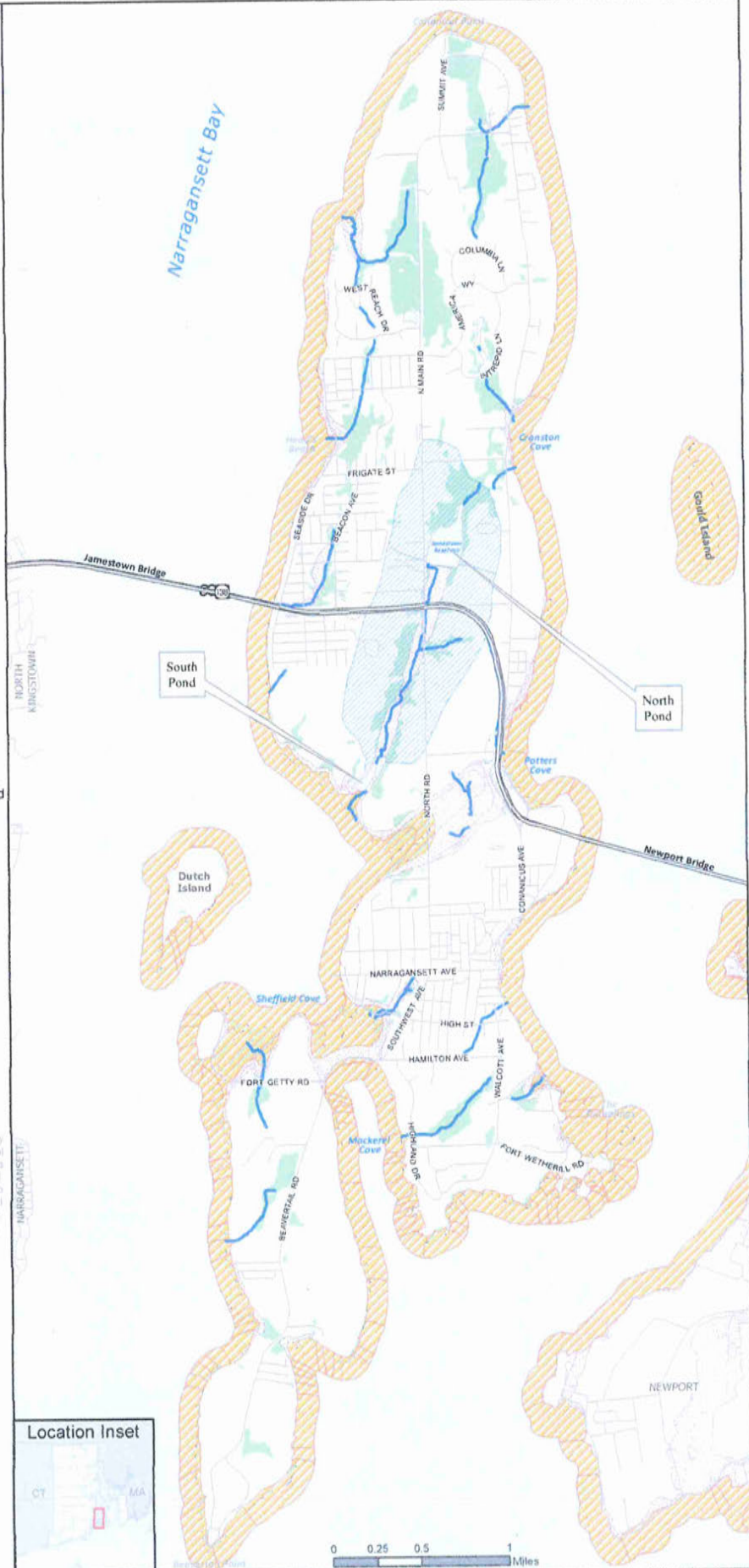


RIGIS



Justin Jobin
 Jamestown GIS Dept.
 May 2014

Location Inset



0 0.25 0.5 1 Miles

JAMESTOWN
HARBOR ORDINANCE

Jamestown HMO - Final
2/2/14

1 **Sec. 78-21. Goals.**

2 Whereas, the harbor and nonharbor tidal waters described herein within the corporate
3 boundaries of the Town of Jamestown are under the ownership and jurisdiction of the
4 state and are held in trust for all the citizens of the state; and whereas the state grants
5 the Town of Jamestown limited and specific uses of these waters; therefore the town
6 establishes the following goals for this article:

7
8 (1) To regulate uses and activities within the waters of the town, as described
9 herein; to protect the coastal environment; to minimize user conflicts; to maximize the
10 efficient use of both the water space and town-owned waterfront consistent with the
11 other goals expressed herein; and to maintain and improve public access to and from
12 the waters of the town for the benefit of all user groups, including residents and
13 nonresidents with or without boats, who seek to use town waters for passive and active
14 recreation.

15
16 (2) To distribute equitably the burdens and benefits of harbor management and
17 development among commercial mooring operators, private mooring owners, other
18 groups or individuals with special interests in the water and the waterfront, and the
19 town.

20
21 (3) To remain consistent with the authorities granted the town under G.L. 1956, §
22 46-4-6.9 and with the goals, policies, and regulations of the Jamestown Comprehensive
23 Community Plan, the Jamestown Comprehensive Harbor Management Plan, the Rhode
24 Island Coastal Resources Management Program, the Rhode Island Department of
25 Environmental Management, and the United States Army Corps of Engineers.

26
27 **Sec. 78-22. Definitions.**

28 The following words, terms, and phrases, when used in this article, shall have the
29 meanings ascribed to them in this section, except where the context clearly indicates a
30 different meaning:

31 *Abandoned Vessel:* A vessel that is inoperable and is left unattended for more
32 than seventy-two (72) hours, or a vessel that has remained illegally in the waters of
33 Jamestown for a period of more than three (3) days,

34 *Anchoring:* To secure a vessel temporarily to the bottom of a waterbody by
35 dropping an anchor or anchors or other ground tackle from a vessel.

1 *Beach(es)*: Area(s) of the shoreline designated by the harbor commission as
2 suitable for land storage of vessels capable of being removed from the water by
3 manpower alone.

4 *Beach permit*: A license authorized by the Town of Jamestown granting the
5 permittee the privilege of storing a specified vessel at a designated beach for a
6 specified season of April 1 until October 31 of each year.

7 *Channel*: Any water areas that are federally maintained and reserved for
8 unobstructed movement of vessels.

9 *Coastal waters*: All waters bordering the town from the shore to a distance of 500
10 feet seaward not included in the designation "harbor waters."

11 *Commercial mooring*: Any mooring that a marina, shipyard, yacht club, or other
12 organization has permission to lease or rent to others.

13 *Commercial vessel*: A vessel licensed and used primarily for any type of
14 commercial venture, including but not limited to, fishing, towage, salvage, and the
15 carriage of passengers for hire.

16 *Conservation zones*: Those harbor areas specially designated by the town for the
17 protection of water quality, wildlife, and plant habitat values. (Note: These zones may
18 differ from the type 1 "Conservation Areas" of the Rhode Island Coastal Resources
19 Management Council.)

20 *Developed riparian property*: Riparian property improved by the addition of a
21 permanent structure that has been approved by the building inspector of the town.

22 *Executive director*: The member of the town administration nominated by the
23 town administrator and appointed by the town council to supervise the harbor staff and
24 to administer the provisions of this article and any additional regulations subsequently
25 required for the implementation of the article.

26 *Fairway*: Any locally designated and/or maintained water areas, usually in
27 harbors or in mooring zones, reserved for the unobstructed movement of vessels.

28 *Guest mooring*: A private mooring of a riparian property owner reserved solely for
29 the use of guests.

30 *Harbor commission*: The local advisory and regulatory body authorized by the
31 town council to manage the coastal waters and harbor areas of the town.

1 *Harbormaster*: The individual, hired on approval of the town council by the town
2 administrator, who is primarily concerned with enforcement and activity on the waters of
3 the town. The harbormaster reports to the executive director.

4 *Harbor waters*: The waters in the three harbors of the town: East Harbor, West
5 (Dutch) Harbor, and South (Mackerel Cove) Harbor. The boundaries of these harbors
6 are defined in section 78-24 of this article.

7 *Headway speed*: the slowest speed at which a vessel can operate and maintain
8 steerage.

9 *Moor*: To secure a vessel to the bottom of a waterbody semi-permanently or
10 seasonally.

11 *Mooring*: All hardware or tackle used to moor a vessel. For the purposes of this
12 article, a mooring is considered either commercial or private.

13 *Mooring area*: A bounded area outside the harbor waters in which moorings may
14 be placed. Per CRMC regulation, more than four moorings (the maximum which
15 riparians may have) is considered a mooring area, and must be properly recognized in
16 the harbor ordinance.

17 *Mooring permit*: A license authorized by the Town of Jamestown granting the
18 permittee the privilege of using an assigned mooring space in the waters of the town for
19 a specified season.

20 *Mooring space*: The specific space assigned by the harbormaster to the holder of
21 a valid mooring permit for the placement of a mooring.

22 *Mooring zones*: Those harbor areas designated by the town for the placement of
23 moorings, or for transient anchorage if space is available.

24 *Motorized Vessel*: Every description of a watercraft used, or capable of being
25 used, as a means of transportation on the water and which is propelled by or capable of
26 being propelled by a motor.

27 *Nonresident*: Any individual, business, corporation, or association that does not
28 meet the definition of "resident."

29 *Notice*: Notice in so far as the holder of a mooring permit is concerned shall be
30 defined as a registered and regular first class mail sent to the address of record on the
31 mooring permit from the harbor clerk.

1 *Occupation*: "Occupation" of a mooring or outhaul for a "day" as used in
2 subsection 78-26(m)(4) or (5), or 78-26(p)(1) hereof requires that the vessel be secured
3 thereto overnight.

4 *Outhaul*: A non-single-point anchoring device, for the purpose of securing a boat
5 in tidal waters and retrieving it from shore.

6 *Outhaul permit*: A license authorized by the Town of Jamestown granting the
7 permittee the privilege of storing a specified vessel on a specific outhaul for a specified
8 season.

9 *Personal watercraft*: A vessel which uses an inboard motor powering a water jet
10 pump as its primary source of motive power and which is designed to be operated by a
11 person sitting, standing, or kneeling on the vessel, rather than the conventional method
12 of sitting or standing inside the vessel.

13 *Private aid to navigation*: A buoy placed to mark a location in the water, other
14 than government marks. The location of such private aids in Jamestown waters must be
15 approved by the harbormaster. No fees will be charged for such private aids. The
16 parties placing such private aids are responsible for their proper maintenance and for
17 informing appropriate governmental authorities of their placement.

18 *Private mooring*: Any mooring that is not a commercial mooring.

19 *Qualified mooring inspector*: Any person or business approved as an inspector of
20 moorings by the harbor commission upon recommendation of the harbormaster.

21 *Rafting*: Two or more vessels, excluding dinghies or other tenders, attached to
22 each other while moored or at anchor.

23 *Recreational vessel*: Any vessel designed for self-propelled navigation on the
24 water and used primarily for pleasure.

25 *Resident*: Any real property taxpayer, full-time inhabitant, and/or registered voter
26 of the Town of Jamestown; any recognized nonprofit organization of the town.

27 *Right-of-way*: A legal right to use a path or corridor from a public or private
28 thoroughfare or facility that leads to the waters of Narragansett Bay.

29 *Riparian property*: A freehold estate of record in land within the town having
30 shorefront directly adjacent to waters bordering the town.

1 Season: April 1 to October 31 of each year.

2 *Transient anchorage zones:* Those harbor areas designated by the town
3 exclusively for the short-term use of commercial and recreational vessels.

4 *Vessel:* Every description of watercraft used, or capable of being used, as a
5 means of transportation on water, with the exception of seaplanes, houseboats, and
6 floating businesses.

7 *Vessel in need of a mooring:* A vessel that will employ the permitted mooring as
8 the primary securing location of the vessel when not in use. A vessel that displaces less
9 than 150 pounds when empty is presumed not in need of a mooring. A person desiring
10 to apply for a mooring for a vessel that does not meet the foregoing criterion may apply
11 to the harbormaster for permission to do so.

12 *Waters of the town:* The harbor and coastal waters under town jurisdiction
13 described in sections 78-23 and 78-24 of this article.

14
15 **Sec. 78-23. Areas under jurisdiction.**

16 The Town of Jamestown hereby assumes management authority for the purposes of
17 this article consistent with the powers, duties, and authorities granted under G.L. 1956,
18 46-4-6.9 over the following waters:

19 (a) *Harbor waters.* The waters of the three harbors—East Harbor, West (Dutch) Harbor,
20 and South (Mackerel Cove) Harbor. The boundaries of these harbors are defined in
21 section 78-24 of this article.

22
23 (b) *Coastal waters.* All waters bordering the town from the shore to a distance of 500
24 feet seaward not included in the designation "harbor waters" and excluding the "mooring
25 areas" listed below, the boundaries of which are defined in section 78-24 below.

26
27 (c) *Mooring areas.* The waters within three areas defined in section 78-24 below and
28 referred to as Head's Beach, Park Dock, and Cranston Cove.

1 **Sec. 78-24. Harbor and mooring area boundaries.**

2 (See appendix A for a map of the harbor boundaries described below and for a table
3 giving Rhode Island State Plane Coordinates and lat/longs for each boundary point.)
4

5 (a) *East Harbor*. The northern boundary shall be a line extending 1,000 feet seaward
6 from the eastern extension of Weeden Lane. The eastern boundary shall be a line
7 extending 1,000 feet seaward of the shoreline. The southern boundary shall be a line
8 extending from the southern point of the Fort Wetherill Boat Basin to government
9 marker G "9" (Fort Wetherill Gong) thence to government marker G "11" (Bull Point
10 Bell). East Harbor waters are classified as follows:
11

12 (1) *Mooring zone*. All harbor waters from the Newport Bridge to a line extending
13 from: Bull Point to government marker G "11" as bounded and marked by existing
14 moorings of record;
15

16 (2) *Transient anchorage zone*. All harbor waters from the northern boundary to
17 the Newport Bridge in the band of water 500 to 1,000 feet from shore; and all harbor
18 waters south of a line extending from Bull Point to government marker G "11";
19

20 (3) *Conservation zone*. All harbor waters from the northern boundary to the
21 Newport Bridge in the band of water from the shore to 500 feet seaward.
22

23 (b) *West (Dutch) Harbor*. The northern boundary shall be a line extending 1,000 feet
24 seaward from the western extension of Orchard (Weeden) Lane. The western boundary
25 shall be a line extending from the westernmost end of the northern boundary to the pier
26 at Fort Getty. West (Dutch Island) Harbor Waters are classified as follows:
27

28 (1) *Mooring zone*. All harbor waters from a point on shore due east of the Dutch
29 Island pier ruins to the Fort Getty pier thence to a point at the southern terminus of
30 Maple Avenue;
31

32 (2) *Transient anchorage zone*. All harbor waters from Dutch Island pier ruins to a
33 point due east on shore thence to the Fort Getty pier;
34

35 (3) *North conservation zone*. All waters shoreward of a line extending from the
36 western extension of Orchard (Weeden) Lane to point R on the map provided as
37 appendix A-1 of the article, thence to point Q on that map;

(4) *South (Sheffield Cove) conservation zone*. All harbor waters south of a line from the pier at Fort Getty to a point at the southern terminus of Maple Avenue.

(c) *Head's Beach mooring area*. The waters within the quadrangle defined by the following points:

(1) 41° 32. 276N 71° 23. 233W

(2) 41° 32. 293N 71° 23. 391W

(3) 41° 32. 457N 71° 23. 333W

(4) 41° 32. 449N 71° 23. 216W

(d) *Park Dock mooring area*. The waters within the quadrangle defined by the following points:

(1) 41° 33. 805N 71° 21. 671W

(2) 41° 33. 799N 71° 21. 602W

(3) 41° 33. 962N 71° 21. 648W

(4) 41° 33. 962N 71° 21. 725W

(e) *Cranston Cove mooring area*. The waters within the quadrangle defined by the following points:

(1) 41° 32. 228N 71° 21. 811W

(2) 41° 32. 222N 71° 21. 743W

(3) 41° 32. 516N 71° 21. 686W

(4) 41° 32. 472N 71° 21. 835W

(f) *Setbacks*. No moorings shall be placed less than 100 feet from the mean low water mark on shore, nor within 50 feet or three times the control depth of water, whichever is greater, from all federal navigation channels, navigation fairways, shellfish management areas, or shoreside structures.

Sec. 78-25. Rights-of-way to the water.

(a) No person shall block, barricade, or in any way impede the public use of or access to designated public rights-of-way to the water as defined by the Rhode Island Coastal Resources Management Council ("RICRMC") or the town of Jamestown.

(b) No person shall park or store a vessel, vehicle, or structure on a designated public right-of-way to the water as defined by the RICRMC or the Town of Jamestown. Vessels

1 may be stored on the ground at designated beaches or in racks on town property
2 constructed with permission of the harbor commission. The harbor clerk shall issue
3 permits for doing so at fees to be set by the harbor commission and shall maintain
4 waiting lists for these privileges if appropriate.
5

6 (c) Any person in violation of this section of the ordinance after due notice shall be
7 subject to a fine in accordance with section 78-27 of this article ("regulated activities").
8 After due notice town personnel may clear a right-of-way at the violator's expense.
9

10 **Sec. 78-26. Mooring and outhaul regulations.**

11 (a) *Permitting.* No mooring or outhaul shall be located or maintained in the harbor or
12 coastal waters of Jamestown until a permit has been issued for the use of such mooring
13 or outhaul by the harbormaster. No mooring or outhaul shall be permitted until the
14 harbormaster has determined that it conforms to the specifications set forth in this
15 article and in any other conditions established by the state or town. The harbormaster is
16 responsible for the precise location of every mooring or outhaul, with due regard to
17 space available, to the maximizing of available space, and to the safety of the vessel.
18 Individuals holding a permit may renew it annually upon payment of the appropriate fee
19 subject to compliance with all of the conditions of this section. A mooring or outhaul
20 permit may, upon notice, be revoked at any time for failure to comply with conditions
21 established by this article or by any applicable state or town regulations.
22

23 (b) *Mooring density and allocation.*

24

25 (1) Harbor waters. The limit of moorings in the east harbor and west harbor
26 mooring zones shall be based on available space and the provision of adequate
27 landside facilities. No additional commercial mooring permits shall be assigned in either
28 the east or west harbor mooring zones until private mooring permits constitute 60
29 percent of the zone's total number of permits. The precise location of each mooring,
30 commercial or private, within the mooring zones shall be made by the harbormaster,
31 who shall, with the harbor commission, establish appropriate fairways within the zones.
32

33 (2) Coastal waters. No mooring shall be permitted more than 500 feet from the
34 shore in coastal waters. No commercial moorings are permitted in coastal waters. The
35 precise location of each private mooring shall be made by the harbormaster.
36

1 (3) Mooring areas. Private moorings may be established in mooring areas. No
2 commercial moorings are permitted in mooring areas. The density and placement of
3 such moorings shall be established by the harbormaster.

4
5 (4) No moorings shall be established in conservation zones.

6
7 (c) *Priority for private mooring permits.* The harbor commission shall maintain a
8 chronological list of all applicants requesting a private mooring permit. The list shall be
9 updated at least twice a year and shall be available to the public at all times for
10 inspection. Within the space available, requests shall be treated in accordance with the
11 following priority guidelines:

12
13 *Class 1: Riparian.*

14 a. Owners of riparian property, including individual owners and the owners
15 or directors of profit or nonprofit associations, partnerships, corporations or such other
16 legal entities owning riparian property, are entitled to apply, with priority over other
17 mooring permit classes, for up to two moorings per property parcel directly adjacent to
18 the shorefront property parcel. They may apply for additional class 1 moorings, up to
19 four in total, without priority over other mooring permit classes. In both cases
20 applications are subject, as determined by the harbormaster, to the availability of space
21 and to state and local regulations. Contiguous lots under the same ownership shall be
22 considered as one property parcel. An individual owner may designate only immediate
23 family members (the owner or the owner's spouse, children, or parents) or the current
24 lessee of the owner's riparian property as holders of the permitted moorings. An
25 association, partnership, or corporation may designate any of its members in good
26 standing as holders of its permitted moorings. With the approval of the harbormaster,
27 mooring privileges in this category may be granted to owners whose riparian property is
28 adjacent to a town conservation zone.

29 Guest moorings: Only owners of riparian property may have guest moorings. Only one
30 of the two moorings permitted class 1a permit holders may be a guest mooring, except
31 that nonfamily associations, partnerships, or corporations owning developed riparian
32 property may designate as guest moorings one or both of their permitted moorings.
33 Guest moorings may not be rented or leased. The harbormaster may on application
34 permit a single vessel to occupy a guest mooring on a seasonal basis. Applications for
35 private guest moorings must specify the length of the largest vessel able to occupy the
36 mooring under normal conditions.

37
38 b. On coastal waters, property owners holding a freehold estate of record
39 with a deeded right of access to riparian property owned by a nonprofit association,

1 partnership, or corporation of which they are members in good standing are entitled to
2 apply for a single mooring permit per property directly adjacent to that riparian property.
3 The privilege of a mooring permit in this category is subject to the reasonable availability
4 of mooring space as determined by the harbormaster. This category of mooring is not
5 permitted in harbor waters, may not be placed in a town conservation zone, and may
6 not be a guest mooring. All moorings in this category shall be counted toward complying
7 with the CRMC no greater than 3:1 resident to non-resident mooring allocation
8 requirement.

9
10 The Town shall provide delineation of mooring areas to contain all Class 1b moorings;
11 Class 1b moorings existing as of April 22, 2014 shall be considered "grandfathered".
12 Each such mooring area is available to members of the general public. This does not
13 imply any right to trespass on private property.

14
15
16 *Class 2: Rights-of-way.*

17
18
19 The Town shall provide delineation of mooring areas to contain all Class 2a and 2b
20 moorings; Class 2 a and 2b moorings existing as of April 22, 2014 shall be considered
21 "grandfathered". Each such mooring area is available to members of the general public.
22 This does not imply any right to trespass on private property.

23
24
25 a. Nonriparian property owners holding a freehold estate of record with a
26 deeded private right-of-way or easement to coastal waters granted in an original
27 property subdivision are entitled to apply, per property, for a single mooring permit
28 directly adjacent to that right-of-way or easement. The privilege of a mooring permit in
29 this category is subject to the reasonable availability of space as determined by the
30 harbormaster. This category of mooring is not permitted in harbor waters, may not be
31 placed in a town conservation zone, and may not be a guest mooring. All moorings in
32 this category shall be counted toward complying with the CRMC no greater than 3:1
33 resident to non-resident mooring allocation requirement.

34
35
36 The Town shall provide delineation of each such mooring area. Each such mooring area
37 is available to members of the general public. This does not imply any right to trespass
38 on private property. *

1
2 b. Nonriparian property owners holding a freehold estate of record within
3 1,000 feet of a public right-of-way to coastal waters are entitled to apply, per property,
4 for a single mooring permit per property directly adjacent to that right-of-way. The
5 privilege of a mooring permit in this category is subject to the reasonable availability of
6 space as determined by the harbormaster. This category of mooring is not permitted in
7 harbor waters, may not be placed in a town conservation zone, and may not be a guest
8 mooring. All moorings in this category shall be counted toward complying with the
9 CRMC no greater than 3:1 resident to non-resident mooring allocation requirement.

10
11
12 The Town shall provide delineation of each such mooring area. Each such mooring area
13 is available to members of the general public. This does not imply any right to trespass
14 on private property.
15

16
17 *Class 3: General.* All other applications for moorings, resident and nonresident,
18 will be considered in the order in which they are received. Notwithstanding, when a ratio
19 of no greater than 3:1 of resident holders of private mooring permits to non-resident
20 holders of mooring permits (riparian and commercial permits excluded) is attained, the
21 Jamestown Harbor Commission shall establish guidelines to maintain the ratio at that
22 level.

23 All new class 3 private moorings must be located within a mooring area or harbor
24 waters as specified herein. Moorings outside such mooring areas that were permitted
25 prior to the adoption of this amendment of this article by the town council on June 17,
26 2004, shall be renewed as long as the application therefor is made in the name of the
27 then owner, a spouse, sibling, or children.

28
29 (d) *Mooring area siting standards.* All designated mooring areas sited within the coastal
30 waters and harbor areas of the town shall be setback as follows:

31
32 (1) From riparian moorings and shoreline rights-of-way, a distance sufficient to
33 allow ingress and egress and to prevent interference with the exercise of private and
34 public rights.

35
36 (2) Fifty feet from all residential or commercial docks, piers, floats and public
37 launching ramps.
38

1 (3) Public mooring areas shall be setback from federal navigation projects at
2 least three times the U.S. Army corps of Engineers authorized project depth from
3 federal navigational projects.

4
5 (4) All ^{commercial} moorings shall be prohibited in federal navigation projects.
6

7 (5) All new and significantly expanded mooring areas shall be sited to ensure that
8 tides and currents aid in flushing the mooring area.

9
10 (6) All new and significantly expanded mooring areas shall be sited to avoid
11 adverse effects on water quality.

12
13 (7) Mooring areas shall be sited so as to not substantially interfere with
14 designated shellfish management areas, traditional fishing grounds, public recreational
15 areas and conservation areas.

16
17 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
18 shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

19
20 (9) Moorings areas shall be adequately serviced and pump out stations shall be
21 accessible and operationally maintained.

22
23 (10) The Army Corps of Engineers (ACOE)"open to all" policy supersedes any
24 Town or State regulation, policy, ordinance, or statute.

25
26 (11) All moorings shall be located within the mooring areas.

27
28 (e) *Private mooring application procedures.*

29
30 (1) *New mooring or outhaul applications.* Every applicant, riparian and
31 nonriparian, for a new private mooring or outhaul permit shall submit a mooring permit
32 waiting list application form. This form shall contain the name, mailing address, resident
33 status, and relevant telephone numbers of the applicant and the desired location of, and
34 point of access to, the proposed mooring or outhaul. The harbormaster or executive
35 director shall notify the applicant and the harbor clerk in writing within five days whether,
36 given the availability of space, the applicant may apply on the same schedule and on
37 the same application form as renewal applicants or must be placed on a waiting list. To
38 be placed and kept on the waiting list, applicants must, on an annual basis, fill out and
39 return a brief waiting-list renewal application sent to the applicant by the harbor clerk

1 and pay any waiting list fees requested. If the renewal application and fee are not
2 received by a date set in the renewal application, a second notice will be sent; if there is
3 no response within 30 days, the applicant will be deleted from the waiting list.
4

5 (2) *Renewal permit applications.* Mooring or outhaul permits must be renewed
6 annually. Every applicant for a private mooring or outhaul permit must show ownership
7 of a vessel in need of a mooring, except for the guest moorings of owners of riparian
8 property as granted in subsection 78-26(c), above. The harbor clerk shall mail renewal
9 permit applications in March to existing individual permit holders with a return deadline
10 of May 15. The completed application forms shall contain at least the following
11 information: i) the name, summer and winter mailing address, [and] resident status, and
12 relevant telephone numbers of the applicant; ii) the type of vessel and whether it is
13 recreational or commercial; iii) the length, beam, draft, displacement, type of sanitation
14 system, and name of the vessel; iv) a copy of the vessel's registration or documentation
15 certificate in the name of the applicant or a person to whom the permit may be
16 transferred under [subsection] 78-26(h)(2); v) the size, type, proof of inspection, and
17 precise location of the existing mooring; vi) the point of access to the mooring or
18 outhaul; vii) if applicable, the storage location of the dinghy; and viii) the date the vessel
19 is expected to be on the mooring or outhaul. With the approval of the harbor
20 commission and upon public notice to all applicants the harbor clerk may from time to
21 time amend the mooring permit application.
22

23 a. *Leased vessels.* An applicant may apply for a mooring based upon a lease of
24 a vessel providing the applicant the exclusive use of the vessel for at least the period of
25 the season. Such applicants may not permit the actual owner or another third party to
26 use the leased vessel on a regular basis. The harbormaster is directed to regularly
27 monitor usage of any such leased vessel to ensure compliance with this section.
28

29 (3) *General.* A private mooring or outhaul permit may not be held by more than
30 one individual or by more than one association, partnership, or corporation, or any other
31 legal entity at a time. All applications must be accompanied by the appropriate fee and
32 shall be received at the harbor office. No private mooring or outhaul permit shall be
33 granted for any vessel that has another private mooring or outhaul in the harbor waters,
34 mooring zones or coastal waters of Jamestown. Nonresident yacht clubs or other
35 organizations applying for private moorings to be used by more than one vessel during
36 a season must list the names of all vessels eligible to use the mooring and shall be
37 charged an appropriately higher fee.
38

39 (f) *Commercial mooring application procedures.*

1
2 (1) *New permit applications.* New applications for commercial mooring permits in
3 harbor waters must be approved by the Rhode Island Coastal Resources Management
4 Council, the Army Corps of Engineers, and the harbor commission. They must conform
5 to the percentage limitations for harbor waters stated in subsection 78-26(b), above.
6

7 (2) *Renewal permit applications.* Commercial mooring operators who have
8 approved permits from the Rhode Island Coastal Resources Management Council and
9 the Army Corps of Engineers will be considered to have made renewal applications for
10 the purposes of this article. For vessels on moorings to be leased seasonally
11 commercial mooring operators must provide the harbor office by July 15 with the
12 registration number, name and length of each vessel and the name of each owner. For
13 moorings leased seasonally after July 15 they must provide the information as soon as
14 reasonably practicable. Commercial operators shall provide inspection reports tri-
15 annually of their existing moorings, providing the same information required in
16 subsection 78-26(l)(3) below of inspection reports of private moorings. The inspection
17 reports provided by commercial operators may be provided in spreadsheet format.
18 Commercial mooring operators shall reach a mutually satisfactory arrangement with the
19 harbor commission for the deadlines for payment of the appropriate fees.
20

21 (3) *General.* Commercial moorings are prohibited in coastal waters. In harbor
22 waters commercial mooring operators must fulfill the requirements of Section 300.4.E.1
23 (a) and (b) of the Rhode Island Coastal Resources Management Program as they relate
24 to the provision of sanitary facilities and parking. They must also fulfill any additional
25 requirements of the harbor commission and this article, or any amendments thereof.
26

27 (g) *Relocation of existing permitted mooring.*
28

29 (1) All requests for relocation of existing permitted moorings must be submitted in
30 a written request to the harbormaster. Information for such a request must meet the
31 requirements for a mooring permit application, as well as show proof of a valid mooring
32 permit issued for the previous or current year. The reasons for a mooring relocation
33 must be clearly stated in the request. To be placed and kept on the relocation list,
34 applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay
35 any waiting-list fees requested.
36

37 (2) Action on the relocation request will be taken by the harbormaster based
38 upon policies—written and fully available to the public—established by the harbor
39 commission, the availability of space, the requirements of this article, and the type and

1 size characteristics of the vessel. The harbor commission shall maintain a chronological
2 list of all applicants requesting a mooring relocation. The list shall be updated at least
3 twice a year and shall be available to the public at all times.

4
5 (3) Any request received by the harbormaster that is not complete shall be
6 returned to the applicant and no action will be taken on the matter until a completed
7 form is returned.

8
9 (h) *Occupancy; transfer.*

10
11 (1) Private mooring permits and permits for outhauls on Town owned property:
12 occupancy. Private permit holders may not allow any vessel other than that described in
13 the application to use the mooring or outhaul permitted for more than seven consecutive
14 days; provided, however, that i) the harbormaster may permit the temporary use of a
15 mooring or outhaul by another vessel upon the written request of the mooring permit
16 holder and ii) the harbor commission, if it deems the action appropriate, may waive the
17 restriction more generally and for a longer period. Private permit holders are prohibited
18 from charging a fee for the temporary use of their moorings or outhaul. The
19 harbormaster shall have the authority to move or cause to be moved any vessel
20 violating the provisions of these regulations, at the expense and risk of the vessel
21 owner. The vessel and/or owner of the vessel granted the temporary use of a mooring
22 may only request the temporary use of a mooring for one season. In subsequent years,
23 the vessel and/or vessel owner may not be the recipient of another temporary use
24 exemption, except by order of the harbor commission.

25
26 (2) Private mooring permits, permits for outhauls on Town owned property and
27 wait list position transfer: No private mooring permit, ~~outhaul space assignment~~ or wait
28 list position, shall be sold, assigned or transferred (unless it falls under Section 78-
29 26(m), below) except on a one time only basis to an immediate family member-limited to
30 sibling, parent, spouse, children or grandchildren. The immediate family member to
31 whom the permit was transferred may, under no circumstances, subsequently transfer
32 the permit. ~~Any assigned mooring or outhaul space given up by a permit holder reverts~~
33 ~~to the harbor commission for assignment, by the harbormaster, to the next person on~~
34 ~~the relocation or waiting list whose vessel fits the mooring or outhaul space, the~~
35 ~~appropriate mooring or outhaul class involved, and the relevant shoreside requirements.~~
36

37 (3) Commercial mooring permits and permits for outhauls on Town owned
38 property may be leased or transferred to other businesses subject to review and
39 approval by the harbor commission. The standard for review shall be the ability of the

1 proposed transferee to comply with all the provisions of [subsection] 78-26(f) as a
2 commercial operator.

3
4 (i) *Fees.* The harbor commission shall annually recommend to the town council a
5 proposed schedule of fees as part of the annual operating and capital budget; and the
6 town council shall establish such rates not later than March 15 each year. The
7 commission may charge fees for all mooring permits; for dock, storage rack, outhaul,
8 and beach permits on town-owned property; for outhauls on riparian property, and for
9 waiting and relocation list applicants. Higher fees may be charged for nonresident and
10 commercial moorings and for other special situations. The commission may assess late
11 penalty fees provided these are indicated on, or enclosed with, the appropriate
12 application forms. For billing purposes the harbor clerk may establish informal
13 classification codes for moorings grouped by different levels of fee.

14
15 (j) *Marking.* The holder of a mooring permit shall mark the mooring buoy with the current
16 mooring number thereto in letters no less than three inches high. After 14 days' notice of
17 delinquency the harbormaster may fine the owner \$5.00 a day for any mooring not
18 properly marked.

19
20 (k) *Mooring specifications.*

21
22 (1) *Responsibility for moorings.* Although the town sets the following minimum
23 standards for moorings and mooring inspections for all moorings in the waters of the
24 town, owners of moorings shall be solely responsible for the safety and reliability of their
25 moorings. Heavier tackle and more frequent inspections than the required minimum are
26 strongly recommended in all cases. This is especially so where moorings are in
27 exposed locations or are holding vessels of greater than average displacement.

28
29 (2) *Anchors.* Mushroom anchors (in mud or soft sandy bottoms) or concrete or
30 granite blocks shall be used for moorings in the waters of the town, unless otherwise
31 authorized by the harbormaster or mandated by state or federal agencies. Authorization
32 must be in writing; and the harbor office will maintain records of any mooring anchor
33 deviations authorized in accordance with this provision.

34
35 The approximate shape of block anchors shall be square, both top and bottom,
36 with tapered sides (trapezoidal). The block shall not be allowed to become a hazard.
37 The link shall be of material not less than one inch in diameter and shall be securely
38 imbedded in the block. All shackles shall be one size heavier than the chain. All
39 shackles shall be load-rated, properly seized, and shall be forged (not cast).

(3) *Length and type of chain.* Total minimum length of chain (both bottom and top) shall be determined as follows: Depth of water at mean high tide, plus five feet for storm surge, times two. Normally, a minimum of 50 percent of the total length of chain shall be heavy chain, with the remainder being light chain, as indicated in the table below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A higher percentage of heavy chain is recommended in exposed areas of relatively shallow depth. Use of greater scope is strongly recommended, especially in exposed areas and where there is sufficient space for vessels to swing without endangering each other. Excessive scope, as determined by the harbormaster, will not be allowed. A lower percentage of heavy chain may be appropriate for moorings of greater scope.

(4) *Mooring float/buoy.* The mooring float carrying the weight of the mooring chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50 percent of it is visible above the surface of the water.

(5) *Pennants.* Pennant length shall be determined as follows: take the distance from the chock to the waterline, multiply this distance by two and add the distance from the bow chock to the bow cleat. The result is the minimum pennant length.

(6) *Chafeguards.* All pennant lines running through a chock or any other object where chafing may occur shall have adequate chafeguards.

(7) Minimum tackle specifications for the waters of the town.

Boat Length (feet)	Mushroom anchor (pounds)	Block anchor (pounds)	Bottom Chain (inches)	Top		Pennant (inches)
				Chain or Rode (inches)		
Up to 16	150	500	½	3/8	5/8	½
16 to 18	200	800	½	3/8	5/8	½
19 to 21	250	1,500	5/8	3/8	5/8	½ × 2

22 to 24	300	1,500	5/8	3/8	5/8	1/2 × 2
25 to 29	400	2,000	5/8	1/2	5/8	1/2 × 2
30 to 34	500	2,000	5/8	1/2	3/4	5/8 × 2
35 to 39	600	3,000 or 2 × 1,500	3/4	1/2	3/4	3/4 × 2
40 to 49	800	4,000 or 2 × 2,000	3/4	1/2	7/8	3/4 × 2
50 to 59	1,000	4,000 or 2 × 2,000	1	1/2	1	1 1/4 × 2

The above sizes are minimums. Use of at least one size larger for all components is strongly recommended for greater safety. On written application, the harbormaster may permit or require variances from these mooring tackle specifications in individual cases and, more generally, in specific areas, if the stated specifications seem clearly inappropriate for the area in which a mooring will be located.

(8) *Elastomeric mooring tackle.* The harbormaster is directed to encourage the use of mooring tackle including elastomeric members in lieu of chain where appropriate in view of the lesser scope required for such systems, with appropriate attention to be paid to the requirement of corresponding anchors to be employed.

(I) *Mooring inspections.*

(1) *New moorings.* All new moorings in the waters of the town shall be inspected and approved by the harbormaster or the harbormaster's designee prior to setting the mooring.

(2) *Maintenance of existing moorings.* All permit holders shall be required to maintain their moorings in safe condition. Any chain, shackle, swivel, or other tackle that

1 has become warped or has become worn by one-third its original diameter shall be
2 replaced. Failure to maintain a safe mooring shall be cause for revocation of the
3 mooring permit and shall be deemed a violation of this article. The harbormaster or the
4 harbormaster's designee may inspect any moorings at any time to determine
5 compliance with this section of the ordinance. Any mooring washed ashore or having
6 moved so as to endanger another vessel shall be inspected by the harbormaster or the
7 harbormaster's designee before it is reset.

8
9 (3) *Schedule of inspections.* All moorings shall be inspected by a qualified
10 mooring inspector on behalf of the applicant at least once every three years and the
11 results of such inspection certified by the inspector and reported to the harbor office by
12 15 June of the year of inspection. The inspection process is to be carried out using the
13 "Guidelines for Establishing a Verified Mooring Location" procedure approved by the
14 Jamestown Harbor Commission on February 8, 2005. This inspection shall determine
15 compliance with the minimum mooring and tackle standards of this article. Inspections
16 may be made either by raising the mooring or by underwater inspection. The harbor
17 clerk shall establish a schedule for each mooring and indicate it clearly on the mooring
18 application. The harbor clerk shall provide a form on which information pertaining to the
19 inspection shall be provided, and such form shall be submitted by the applicant together
20 with the application and fee. The information to be reported shall include the following:
21 water depth, size and type of mooring buoy, adequacy of length, diameter and number
22 of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length
23 and size of bottom and top chains or top rode, number and size of shackles, the location
24 of the anchor, and the general condition of the mooring. The location of the anchor is to
25 be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report
26 shall be signed and dated by the inspector. Commercial operators may submit multiple
27 inspection reports in spreadsheet form, but they must include all information specified
28 above.

29
30 (4) *Compliance.* Any mooring or component of a mooring reported not in
31 compliance with this section of the ordinance shall be replaced by the owner within 30
32 days of such notice. Within 45 days after the noncompliance is reported a second
33 mooring inspection must be completed to determine if the violation has been corrected.
34 The results of this second mooring inspection shall be reported to the harbormaster.
35 Failure to correct the violation within that period shall cause the mooring to be deemed
36 unsafe and, as a violation of this article, shall be cause for revocation of the mooring
37 permit and removal of the mooring from the waters of the town at the risk and expense
38 of the mooring owner. When the harbormaster deems it necessary, for the safety of a
39 vessel or of vessels nearby, to remove a vessel immediately from a noncomplying

1 mooring, and the owner is unable or unwilling to do so, the harbormaster or the
2 harbormaster's designee may remove the vessel at the owner's risk.

3
4 (5) *Costs*. All costs of any mooring inspection, of any relocation of vessels as a
5 result of noncompliance, or of any repairs or replacements required under the
6 provisions of this article shall be the responsibility of the mooring owner.

7
8 (m) *Forfeiture of mooring space*. Any holder of a mooring or outhaul permit for a
9 mooring located in the coastal or harbor waters, or in a mooring area of the town shall
10 be subject to forfeiture of that permit or the right to renew the permit by reason of any
11 the following:

12
13 (1) Failure to comply with any of the requirements of this article.

14
15 (2) Failure to respond to the harbormaster's and/or harbor commission's notice
16 that i) the mooring does not comply with the mooring specifications herein set forth, or ii)
17 that the mooring has been displaced or moved from its permitted location.

18
19 (3) Failure to resurface, repair, or replace mooring tackle within 60 days after
20 being advised to do so by the harbormaster.

21
22 (4) Occupying a mooring or outhaul with the vessel permitted for that mooring for
23 a total of fewer than 20 days during the course of a calendar year. If the vessel occupies
24 the mooring or outhaul exclusively outside the period of the season it shall be the
25 responsibility of the mooring or outhaul holder to establish to the satisfaction of the
26 harbormaster or harbor commission that the mooring or outhaul has been occupied for
27 at least 20 days.

28
29 (5) Any holder of a mooring or outhaul permit for a mooring located in the coastal
30 or harbor waters of the town shall be fined \$100.00 per month for: a) failure to renew an
31 existing valid mooring or outhaul permit by June 15 of any year; b) failure to commission
32 a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a least 20
33 days during the year. If the holder takes no action to comply with these requirements,
34 the permit will be deemed forfeited on October 1 and will not be subsequently renewed.

35
36 On written request the harbormaster may grant exceptions to clauses (3), (4), and (5),
37 above.

1 No mooring or outhaul will be deemed forfeited until notice of the violation has been first
2 mailed to the holder of the permit by registered mail, return receipt requested and
3 regular first class mail. If an appeal is not made within 30 days of the receipt of the
4 notice, the harbormaster will issue an order requiring that the mooring or outhaul be
5 removed at the owner's expense. If the owner fails to remove the mooring or outhaul
6 within 30 days upon order of the harbormaster, the owner will be billed for the cost of
7 the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel
8 will be removed and stored at the owner's expense.

9
10 *(n) Implementation of changes in mooring space assignments.*

11
12 (1) All private mooring permits and applications permitted prior to initial adoption
13 of the Harbor Management Ordinance by the town council on June 17, 2004, shall be
14 reclassified according to the criteria established in subsection 78-26(c) (above).

15
16 (2) All regulations concerning mooring permits and applications shall be applied
17 on the basis of the above reclassification.

18
19 (3) All mooring permits disallowed under this article shall be deemed permitted
20 nonconforming moorings. Rights to such moorings and use in accordance with the
21 ordinance and town rules and regulations may continue by the present owner only
22 unless the mooring is surrendered or revoked.

23
24 *(o) Implementation of changes in mooring tackle requirements.*

25
26 (1) All new moorings shall meet the minimum standards.

27
28 (2) All moorings in place shall meet the new minimum standards on the regular
29 schedule of mooring inspections required by the harbor commission.

30
31 *(p) Outhauls.*

32
33 (1) *On town property.* Outhauls may be established on town property where
34 recommended as appropriate by the harbor commission and approved by the town
35 council. Outhauls in existence as of the adoption of this article shall be deemed
36 conforming. Permits for the use of outhauls shall be issued by the harbor office in
37 accordance with a waiting list. If an outhaul is not occupied for a minimum of 20 days
38 during the course of the year the permit shall be deemed forfeited and will not be
39 renewed. No outhaul will be deemed forfeited until notice of the violation has been first

1 mailed to the holder of the permit by registered mail, return receipt requested and
2 regular first class mail. If an appeal is not made within 30 days of the receipt of the
3 notice, any vessel secured thereto will be removed and stored at the owner's expense.

4
5 (2) *On private property.* Up to two outhauls may be installed per riparian property.
6 Outhauls on private property may not exist in conjunction with a residential boating
7 facility on the same property. CRMC reserves the right to revoke any outhaul permit
8 that is not issued according to RICRMP. Outhauls shall be grandfathered in their
9 current location upon annual harbormaster documentation that such outhauls have
10 been in continuous use at such location since 2004, and, the contiguous property
11 owner(s) agree in writing to such, however, such "grandfathering" is extinguished
12 whenever a recreational boating facility is approved at the location.

13
14 (3) *In general.* The harbormaster shall have the power to direct that outhauls
15 deemed inadequate or unsafe be repaired or replaced. Placement of anchors for
16 outhauls is subject to approval by the harbormaster. The outhaul cabling system for all
17 riparian outhauls shall be removed between November 15 and April 15.

18
19 (q) *Miscellaneous.* Water-borne structures and anchors not specifically addressed
20 herein, such as but not limited to anchors for breast lines, are subject to approval of the
21 harbormaster.

22
23 **Sec. 78-27. Regulated activities.**

24 (a) *General.* The purpose of this section is to regulate the speed, management, and
25 control of vessels and the use of all anchorages, moorings, and town-owned waterfront
26 facilities within the jurisdiction of the Town of Jamestown as stated in section 78-23 and
27 as authorized by G.L. 1956, 46-4-6.9.

28
29 (b) *Management and control of vessels.*

30
31 (1) *Vessel operation.* Every person operating a vessel within the waters of the
32 town shall navigate in a careful and prudent manner, so as not to endanger the life,
33 limb, or property of another and not to interfere with or damage other vessels or
34 property.

35
36 (2) *Failure to stop.* It shall be a violation of this article for any person to refuse to
37 move, slow to headway speed, or stop when directed by the harbormaster or any other
38 duly authorized enforcement officer.

1 (3) *Prohibited areas.* No person shall operate or cause to be operated a vessel
2 within any area marked prohibited on the harbor map, except as otherwise provided for
3 in the article.

4
5 (c) *Vessel speed and operation.*

6
7 (1) Operators of vessels within the coastal and harbor waters of the Town of
8 Jamestown shall comply with all state and local laws and regulations on vessel speeds
9 and wakes that establish a maximum speed for vessels of five miles per hour, no wake
10 (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

11
12 (2) Vessel operation, mooring, or anchorage within 200 feet of the shore where
13 marked on the harbor map or by buoys is prohibited, except when a vessel is directly
14 approaching or leaving the shore, a town-approved launching ramp, or beach storage
15 area for dinghies when the sole purpose is to begin or end such activity.

16
17 (3) In all designated channels, fairways, and mooring zones of harbor waters,
18 paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and
19 similar activities are limited to a five miles per hour maximum speed. In coastal waters
20 and in the transient and conservation zones of harbor waters, the named activities are
21 prohibited within 200 feet of the shore and within 100 feet of any vessels moored or
22 anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2,
23 shall be subject to penalties under this article.

24
25 (4) Seaplanes and other airborne watercraft are prohibited from surface
26 operation within mooring zones or within 200 feet of the shore; they are prohibited from
27 taking off or landing in the waters under town jurisdiction as stated in section 78-24 of
28 this article.

29
30 (5) No vessel shall be moored or anchored so as to interfere with the free and
31 unobstructed use of channels, fairways, or berthing spaces within the areas under town
32 jurisdiction as defined in section 78-24 of this article.

33
34 (6) Where significant shallow water habitat is identified, boating activities shall
35 be restricted as necessary to decrease turbidity and physical destruction of such
36 habitat.

37
38 (d) *Prohibited discharges.*

1 (1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic,
2 chemicals, petroleum products or by-products, paint, varnish, dead animals, or any
3 other debris or litter into the waters of the town is prohibited under this article. The town
4 adopts G.L. 1956, 46-12-39 as part of its ordinance. Any person who violates this
5 provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

6
7 (2) *Discharge of sewage.* No person shall cause or permit to pass or to be
8 discharged into the waters of the town any untreated sewage or other waste matter or
9 contaminant of any kind. The town shall monitor and report annually to the department
10 of environmental management on the effectiveness of its pumpout operations.

11
12 (e) *Other activities.*

13
14 (1) *Swimming, diving and fishing.* Swimming, diving, or fishing off town-owned
15 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and
16 posted by the town council. Water skiing is prohibited in harbor waters and in mooring
17 areas. Swimming and diving are prohibited in mooring areas and mooring zones more
18 than 150 feet from shore from sunset to sunrise or in periods of impaired visibility,
19 except in the immediate vicinity of a moored or anchored vessel, when accompanied by
20 an escort vessel, as part of a sanctioned swimming event, or as necessary to perform
21 service or maintenance to a vessel or mooring.

22
23 (2) *Property damage.* It shall be unlawful to destroy, damage, disturb or interfere
24 with, willfully or carelessly, any public or private property in the waters or waterfront
25 areas of Jamestown.

26
27 (3) *Litter.* Littering is prohibited on town property. Any person who violates this
28 law shall be subject to penalties under this article as provided for by local and state law.

29
30 (f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a
31 vessel or structure has been abandoned in the waters of the town, the harbormaster
32 may take custody and control of such vessel and remove it, store it, or otherwise
33 dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of
34 such disposal shall be publicly given. The harbormaster shall assume all of the duties
35 and powers of the commissioner of wrecks and shipwrecked goods as delineated in the
36 G.L. 1956, 46-10-1 to [46-10-]13.

37
38 (g) *Anchoring.* Vessels shall not anchor or raft in a location that interferes with a moored
39 vessel. The harbormaster may direct a vessel to move or relocate.

1
2 (1) Overnight anchoring is permitted in all town waters, except conservation
3 zones, on a space available basis. The crew may go ashore, but shall not leave the
4 area. They shall be available to tend to the vessel in the event of heavy weather. It shall
5 be the anchored vessel's responsibility to remain clear of all moored vessels. No vessel
6 shall be anchored more than three days without the permission of the harbormaster. No
7 anchoring of any kind is permitted in Conservation Zones.

8
9 (2) Rafting. Vessels are permitted to raft on a mooring or at anchor provided that
10 the rafted vessels do not endanger any other moored or anchored vessels and that they
11 do not intrude into any channel or thoroughfare. Each rafted vessel must be manned at
12 all times. Rafting is not permitted when Coast Guard small craft advisories or other
13 severe weather warnings are in effect; rafted vessels must separate when these
14 conditions are announced or at the request of the harbormaster.

15
16 (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources
17 Management Program, Section 300.5, houseboats or floating businesses, as defined
18 therein, are prohibited from mooring or anchoring unless within the boundaries of a
19 marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities.
20 Applicants for floating businesses shall fulfill the additional Category "B" requirements of
21 Section 300.5. Applicants for either houseboats or floating businesses shall meet all the
22 pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under
23 standards for residential docks, piers, and floats.

24
25 (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling
26 legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a
27 person who violates any law as stated therein shall be subject to penalties and fines as
28 set forth in the attached appendix B, unless otherwise established by the General Laws
29 of the State of Rhode Island. Each day a violation continues shall be deemed a
30 separate offense subject to an additional penalty. The district court of the State of
31 Rhode Island, or such other courts as are designated in the summons, shall have
32 jurisdiction for the enforcement of regulated activities.

33
34 (j) *Informal procedure for the payment of boating fines.*

35
36 (1) *Payment without personal appearance.* The harbormaster or any other duly
37 authorized enforcement officer who charges any person with an offense under this
38 article, in addition to issuing a summons for the offense, may provide the offender with a
39 form that shall allow the offender to dispose of the charge without the necessity of

1 appearing before the district court; provided that any offender who has been guilty of a
2 third or subsequent violation within 12 months of the first offense must appear before
3 the court on the date specified on the summons, and may not dispose of the third or
4 subsequent offense administratively.

5
6 (2) *Method of payment.* An offender electing to dispose of the charge without
7 personally appearing before the district, or other, court shall execute the form indicated
8 and return it to the Jamestown police station not later than 14 days from the date of the
9 summons either by mailing or delivering the form and summons accompanied by a
10 check or money order in the amount indicated by the schedule of fines on the form. The
11 fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30)
12 days.

13
14 (3) *Failure to answer.* An individual who fails to answer within thirty (30) days
15 shall have waived the right to dispose of the summons without personal appearance
16 and must appear before the district court on the date specified on the summons.

17
18 (k) *Enforcement.* The primary responsibility for enforcement of regulated activities,
19 including the issuance of summonses for violations is delegated to the harbormaster
20 and the Jamestown Police Department. Police officers and the harbormaster of the
21 Town of Jamestown shall have the power and authority to enforce the rules and
22 regulations of this article and of the General Laws of the State of Rhode Island.

23
24 **Sec. 78-28. Harbor commission.**

25
26 (a) *Authority, powers, and duties.* The harbor commission shall be the local advisory
27 and regulatory body authorized by the town council to manage the coastal waters and
28 harbor areas of the town through the implementation of the comprehensive harbor
29 management plan and subsequent ordinances. The harbor commission shall enforce
30 the provisions and ordinances of the harbor management plan as well as adopt
31 additional policies, rules, and regulations for the implementation of the harbor
32 management plan and such ordinances, subject to the approval of the town council and
33 the Rhode Island Coastal Resources Management Council.

34
35 The harbor commission shall adopt rules of procedure and operation for its meetings
36 and, among its powers and duties, is authorized to:

37
38 (1) Recommend to the town council the adoption of rules, regulations, fees,
39 penalties and other amendments to the comprehensive harbor management plan and

1 its subsequent ordinances that may be necessary to fulfill the goals and objectives of
2 that plan and meet the requirements of its ordinances.

3 (2) Recommend additional authorities and duties for the harbor staff, herein
4 detailed, with the approval of the executive director and the town council.
5

6 (3) Assist in the preparation of the annual budgets in accordance with the
7 provisions of the town and this article to expend monies in the harbor funds.
8

9 (4) Sit as a board of appeals to hear any person aggrieved by any decision, act,
10 or failure to act of the executive director or harbor staff in the enforcement and
11 implementation of this article, with the exception of section 78-27 of this article
12 ("regulated activities").
13

14 (5) Review and revise as necessary the comprehensive harbor management
15 plan and its subsequent ordinances for the town council and the Rhode Island Coastal
16 Resources Management Council approval. The comprehensive harbor management
17 plan shall be reviewed and revised at least once every five years.
18

19 (6) Prepare the Harbor Commission's Asset Inventory List (Approved by the
20 Commission on 02.12. 2014 and the Town Council on 04.07.2014). Monitor the
21 condition of town-owned waterfront facilities generally and develop with the town
22 engineer an annual and five year capital maintenance, replacement and improvement
23 plan. The plans will include maintenance, repair, and improvement of town-owned
24 waterfront structures, such as docks, bulkheads, and boat ramps. No budget will be
25 approved without the capital improvement plan.
26

27 (b) *Composition*. The harbor commission shall consist of seven qualified electors and
28 residents of the town, appointed by the town council, chosen from a list of interested
29 parties maintained by the town administrator, after duly advertising the availability of
30 these positions. To achieve diversity, preference may be given to representatives of
31 each of the following groups:
32

- 33 (1) The nonriparian recreational boating community; (two persons)
- 34 (2) Riparian property residents (harbor waters);
- 35 (3) Riparian property residents (coastal waters);
- 36 (4) The commercial fishing industry;
- 37 (5) The commercial mooring operators;
- 38 (6) A nonboating resident.
39

1 The commission shall have, among its members, representatives of both East
2 and West Harbors.

3
4 *Ex-officio member:* The executive director shall be an ex-officio, nonvoting
5 member of the commission, and shall not count as part of the quorum.

6 *Liaisons:* The town council, the conservation commission, and the planning
7 commission may each appoint one liaison to the harbor commission. Liaisons may sit
8 with the commission, and may participate in all discussions, but may not vote and do
9 not count as part of the quorum.

10 (c) *Terms.* Commission members shall be appointed for overlapping three-year terms
11 so that approximately one-third of the membership terms will expire each year. In the
12 event of a vacancy during a term, the town council shall appoint a new member from the
13 same category of member, if feasible, to fill the remainder of the term.

14
15 (d) *Organization.* A chair and vice-chair of the commission shall be chosen annually
16 from the membership by vote of the commission. The chair shall be responsible for
17 calling and conducting all meetings of the commission. In the absence of the chair, the
18 vice-chair shall assume those responsibilities. A quorum shall be defined as four voting
19 members.

20
21 (e) *Finances; budget.* The executive director and the commission, in collaboration with
22 the town administrator, shall be responsible for the preparation of the annual harbor
23 operating and capital facilities budgets to be submitted to the town council for approval.
24 All revenues from harbor operations, including but not limited to mooring, beach permits
25 and outhaul fees and harbor management fines and penalties, shall be held in a harbor
26 enterprise fund maintained by the town finance department. The harbor enterprise fund
27 shall be maintained exclusively for the management and development of harbor
28 programs and maintenance and expansion of capital infrastructure. Nonbudgetary
29 expenditures from the harbor management account, including additional staff support,
30 must be authorized by the executive director with agreement of the commission and
31 must be approved by the town administrator and the town council. Annual lease
32 revenue from the properties at East Ferry, West Ferry, and Fort Wetherill shall be held
33 in a separate capital improvement fund and may be used to fund any waterfront
34 facilities, structures and assets owned by the Town, but not necessarily limited to those
35 listed in the Harbor Commission Asset Inventory List. At the end of the fiscal year,
36 unexpended harbor operating and capital budget appropriations shall be placed in a
37 harbor and waterfront capital reserve account. The executive director and the
38 commission, in collaboration with the town administrator, shall be responsible for the

1 preparation of the annual harbor/waterfront capital facilities budget to be submitted to
2 the town council for approval.

3
4 (f) *Compensation*. Commission members shall serve without pay, but may be
5 compensated for expenses incurred in the performance of their duties.

6
7 **Sec. 78-29. Administration.**

8 (a) *Executive director*. An executive director may be appointed by the town council to
9 supervise the harbor staff and to administer the provisions of this article and any
10 additional regulations subsequently required for the implementation of the article.

11
12 (b) *Harbor administrative staff*. The harbor administrative staff shall consist of a
13 harbormaster, a harbor clerk, and additional personnel as needed who are hired on
14 approval of the town council by the town administrator.

15
16 The responsibilities of the harbor staff under the supervision of the executive director
17 include the following:

18
19 (1) Administering and enforcing the provisions of the harbor management plan
20 and its ordinances;

21
22 (2) Processing applications for the issuance of mooring permits and assigning
23 placements of moorings in accordance with this article;

24
25 (3) Keeping proper records of all mooring application information, including the
26 locations of moorings, mooring owners and vessel usage of moorings, types of vessels
27 using moorings, etc;

28
29 (4) Preparing, keeping current, and making available a waiting list for mooring
30 permits in accordance with the provisions of this article when the demand for available
31 mooring permits is greater than the number of available mooring locations in any given
32 year, and maintaining a waiting list with respect to outhauls on town property;

33
34 (5) Keeping current and making available waiting lists for dinghy dock space and
35 outhauls on town property operated by commercial operators;

36
37 (6) Inspecting moorings and outhauls in accordance with the provisions of
38 section 78-26 of this article;

1
2 (7) Monitoring moorings and out hauls in accordance with the provisions of
3 subsections 78-26(h), (m), and (p) of this article.
4

5 (8) Carrying out all other powers and duties authorized to the harbormaster under
6 various state and federal marine laws, including but not limited to marine sanitation
7 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast
8 Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-
9 22, and future laws yet to be enacted.
10

11 (9) Any other duties specified by the harbor commission or executive director.
12

13 (c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to
14 the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch.
15 14, as amended, and all regulations promulgated by the Rhode Island Ethics
16 Commission.
17

18 **Sec. 78-30. Appeals.**

19 In matters other than violations of section 78-27, the harbor commission shall sit
20 as the board of appeals to hear any person aggrieved by a decision of the executive
21 director or the harbormaster. The aggrieved party shall file a written appeal with the
22 harbor clerk within 30 days following the notice of the decision. Upon receipt of the
23 appeal, the harbor clerk shall schedule a hearing at the next regularly scheduled
24 commission meeting, with written notice given to the appellant of not less than 14 days.

25 The harbor commission may hear an appeal filed out of time provided the
26 appellant demonstrates:

27 1) The matter from which the appeal is taken occurred within the past 180 days;
28 and
29

30 2) For just reasons, failure to timely file the appeal was due to mistake,
31 inadvertence, excusable neglect; or
32

33 3) Would result in a substantial injustice to the appellant rights as provided for
34 under this article.

35 Any party aggrieved by a decision of the harbor commission may make a final
36 appeal to the town council. Notice of appeal shall be made in writing and filed with the

1 town clerk within 20 days of the mailing date of the decision. The town clerk shall obtain
2 the record of the commission's proceedings and schedule a hearing with notice to the
3 appellant.

4 **Sec. 78-31. Liability.**

5 Persons using the waters of the town shall assume all risk of personal injury and
6 damage or loss to their property. The town assumes no risk on account of accident, fire,
7 theft, vandalism or acts of God.

8 **Sec. 78-32. Severability.**

9 If any provisions of this chapter are held invalid or inoperative, the remainder
10 shall continue in full force and effect as though such invalid or inoperative provisions
11 had not been made.

12 **Sec. 78-33. Effective date.**

13 This chapter shall take effect upon its passage by the town council with respect
14 to provisions that do not require approval of the coastal resource management
15 commission.

Jamestown Harbor Ordinance

Appendix B - Fine Schedules

The penalties for violations of the enumerated sections correspond to fines described.
The following violations may be handled administratively through the method as prescribed in this ordinance, provided however this list is not exclusive and jurisdiction may be conferred with regards to other violations.

*** Payable by Mail**

<u>Statute</u>	<u>Town Ordinances</u>	<u>Fine</u>
Section 5(a)(b)©	Rights of Way to Waters	\$50.00 pbm*
Section 7(g)	Anchorage Restrictions	\$50.00 pbm*
Section 7(b)(1)	Vessel Operation	\$75.00 pbm*
Section 7(b)(1)	Excessive Speed	
	1-10 mph	\$25.00 pbm*.
	11-15 mph	\$50.00 pbm*
	16-20 mph	\$75.00 pbm*
	21-25 mph	\$100.00 pbm*
	26+	add \$5.00 per mph
Section 7 (b)(2)	Obedience to Order of Harbormaster or Police	\$100.00 pbm*
Section 7 (b)(3)	Operation within Prohibited Area	\$75.00 pbm*
Section 7 (c)(1)	No Wake and Vessel Speed in a Mooring Zone	\$75.00 pbm*
Section 7 (c)(2)	Operation near Public Bathing Area	\$50.00 pbm*
Section 7 (c)(3)	Water Skiing Violations	\$50.00 pbm*
Section 6(g)(1)	Unauthorized Use of Mooring	\$50.00 pbm*
Section 7(d)(1&2)	Pollution, Discharge, or Dumping into Waters	\$100.00 pbm*
Section 7(e)	Prohibited Use of Town Floats and Docks	\$50.00 pbm*
Section 7(g)	Anchorage Restrictions - Vessels	\$50.00 pbm*
 <u>Statute</u>	 <u>General Laws of Rhode Island</u>	 <u>Fine</u>
RIGL 46-22-3	Numbers not Displayed	\$50.00 pbm*
RIGL 46-22-5	Required Equipment	\$50.00 pbm*
RIGL 46-22-8	Excessive Noise	\$50.00 pbm*
RIGL 46-22-9	Passing Vessels (reasonable care)	\$50.00 pbm*
RIGL 46-22-9.2	Floatation Devices - Children	\$50.00 pbm*
RIGL 46-22-9.8	Approved Boating Safety Course	\$50.00 pbm*
RIGL 46-22-22	Failure to Submit Boating Accident Form	\$100.00 pbm*
RIGL 46-22-24	Interference in Diving Area	\$100.00 pbm*