

## Section 210.2 Barrier Islands and Spits

### ITEM 4.B

#### A. Definitions

1. Barriers are islands or spits comprised of sand and/or gravel, extending parallel to the coast and separated from the mainland by a coastal pond, tidal water body, or coastal wetland. In addition to a beach, barriers have, in most cases, a frontal foredune zone and often, backbarrier dune fields. The lateral limits of barriers are defined by the area where unconsolidated sand or gravel of the barrier abuts bedrock or glacial sediment. This definition of a barrier system is commonly associated with many geomorphic descriptors. These descriptors include, but are not limited to, barrier islands, bay barriers, and spits. Spits are further described as tombolo, shingle, cusplate, and flying spits. The terms "bar" and "ridge" were once used to describe a barrier system, but have since been replaced with the term "barrier". Many of the state's barriers have been mapped and assigned by the Coastal Resources Management Council to three categories, as listed in Table 4. The barriers or portions thereof designated by the federal government as undeveloped pursuant to their criteria, under the Coastal Barrier Resources Act of 1982 (Public Law 97-348), are noted in Table 4. In these federally designated areas, flood insurance for most forms of construction is not available.

2. **Undeveloped Barriers** are essentially free of commercial/industrial buildings, (excluding public utility lines) houses, surfaced roads, and structural shoreline protection facilities.

3. **Moderately Developed Barriers** are those that are essentially free of houses, commercial/ industrial buildings and/or facilities (excluding utility lines) that contain surfaced roads, recreational structures, and/or structural shoreline protection facilities.

4. **Developed barriers** contain houses and/or commercial/industrial structures; they may also contain surfaced roads and structural shoreline protection facilities. Maps of designated barriers are available for inspection at the offices of the Coastal Resources Management Council.

#### B. Findings

1. Rhode Island's South Shore coastal ponds and a frequently low-lying mainland are protected from the forces of the open ocean by a chain of low, narrow barriers. Their importance as buffers against storms, the continuing pressures to build upon them and a long history of disasters during hurricanes have made the regulation of activities on barrier a primary concern of the Coastal Resources Management Council. Several barriers that had all structures destroyed in 1938 and 1954 are again developed.

2. The flexibility of barriers permits them to withstand the severe forces of erosion to which they are exposed. All ocean-fronting barriers are migrating inland in response to those natural erosion forces and to sea-level rise. The migration process takes the form of "rolling over," whereby sand eroded from the ocean beach is transported by storm-surge overwash water and deposited on the barrier and in the coastal lagoon landward of the barrier. The peat sometimes seen along the ocean shore of barriers is evidence of the past existence of a marsh that once flourished behind an older, more seaward barrier. This same flexibility makes barriers particularly ill-suited to human occupation. Not only do buildings interfere with foredune growth but during major hurricanes debris from shattered structures is swept inland, causing additional destruction on the barrier and on adjacent low-lying mainland areas, increasing property damage, and complicating cleanup efforts. Sixty-five percent of Rhode Island's 27.3 miles of ocean-fronting barriers are undeveloped. The recreational opportunities and uniquely beautiful open space they provide are of growing importance in an increasingly developed region.

3. The damage that barrier islands and spits can sustain in major storm events is significant and as such they are considered high hazard areas. During actual storm events, high hazard areas can create dangerous situations even for emergency response personnel and as such all personnel, including emergency response personnel, should be kept out of these areas during major storm events.

4. Within Narragansett Bay there are several small barriers that are also highly susceptible to damage during major storms. With few exceptions, these barriers have not been developed and provide locally important natural areas of great beauty and often considerable recreational value.

5. In some cases barrier islands and spits do not have dunes associated with them. For the purposes of

measuring setbacks, the feature shall be the coastal beach, dike, or revetment, whichever results in a greater setback.

6. The Council accepts climate change models that indicate that sea level rise rates will accelerate and it is likely that the frequency of intense storms will increase as global temperatures rise (IPCC 2007). The combination of more severe storms and higher sea levels will impact the barriers. Storm surge overwash is the mechanism that causes barriers to migrate landward and also increase in elevation (Otvos and Carter 2007; Riggs and Ames 2007). This increased elevation will become increasingly important as sea level rises. Studies of the underlying geology, sediment supply and coastal processes to barrier systems in the Outer Banks and the Gulf of Mexico point to a threshold, that once past, leads to barrier disintegration (Culver et. al. 2007; Sallenger et. al. 2007). Shoreline protection structures are particularly unsuitable for construction on the barriers because these structures interfere with the overwash processes that supply sediment to the back barrier, eventually leading to a situation where the barrier does not build in elevation and is much more likely to breach or drown in place.

### C. Policies

1. On barriers classified as **undeveloped** in Table 4, the Council's goal is to preserve, protect, and where possible, restore these features as conservation areas and as buffers that protect salt ponds and the mainland from storms and hurricanes.

2. On barriers classified as **developed** in Table 4, the Council's goal is to ensure that the risks of storm damage and erosion for the people inhabiting these features are minimized, that activities that may reduce the effectiveness of the barrier as a storm buffer are avoided, and that associated wetlands and ponds are protected.

3. On Barriers classified as **Moderately developed** in Table 4, the following policies shall apply:

a) New development is prohibited on **Moderately Developed Barriers** except where the primary purpose of the project is restoration, protection or improvement of the feature as a natural habitat for plants and wildlife or as allowed under paragraph (c) of this section;

b) Existing roads, bridges, utilities and shoreline protection facilities may be maintained only, in accordance with the requirements of Section 300.14;

c) Existing recreational structures may be altered, rehabilitated, expanded or developed (as defined in the glossary of the (RICRMP) according to the following standards:

i) Any expansion of or development activities associated with existing recreational structures shall not occur within or extend into any flood zone designated as V on the most current Federal Insurance Rate Maps, or as established by the Federal Emergency Management Agency;

ii) All activity shall be confined to the existing footprint of disturbance; for the purposes of this section, the footprint of disturbance shall be defined as that area encompassed by the perimeter of the structural foundation and/or areas determined by the CRMC to be substantially altered due to associated structures, excluding dunes, wetlands and areas encompassed within pertinent setback and buffer zone requirements of this program;

iii) Any proposed expansion of existing recreational structures shall be limited to an area equal to 25% of the square footage of the ground floor area encompassed by the structural foundation of the existing building as of June 23, 1983; associated structures shall not be used in calculating existing area;

iv) The activity shall meet or exceed all relevant standards for the appropriate flood zone designation; and

v) All activities shall be subject to relevant setback and buffer zone requirements of this program, including accessory structures such as decks, porches, walls, boardwalks, swimming pools, roads, driveways, parking lots and other structures integral to or ancillary to the existing recreational structure.

4. Alterations to **undeveloped barriers** are prohibited except where the primary purpose of the project is protection, maintenance, restoration or improvement of the feature as a natural habitat for native plants and wildlife. In no case shall structural shoreline protection facilities be used to preserve or enhance these areas as a natural habitat or to protect the shoreline feature.

5. The Council recognizes the highly dynamic nature of barriers and that storms may cause sudden and significant changes to the geomorphic form of these coastal features. Accordingly, large scale public infrastructure improvements and dense development is inappropriate. Therefore, except as provided for in D.9D.4 below, the construction or expansion of new infrastructure or utilities shall be prohibited on all barriers including water, gas and sewer lines. It is not the intention of these policies to apply to individual, on-site water supply systems or individual sewage disposal systems, or gas lines. The use of plastic snow-fencing on all barriers is prohibited.

6. It is the Council's policy to assure that all construction permitted on **developed barriers** is undertaken to provide for the greatest physical security of the inhabitants of the barrier and adjoining mainland and to maintain, to as great an extent as possible, the qualities of the adjacent coastal pond and wetlands. (See detailed regulations for construction on dunes and beaches in Section 210.1, flood hazard areas in Section 300.3, and other applicable policies and standards in the Coastal Resources Management Program and special area management plans). The construction of new buildings is prohibited on developed barriers on which only roads, utility lines, and other forms of public infrastructure were present as of 1985.

7. With the exception of boardwalks and snow fencing utilized to trap sand, all residential and non-water-dependent recreational, commercial, and industrial structures on undeveloped barriers physically destroyed 50 percent or more by storm-induced flooding, wave or wind damage may not be reconstructed regardless of the insurance coverage carried.

8. Persons utilizing undeveloped beaches are required to observe the following rules:

(a) Destruction or removal of signs, snow fencing, or other sand-stabilizing devices is prohibited; camping is prohibited unless in vehicles equipped with a self-contained toilet.

(b) Vehicles are permitted only on marked roads or trails and on the beach. Vehicles that drive on the beach and designated unstabilized trails on undeveloped barriers shall abide by the policies found in Section 210.1.

(c) Persons shall be at all times subject to applicable town ordinances and regulations restricting the use of private, state, or federal properties.

9. Existing recreational structures, such as beach pavilions, located on undeveloped and moderately-developed barriers that enhance the public's access to the water and generate tourism revenue for the State of Rhode Island may be permitted to be re-established in the event that they are physically destroyed 50% or more as a result of storm induced flooding, wave, or wind damage, provided that: (a) applicable policies and standards of the RICRMP are met; and, (b) public access to the shore is enhanced. Where possible, the reconstruction of these structures shall be behind the foredune zone as defined in Section 210.1. Any reconstruction of these facilities shall be limited to the square footage of the ground floor area encompassed by the structural foundation of the existing (associated structures shall not be used to calculate this area).

10. All policies contained in RICRMP Section 210.1 Coastal Beaches regarding beach vehicle use on coastal beaches shall apply to beach vehicle use on barrier islands and spits. (Existing text from June 24 public notice)

11. The CRMC does not require annual beach vehicle permits on the barrier spits of Seapowet Marsh and Point Fishing Area and Fogland Beach; both in Tiverton. Both spits are composed primarily of beach cobble and are excluded from an annual beach vehicle permit requirement. (Existing text from June 24 public notice)

#### **D. Prohibitions**

1. The use of plastic snow-fencing is prohibited on **all barriers** due to the hazards presented to fish, marine mammals, and other wildlife in the aftermath of a storm event.

~~2. Vehicle access across a back barrier flat to access the Salt Ponds is prohibited. Access to the ponds shall be on foot only. (Text added to D.2 below)~~

~~3. Vehicles are prohibited in vegetated areas anywhere on the barriers and must stay on existing trails, roadways, driveways, and permitted parking areas. Access to the salt ponds shall be on existing or permitted trails and roadways only.~~

~~4. Alterations to **undeveloped barriers** are prohibited except where the primary purpose of the project is~~

protection, maintenance, restoration or improvement of the feature as a natural habitat for native plants and wildlife. In no case shall structural shoreline protection facilities be used to preserve or enhance these areas as a natural habitat or to protect the shoreline feature.

~~54.~~ The construction of new infrastructure or utilities or expansion of existing infrastructure or utilities shall be prohibited on **all barriers**. Such infrastructure or utilities shall include but not be limited to public or private water, electric, gas and sewer lines. This prohibition does not apply to individual, on-site water supply systems and onsite wastewater treatment systems, or onsite bottled gas supply. Additionally, this prohibition does not apply to such ancillary activities as the installation of cable and/or telephone lines that will service an existing individual structure. This prohibition does not apply to infrastructure which is intended to service the needs of the state such as transportation related projects, or transmission corridors or other infrastructure intended to meet a demonstrated state need that provides public benefit. (Existing language from D.9 below)

~~65.~~ New development is prohibited on **moderately developed barriers** except where the primary purpose of the project is restoration, protection, or improvement of the feature as a natural habitat for plants and wildlife or as allowed under Section 210.3.C.3 herein. In no case shall structural shoreline protection facilities be used to preserve or enhance these areas as a natural habitat or to protect the shoreline feature.

~~7.—The construction of new buildings is prohibited on developed barriers on which only roads, utility lines, and other forms of public infrastructure were present as of 1985.~~

~~86.~~ All residential construction shall be setback a minimum of 50 feet. Residential construction is prohibited in the setback zone. A special exception shall be required for relief from the 50 foot setback requirement on barriers unless the activity proposed is a beach facility or walkover structure in which case a variance from the setback provisions shall be required. A variance shall be required for relief from the setback requirement on barriers for the area that lies between the 50 foot minimum setback and any greater setback based on the annual erosion rate. No new Individual Sewage Disposal Systems shall be constructed within the 50 foot setback area (see Section 300.6.A.2 for definition of new ISDS). Walkover structures may be permitted over the dunes in order to gain access to the beach.

~~7. Walkover structures are prohibited on undeveloped barriers. Walkover structures are prohibited on moderately-developed barriers unless the purpose is to provide public access.~~

~~9.— This prohibition does not apply to infrastructure which is intended to service the needs of the state such as transportation related projects, or transmission corridors or other infrastructure intended to meet a demonstrated state need that provides public benefit.~~ (Existing text added to D.4 above)

## E. Standards

1. Limited parking areas. The Council may permit new limited parking areas on all CRMC-designated barriers for the purpose of property owner access and use in accordance with the following provisions:

- (a) Limited parking areas are restricted to a maximum disturbed area of no greater than 400 square feet.
- (b) Only one limited parking area is permissible per lot of record as of (insert effective date of regulation).
- (c) Limited parking areas must be located immediately adjacent to the existing roadway easement or as close as practicable to the roadway easement boundary line.
- (d) Limited parking areas on undeveloped and moderately-developed barriers must be maintained as a sand or gravel surface. No other materials can be applied to the parking area.
- (e) Restriction of access to the limited parking area by the property owner may be permitted only with the installation of a maximum of two (2) posts connected with a chain, cable or rope. The posts are not to exceed 6 inches in diameter or width and installed no more than four feet (4) above grade at base. Fencing, gates, or other means of restricting access, other than as allowed herein, are prohibited.
- (f) The installation of snow fence or any other fence type around the perimeter of the limited parking area is prohibited.
- (g) One storage bin per limited parking area is permissible provided it is located within the 400 square foot limited parking area and is in place only during the period of May 1 through October 31<sup>st</sup> of each year.

2. Rollout walkways are permissible on all barriers if they are installed temporarily on existing pathways and

are removed seasonally. Rollout walkways are not to exceed four (4) feet in width. In the event of an imminent hurricane event these walkways are to be removed to a secure upland location.

**Table 4.** Undeveloped, Moderately Developed, and Developed Barriers

<b>Undeveloped</b>	Sandy Point Island, Westerly <sup>1</sup>
	Napatree Beach, Westerly <sup>1</sup> (west of Watch Hill Beach Club)
	Maschaug Beach, Westerly <sup>1</sup>
	Quonochontaug Beach, Westerly/Charlestown <sup>1</sup> (west of Breachway) <sup>1</sup>
	East Pond Beach, Charlestown
	East Beach (Ninigret conservation area to Charlestown Breachway) <sup>1</sup>
	Green Hill Beach, South Kingstown <sup>1</sup> (central portion)
	Moonstone Beach, South Kingstown
	Browning Beach, South Kingstown <sup>1</sup>
	Long Pond Beach, Little Compton <sup>1</sup>
	Round Pond Beach, Little Compton <sup>1</sup>
	Briggs Beach, Little Compton <sup>1</sup>
	Ship Pond Cove, Little Compton
	Round Meadow Pond, Little Compton
	Quicksand Pond Beach, Little Compton <sup>1</sup>
	High Hill Marsh Barrier, Little Compton <sup>1</sup> (eastern portion)
	Sandy Point/West Beach, New Shoreham <sup>1</sup>
	Casey Point, North Kingstown <sup>1</sup>
	Greene Point, North Kingstown <sup>1</sup>
	Bissel Cove Barrier, North Kingstown
	Tibbit's Creek, North Kingstown
	Baker's Creek, Warwick
	Buttonwood Cove, Warwick
	Gaspee Point, Warwick
	Conimicut Point, Warwick
	Nayatt Point Beach, Barrington
	Mussachuk Creek, Barrington
	Rumstick Point, Barrington
	Hog Island, Portsmouth <sup>1</sup> (2 separate areas)
	Musselbed shoals, Portsmouth
	Nag Pond/Jenny Pond, Portsmouth <sup>1</sup>
	Gull Point, Portsmouth
	Sheep Pen Cove, Portsmouth
McCurry Point, Portsmouth	
Fogland Point, Tiverton <sup>1</sup>	
Sapowet Point, Tiverton	
Fox Hill Pond, Jamestown	
<b>Moderately Developed</b>	Napatree Beach, Westerly (easterly portion)
	Michel Pond Beach, Charlestown
	Garden Pond Beach, Charlestown
	Charlestown Beach, Charlestown (east of breachway to developed portion)
	Narragansett Beach, Narragansett
	Bonnet Shores Beach, Narragansett
	Mackerel Cove Beach, Jamestown
	Hazards Beach, Newport
Bailey's Beach, Newport	

	First (Easton's) Beach, Newport (western portion)
	Crescent Beach, New Shoreham <sup>1</sup>
	Second Beach, Middletown
	Third Beach, Middletown
	Tunipus Pond Beach, Little Compton
	Watch House Pond Beach, Little Compton <sup>1</sup>
	Sakonnet Harbor Beach, Little Compton <sup>1</sup> (eastern portion)
<b>Developed</b>	Atlantic Beach, Westerly
	Quonochontaug Beach, Charlestown (east of breachway)
	East Beach, Charlestown (west of Ninigret conservation area)
	Charlestown Beach, Charlestown
	Green Hill Beach, South Kingstown (westerly and easterly portions only)
	East Matunuck/Jerusalem Beach, South Kingstown and Narragansett
	Roger Wheeler Beach (Sand Hill Cove), Narragansett
	Bonnet Shores Beach, Narragansett (easterly portion)
	First (Easton's) Beach, Middletown (easterly portion)
	Crescent Beach, New Shoreham (southerly portion)
	Coast Guard Beach, New Shoreham
	High Hill Marsh Barrier, Tiverton (western portion)

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<sup>1</sup> Denotes those barriers or portions thereof where the Coastal Barrier Resources Act of 1982 (CoBRA) prohibits federal subsidies for most new development and federal flood insurance for all new development. For the most up-to-date maps showing CoBRA designations, contact the Division of Planning, Department of Administration.

\* **Note:** This list denotes most of the major barriers in Rhode Island. However, there may be some small barrier systems not contained on this list, but are subject to the policies characterized by the barrier's level of development.