

Things to Remember...

When using Public Trust Resources in Rhode Island:

- Use Public Rights-of-Way to gain access to and from the shore;
- Respect private shore-front property;
- Keep the shore clean of all debris, trash and plastics. Bring a bag to carry your trash and litter and then dispose of it properly;
- Be aware of conservation areas along the shore. These are home to species of plants and animals that depend upon the shore and its environment to survive;
- Leave the shore in the condition in which you would want to find it.

This brochure is intended to be distributed to the general public.



“...to preserve, protect, develop, and where possible, restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal resources; and that the preservation and restoration of ecological systems shall be the primary guiding principal upon which environmental alteration of coastal resources shall be measured, judged and regulated.”

For additional copies of this brochure, contact the CRMC at (401) 783-3370 or visit us at the Stedman Government Center.

CRMC
Oliver Stedman Government Center
4808 Tower Hill Rd., Suite 3
Wakefield, RI 02879

(401) 783-3370
Email: cstaff1@crmc.ri.gov
www.crmc.ri.gov

The Public Trust: Public Access

Your Rights to the Coastal Lands and Waters of Rhode Island



State of Rhode Island

Coastal Resources Management Council

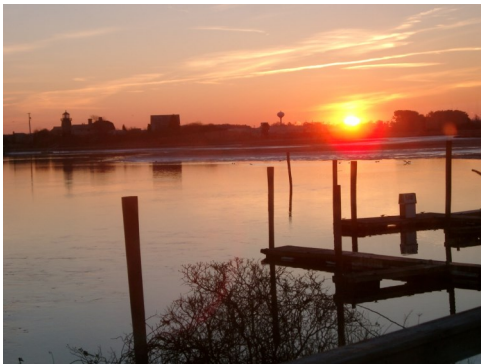


More about Public Access in Rhode Island

Rhode Island Colony Charter

“Every one of them shall have liberty to use the trade of fishing upon the coast and to set upon the ‘waste land’ belonging to the Colony and Plantations”

- Charles II



Rhode Island Constitution

“The people shall continue to enjoy and freely exercise all rights of fishery, and privileges of the shore”

- Article I, Section 17

FAQs

Q: What are my rights to the shore as a citizen of Rhode Island?

A: Rhode Island law recognizes the individual’s rights to fish from the shore; leave the shore to swim in the sea; gather seaweed; and pass along

the shore. Trespassing across private property to access the shore, however, is illegal.

Q: How do I know what part of the shore is public and what part is private?

A: Every state has its own laws on this issue, but by law in Rhode Island, the public has the right to access the beach seaward of the mean high water mark (mean high tide is seaward of the seaweed line and where the beach gets wet on any given day). Confusion exists because the mean high water is not the same as the high tide mark. In actuality, MHW, as determined by the Ibbison case, is much further seaward than most think. This is confusing because under the State Constitution, Article 1, Sect. 17, the public has the right to lateral access without mention of this difference. The activities that are allowed under this law (printed at left) are, by implication, activities that take place above the mean high tide line.

Q: Does any legislation exist that might clarify this situation?

A: The most recent bill was introduced in the House in February 2006 that would provide the public with the right to walk along a 10-foot wide strip of dry-sand beach. The

bill was passed by the House, but did not reach the senate in the 2006 session.

Q: Are there any other issues associated with beach access?

A: Erosion is another problem that complicates the public/private access debate. The beach is dynamic. Property owners who apply for fencing for erosion control or dune restoration, when it is installed, must have the fencing 15 feet from the dune crest. After two or three good storms, however, 10 feet of that distance might now be in the ocean. Because of the natural fluctuations in erosion and accretion (when sand is deposited on a beach), property lines fluctuate also.

CRMC permits do, however, stipulate that fencing cannot block lateral access.

Q: Is putting up fencing and Private Property signs legal on the beach?

A: These are activities that require permits from the CRMC. Preventing lateral access is prohibited.

Have other questions? Contact us at cstaff1@crmc.ri.gov or (401)783-3370