



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

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

February 2, 2026

NRI TT RGG LLC ET AL
c/o Turner C. Scott
122 Touro Street
Newport, RI 02840

RE: File Number: A2026-01-003
 Owner: NRI TT RGG LLC ET AL
 Site Address: 185-199 Narragansett Avenue, Newport; Plat: 36 Lot: 1
 Project Desc: Repairs to Cliff Walk

Dear Applicants:

The CRMC is currently reviewing your application and has concerns that need to be addressed before further review can proceed. Please address the following issues so staff can complete review of your application:

On January 20, 2026, a meeting was held with the City of Newport the design team and CRMC Staff. Preliminary comments on the design were given. Staff stated that that the riprap at the bedrock outcrop will not be supported by staff, as it is not necessary and is not the minimum necessary. Staff strongly recommended return to the originally discussed design in Oct, ensuring that it's the minimum necessary.

Staff will hold issuance of the Public Notice awaiting a decision whether the project will be revised.

This information must be submitted within 30 days of the above date. If the information requested is not provided within this 30-day period, the application will be canceled without prejudice. If you have any questions regarding this letter, please contact the office.

Sincerely,

Amy Silva, Rich Lucia
Permitting Staff
Coastal Resources Management Council

CC: Bill Boardman, City of Newport
Megan Elwell, GZA



Proactive by Design

GEOTECHNICAL
ENVIRONMENTAL
ECOLOGICAL
WATER
CONSTRUCTION
MANAGEMENT



To: Coastal Resources Management Council Permitting Staff
Mr. Rich Lucia
Ms. Amy Silva

From: Matthew Page, P.E. – GZA
Timothy Smith, P.E. – GZA

Date: February 24, 2026

File No: 03.0033884.02

Re: A2026-01-003 Repairs to Cliff Walk



On behalf of the City of Newport, GZA has prepared the following response to the letter by the Rhode Island Coastal Resources Management Council dated February 2, 2026 (received by the City of Newport on Wednesday, February 11, 2026) pertaining to Site Address 185-199 Narragansett Avenue, Newport, Plat 36 – Lot 1 (Application A2026-01-003), Repairs to the Cliff Walk.

CRMC has requested that the City of Newport provide clarification on two items:

1. Necessity of the rip rap revetment placement around the bedrock outcrop (approximately station 3+75 to 4+75)

We acknowledge the CRMC staff concern over the necessity of the placement of rip-rap revetment around the bedrock outcrop. We, collectively, will develop a response to justify the necessity of placement of revetment within this area.

Our goal is to provide satisfactory justification for the necessity of the rip rap placement between approximately station 3+75 to 4+75 to allow for a favorable staff review.

For your reference, and to assist in your project review, attached is a 1976 CRMC Assent illustrating the placement of rip-rap revetment within a similar footprint of the Cliff Walk (between Webster Street and Narragansett Avenue). Within the approved assent, a substantial amount of rip-rap revetment is shown placed around the bedrock outcrop and extending beyond the limits of our proposed revetment in this area.

2. Will revisions to the application to address Item 1 be implemented prior to issuance of public notice

The City of Newport requests that the RICRMC proceed to issue Public Notice for the project without any revisions to the application. We anticipate that issuance of public notice will proceed while Item 1 is addressed.

CC:

William Riccio, P.E.
William Boardman, P.E.
Teresa Crean
Turner Scott



State of Rhode Island and Providence Plantations
COASTAL RESOURCES MANAGEMENT COUNCIL

File No. 75-9-13

Assent No. 117-R.I. SOUND-75

== ASSENT. ==

Whereas, CITY OF NEWPORT
of City Hall, Newport, Rhode Island
has applied to the Coastal Resources Management Council for assent to
repair sections of the Cliff Walk
and hereby represents that THE CITY OF NEWPORT is/are the owner(s) of
the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto to repair and maintain an eroded section of the Cliff Walk between Narragansett Avenue and Webster Street in Newport, Rhode Island and to repair and maintain existing masonry walls at the north and south sides of Shepard Avenue and the south side of Webster Street



in accordance with said plans submitted to this Council and approved by this Council, provided this work is begun within six months from the date hereof. All work being permitted must be completed on or before November 12, 1976, after which date this assent is null and void.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter. This assent is granted subject to the following stipulations:

(Stipulations set forth on reverse side) A. B C. D. E

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 12th day of November in the year nineteen hundred seventy-five

Chairman
Coastal Resources Management Council

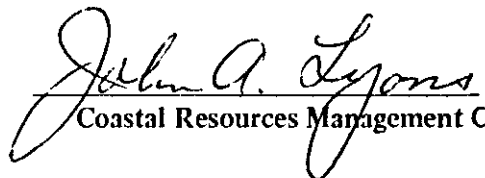
USE THIS SPACE FOR ADDITIONAL DESCRIPTION OF WORK:

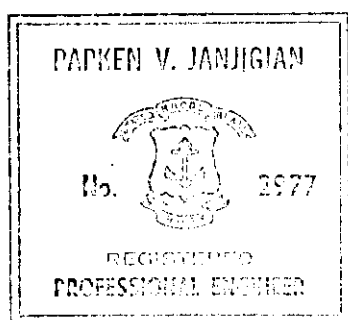
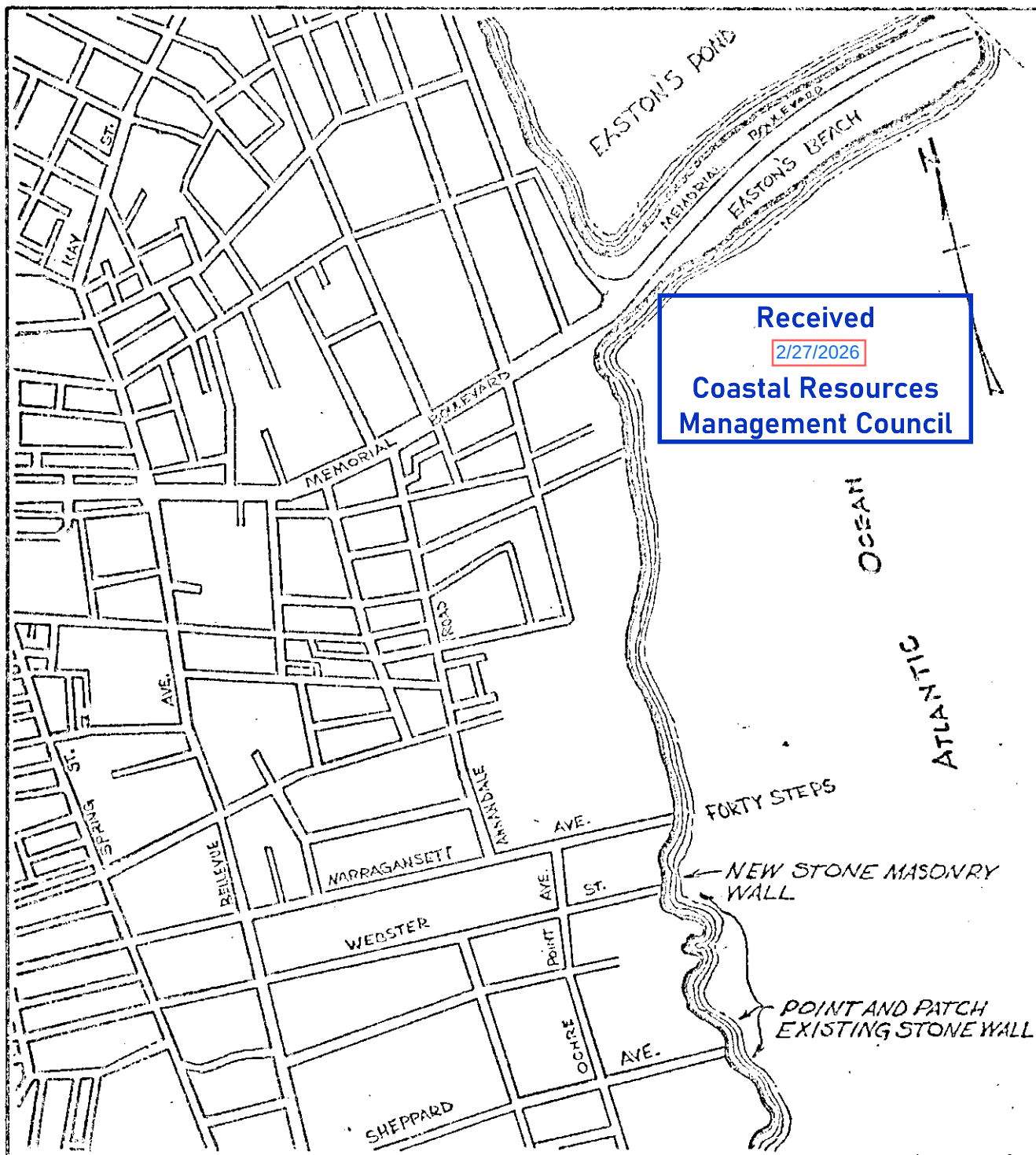


ASSENT SUBJECT TO STIPULATIONS CIRCLED:

- A. Please be advised that as a further condition of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality; and shall exercise such supervision over and control of these pier facilities to prevent the dumping or discarding of refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said pier facilities or from land adjacent thereto.
- (B.)** This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date hereof, after which time this permission shall terminate necessitating either complete removal, or a new application.
- C. In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.
- D. No work shall be done under this Assent until the required Federal Permit has been obtained.
- (E.)** Additional Stipulations.

The Coastal Resources Management Council is to be notified when construction is to begin and when construction is completed.

 **Chairman**
Coastal Resources Management Council



CITY OF NEWPORT, RHODE ISLAND
ENGINEERING DEPARTMENT
CLIFF WALK RESTORATION
FORTY STEPS TO OCHRE POINT

OCTOBER, 1975

Scale 1" = 1000'

State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

ROOM 508, VETERANS MEMORIAL BUILDING
83 PARK STREET, PROVIDENCE, R. I. 02903

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971, as amended.

PLEASE TYPE OR PRINT		File No.	Application Date September 22, 1975	
Location No. Narragansett Ave., Webster Street, Shepard Ave.	Street	City/Town Newport, R.I.		
Owner's Name City of Newport		Plat No. 36	Lot No. 1,21,65,59	
Address City Hall, Newport, R.I.		Telephone No. 846-1845		
Contractor Not determined	Address --	Telephone No. --		
Name of Waterway Rhode Island Sound	Estimated cost of Project \$300,000	Fee --		
Have the extensions of riparian boundary lines been established to determine the area of riparian rights?				Yes ☒ X
No ☐				
Proof of riparian ownership (written statement from tax assessor)				
Name and address of adjacent property owners whose property adjoins the waterway.				
Lot 1, Goelet, Robert G. & Francis & Guthrie, Henry B., Trustees under will Goelet, Robert W., 425 Park Avenue, New York, N.Y.				
Lots 21 & 65 Salve Regina College, Ochre Point Ave., Newport, R.I.				
Lot 59 "The Breakers" The Preservation Society of Newport County, 37 Touro St. Newport, R.I.				
Describe accurately the work proposed (Use additional sheets of paper if necessary and attach to this form.)				

The work consists of repairs to the Cliff Walk, a National Historic Trail, at an eroded section between Narragansett Avenue and Webster Street. Also repairs of existing masonry walls will be made at north and south sides of Shepard Avenue and south of Webster Street. Repairs will consist of new masonry walls, concrete wall foundations, pointing and patching of existing walls and armor stone protection of walls.



Humphrey J. Donnelly, III
Owner's Signature
Humphrey J. Donnelly, III
Mayor

Note:

See reverse side-consult information booklet-application must be fully completed.

GENERAL LAWS OF RHODE ISLAND (1956) As Amended

Sec. 46-23-6. POWER AND DUTIES.-In order to properly manage coastal resources the council shall have the following powers and duties:

A. Planning and Management. The primary responsibility of the council shall be the continuing planning for and management of the resources of the state's coastal region. The council shall be able to make any studies of conditions, activities, or problems of the state's coastal region needed to carry out its responsibilities.

The resources management process shall include the following basic phases:

- a) Identify all of the state's coastal resources, water, submerged land, air space, fin fish, shellfish, minerals, physiographic features, and so forth.
- b) Evaluate these resources in terms of their quantity, quality, capability for use, and other key characteristics.
- c) Determine the current and potential uses of each resource.
- d) Determine the current and potential problems of each resource.
- e) Formulate plans and programs for the management of each resource, identifying permitted uses, locations, protection measures, and so forth.
- f) Carry out these resources management programs through implementing authority and coordination of state, federal, local, and private activities.
- g) Formulation of standards where these do not exist, and re-evaluation of existing standards.

An initial series of resources management activities shall be initiated through this basic process, then each phase shall continuously be recycled and used to modify the council's resources management programs and keep them current.

Planning and management programs shall be formulated in terms of the characteristics and needs of each resource or group of related resources. However, all plans and programs shall be developed around basic standards and criteria, including:

- a) The need and demand for various activities and their impact upon ecological systems.
- b) The degree of compatibility of various activities.
- c) The capability of coastal resources to support various activities.
- d) Water quality standards set by the department of health.
- e) Consideration of plans, studies, surveys, inventories, and so forth prepared by other public and private sources.
- f) Consideration of contiguous land uses and transportation facilities.
- g) Consistency with the state guide plan.

Received

2/27/2026

Coastal Resources
Management Council

B. Implementation.-The council is authorized to formulate policies and plans and to adopt regulations necessary to implement its various management programs.

Any person, firm or governmental agency proposing any development or operation within, above, or beneath the tidal water below the mean high water mark, extending out to the extent of the state's jurisdiction in the territorial sea shall be required to demonstrate that its proposal would not (1) conflict with any resources management plan or program; (2) make any area unsuitable for any uses or activities to which it is allocated by resources management plan or program; or (3) significantly damage the environment of the coastal region. The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

The authority of the council over land areas (those areas above the mean high water mark) shall be limited to that necessary to carry out effective resources management programs. This shall be limited to the authority to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location. The council's authority over these land uses and activities shall be limited to situations in which there is a reasonable probability of conflict with a plan or program for resources management or damage to the coastal environment. These uses and activities are:

- a) Power generating and desalination plants.
- b) Chemical or petroleum processing, transfer, or storage.
- c) Minerals extraction.
- d) Shoreline protection facilities and physiological features.
- e) Intertidal salt marshes.
- f) Sewage treatment and disposal and solid waste disposal facilities.

RECEIVED

SEP 25 1975

DIVISION OF
COASTAL RESOURCES

C. Coordination.-The council shall have the following coordinating powers and duties:

- a) Functioning as a binding arbitrator in any matter of dispute involving both the resources of the state's coastal region and the interests of two (2) or more municipalities or state agencies.
- b) Consulting and coordinating actions with local, state, regional, and federal agencies and private interests.
- c) Conducting or sponsoring coastal research.
- d) Advising the governor, the general assembly, and the public on coastal matters.

D. Operations.-The council shall be authorized to exercise the following operating functions, which are essential to management of coastal resources:

- a) Issue, modify or deny permits for any work in, above, or beneath the water areas under its jurisdiction, including conduct of any form of aquaculture.
- b) Issue, modify or deny permits for dredging, filling or any other physical alteration of intertidal salt marshes.
- c) Licensing the use of coastal resources which are held in trust by the state for all its citizens, and imposing fees for private use of such resources.
- d) Determining the need for and establishing pierhead, bulkhead, and harbor lines.
- e) Developing, leasing, and maintaining state piers and other state-owned property assigned to the agency by the department of natural resources, the governor, or the general assembly.
- f) Investigating complaints alleging violations of state laws or riparian rights in the state's tidal waters.



THE CITY OF NEWPORT, RHODE ISLAND 02840

June 24, 1976

Mr. John A. Lyons, Chairman
Coastal Resources Management Council
83 Park Street
Providence, Rhode Island 02903



Re: Assent No. 117

Dear Mr. Lyons:

As required by the Assent granted to the City of Newport for repairs to the Cliff Walk, Forty Steps to Ochre Point (October 1975), we are hereby notifying the Council that construction has been completed.

Very truly yours,

A handwritten signature in cursive script, reading "William P. Pascoe".

William P. Pascoe
Engineering Department



THE CITY OF NEWPORT, RHODE ISLAND 02840

December 18 1975

John A. Lyons, Chairman
Coastal Resources Management Council
83 Park Street
Providence, Rhode Island 02903

re: Assent No. 117

Dear Mr. Lyons,

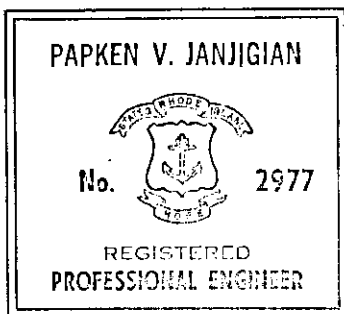
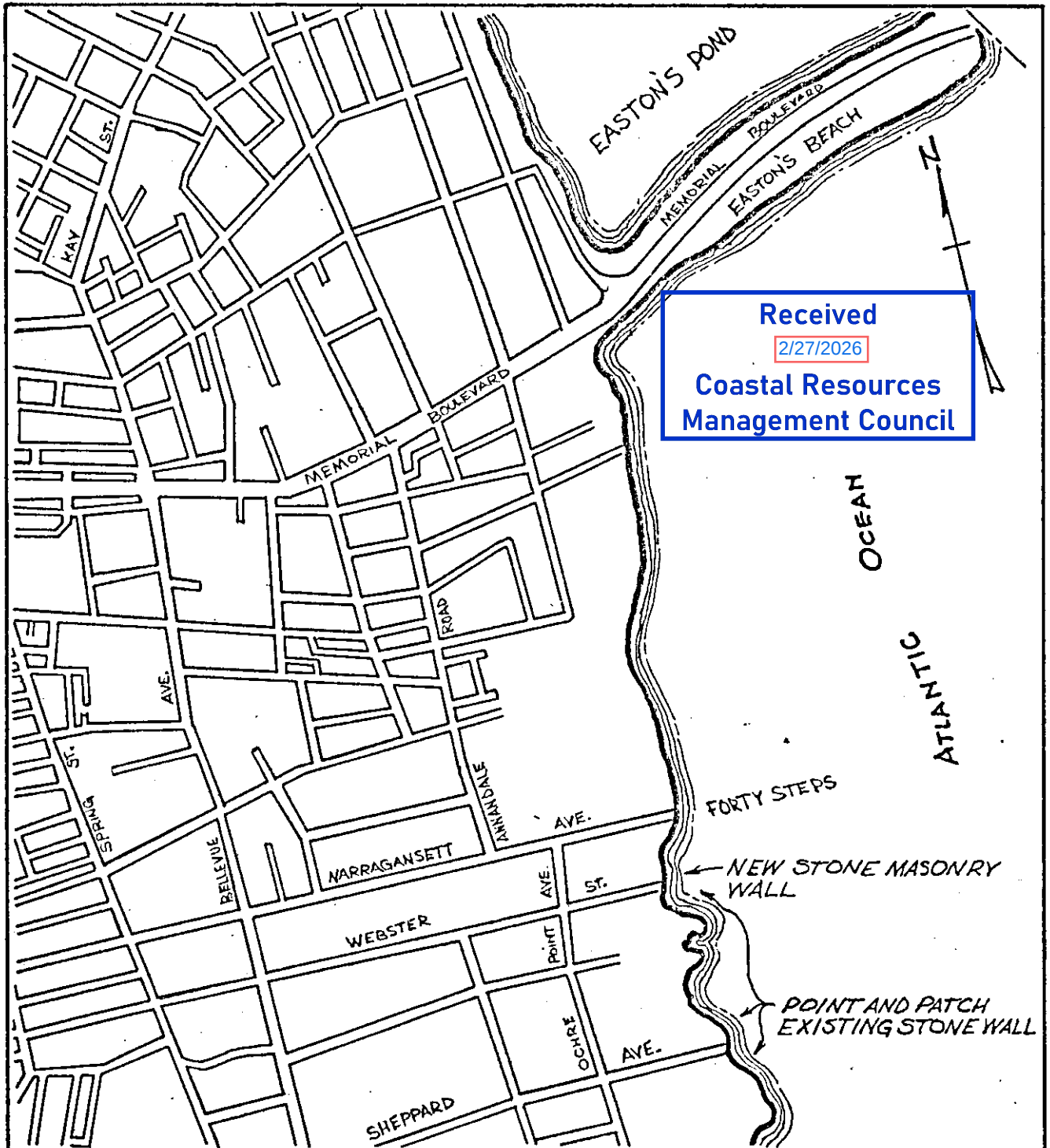
As stipulated in the Assent granted to the City of Newport for repairs and maintainance to an eroded section of the Cliff Walk, situated at Narragansett Ave. and Webster St., we are hereby notifying the Council that construction is to begin December 19, 1975.

Very truly yours,

A handwritten signature in cursive script, reading "William P. Pascoe", is written over the typed name.

William P. Pascoe
Engineering Department

Received
2/27/2026
Coastal Resources
Management Council



CITY OF NEWPORT, RHODE ISLAND
ENGINEERING DEPARTMENT

CLIFF WALK RESTORATION
FORTY STEPS TO OCHRE POINT

OCTOBER, 1975

Scale 1" = 1000'

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO : Division of Coastal Resources

DATE: 1 October 1975

DEPT : Natural Resources

FROM : Carleton A. Maine, Chief *CAM*
Division of Water Supply & Pollution Control

DEPT : Health

SUBJECT: Application of City of Newport for assent to repair and maintain
section of Cliff Walk and masonry walls, Newport, Rhode Island
(75-9-13)

We have reviewed the subject application. It is our opinion
said project will not violate applicable water quality criteria
for the area provided that material used for fill is clean, free
of matter which could cause pollution of the waters of the state.

CAM:JWF:nab

Received

2/27/2026

Coastal Resources
Management Council

The City Of Newport

Rhode Island

November 10, 1975

The Honorable Erich A. O'D. Taylor
522 Broadway
Newport, Rhode Island 02840

Received

2/27/2026

Coastal Resources
Management Council

Dear Senator Taylor:

As I will not be able to attend the next meeting of the State Coastal Resources Management Council to be held tomorrow, November 11, 1975, in the Council Chambers of Warwick City Hall, I thought I would brief the Council relative to the application of the City of Newport for Repairs to Cliff Walk.

The repairs apply to an eroded section of the Cliff Walk, between Narragansett Avenue and Webster Street, where a three-foot walkway is left next to a forty-foot drop. This area, because of the hazardous condition has been closed to the public for the last several years. Yet, many staunch hikers ignore the signs and follow the walk. A granite masonry wall, approximately one hundred feet long and forty feet high will be built to provide a safe and permanent passage along the walk. Other masonry stone walls in the same area and further south to Shepard Avenue will also be restored and patched. There are no sewer outfalls or other sources of pollution emanating from these areas, discharging into Rhode Island Sound.

The work will be financed by grants as follows:

Bureau of Outdoor Recreation	\$187,500.00
Economic Development Administration	112,500.00
City of Newport, Cliff Walk Bond	<u>75,000.00</u>
	\$375,000.00

The low bidder for the proposed work is MF Construction Corporation of Portsmouth, Rhode Island. The low bid is \$349,606.00.

Very truly yours,

Papken V. Janjigian
PAPKEN V. JANJIGIAN
City Engineer

cjf

State of Rhode Island
INTER-DEPARTMENTAL COMMUNICATION

October 24, 1975

TO: Mr. James T. Beattie, Chief
Division of Coastal Resources
DEPT: Natural Resources

FROM: Daniel W. Varin, Chief
Statewide Planning
DEPT: Administration

SUBJECT: Application number 75-9-13 (CITY OF NEWPORT)



This application should be approved only if it is found not to threaten the natural or historic qualities of the area. Cliff Walk has been identified as a significant natural area by the Rhode Island Natural Areas Survey, and the Ochre Point-Cliffs Historic District has been entered on the National Register of Historic Places.

Daniel W. Varin

DWV/SPM/bam

cc: Mr. Alfred Hawkes, Audubon Society of Rhode Island
Mr. Richard Dow, Rhode Island Historical Preservation Commission

State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

Room 508, Veterans Memorial Building
83 Park Street, Providence, R. I. 02903

DATE: SEPTEMBER 26, 1975

NOTICE

FILE NO: 75-9-13

This office has under consideration the application of

CITY OF NEWPORT
CITY HALL
NEWPORT, RHODE ISLAND 02840

Received
2/27/2026
Coastal Resources
Management Council

for a State of Rhode Island assent to

REPAIR AND MAINTAIN AN ERODED SECTION OF THE CLIFF WALK BETWEEN
NARRAGANSETT AVENUE AND WEBSTER STREET AND TO REPAIR AND MAINTAIN
EXISTING MASONRY WALLS AT THE NORTH AND SOUTH SIDES OF SHEPARD AVENUE
AND THE SOUTH SIDE OF WEBSTER STREET.

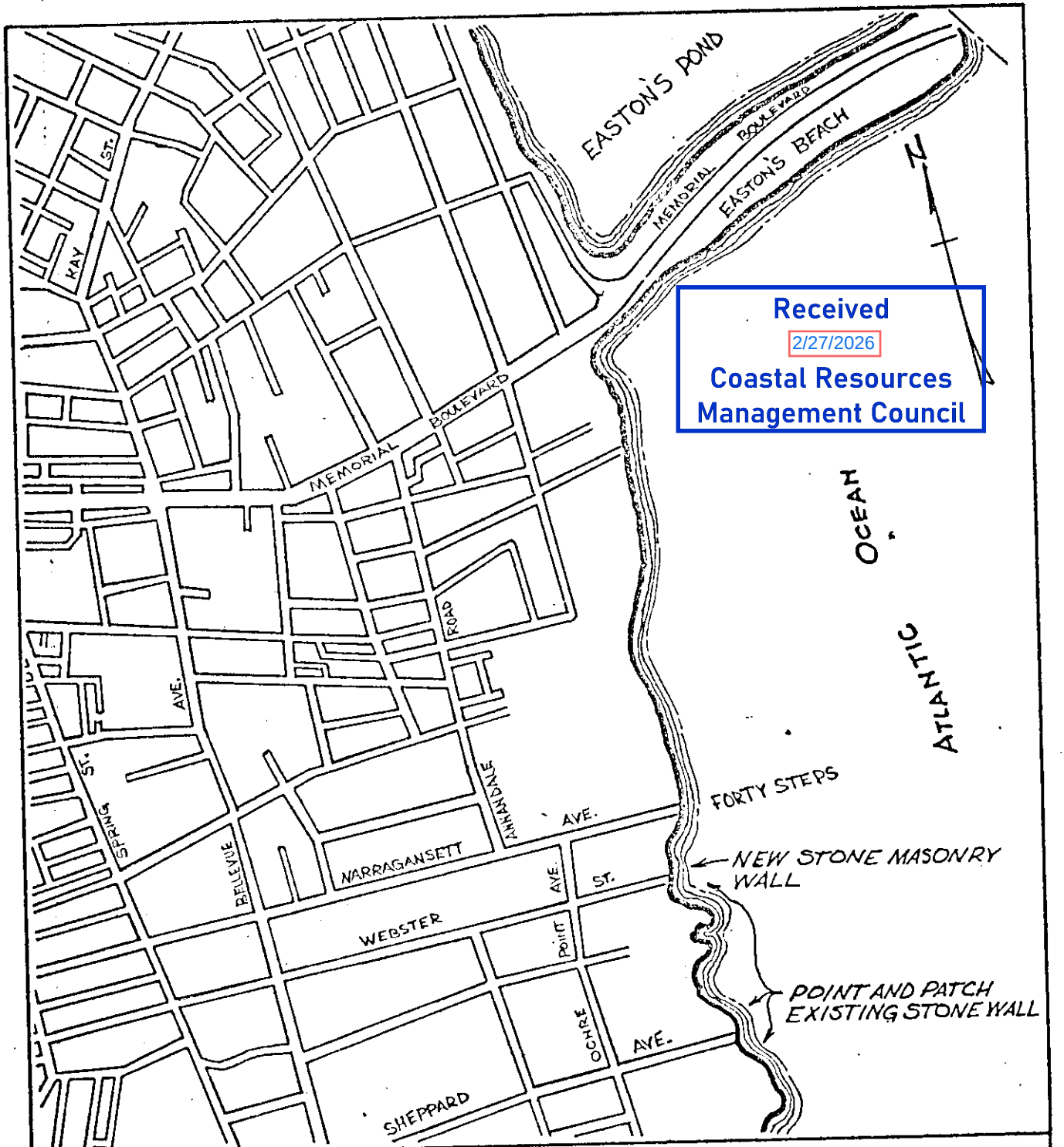
Waterway RHODE ISLAND SOUND

City/~~Town~~ NEWPORT, RHODE ISLAND

Plans of the proposed work may be seen at this office and at the
Clerk's office, CITY of NEWPORT

You are advised that if you have good reason to enter protests against
the proposed work it is your privilege to do so. It is expected that objec-
tors will review the application and plans thoroughly, visit site of proposed
work if necessary, to familiarize themselves with the conditions and cite
what law or laws, if any, would in their opinion be violated by the work
proposed. If you desire to submit a protest statement, to receive considera-
tion, it should be in writing and be received at this office on or before

OCTOBER 26, 1975.



PAPKEN V. JANJIGIAN



REGISTERED
PROFESSIONAL ENGINEER

CITY OF NEWPORT, RHODE ISLAND
ENGINEERING DEPARTMENT
CLIFF WALK RESTORATION
FORTY STEPS TO OCHRE POINT

OCTOBER, 1975

Scale 1" = 1000'

1975-76

CITY OF NEWPORT, R. I.

CITY HALL
NEWPORT, R. I. 02840

Date: SEPTEMBER 26, 1975

File: 75-9-13

Notices concerning application of CITY OF NEWPORT for
State assent were sent to the following:

- O- HUMPHREY J. DONNELLY, III, MAYOR, CITY OF NEWPORT, CITY HALL, NEWPORT, R.I. 02840
- A- ROBERT W. GOELET, 425 PARK AVENUE, NEW YORK, NEW YORK
- A- PRESERVATION SOCIETY OF NEWPORT COUNTY, 37 TOURO ST., NEWPORT, R.I. 02840
- A-
- A-

City Council, City Hall, Newport, Rhode Island 02840

City Clerk,	"	"	"
City Engineer,	"	"	"
City Assessor,	"	"	"
Director of Planning,	"	"	"
Conservation Commission,	"	"	"
Department of Recreation,	"	"	"
City Manager,	"	"	"

Postmaster, Newport, Rhode Island 02840

- Senator Erich A. O'D. Taylor, 522 Broadway, Newport, R.I. 02840
- Senator Robert J. McKenna, 47 Everett Street, Newport, R.I. 02840
- Rep. Stephen C. O'Rourke, 48 Malbone Road, Newport, R.I. 02840
- Rep. Joseph T. Houlihan, 41 Parker Avenue, Newport, R.I. 02840
- Rep. Jeffrey J. Teitz, 25 Admiral Kalbfus Road, Newport, R.I. 02840
- Rep. James F. Mahoney, 36 Norman Street, Newport, R.I. 02840

Received

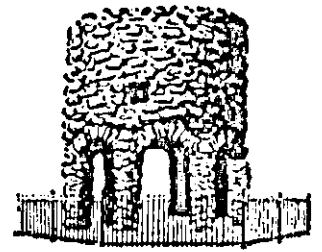
2/27/2026

Coastal Resources
Management Council



CITY OF NEWPORT

RHODE ISLAND



Office of the Tax Assessor
City Hall
Newport, Rhode Island 02840

September 22, 1975

State of Rhode Island and
Providence Plantations
Coastal Resources Management Council
Room 508, Veterans Memorial Building
83 Park Street
Providence, Rhode Island 02903

Re: Cliff Walk

Received
2/27/2026
Coastal Resources
Management Council

Gentlemen:

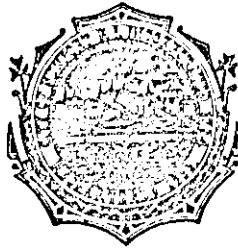
The legal position concerning the Cliff Walk in
Newport is outlined in the attached letter of
March 28, 1969 from the Newport City Solicitor to
the Army Corps of Engineers.

Very truly yours,


R. S. Weiss
Tax Assessor

Enclosure: Letter

Newport - - America's First Resort



Received
2/27/2026
Coastal Resources
Management Council

CITY SOLICITOR'S OFFICE
CITY HALL
NEWPORT, RHODE ISLAND 02840

March 28, 1969

TELEPHONE 846-1297

S. O'BRIEN
SOLICITOR

Department of the Army
New England Division
Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02154

ATTENTION: Mr. A. H. Frechette, Real Estate Division

Re: Cliff Walk Project, Newport, R. I.

Dear Mr. Frechette:

Pursuant to our discussions with reference to the Cliff Walk Project in which you have asked for a legal opinion as to the rights of the public to pass and repass along the Cliff Walk, so-called, please be advised as follows:

Cliff Walk, which is a foot path along the top of certain cliffs ranging from Memorial Boulevard on one end to Bellevue Avenue on the other end, has been in existence and in use by the general public for well over 100 years and, in all probability, going back to the founding of Newport, R. I. in 1639. From records available at the City Hall it is clear that the owners of various properties abutting the Cliffs, commencing in approximately 1840 through 1900, laid out a pedestrian walk in front of their various properties along the top of the Cliffs and some even built special tunnels, bridges, etc., to facilitate the public's right of access along the Cliffs. By this dedication by the owners of the property and by the continued use by the general public there has arisen a public easement to pass and repass, for pedestrian purposes, a foot path around the edge of the Cliffs.

Article I, Section 17 of the Constitution of the State of Rhode Island, which was adopted in 1843, provides as follows:

"The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state. But no new right is intended to be granted nor any existing right impaired, by this declaration".

Department of the Army, N.E. Division -2- James S. O'Brien, City Solicitor
Corps of Engineers, Waltham, Mass. March 28, 1969

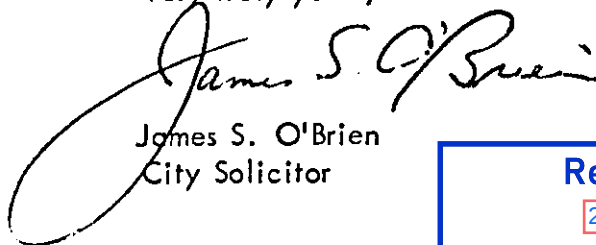
In the case of Jackvony vs. Powell, 67 R. I. 218, the Rhode Island Supreme Court at page 227, held as follows:

"After considering the above authorities in this state and all other authorities here and elsewhere which have been called to our attention or which we have found and which have any bearing on the Constitutional question now before us, we are of the opinion that at the time of the adoption of our Constitution there was, among the 'privileges of the shore', to which the people of this state had been theretofore entitled under the 'usages of the state', a public right of passage along the shore, at least for certain proper purposes and subject, very possibly, to reasonable regulation by acts of the General Assembly in the interests of the people of the state".

In modern times the right of the general public to pass and repass along the so-called Cliff Walk has not been challenged by any person, except in 1938 a barricade was erected across the walk, near its entrance from Memorial Boulevard. This barricade was promptly demolished by the sheriff of Newport county, acting as a state officer and representing the public. The State of Rhode Island, through its voters, has authorized a bond issue to be used as the state's share in repairing the Cliff Walk, which clearly shows that the walk is a public right as state money could not be spent on a private walkway. The voters of the City of Newport have authorized the expenditure of bond monies to assist in repairing the Cliff Walk, as has the Congress of the United States.

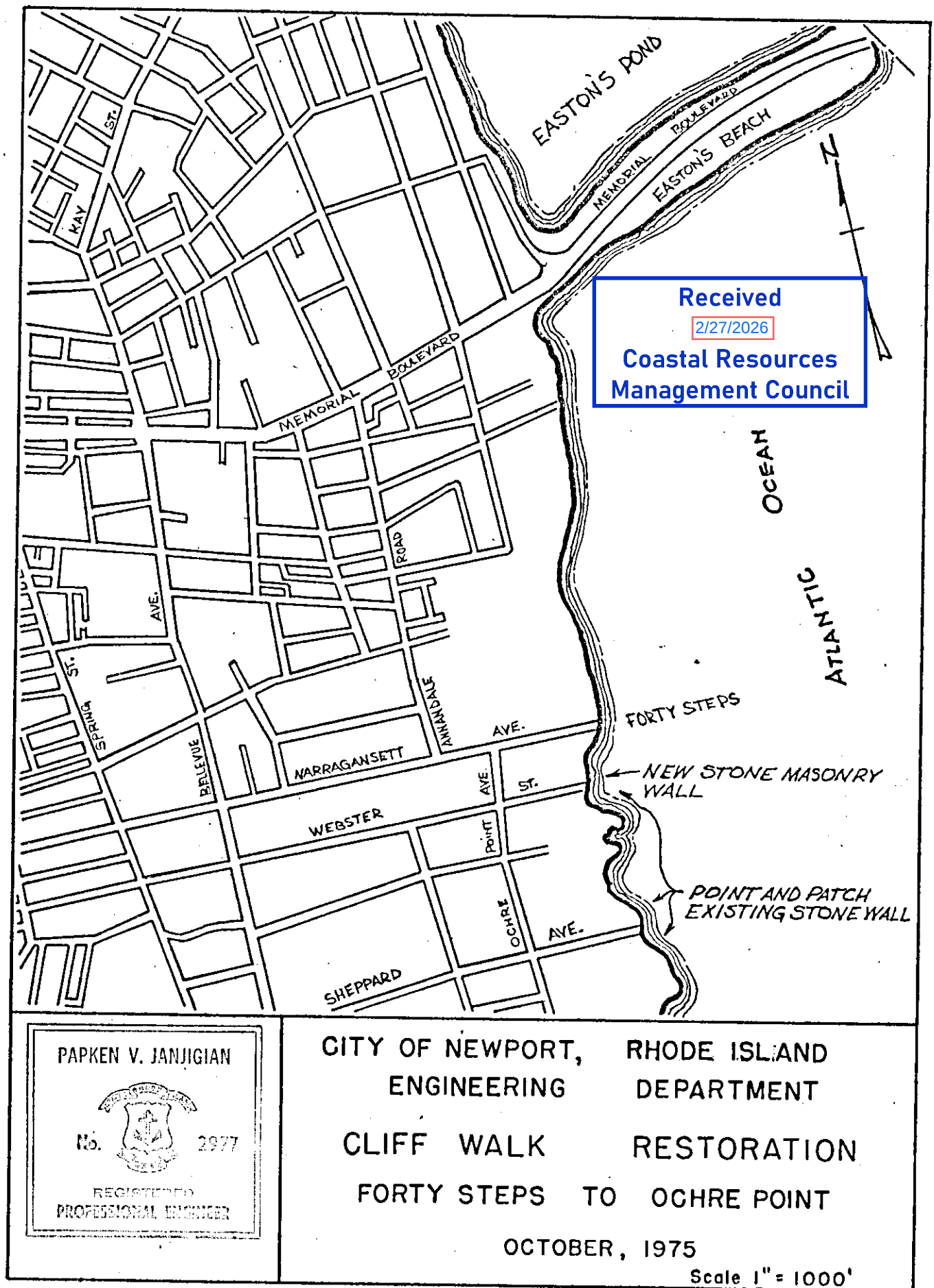
It is the opinion of this office that there is a public easement by dedication and continued use along the top of the cliffs of Memorial Boulevard to Bellevue Avenue. This public easement varies in width, from five to ten feet, and is clearly laid out and has been so laid out and used for over 100 years.

Very truly yours,


James S. O'Brien
City Solicitor

JSO'B:con





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

TO : Division of Coastal Resources
DEPT : Natural Resources
FROM : Carleton A. Maine, Chief *CAM*
Division of Water Supply & Pollution Control
DEPT : Health
SUBJECT: Application of City of Newport for assent to repair and maintain
section of Cliff Walk and masonry walls, Newport, Rhode Island
(75-9-13)

DATE: 1 October 1975

We have reviewed the subject application. It is our opinion said project will not violate applicable water quality criteria for the area provided that material used for fill is clean, free of matter which could cause pollution of the waters of the state.

CAM:JWF:nab

Received

2/27/2026

Coastal Resources
Management Council



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02154

REPLY TO
ATTENTION OF:

NEDOD-P-13-75-332

14 January 1976

AMENDMENT TO PUBLIC NOTICES

Received

2/27/2026

Coastal Resources
Management Council

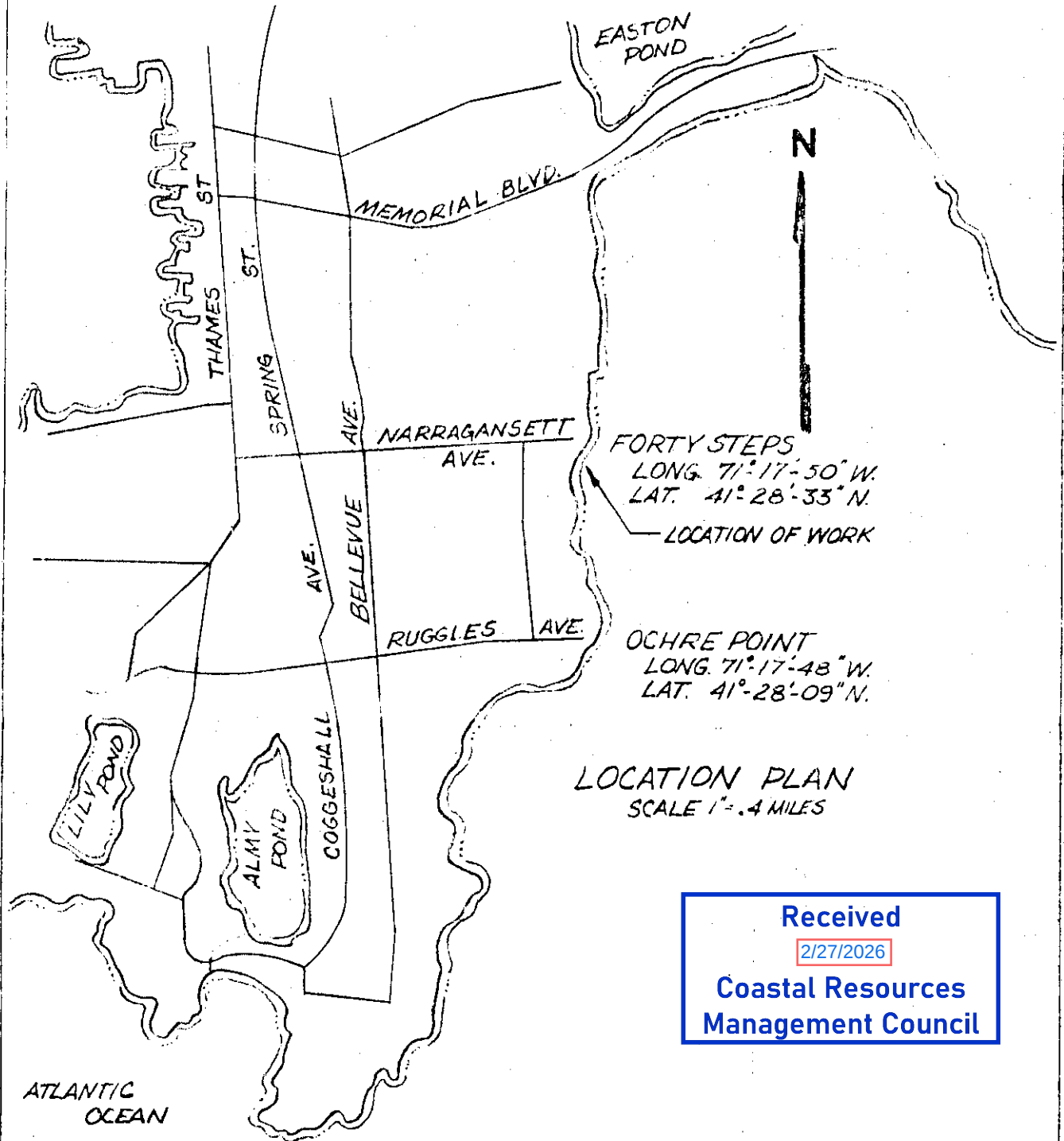
The purpose of this amendment is to incorporate the proper plans with Department of the Army public notice no. 13-75-332 dated 7 January 1976 which described the proposed repairs to the Cliff Walk by the City of Newport, Rhode Island. Please disregard the plans enclosed with the public notice. This amendment makes no other changes in the original public notice.

Kenneth M. Jackson
MORGAN R. REES
Chief, Permits Branch
Operations Division

Incl.
as stated



CITY OF NEWPORT RHODE ISLAND
ENGINEERING DEPARTMENT
CLIFF WALK RESTORATION
FROM FORTY STEPS TO OCHRE POINT



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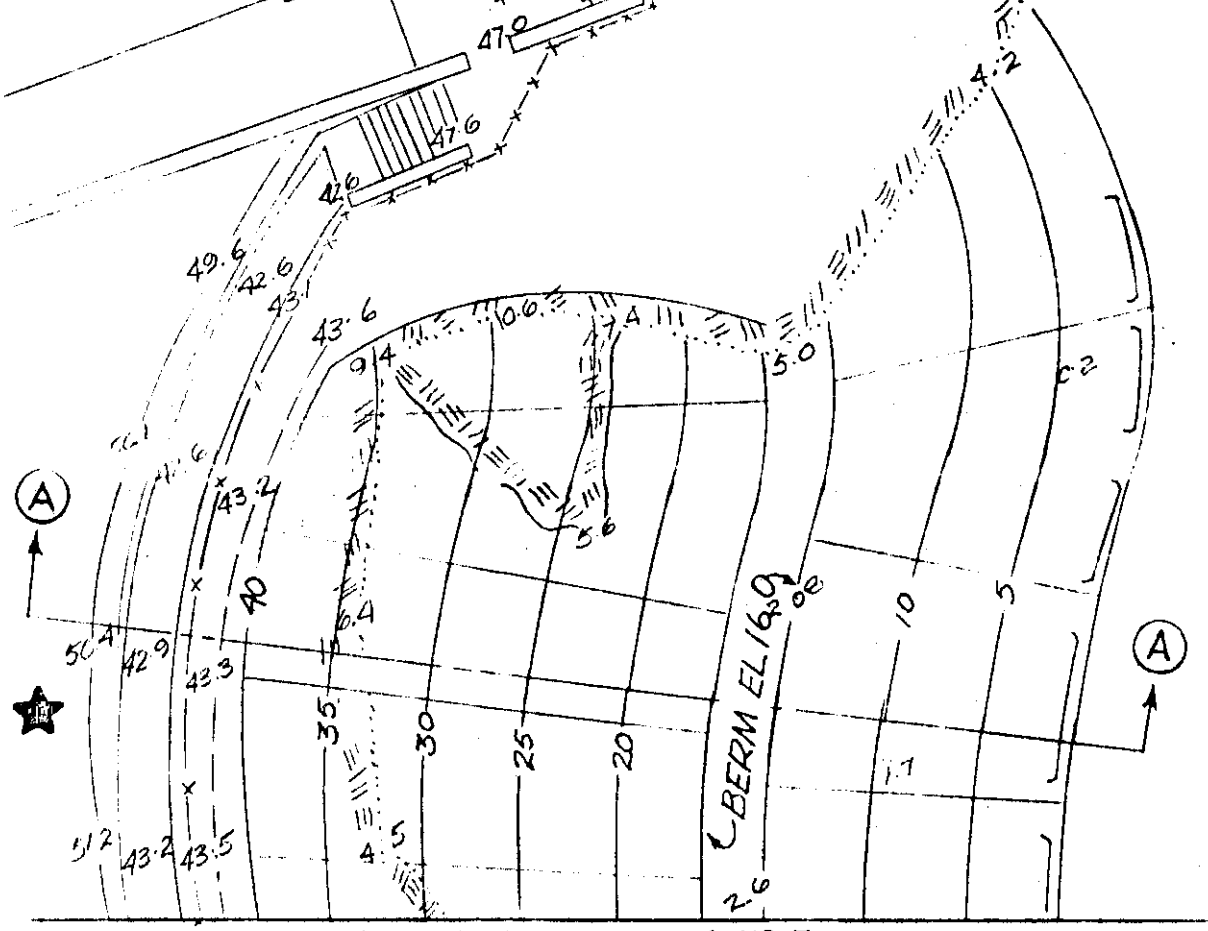
NOTE:
ELEVATIONS REFER TO
MEAN LOW WATER LEVEL



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NARRAGANSETT
AVE.

MHRM
4706

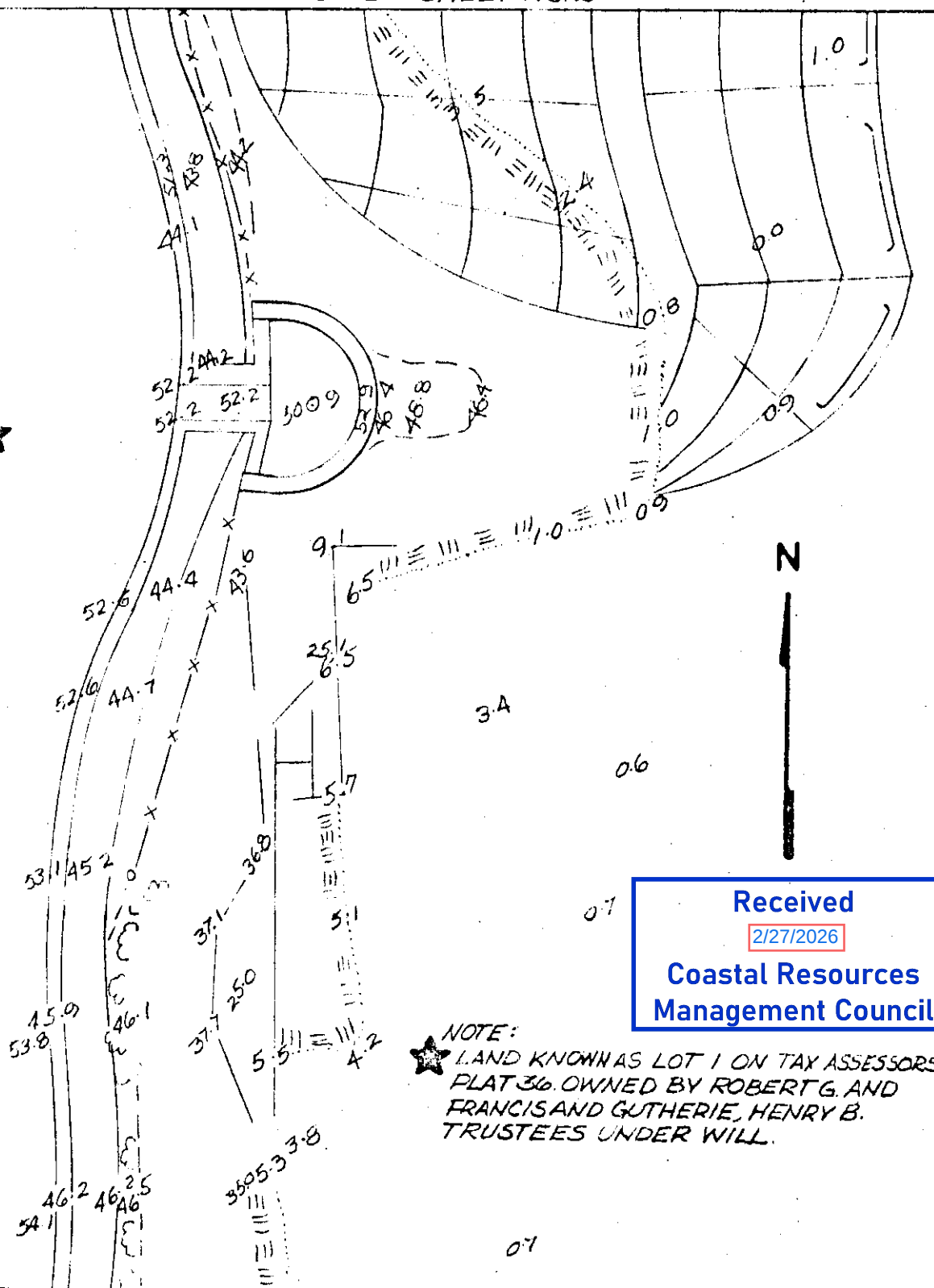


MATCH LINE SHEET NO. 3

SHEET 2 OF 7

SCALE 1"=20'

MATCH LINE SHEET NO. 2



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NOTE:
★ LAND KNOWN AS LOT 1 ON TAX ASSESSORS
PLAT 36, OWNED BY ROBERT G. AND
FRANCIS AND GUTHERIE, HENRY B.
TRUSTEES UNDER WILL.

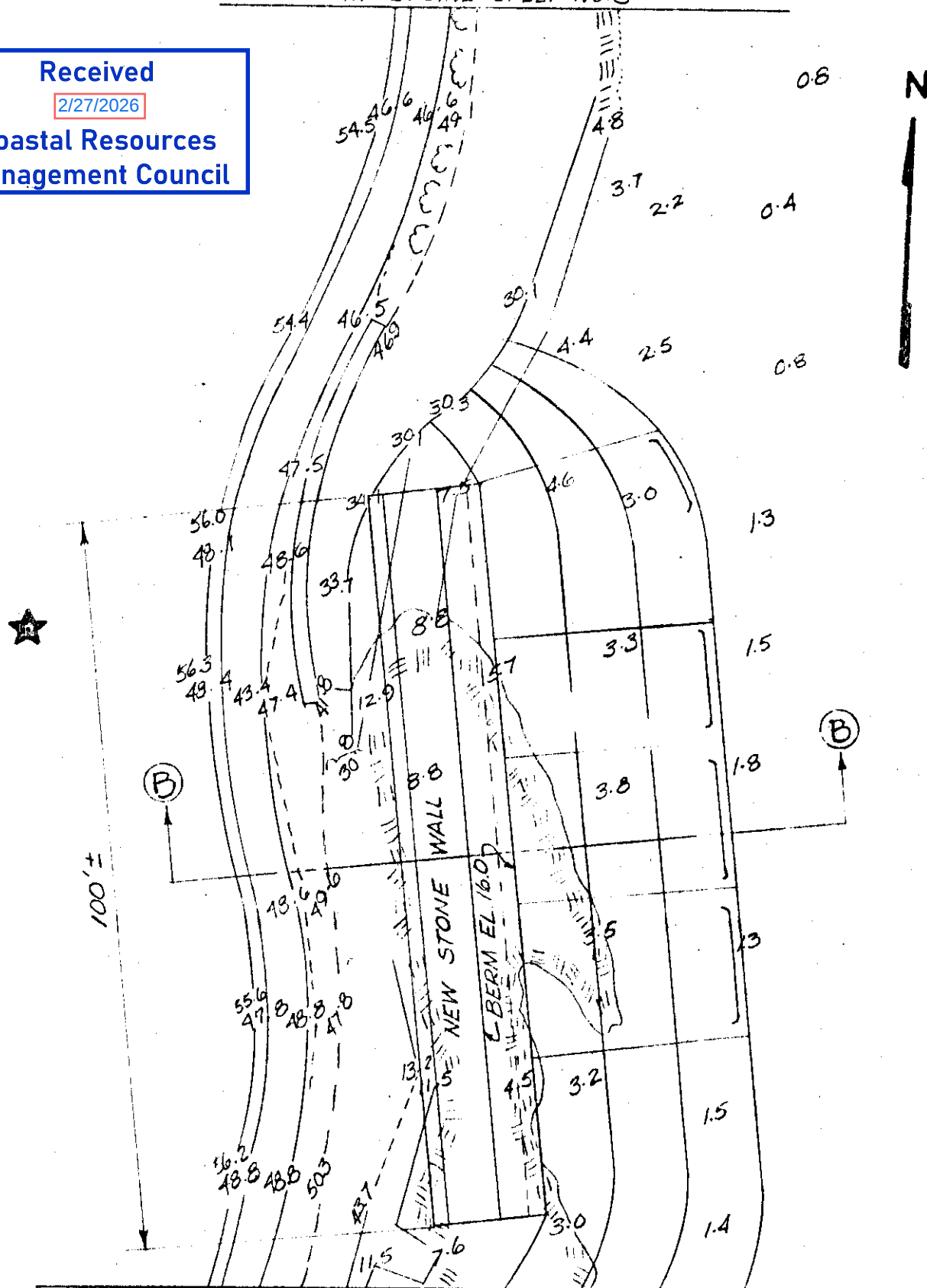
MATCH LINE SHEET NO. 4

SHEET 3 OF 7

SCALE 1"=20'

2/27/2026

MATCH LINE SHEET NO. 3



MATCH LINE SHEET NO. 5

SHEET 4 OF 7

SCALE 1"=20'

A hand-drawn map showing a street layout and elevation data. The map includes a star symbol in the upper left, a north arrow pointing upwards in the upper right, and a rectangular area labeled "WEBSTER ST." in the lower left. The map is covered with numerous handwritten numbers, likely representing elevations or distances, and various line styles (solid, dashed, and hatched) indicating different terrain or boundary types. The numbers are scattered across the map, with some appearing in clusters and others along specific lines. The overall layout suggests a technical drawing or a field sketch for a specific project.

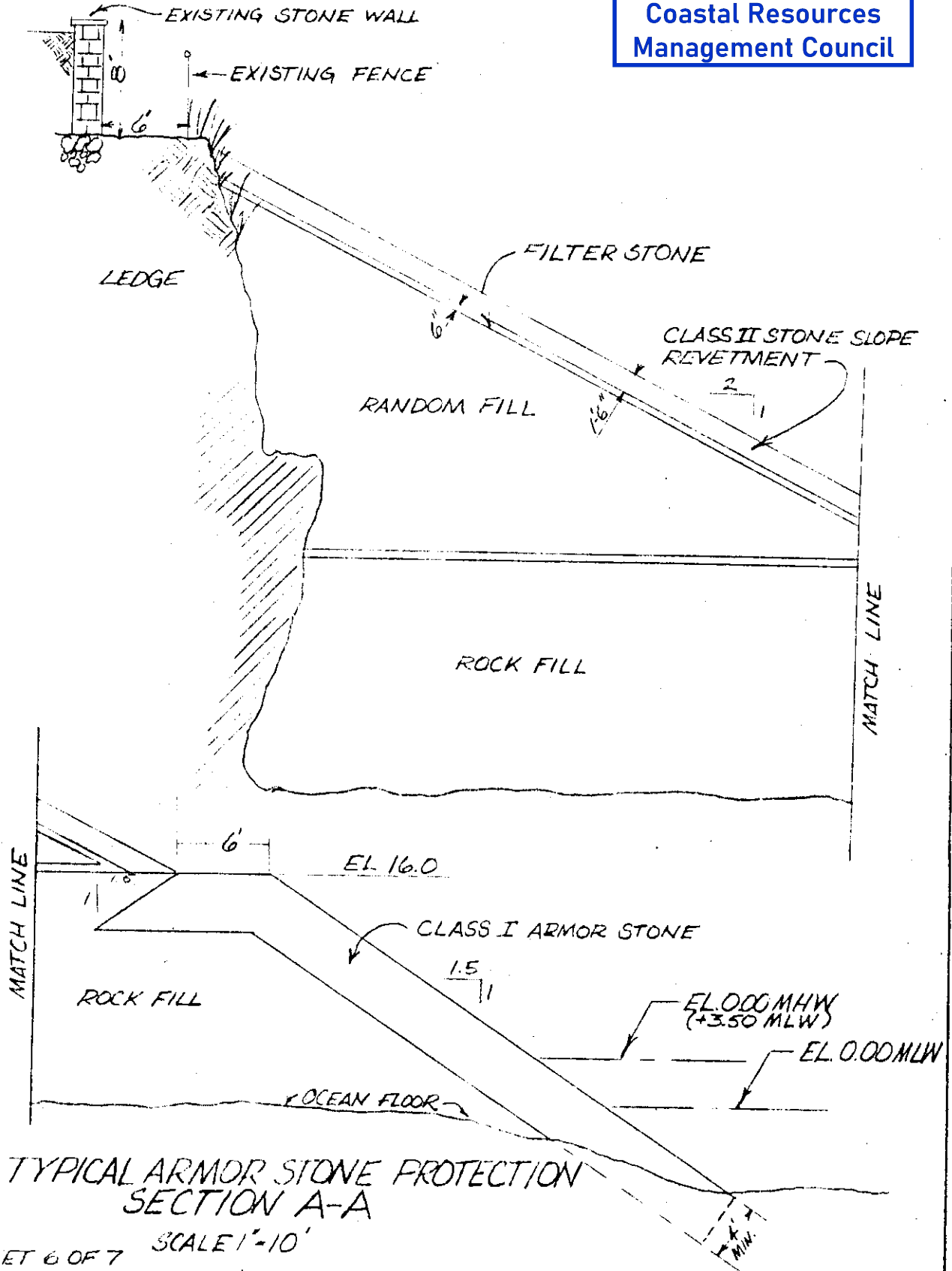
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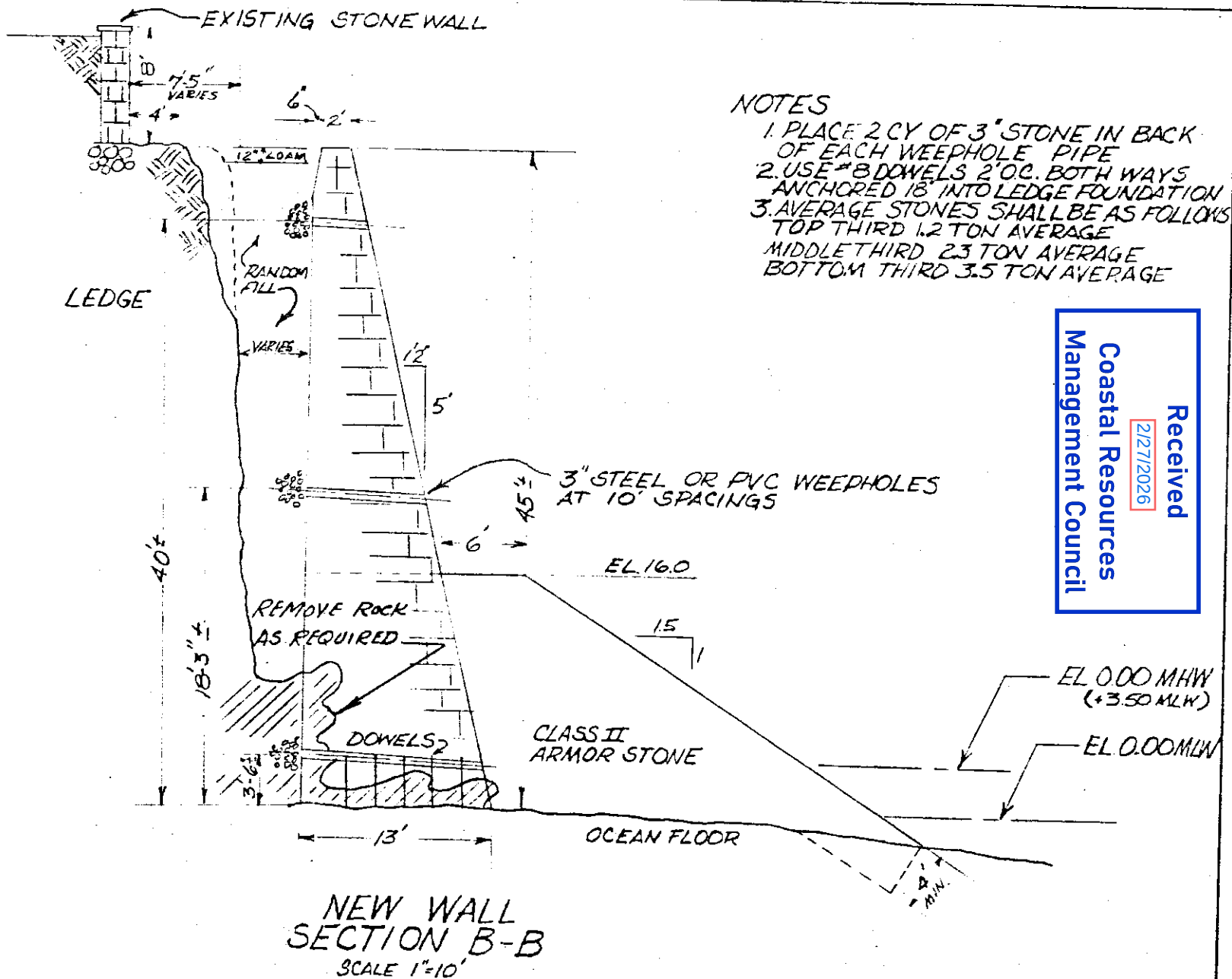
SCALE 1"=20'

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Management Council

Application No. 12-76-339

Permit No. RI-NEWP-76-512

Name of Applicant City of Newport

Effective Date 18 October 1976

Expiration date (if applicable)

DEPARTMENT OF THE ARMY

PERMIT

Received

2/27/2026

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Management Council

Referring to written request dated 14 May 1976 for a permit to:
(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

City of Newport
City Hall
Newport, RI 02840

is hereby authorized by the Secretary of the Army to: place and maintain, as part of restoration of the Cliff Walk, a National Historical Trail, approximately 503 tons of 36" and 42" stone armor extending about 8' beyond mean high water.

in Rhode Island Sound

at Newport, Rhode Island

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2/27/2026

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Management Council

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit, entitled: "City of Newport, Rhode Island Engineering Department, Cliff Walk Restoration, Contract No. 2" in two sheets, dated, "May, 1976"

Subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306, and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the Division Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

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Management Council**

- e. That the permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- f. That the permittee shall permit the Division Engineer or his authorized representative (s) or designee (s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.
- h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges, and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
- i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- j. That this permit may be summarily suspended, in whole or in part, upon a finding by the Division Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the Division Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified, or revoked.
- k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur, or (b) the alleged violation was accidental, and the permittee has been operating in

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compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend, or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the Division Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the Division Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before 30th day of SEPTEMBER, 19 77, and is not completed on or before 31st day of DECEMBER, 19 79, this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition "v" hereof, he must restore the area to a condition satisfactory to the Division Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the Division Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

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II. Special Conditions:

That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

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This permit shall become effective on the date of the Division Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit

PERMITTEE

DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

DIVISION ENGINEER

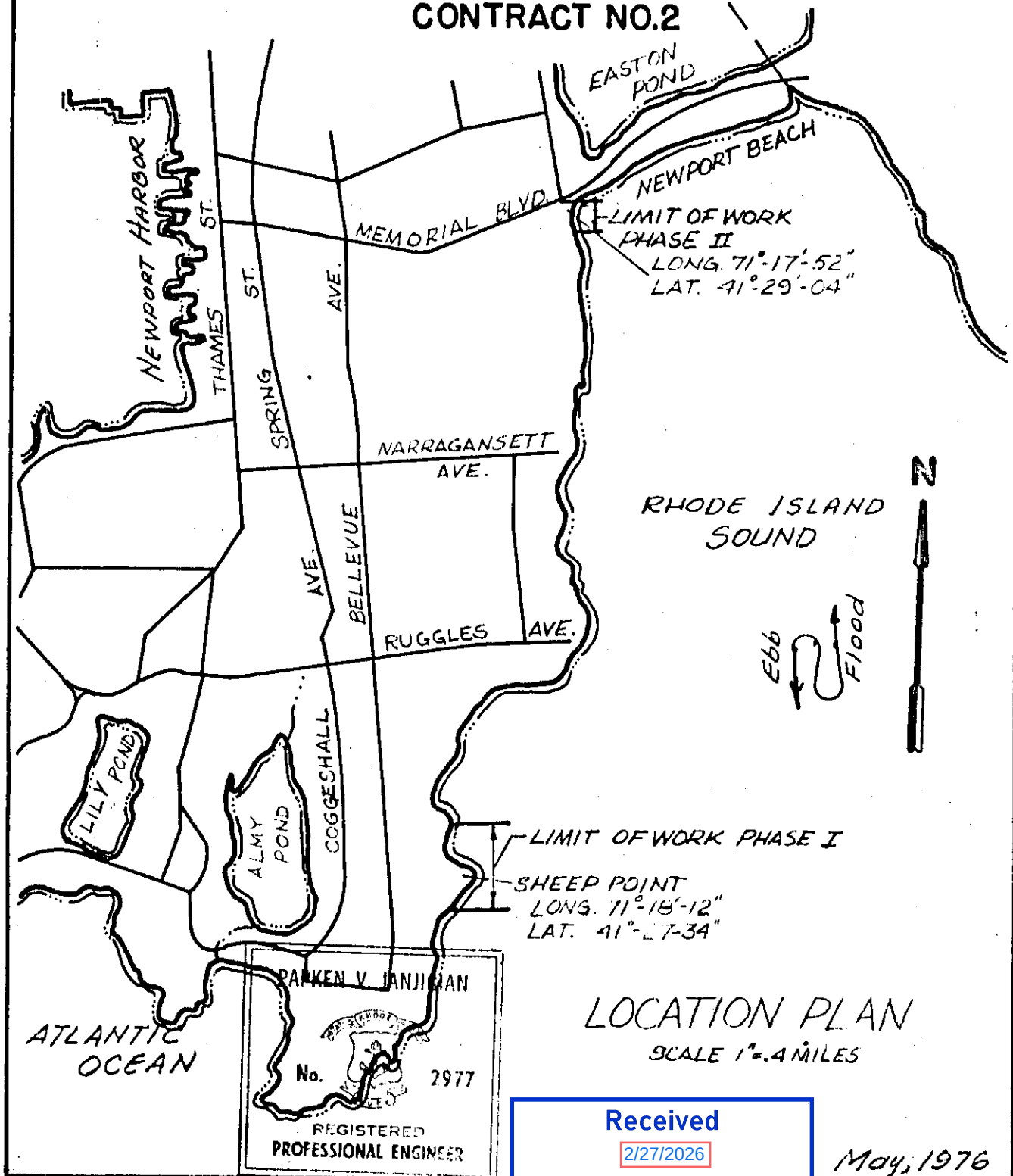
DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEREE

DATE

CITY OF NEWPORT, RHODE ISLAND
ENGINEERING DEPARTMENT
CLIFF WALK RESTORATION
CONTRACT NO.2



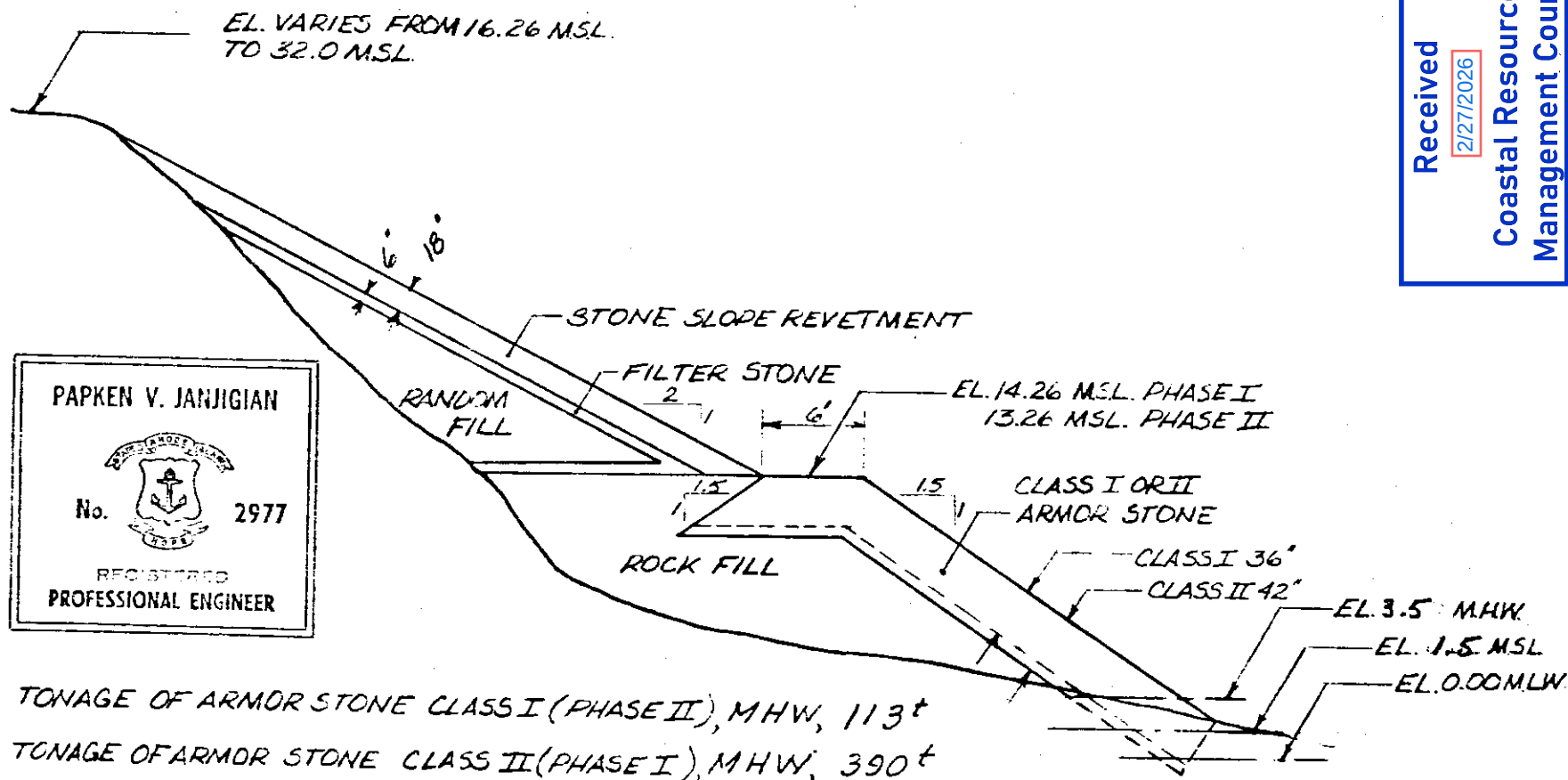
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Management Council

May, 1976

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TYPICAL SECTION THROUGH PROTECTION

SCALE 1" = 10'

Engineering Department
Newport, Rhode Island

May, 1976

