

# Rhode Island Public Shoreline Access Management Plan: DRAFT

## An Introduction to Rhode Island's Shoreline Access Rights

The right to access the shore in Rhode Island extends to 10 feet above the last high tide line (though not onto private property such as seawalls, decks, or lawns)<sup>1</sup>. While people may access the shore at places like public beaches and parks in a straightforward manner, Rhode Island provides many other ways to get to the shore, including perpendicular paths known as rights-of-way, that may be hidden on side streets or in neighborhoods and may or may not have clear signage or even a clear pathway to the shore. Nevertheless, these rights-of-way and other small access areas have been identified through a statewide survey as important ways that many people do access the shore.

These rights-of-way may be formally designated by the [Rhode Island Coastal Resources Management Council](#) (CRMC) through a process that confers perpetual protection to a site as a right of way to the shore. This process does NOT confer ownership of a site, but rather provides an easement. Rights-of-way may also be designated by municipalities.

## Shoreline Access Challenges

The enforcement of rules regarding shoreline access may vary depending on who owns or manages the site in question. The ability to even find these sites is compromised by a lack of knowledge, a lack of signage, and a difficulty accessing information and even sites. Conflicting messaging, purposeful or accidental blocking of rights-of-way, and a lack of parking complicate people's ability to readily access the shore in many areas. A 2023 statewide shoreline access [survey](#)<sup>2</sup> has identified the issues:

Per the survey, 41% of locals said that there are access points they avoid or use less than they used to. The reasons for that include:

- There is no parking near these access points
- They are unsure if they're allowed to use these access points
- They feel unsafe or unwelcomed there
- Sometimes guards are blocking these access points
- These access points have a lot of litter or are poorly maintained

The CRMC is developing this Public Shoreline Access Management Plan (PSAMP) to address these issues, enumerated below, which derive from the statewide survey and follow-up work with a Community Leader Advisory Group and the input of other community members.

## Indigenous rights/human rights/equity and justice

The right to access the shore is enshrined in the Rhode Island Constitution, but not everyone has equal access to the shore. Indigenous communities such as the Narragansett Tribe have a historic relationship to the coastal waters of the state but do not have ownership of coastal lands nor are their rights recognized when they are in other states such as Massachusetts. Members of communities of color and underrepresented groups have had greater hurdles to accessing the shore, as they are likely to live farther

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<sup>1</sup> This law is currently being challenged. As of October 4, 2024, a final ruling has not been made.

<sup>2</sup> Impact by Design. (2023). RI CRMC Rights of Way and Beach Access Point Needs Assessment Results Report. [https://docs.google.com/presentation/d/1UPdEljkT8GwTPJqfLBwPLcrLVZ\\_t6SCJFKwALTlWpoo/edit?usp=sharing](https://docs.google.com/presentation/d/1UPdEljkT8GwTPJqfLBwPLcrLVZ_t6SCJFKwALTlWpoo/edit?usp=sharing)

away from the coast than other groups. They may also lack knowledge of where they can access the shore, lack transportation to get there, or find such spaces unclean or unwelcoming, among other factors. Efforts to enhance public shoreline access should prioritize righting these inequities.

It is important to recognize the importance of shoreline access as stemming from providing for basic human needs for cultural and customary practices, food access, and health, wellness, and quality of life.

The following concepts and actions have been recommended by the Community Leader Advisory Group and other community members as important for addressing Indigenous rights, human rights, equity and justice in shoreline access.

- Recognition of Indigenous sovereignty and customary use of shore areas
  - Look at other states/models for Indigenous rights to shore
  - Restore and protect inherent Indigenous sovereignty/customary use of shore
  - Indigenous rights are human rights – how can an Indigenous approach and recognition of Indigenous rights relate to all?
- Food access & traditional food access
  - With an increase in population from other countries where fishing for sustenance is common, education on edible species and safe waters is important
- Wellness through access to coastal resources
  - Mental illness is on the rise<sup>3</sup>, and access to the coast is cost-free, side-effect-free medicine recognized by many health professionals worldwide<sup>4</sup>. For example, Rhode Island providers offer “walk and talk” therapy covered by medical insurance.
- Access to the shore is not distributed evenly throughout the state nor equally accessible to all groups. Solutions should prioritize underrepresented and under-resourced communities.

## **Right of Way Designation, Stewardship, and Enforcement**

In addressing issues around rights-of-way (ROWs), those perpendicular paths to the shore recognized by CRMC, it is important to define these sites, which have specific characteristics, so that solutions can be grounded in a common understanding.

### **What is a Right of Way?**

A public ROW to the shore is a parcel of land over which the public has the right to pass on foot or, if appropriate, by vehicle, in order to access the tidal waters of Rhode Island. These are often roads that end at the shore, or they may be public infrastructure areas such as storm drains or green infrastructure. Not all ROWs are the same: Some are suitable for launching a boat; others may be scenic viewing areas or fishing spots.

### **Who can designate ROWs?**

The CRMC has the authority to recognize ROWs to the shore, providing permanent protection that municipally recognized rights-of-way do not have. The requirements for designating a ROW are found in documentation on the [CRMC website](#), and require an extensive research and discovery process.

### **How are ROWs demarcated?**

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<sup>3</sup> See <https://usafacts.org/articles/how-common-is-mental-illness/>

<sup>4</sup> See <https://www.charliehealth.com/post/what-is-nature-therapy>

Once a ROW is designated, CRMC provides signage for municipalities to install at the entrance to the ROW. It is up to the city or town to maintain these signs or request new ones if they are damaged, destroyed, or removed. Some municipalities have chosen to install their own signs. Some have implemented granite makers to provide sturdier and more permanent signage.

### **Who maintains ROWs?**

Typically municipalities are responsible for maintenance of ROWs—e.g., trimming trees and bushes, mowing grass, or removing trash—as the designation of the ROW does not change the ownership of the land, which in most cases is a street end or other municipal area. ROWs may also be adopted by businesses or organizations that provide oversight and maintenance of the area through an agreement with CRMC.

### **Why can't I park at every ROW?**

Parking is not a requirement of ROW designation, and parking rules are determined by municipalities for municipal streets. It is common for parking to be limited or prohibited in coastal areas around ROWs.

### **Why does it take so long to designate a ROW?**

CRMC lacks resources for ROW research and legal proceedings. Many known and legally recognized ROWs in RI have not yet been designated. Then there are truly new or contested paths to the water that have not yet been settled by litigation.

### **Who do I report ROW violations to?**

If shoreline access is deliberately blocked, such as by boulders or chains being placed across the entrance to a ROW, contact the CRMC: [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov), and put "ROW obstruction" in the subject of the email, or call CRMC offices at 401-783-3370.

### **Action items:**

- Increase the number of ROWs
  - Is it possible to simplify the process for designating a ROW?
  - Engage "community researchers" in the laborious information gathering process related to ROW discovery. Students from Roger Williams University School of Law have been engaged. Many other "information specialists" are qualified to engage in this research – consider librarians, archivists, etc. along with interested volunteers. Researchers would learn how to examine land evidence records and other municipal records, maps, etc.
  - Location matters/focus on communities with limited access/opportunities for town/state to work with developers on additional ROWs as part of new/redeveloped shoreline development/expand urban coastal greenway program
- Clear signage
  - Consistency among signage so users know what it looks like town to town.
  - CRMC signage is good but consistently removed (disappears)/potentially something more permanent similar to granite markers in Westerly, Bristol, and Barrington
  - Signs should be multilingual
  - Signs should include QR Codes for more information
  - Signs should inform people about safety (e.g., fishing)
  - Signs should be regularly inspected and replaced as needed\* \*
- Clear pathway to ROW

- o Need to determine which town department handles maintenance (DPW/Parks and Rec/etc.)
  - o Monitoring can and should be done by volunteers/groups ideally, such as ORCA.
  - o Invasives removal - Opportunity to provide annual/bi-annual training to towns to handle
  - o Work with existing orgs/agencies to identify habitat restoration opportunities
  - o Some municipal administrations have allowed encroachment on ROWs – how to address/prevent?
  - o How to secure funding for maintenance – state/municipal? Engage DPW, Conservation Commission
  - o Address the confusion and misunderstandings around issues of parking and lack of ROW maintenance at municipal level. Determine where responsibility (or empowerment) lies for addressing these issues. Analyze and provide clarification, in coordination with other agencies or municipalities.
  - o Coordinate an effort to identify existing models for public access sustainment and improvement in municipalities. For example, Narragansett's Coastal Access Improvement Commission is worth examining as a model. Coordinate initiatives between towns.
  - o Identify and continuously monitor impacts of coastal erosion, storms, hurricanes, sea level rise on public access points. Define the expected impact at each access point based on specific factors (other access nearby, number of users impacted, specific activities at risk, etc.) Coordinate at all levels on Coastal Resilience and Climate Change initiatives and funding opportunities. Ensure funding or grant requests can be readily submitted for identified projects.
  - o Discuss centralized oversight or management of CRMC ROWs vs dispersed Adopt-a-Spot volunteer programs or reliance on municipalities. Discuss improved uniformity and funding for these activities.
  - o Investigate the challenges or resistance within municipalities to provide amenities for the broader public (parking areas, restrooms, patrols, lifeguards, trash cleanup, maintenance of CRMC ROWs). Determine how municipalities address required expenditures and the degree to which they expect funding from state or federal level. Analyze funding risks.
- Regulations and Enforcement
    - o Ensure public access stipulations are incorporated, properly documented, and enforced wherever public funding or subsidies have been used for shoreline improvements or disaster recovery. Bolster public access stipulations and their enforceability if weaknesses are apparent. Provide a public seminar or reference document that educates on public access rules.
    - o Improve automated systems for reporting issues or potential violations to CRMC. Emails to individual staff should be replaced with a modern reporting tool which also supports submission of required information for follow-up by enforcement staff. Violations reports should be searchable by the public. Annual reports of violations and enforcement efforts and issues should be produced.
    - o Consequences for blocking ROWs or putting up false signs should discourage these illegal activities (e.g., fines on repeat offenses).

## Municipal Issues

Many shoreline access issues are handled at the municipal level, from identification of potential ROWs to maintenance and parking.

### Harbor Management Plans

CRMC has a [guidance document](#) regarding the development of harbor management plans, and public shoreline access is a significant component of that document. The following language is taken from that guidance, but the entire document should be reviewed for its explanation of the context of shoreline access and the requirements and recommendations with regard to shoreline access considerations in municipal harbor management plans.

The approval of municipal harbor management regulations and plans is regulated under Section 300.15 of the Rhode Island Coastal Resources Management Program. This section establishes that "all rules or management functions that apply to the use of tidal waters adjacent to a municipality" are considered Municipal Harbor Regulations and subject to review and approval by the CRMC. While the primary responsibility for developing and implementing harbor management remains at the local level, regulations to ensure that actions taken by the municipalities are consistent with the overriding management programs are reserved by the state.

In Rhode Island, public access to the shore is provided by designated rights-of-way which are the primary physical means by which the public reaches the shoreline and water areas. Public Access is a general term used to describe the way the public legally reaches and enjoys the coastal areas and shoreline of the State which are held in public trust.

Public access includes:

- (a) Physical access: the ability to reach the shoreline from upland areas via perpendicular access points such as rights-of-way, boat launching ramps, and fishing piers; and the ability to pass and repass horizontally along the shoreline as guaranteed by the Rhode Island State Constitution.
- (b) Visual access: the provision of unobstructed views of the coast and shoreline areas. Examples of visual access include viewing platforms, observatories, scenic drives, and innovative architectural designs that provide unobstructed views.
- (c) Interpretive access: the provision of signage, plaques, etc., or the use of innovative techniques which serve to educate the public about the historical, ecological, or cultural significance of a site or the industrial/commercial utilization of public trust resources. Interpretive access may also include other methods which impart a sense of public ownership and understanding of public trust resources.

Amenities which enhance public access opportunities such as picnic tables, public restrooms, lighting, etc., and other improvements are considered vital contributions to public access.

Traditional public access sites to the shore are rapidly being displaced by commercial and residential developments. Some access sites are not properly maintained and/or marked, and thus have become “incorporated” or “privatized” by adjacent property owners. Some public sites are illegally chained and/or blocked off with signs declaring them for use only by neighborhood users. Local municipalities need to have an aggressive approach in order to maintain existing sites, identify and develop new sites, and identify and prioritize future access sites to the shore.

- Harbor management plans should include public access inventory which should be closely monitored for encroachment and/or blockage (physical or psychological)
- Carry out an assessment and update of the Harbor Management Plan (HMP) program and policies, in particular the mandated Public Access component. At a state level, identify issues of implementation, compliance, timeliness of updates, progress toward defined public access goals, and challenges or resistance encountered by municipal officials charged with implementation. Address how parking is an important contribution to fulfillment of the Public Access component of municipal Harbor Management Plans.
- HMPs are mandated, authoritative municipal planning documents (in concert with the Comprehensive Plan), and they provide one of the few tools for accountability. Yet many members of the public may not be aware of their existence. The development and adoption of HMPs should be promoted to residents by both the municipality and CRMC for increased awareness.
- Provide more coordinated and ongoing discussion, assessment, and problem-solving between municipalities and CRMC, using the Public Access component of each municipal Harbor Management Plan as a point for productive discussion.

## **Parking**

Parking on municipal streets is regulated by municipalities, and parking near the shoreline is frequently limited or prohibited. However, driving and parking at a site or parking near one and walking are by far the most frequent way our survey takers got to the shore.

- Identify how to incentivize municipalities to create more parking over the objections of wealthy homeowners.
- Address parking challenges as a specific study, in coordination with every municipality that identifies parking as a challenge in its HMP.
- Complete the effort in progress to identify state properties that provide potential for coastal access parking or satellite parking lots.
- Assess all existing ROWs and opportunities to carve out sections of town land for limited parking.

## **Accessibility**



It is important to think broadly about what “accessibility” shoreline access sites such as ROWs provide. How accessible is a site if there is no parking, public transportation, or bicycle rack? Would amenities such as bathrooms make sites easier to use or stay at? Are the sites clean and safe to use? Are there ADA parking and other features such as mobility mats that allow people with disabilities to truly access the shore? Though designating and maintaining ROWs is important, making sure that all members of the public can get to them and safely use them is what provides meaningful access to all.

- Strategies include improving public transportation, ADA compliance, and maintaining parking lots to enhance access.
- For shoreline access for urban areas, a focus on mitigating environmental hazards is another important aspect of accessibility.
- Identify any successes with beach shuttles or other public transportation offerings. Identify the areas that are most stressed for parking and where a trolley or other public transportation route could reduce vehicle congestion and optimize satellite parking on weekends (schools, industrial parks, etc.) Address the liability costs and other issues that have caused some municipalities to eliminate trolley programs. Examine costs/benefits of establishing RIPTA trolleys, vs private providers.
- Explore opportunities to create or extend bike paths and to install bike racks at ROWs and other shoreline access sites.
- When ADA accessibility equipment and assistance need to be requested by the user at a public beach, the person may be made to feel uncomfortable or burdensome. Providing access with dignity is important.

## **Communication, Education, and Engagement**

- In coordination with partners, increase awareness and engagement among youngest generations. Find communication outlets or activities (schools, internships, service projects?) that will directly engage them, hear their concerns and ideas, connect them to their state shoreline, and give them a sense of stewardship. This would include fostering an understanding of local and state government (e.g., what is a ROW and how are they designated).
- Engage more senior or retired citizens in coastal stewardship, education, and coordination of volunteers or interns. Consider coordinating through entities like the Osher Lifelong Learning Institute at URI.
- The Narragansett Tribe, as the Indigenous inhabitants of our shores, should be engaged in an ongoing basis in discussions related to equitable access and customary uses of the shore for sustenance and spiritual needs. We need a continuous reminder of the ancient legacy and continuing wisdom of the tribal community. Ties with the Tomaquag Museum for educational events related to Indigenous uses of the shore.
- CRMC should maintain and build upon formalized relationships and continuing engagement with the URI Coastal Institute, Save The Bay, and every organization whose mission has a shoreline access component.
- CRMC and other agency public education staff should continue communication efforts, especially in shareable formats. Misinformation is rampant in social media venues. Agencies can monitor trending issues or questions and quickly disseminate authoritative or clarifying information. The number of agencies and their respective roles is confusing. Every effort to educate or communicate policy or to connect people is helpful.

- Engage Realtors and legislators around educating and informing property buyers and owners about Rhode Island's constitutional shore privileges and expectations that the public trust portion of the shore will be respected by all.
  - Ensure potential coastal property owners are aware of public access stipulations that will be incorporated into shoreline project assents.
  - Ensure coastal property owners are aware of the liability protections where the public users shoreline fronting private property.
  - Require signed acknowledgement by all coastal/shoreline landowners of a) existing ROWs in the vicinity b) new shoreline access law and recorded in town's clerk office
- Engage citizens from underrepresented communities to visit CRMC ROWs and provide first impressions on their signage, sense of welcoming, amenities, accessibility via public transportation, etc. This suggestion was specifically vetted during brainstorming sessions.
- Identify any publications or information on the CRMC or other agency sites that are outdated. Review and update if necessary. For example, the guide for coastal property owners.
- Citizens are interested in comprehensive or "one-stop" listings of shoreline access points rather than going to separate sites for CRMC ROWs, individual town listings, the Sea Grant site, etc.
- CRMC and partners should continue to coordinate educational tours of ROWs, with explanations of public trust shoreline rights. These were well attended and could be expanded.
- Annual mailing to all Rlers every year that discusses all the benefits of access, updates, etc.
- Raise awareness of benefits of access
- Funding for education instead of infrastructure
- Perhaps an "internal" tourism campaign, geared towards RI residents encouraging them to shoreline access as a staycation alternative, & with this initiative promoting our local economy.
- Reach out to local papers and TV to share information.
- Education for police
- CRMC and partners collaborate with non-profit in youth development programs

## Tools

Proposals for digital resources (coastal passport, interactive maps), social media campaigns, and statewide events to promote shoreline access.

- Central website/hotline
- Social media (e.g., featured ROW weekly/monthly)
- URI - better outreach to bring people to the shore for programming
- Statewide ROW Day and education - "Rhody ROW Day"
- Fish passport with license
- Coastal passport (stamp card) → a map that's mailed to all Rlers (it shouldn't involve having staff at every ROW)
- Localized website/database among Rhode Island Department of Environmental Management (DEM)/CRMC/municipalities
- Documentary on trying to go to the beach in RI in a car if you are renting in RI (??)
- Telling locals about shore access in their community
- How do we get lists to sync? One person who understands and disseminates info (STAFF)
- Survey takers wanted a site with information on parking and fees.
- The DEM website was the #1 website people turned to for shoreline information



## General Assembly

RI State Legislature involvement

## Research Opportunities

- Look at what other states do (\*RISG Law Fellow)
- Devise “real costs” associated with making access open/clean to all
- Find who’s accountable/empowered to address
- Assessment of access points and prioritize them
  - o how often? annually/biannually? maybe an abbreviated assessment every year (signage present, any major issues) and full assessment every 2-3 years?
- Comprehensive analysis of parking

## Partnerships: Collaborating on Shoreline Access Statewide

While CRMC has responsibility for designating ROWs and managing Rhode Island’s coastal areas, people access Rhode Island’s shore through many venues with different ownership/management and rules for use. Bringing these management entities together to share information on their shoreline access offerings is important for creating a state shoreline access plan that identifies gaps to address and fosters communication that can direct people to the appropriate locations and resources for the activities they are trying to pursue.

Potential partners include:

NOAA/National Estuarine Research Reserve System  
NBNERR

US Fish and Wildlife Service  
Refuges

CRMC  
Urban Coastal Greenway  
Permit-required access  
ROW designation

DEM  
State parks/beaches  
Fishing access points  
Boat ramps

Municipalities  
Municipal shoreline access sites (beaches, parks, boat ramps, ROWs)

Audubon Society of Rhode Island  
Refuges  
Environmental Ed Center

Save The Bay

Norman Bird Sanctuary

## About this Plan

Work on this plan has been funded by grants from the National Oceanic and Atmospheric Administration: “Developing an Equitable and Inclusive Shoreline Access and Education Plan for Every Rhode Islander: Achieving Environmental Justice for All” and “Ensuring Public Access for Environmental Justice Communities that is Resilience in the Face of Climate Change”

Partners on this project are:

The Rhode Island Coastal Resources Management Council  
The Narragansett Bay National Estuarine Research Reserve  
Rhode Island Sea Grant

with

Impact by Design

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