

Town of Portsmouth, RI

Resolution in support of 2022 – H8055
AN ACT RELATING TO WATERS AND NAVIGATION -COASTAL RESOURCES
MANAGEMENT COUNCIL

WHEREAS, Article 1 Section 17 of the Rhode Island Constitution provides, in relevant part, the right of people to access the shore to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, and

WHEREAS, the Rhode Island Supreme Court has determined what property constitutes “the shore” based on tidal flows, erosion and accretion; and

WHEREAS, the people have been unable to enjoy their constitutional right to access the shore due to ambiguities associated with defining the location of the shore; and

WHEREAS, Rhode Island's 400 miles of coastline and Narragansett Bay make us a destination for a variety of recreational activities including beach going, swimming, saltwater fishing, surfing, kayaking, and wind-surfing. The public's rights and privileges of the shore along the sandy and rocky shores of Rhode Island are critical to the state’s tourism economy.

WHEREAS, In the past, the public's rights to the shore has been defined by the mean high water (MHW) line. However, the changing state of general understanding of scientific knowledge has caused greater dissemination of information and measurements. This has revealed difficulties in using the MHW line. MHW is not a water mark or debris line that can be seen on the beach. Because it is an elevation and not a natural feature, MHW cannot be determined by the naked eye and requires special surveying expertise and equipment, thereby making it impossible for the general public to know where the line is.

WHEREAS, 2022 H 8055 provides a definition of the recognizable high tide line for the public's rights and privileges of the shore.

WHEREAS, the Town Council of the Town of Portsmouth finds that it is in the best interests of the health, safety and welfare of the people and visitors to Rhode Island to protect their constitutional right to access the shore free from infringement by private persons and/or government entities or agents.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Portsmouth hereby requests that the General Assembly act favorably and pass 2022 – H 8055; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to provide a copy of this resolution to the Town of Portsmouth’s representatives in the R.I. General Assembly.

The RESOLUTION shall take effect upon passage.

**By resolution of the Portsmouth Town Council at a meeting held on
Monday April 11th 2022**