



NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

March 12, 2024

To Chairman Craven and the members of the House Judiciary Committee

Re: BHA Support for RI - 2024 – H7750 – Possession & Prescription - Footways

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider protecting access to public lands and waters a top priority, recognizing that access is one of the most important factors to our participation in, and the perpetuation of, our outdoor traditions.

With these things in mind, **BHA urges the Committee to support H7750**, which seeks to repeal an unnecessary and outdated restriction in RI General Laws that prevents adverse public use as a legal means to designate foot paths as public rights-of-way.

The State of Rhode Island, and particularly RI's Coastal Resources Management Council (CRMC), has had a long-standing goal to designate 400 rights-of-way to the shore – one for each mile of RI shoreline. Since it was created over 50 years ago, CRMC has only been able to designate 234 rights-of-way. BHA believes that the General Assembly should explore all mechanisms, including legislative changes, that could help achieve the State's public access goals.

Designation based on the public's adverse use for a period of 10 years, also known as an easement by prescription, is one of the six legal pathways currently available to CRMC to designate rights-of-way. For at least 68 years, since § 34-7-4 was last updated, RI General Law has restricted the designation of rights-of-way through adverse public use to paths that were once used by carriages or vehicles. During that span of time various laws, ordinances, and regulations have been enacted that prohibit the use of vehicles on RI's shoreline, either seasonally or year-round. As a result, CRMC's ability to designate rights-of-way through adverse public use has been practically extinguished, because there is no need for vehicular paths to a location where vehicles cannot be used. We do not believe that this was the General Assembly's intent when § 34-7-4 was originally enacted, or most recently amended in 1956.

Respectfully, **BHA urges the Committee, and ultimately the RI General Assembly, to support H7750**, which would allow CRMC to designate rights-of-way based on the way that Rhode Islanders currently access the shore – on foot, rather than by vehicle.

Thank you for your consideration,

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