

RI SHORE ACCESS

R.I. speaker 'very confident' a shore access bill will pass this year

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By [Brian Amaral](#) Globe Staff, Updated May 31, 2023, 10:18 p.m.



Fred Harwood of Westerly relaxes with his fishing pole on Weekapaug Beach in Westerly. MARK STOCKWELL FOR THE BOSTON GLOBE

House Speaker K. Joseph Shekarchi said Wednesday he is “very confident” the General Assembly will pass a bill addressing shore access this year.

“I expect something this session,” Shekarchi said during a live taping of the [Rhode Island Report podcast](#). “I can’t guarantee it, but I expect something.”

Shekarchi said no agreement had been reached on a compromise between the House and Senate, but “I will say we are very close.”

Shekarchi made his comments — which represent a more optimistic assessment about the proposal’s prospects than has been issued before — at a live event hosted at Rhode Island PBS studios in Providence. The event marked the 100th episode of the Rhode Island Report podcast. Globe Rhode Island’s Ed Fitzpatrick and Jim Ludes, the host of Rhode Island PBS’ “Story in the Public Square,” interviewed Shekarchi and Senate President Dominick Ruggerio.

The General Assembly has taken up multiple shore access proposals this year, as it has in past years. It’s still unclear where and how the final line would be drawn in any compromise. But “the public will win,” Shekarchi said, “and I’m proud of that.”

The deal, if it comes to fruition, would be the culmination of years of advocacy from people who live around Rhode Island and have sought more public access along the shore.

Right now, the law as generally understood and enforced puts the boundary between public access rights and private property at what’s called the mean high tide line. That is not a visible line in the sand, but a measurement of high water heights taken over nearly 20 years. Critics say it curtails — or even effectively eliminates, in some cases — Rhode Islanders’ shore access rights, which include but aren’t limited to passage along the shore, leaving the shore to swim, fishing, and collecting seaweed.

The House earlier this year had passed [its version](#), which would put the boundary for people to exercise their shore access rights, where passable shore exists, at six feet landward from the recognizable high line. The recognizable high tide line is defined as the line or mark on tidal flats, beaches, or on shore objects left by the maximum height of a rising tide from things like shells, oil, or seaweed. Without any deposits like seaweed, the recognizable high tide line would be the wet line on a sandy or rocky beach. Another word supporters use for the recognizable high tide line is the wrack line. The [version originally introduced in the Senate](#) would have gone much further — up to the vegetation line.

But a proposed substitute version, called a Sub-A, is now up for consideration at the Senate Judiciary Committee Thursday. Like the version the House passed, the Senate version would use the recognizable high tide line, but with a 10-foot landward buffer instead of six feet. It included a similar, but not identical, definition of the recognizable high tide line. For example, in the Senate version, if there was more than one line of seaweed, oil, or fine shell debris, the recognizable high tide line would be the most seaward one. Supporters said it is a better way to determine where the most recent high tide line actually is. The House version didn't include that language.

There are a couple other subtle differences, like an explicit statement that the law wouldn't create a right for people to use privately owned amenities, like cabanas, decks, and beach chairs.

Asked whether he was concerned about the constitutionality of the proposal — shoreline property owners have argued it would take their property without compensation — Ruggiero said that “no matter what happens, it will end up in court.”

But, he added, “I think we can come to an agreement, and I hope we can satisfy the public by doing that and avoid any kind of constitutional challenge.”

The legislation originally came out of a [House study commission](#) led by state Representative Terri Cortvriend and then-state Representative Blake Filippi last year,

which heard testimony about the science and the politics behind the shore access debate. Using the mean high tide line, critics say, provides much less real estate to access the shore than people may think. Some go so far as to argue that the mean high tide line was effectively done away with when the state changed its Constitution in the 1980s, a proposition that hasn't been tested in court.

One of Shekarchi's appointees to the commission was Mark McKenney, a former state senator who in November won his seat back — and who this year introduced the Senate's shore access legislation. If some compromise does pass and get signed into law, Shekarchi will be able to fully declare what's so far been a tentative I-told-you-so for people who had their doubts on shore access legislation in general, and [McKenney in particular](#).

Cortvriend and McKenney have been having conversations, Shekarchi said. There are a few different ways of approaching the issue, Shekarchi said — not just how many feet you use, but how you define the line you're measuring it from.

"I think there'll be a wonderful bill that will come out, and it'll be supported by both houses," Shekarchi said in an interview with one of those skeptics after the podcast taping.

In an interview, McKenney said he introduced the proposed substitute legislation because the more expansive one that would give people access rights to the vegetation line didn't have the necessary groundswell of support.

McKenney said that while there's always a question about where a final bill will end up, the proposed substitute of the recognizable high tide line, plus a 10-foot buffer, is a good middle ground compromise. And he agreed with Shekarchi about the prospects of something finally happening this year.

"I have as much optimism as the speaker does that we will get this done," McKenney said.

This story has been updated with additional comments from Speaker Shekarchi, and a comment from Senator McKenney.

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