

# No simple walk on the beach: Scientists decipher shoreline access law for public in Charlestown

## East Beach walking tour gets granular on details of new law

By: [Cynthia Drummond](#) - September 22, 2023 3:41 pm



Coastal geologist Janet Freedman, far left holding microphone, and Coastal Institute Science Director Nathan Vinhatiero, holding measuring instrument, point out one of several seaweed lines on East Beach. (Cynthia Drummond/Rhode Island Current)

CHARLESTOWN – One line of seaweed lies up against the dunes at East Beach. A second is in the middle of the beach. A third line is near the water.

Rhode Island's new [shoreline access law](#) calls for using the seaweed line to measure public access. But which line would you use?

That depends, Coastal Geologist Janet Freedman and Science Director Nathan Vinhatiero told a group of about 50 people late Thursday afternoon. They were on a tour to learn more about how Rhode Island's new shoreline access law will work.

Freedman pointed to the highest seaweed line, or wrack line, near the dune.

"We believe that this was deposited during Lee," she said, referring to the offshore hurricane that passed by southern New England last Saturday. "It's still kind of an extraordinary tide, just because the waves were much higher than usual. So, this line would not be the line that you measure your 10 feet off of."

Then the group turned their heads to follow Freedman's gesture toward the second seaweed line in the middle of the beach.

"We had a little debate on would you go by this debris line, because we don't see another debris line," she said.

Freedman said she and Vinhatiero had concluded that in this case, the measuring point should be the line where wet sand met dry sand.

“My interpretation would be to go with the wet beach line. Some people would argue, ‘No, this is the latest visible debris line’. So, there are still some disagreements in the interpretation of the law,” she said.

These interpretations will become common as Rhode Islanders learn how to apply the new shoreline access law. Just two days before the tour, the law withstood its first legal challenge.

On Tuesday, Sept. 19, U.S. District Court Judge William Smith dismissed a lawsuit by a group of property owners known as the Rhode Island Association of Coastal Taxpayers filed against Attorney General Peter Neronha and several state agencies seeking to halt enforcement of the law.

Signed into law on June 26, the shoreline access bill clarifies which parts of the beach can be legally accessed by members of the public and which parts remain private. The new legislation requires certain state agencies to conduct outreach efforts like this tour to educate beachgoers and property owners, so everyone will understand their rights.



Rhode Island Coastal Resources Management Council Coastal Geologist Emily Hall answers questions from participants during a Shoreline Access Walk at East Beach Charlestown on Thursday, Sept. 21, 2023. (Cynthia Drummond/Rhode Island Current)

#### **‘Make sense?’**

The tour was organized by Coastal Resources Management Council (CRMC), Rhode Island Sea Grant, Clean Ocean Access and the University of Rhode Island’s Coastal Institute.

CRMC coastal geologist Emily Hall offered her own simple formula for determining the starting point for measuring public access.

“It’s going to be the seaweed line that’s closest to the water,” Hall said. “When you first hear that, it’s a little counterintuitive. But it’s the recent one, because anything that’s more recent will wash that seaward line away. Make sense?”

Participants nodded in agreement, although a few still appeared confused.

Shoreline access advocate Scott Keeley of Charlestown was not one of them. He believes the new law allows people to not only walk on the beach but fish there and sit on the sand.

Keeley was arrested in 2019 for trespassing as he gathered seaweed just over the line on a South Kingstown beach and later sued the town and the arresting officer.

“I’m not confused, and the law is not confused,” he said. “People want to cause confusion. They want to say, ‘you have to keep moving’ still. They still think they can get away with that and they’re not getting away with that.”

Beachgoers, whose right to the shoreline is enshrined in the [Rhode Island Constitution](#), had previously relied on a murky “mean high tide” boundary that was often impossible to determine. Disputes with beachfront homeowners were common.

The new law grants public access up to 10 feet above the seaweed, or wrack line. If there is more than one seaweed line, the line used is the one closest to the water, and if there is no seaweed line at all, access should be measured from the point where wet sand meets dry sand.

“It does draw a line in the sand, as I can say, because now we know what to expect,” said tour participant Stephen Cersosimo of Westerly.



A stake placed by coastal geologist Janet Freedman marks the line between wet and dry sand. This boundary is used to measure 10 feet from the seaweed line if that is not visible, or in this case, unusually high because of storm surge. (Cynthia Drummond/Rhode Island Current)

[Clean Ocean Access](#) Program Manager Casey Tremper said the tour's goal was to enlighten and empower people so they can access beaches with confidence,

“The hope is to visually see that out there today and explain what the high tide line is to everybody, what you would do if there wasn't a wrack line, if you were just working with the highwater mark, and then just kind of getting a visual of what 10 feet would be,” Tremper said.

Sen. Mark McKenney, (D-Warwick), who sponsored the Senate version of the legislation (Rep. Terri Cortvriend, D-Middletown sponsored the House bill), took the tour. McKenney expressed confidence that law will survive any future challenges.

“As far as I'm concerned, it is a final outcome, certainly until we're told otherwise, and I'm not expecting that,” McKenney said. “Very happy to see Judge Smith's decision in the federal court.”

[GET THE MORNING HEADLINES DELIVERED TO YOUR INBOX](#)

SUBSCRIBE

Republish

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our web site. Please see our republishing guidelines for use of photos and graphics.