

# Advocates 'geared up,' anticipating legislation on shoreline access

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A bill is expected to be introduced in the Rhode Island House this month that clarifies where people can be along the shore without creating other restrictions.

by Alex Nunes



Shoreline access advocate Conrad Ferla, right, at a beach protest in South Kingstown on June 26, 2021.

ALEX NUNES - THE PUBLIC'S RADIO

The legislation is expected to come out of a special house commission that was formed last year to address disputes between beachgoers and coastal homeowners that regularly come up in the summer months.

A majority of members agreed at a meeting Thursday that legislation should allow access 10 feet landward from the recognizable high tide line, the point where seashells, seaweed and other debris wash up.

The commission does not plan to push for language that could limit protections specifically to passage along the shore, a proposal seen as favoring property owners that was previously advocated by one commission member.

The Rhode Island Constitution guarantees so-called “shore privileges” to the public, including collecting seaweed, fishing, and leaving the shore to swim. However, it does not specifically outline where those rights apply. For decades, the state has used a standard set in a 1982 Rhode Island Supreme Court ruling that set the cut off at the 18.6-year mean high tide line, which experts and activists say is confusing and insufficient because of sea level rise.

Representative Terri Cortvriend said she and the commission’s other co-chair, Blake Fillipi, intend to introduce a bipartisan bill in the next two weeks that aims to clarify the boundary where public use ends and private property rights begin, while steering clear of establishing rules on what people can and can’t do in that area.

“Blake Philippi and I felt strongly that our charge was to determine the where and not necessarily the what, because the Constitution already does that,” Cortvriend said. “Blake and I are on the same page, and we’re the ones introducing the bill.”

Dennis Nixon, a professor emeritus at the University of Rhode Island, said the changes that are likely to be proposed would effectively restore rights beachgoers lost under the 1982 court decision, known as the Ibbison case, and do not amount to claiming any new rights at the expense of shoreline homeowners.

“We’re not taking anyone’s property away,” Nixon said. “We are simply going back in history, going back 40 years and reclaiming what that Ibbison decision lost for the people of Rhode Island—because it did not strictly follow our history, or our constitution, or even the provisions of our constitutional charter from King Charles II.”

Advocates who want to strengthen shoreline access protections had feared a proposal that focused on passage along the shore could actually end up placing more limitations on the rights of beachgoers, leaving them worse off, even if the boundary line was moved up further away from the water. Now they’re applauding the direction the commission moved in Thursday.

“It just sure is nice when words are met by action, and I think they really came through,” said Scott Keeley, a Charlestown resident who was arrested for trespassing in 2019 while collecting seaweed on the beach in South Kingstown. “Not that we’re done yet, because now is the major push to get this bill accepted and then get it passed into law.”

Keeley said shoreline access advocates plan to continue a letter-writing campaign to state lawmakers after the bill has been introduced. That could include reaching out to every member of the Rhode Island House.

The shoreline access commission evolved out of an earlier bill that sought to address disputes over beach access by exempting people from trespassing charges as long as they stay within a certain distance from the most recent high tide line. That proposal was opposed by property owners and did not get necessary support from lawmakers. Advocates expect resistance to the expected bill to emerge once it’s sent to the House Judiciary Committee.

Commission members are also due to submit a report to state lawmakers outlining their findings from testimony in recent months from Rhode Island residents as well as experts in areas like coastal science, property rights, and marine law.

Already some advocates say they want to seize the momentum they've gained in the last two years and see lawmakers form another commission to address other issues related to shoreline access in Rhode Island.

"There needs to be a shoreline access commission that deals with perpendicular access [to get to the beach], parking near the shore, and everything that goes along with that," said Conrad Ferla, who moderates a popular Facebook group called "Saving RI Coastal Access/Rights Of Way."

He added, "We've been geared up and we're not gonna stop being geared up...When families can truly feel comfortable on the beach without harassment from those who seek to take the shoreline away from Rhode Islanders, that's when I'll relax."

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