

POLITICS

Political Scene: How can shoreline access in Rhode Island be improved? Candidates weigh in

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Over the past few years, demands to improve shoreline access have ramped up across Rhode Island.

Yet the politicians vying to be the state's next governor have been curiously silent on the topic.

To shed some light on where they stand, Political Scene asked each candidate if Rhode Island was doing a satisfactory job of ensuring that residents can exercise their constitutional right to the shoreline — and, if not, what they would do to change that.

Gov. Dan McKee's campaign staff deferred questions to the governor's office, which did not respond by press time. But his challengers — all Democrats so far — had a number of ideas for improving access.

Those ideas varied widely, from continuing to invest in water quality (likely to happen) to abolishing parking fees at state beaches (less likely.) Almost all the candidates indicated that they'd support legislation aimed at clarifying how much of the shoreline is open to the public.

Notably, none of the candidates suggested that the state acquire more waterfront land for public use, which has arguably been the most successful strategy in the past. But several indicated that they'd focus on public rights of way, which offer the only access to portions of the coastline that are dominated by private homes.

Magaziner wants to stop 'bad actors' from blocking access; expand bus service

State Treasurer **Seth Magaziner** said that as governor, he would "work with municipalities to create clearly marked public rights of way for every mile of shoreline in Rhode Island" and "step up enforcement at CRMC to prevent bad actors from blocking access points."

The Coastal Resources Management Council has long held the goal of establishing one right of way for each of Rhode Island's 400 miles of shoreline, but receives no funding for the legal research that's required.

Meanwhile, it's common for existing rights of way to be illegally blocked by shrubbery and fences. As the Boston Globe recently highlighted, the CRMC only has two staffers devoted to addressing those kinds of problems, and they're also tasked with enforcing regulations that involve everything from stormwater to aquaculture to wind energy.

Saying that Rhode Island needed "stronger leadership" on shoreline access, Magaziner also pledged to "expand RIPTA service to ensure strong connectivity between Rhode Island's population centers and shoreline access points."

Foulkes has waterfront home of her own; calls for improvements

Former CVS executive **Helena Foulkes** said that the state needs to "increase the overall number" of public rights of way, and "do a better job of maintaining our existing public access points so they can be enjoyed by all."

She also called for the state to "continue making investments in clean water infrastructure." Currently, pollution caused by sewer overflows often means that beaches in more urban areas are closed for swimming after a heavy rain.

Foulkes pledged to work with legislators to ensure that the CRMC "has the staff and resources needed to carry out their work." She alluded to a need for larger reforms within the agency, expressing a desire to ensure that "permitting decisions are made by professional experts."

Right now, the political appointees who sit on the 10-member council have final say over most CRMC decisions, even though they don't necessarily have experience with coastal issues. A number of the council's votes in recent years have proven highly controversial.

More: Screening committee for coastal council members considered

Foulkes may be the only candidate who has first-hand experience with the CRMC's permitting process: Public records show that she and her husband purchased a \$3.75-million waterfront estate on Ocean Avenue in Narragansett in 2012. Because of their proximity to the coastline, they had to get permission from the CRMC to repair their driveway in 2013, the agency's permit database shows.

But it's safe to say that Magaziner is also familiar with the perspective of coastal homeowners: His parents have a waterfront home on Bristol's desirable Poppasquash Point, not far from Colt State Park.

Gorbea wants investment in CRMC; Munoz wants 'radical' transformation

Secretary of State **Nellie Gorbea** also lives in a waterfront neighborhood — though not directly on the water.

"As a coastal resident of North Kingstown, I know first hand how important it is to be able to walk on the shore," Gorbea said in a statement. "I have fond memories of doing so with my kids or to clear my head. From the beginnings of our state, we as a community made it clear that every Rhode Islander has a right to shoreline access."

Gorbea was the only candidate who explicitly called for increased funding, saying that as governor, she would "invest in governmental entities like the CRMC so that they can better monitor and support responsible shoreline access."

Dark horse candidate **Luis Daniel Munoz**, a Pawtucket resident who described the Warwick neighborhood of Potowomut as his favorite place to enjoy the shoreline, had a very different take.

"I believe that it is time to transform the CRMC, and I call for a new wave of CRMC appointments, and a radical change in staff culture," Munoz wrote in an email.

He cited a number of the appointed council's recent controversies, including "a years-long saga to overrule community objections to a marina on Block Island" and "ignoring the Council's own expert staff when deciding how to bury a power cable off Block Island," appearing to quote from an editorial that he previously authored with Narragansett tribal elder Bella Noka.

More: Opinion/Muñoz and Noka: Coastal management council lacking accountability

The CRMC's professional staff has turned to Roger Williams University law students to help with the legal research for establishing new public rights of way, since the agency itself lacks the funding. Munoz took issue with that strategy, alleging that the CRMC had "displaced accountability, and instead, redirected Rights of Way investigations to graduate students."

Brown proposes regulating fire districts and getting rid of beach parking fees

Former secretary of state **Matt Brown**, a Providence resident who said that he prefers to enjoy the shoreline from the East Bay Bike Path, was the only candidate who opted to discuss his ideas in a phone interview.

During that conversation, Brown made an unusual proposal: Rhode Island should get rid of fees at state beaches.

"They're public beaches, they should be free to all," he said.

State beaches are already free for anyone who wants to walk on — they just charge for parking, with daily rates for residents ranging from \$6 to \$15 a day. (Senior citizens pay \$3 or \$3.50.) Asked if he meant that he wanted to abolish parking fees, Brown confirmed that was his intent.

"Some people aren't going to be able to afford that," Brown said, adding that he also believes there should be more bus routes to take people to the beach, and that the buses should be electrified.

Brown was the only candidate who mentioned that a number of coastal Rhode Island communities are home to fire districts that do not fight fires. Those entities "exist as a loophole for the wealthy to privatize and buy up the shoreline and then block everyone else from getting access to it," he said.

Rhode Island needs to "change the rules" and prohibit fire districts from buying up waterfront property, Brown said.

Most challengers back bill that would prevent trespassing arrests

Political Scene also asked each of the candidates about the bill proposed by **Rep. Terri Cortvriend**, D-Middletown, during the last legislative session, which would have ensured that people couldn't be charged with trespassing for fishing, gathering seaweed, or traversing the shore within 10 feet of the most recent high tide line.

The bill didn't receive a hearing this year and instead was referred to a study committee, which has since heard hours of expert testimony underscoring the fact that it's virtually impossible to determine where the boundary between private and public property lies.

Advocates believe that Cortvriend's bill remains the best way to address that problem. Attorneys who represent coastal property owners, however, have argued that the state can expect to face millions in lawsuits and might have to compensate homeowners for taking their land.

More: How much of RI's shoreline is the public entitled to? Commission seeks clarity

Magaziner, Gorbea and Munoz all said that they would sign the bill into law, describing it as a way to ensure that Rhode Islanders can exercise the rights that they're entitled to under the state constitution.

Foulkes did not commit to a position on the bill. "I look forward to reviewing the recommendations of the committee," she wrote. (Notably, the deed for Foulkes' Narragansett home says that the property extends to "the mean high water line of the Atlantic Ocean.")

Brown said that he would be willing to sign the bill, but would be "pushing for more." In his view, Rhode Island should rewrite its existing laws to grant people access to the entire beach.

"The rule should reflect the common sense meaning of the constitutional right," he said.

Similar suggestions were entertained in the lead-up to the 1986 constitutional convention, but rejected due to fears that the change would be considered a "taking" and require the state to pay hundreds of millions to property owners.

Courts in a few other states like Oregon, however, have declared the entire beach to be public.

Senate majority leader: 'A discussion for another day.'

General Assembly leaders gave little indication of whether they'd support a bill like Cortvriend's when outlining their legislative priorities last week.

House Speaker **K. Joseph Shekarchi** said that he expected legislation to come out of the study commission, and added that there was widespread misinformation about what the changes would mean.

The idea that strangers could set up beach chairs in homeowners' backyards or sue if they get injured are among the common misconceptions, he said.

In a separate interview, Senate Majority Leader **Michael McCaffrey** acknowledged that he couldn't identify where the mean high tide line was. Asked whether the boundary should be changed, he replied, "That's a discussion for another day."

Senate President **Dominick Ruggerio** similarly responded, "I'm not familiar with it so I don't want to comment on it."

With reports from Patrick Anderson and Katherine Gregg.