

RI POLITICS

# R.I. House unanimously passes shore access bill; path in Senate still unclear

The bill would allow people to exercise their constitutional rights below what it refers to as the recognizable high tide line, plus a 6-foot landward barrier.

By [Brian Amaral](#) Globe Staff, Updated June 2, 2022, 6:49 p.m.



Summer draws thousands to Block Island beaches. JONATHAN WIGGS/GLOBE STAFF

PROVIDENCE — The Rhode Island House of Representatives on Thursday unanimously passed legislation that would give people more lateral access to the shore than they get under the law as it's often enforced now. The bill would still have to pass the Senate and be signed by the governor before it actually became law.

The passage, by a 64-0 vote, comes after years of activism from people who say the state's constitutionally enshrined rights to access the shore are being squeezed by private homeowners and a faulty law. Activists prefer to think of the legislation not as an expansion of shore access, but a clarification and restoration of age-old rights.

“This is a big deal,” Topher Hamblett, advocacy director for environmental group Save The Bay, said in an email after the House passed the legislation. “The people of this state now look to the Senate to do the same, and then send the bill to the Governor for his signature.”

The bill would allow people to exercise their constitutional rights below what it refers to as the recognizable high tide line, plus a 6-foot landward barrier. The recognizable high tide line is visible from the last throw of deposits like seaweed and shells.

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Under a controversial 1982 state Supreme Court decision, the line between the public's right of access and potentially private land where people can be arrested for trespassing is the mean high tide line. That's an average of high tide heights over nearly 20 years as it intersects

with the shore — in other words, it's not recognizable at all, at least without scientific instruments. It provides [much less access than people think](#), critics say. And, [some legal scholars have argued](#), it was subtly overturned only a few years later by a state constitutional amendment — an argument the legislation that passed Thursday night explicitly adopts.

The state legislature has considered similar expansions of public access rights in recent years. This is the furthest those efforts have gone. The bill that passed Thursday originated from a House study commission that gathered together legal and scientific experts and two legislators, Democratic state Rep. Terri Cortvriend and Republican Minority Leader Blake Filippi. Over months, the members of the commission concluded that the mean high tide line wasn't compatible with the state's constitutionally guaranteed rights, which include but aren't limited to passage along the shore, swimming, fishing and collecting seaweed.

However, the legislation still faces barriers in the Senate, whose leadership says it is “not a focus at this time.” The Senate hasn't taken up its own version. The Senate could simply pass the House's version to send to the governor, but Senate President Dominick Ruggerio's spokesman says his “focus remains on Senate bills and utilizing our record surplus to provide relief to Rhode Islanders, not on House bills.”

Advocates will try to change that focus. The issue has united groups like beachgoers, hunters and fishers, outdoors enthusiasts and environmentalists who believe that giving people access to the water will help foster a spirit of appreciation and conservation.

Michael Woods, the board chair for the New England chapter of Backcountry Hunters and Anglers, emphasized the unanimous nature of the vote — which should send a message.

“That vote goes to show you that it matters to all Rhode Islanders,” Woods said. “Those same Rhode Islanders who are constituents of the House are also constituents of the Senate.”

Some members did signal concern about one part of the bill: What, exactly, can people do in that 6-foot barrier from the recognizable high tide line? Can they set up a chair? What about a grill?

That's sort of a third rail of coastal access: What specifically are we talking about when we talk about Rhode Islanders' shore rights? The state constitution mentions passage, collecting seaweed, fishing and swimming, but you obviously have to stop to fish, and sometimes you might

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want to sit after a long swim. And people who favor maximal access point out that rights include, but are not limited to, those specified things.

The bill got around that thorny issue by not specifying what people can't do, only what they can do, and where: exercise their constitutional shore rights below 6 feet from the recognizable high tide line.

“It's an excellent bill,” Filippi said. “It resolves many longstanding disputes.”

Still, state Rep. Samuel Azzinaro, a Democrat of Westerly, warned of potential legal disputes arising from the legislation, even as he eventually voted for it.

“I'm just concerned the lawyers are going to make a fortune on this,” Azzinaro said.

“That's OK by me,” responded Democratic state Rep. Robert E. Craven Sr., a lawyer, to laughter in a chamber filled with plenty of other lawyers.

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