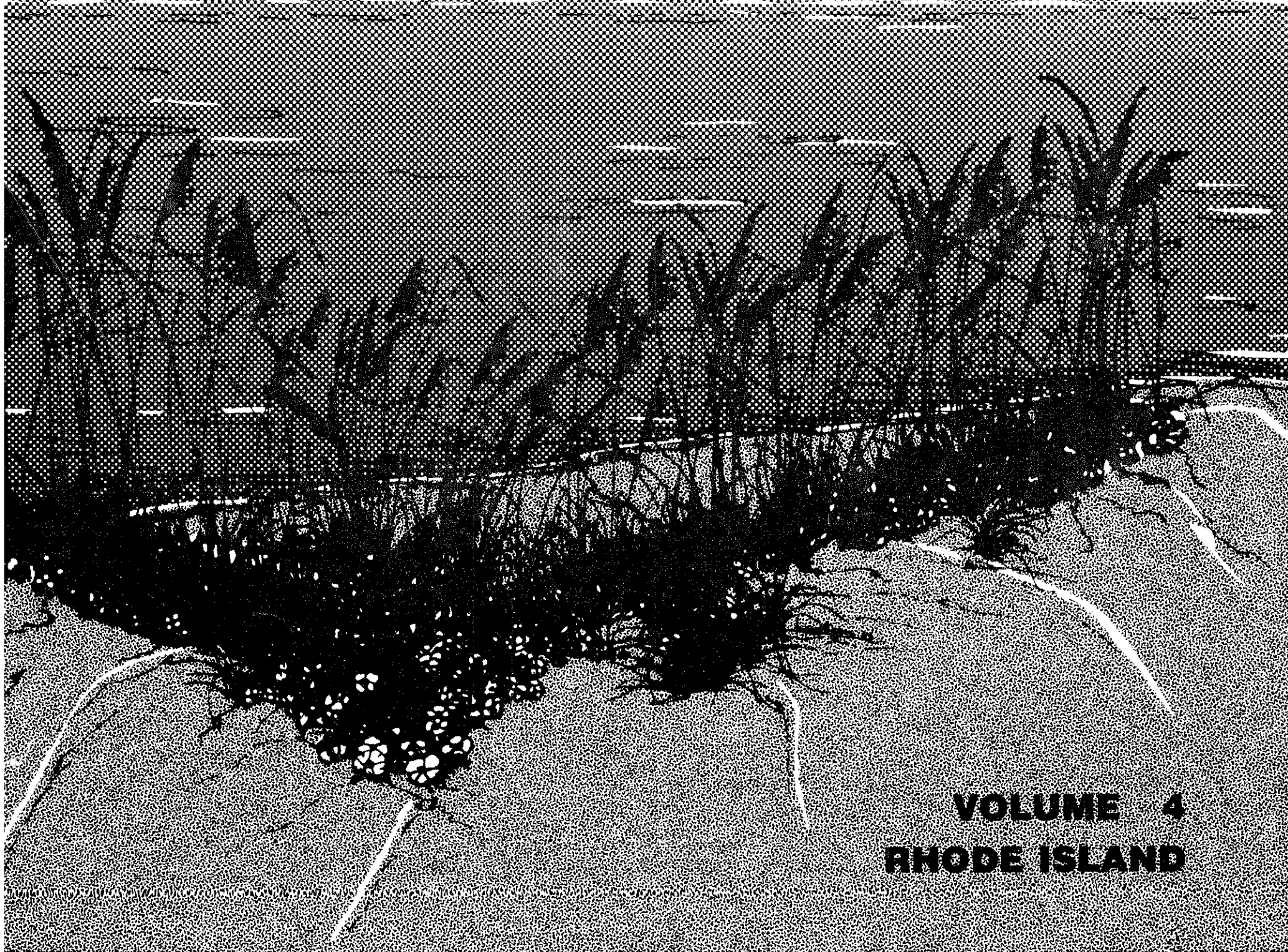


REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

Recommendations for Additions to or Deletions from
the Coastal Barrier Resources System



**VOLUME 4
RHODE ISLAND**

U.S. Department of the Interior



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the Coastal Barrier Resources System**

RHODE ISLAND

Mapped, edited, and published by the Coastal Barriers Study Group

United States Department of the Interior
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1988

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RHODE ISLAND

INTRODUCTION

The Coastal Barrier Resources Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. This atlas of coastal barriers in Rhode Island has been prepared in accordance with Section 10 of CBRA (16 U.S.C. 3509), which states:

Sec. 10. Reports to Congress.

(a) In General.--Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.--The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.--The report required under subsection (a) shall contain--

(1) recommendations for the conservation of fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effects, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, this report has been prepared by the Coastal Barriers Study Group, a task force of professionals representing the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and other Departmental offices.

This volume of the report contains delineations of the existing CBRS units in Rhode Island and delineations of additions to and modifications of the CBRS in this State which the Department of the Interior recommends to the Congress for its consideration.

BACKGROUND

Contained within the 1,028 square miles of Rhode Island is Narragansett Bay, a large bay and estuary that extends 28 miles inland in the eastern part of the State. This arm of the sea gives Rhode Island a much longer shoreline than one would expect for a State of its size. The bay has an extensive shoreline and includes several large islands of which Rhode Island, Conanicut Island, and Prudence Island are the largest. Block Island, some 10 miles south of the mainland in the Atlantic Ocean, is also part of the State. Most of the coastline consists of bay barriers, spits, and, at a few locations, rocky headlands. Within Narragansett Bay there are rocky shores, salt marshes, estuaries, and sand beaches.

After New Jersey, Rhode Island is the most densely populated State (921 persons per square mile) in the Nation. Even though the State's population density is high, most of its interior upland areas are rural and forested, with a relatively sparse population, except for the large urban area at the head of Narragansett Bay.

The State's natural resource base has changed substantially over the centuries. In earlier times, many of the State's forests were cleared for agriculture. During the 20th century, as Rhode Island became industrialized, many farms were abandoned and some have

returned to forest. Wetland plant communities, rare in the State today, were once very common, especially along the coast. Now only 1.5 percent of the land area is classified as wetland. Significant amounts of wetland have been consumed by urban development. The most important natural resource in Rhode Island is Narragansett Bay with its extensive shoreline and its many coves and bays, tidal flats, and marshes. The habitats that Narragansett Bay provides for finfish, shellfish, and waterfowl are extremely important, yet many have been seriously degraded. Salt marshes of cordgrass can be found behind the coastal barriers and along Narragansett Bay. The dune strand, typical of southern New England, is dominated by beach grass, bayberry, beach plum, beach heather, and other coastal shrubs.

Rhode Island's natural resources support a small forestry industry for firewood, a significant fishing industry, recreational hunting and fishing, and some mining. Coastal industries include ship and boat building, tourism, recreation, and marine research. Marine manufacturing is also an important part of this industrial base. Ancient glaciation in the State provided extensive deposits of sand and gravel which today support the small mining industry. Much of the fill on which urban expansion was built, especially in wetlands, came from these glacial deposits. Glacial materials were also re-formed into the coastal barrier system that fringes the Atlantic shore. Block Island, south of the mainland, owes its origin to the glacial period, as do Martha's Vineyard and Nantucket Island further east in Massachusetts. Block Island has eroding sand and gravel bluffs, as well as several sandy beaches which are the results of previous erosion. Though the uplands on Block Island were farmed, traces of natural shrub and heathland vegetation, and small woodlands of black oak and pitch pine still exist.

COASTAL RESOURCE MANAGEMENT

Rhode Island Coastal Resource Management

Until recent years, industrialization and development took precedence over conservation of coastal resources (particularly salt marshes and beaches). Even so, public use of the coastal resources has long been a tradition among Rhode Islanders. The original charter granted by King Charles II on July 8, 1633, gave all subjects in Rhode Island Colony the free right to fish along the coast. The Rhode Island Constitution of 1842 guaranteed this right, and it was further strengthened in 1970 when Section 17 of the Constitution was amended. The State has established a number of parks along the coast, some of them on prime coastal barrier locations. One in particular was created by the Governor on Quonochontaug Beach (opposite Ninigret Pond) after the hurricanes of 1938 and 1954 destroyed the houses there.

In 1965, two laws were passed by the State legislature to protect salt marshes. In 1971, the State's most effective coastal law, the Coastal Resources Management Council Act, was passed. The requirements of the Federal Coastal Zone Management Act (PL

92-583) were incorporated into this 1971 act (G.L.R.I. Title 47, Chapter 23, as amended, Sections 1-16). The State's act set up a Council to administer the funds received through Section 306 of the Federal Coastal Zone Management Act. This Council is directly responsible to the Office of the Governor and has all the authorities for the management, planning, and operational functions of the Coastal Zone Management Act. The Council, appointed by the Governor, Lieutenant Governor, and Speaker of the House, is made up of 17 members, including at least four officials from communities of various sizes along the coast.

Rhode Island's coastal region is defined as including all lands within approximately 1 mile of tidal waters (the inner boundary of the census tract bisected by a line drawn 1 mile inland from tidal waters). Several towns and cities, therefore, fall entirely in this zone. For permitting review, all coastal towns fall within the boundary.

The Council has direct authority over the entire shoreline and those activities that will significantly affect the shore and tidal waters. It has direct permitting authority over all territorial sea, coastal wetlands, physiographic features, and all directly associated areas contiguous to, and necessary to preserve the integrity of, such areas and features. It also has direct permitting authority over a number of specific activities wherever they occur in the State when the Council finds a reasonable probability that a proposal will:

- (1) conflict with a Council management plan or program,
- (2) significantly damage the environment of the coastal region, or
- (3) make any area unsuitable for any uses or activities to which it is allocated by a Council plan or program.

All State agencies are required to cooperate and act consistently with the Council's plans and programs for the coastal region. In addition, the Council's plans for the coastal region are an elaboration of, and are fully consistent with the State Guide Plan. New comprehensive municipal plans must conform with the State Guide Plan.

The Council has a detailed permit review process and is the last step for an in-state permitting procedure. It acts formally on an application only when all local and other State approvals have been obtained. Persons proposing alterations along the shoreline are informed by Council staff or by local authorities when a Council permit is required. Relevant proposed Federal activities are channeled to the Council for review by staff at the Statewide Planning Program. Applications for any activities that may come under Council jurisdiction are forwarded by other State agencies to the Council for review.

The Council's regulations and actions have been very effective in protecting the coastal zone, especially coastal barriers. Council regulations and policies have prevented both damage to coastal wetlands and new residential development on previously undeveloped barrier beaches. New structures on developed

barrier beaches have only been permitted when stringent criteria were met. There has been no new building on sand dunes. The activities most frequently denied continue to be requests to build individual homes.

The following State regulations are in place and fall within the jurisdiction of the Council:

- Activities in Tidal Waters and Coastal Ponds, adopted Sept. 1977.
- Sand Dunes, 1974, amended 1975.
- Beaches and Barrier Beaches, 1974, amended 1975.
- Cliffs, Ledges, Bluffs, Sept. 1977.
- Coastal Wetlands, 1975.
- Flood Hazard Areas, Sept. 1977.
- Erosion Control Measures, Sept. 1977.
- Aquaculture, Sept. 1977.
- Areas in or Contiguous to Public Beaches and Coastal Parks and Historic Resources, Sept. 1977.
- Areas in or Contiguous to Coastal Conservation, Fisheries or Wildlife Management Areas, Public Rights of Way and Public View Sites, Sept. 1977.

Private Sector Initiatives

Harbor Watch is a conservation group that monitors coastal issues in Rhode Island. Before CBRA was enacted, the group and the Town of Little Compton had not considered CBRS unit Sakonnet Harbor Beach as a coastal barrier. Since then, the Town passed an amendment to preserve the barrier, and the Town prohibited construction on a 5,200 square foot lot slated for intensive development. Title to the site passed to the Town during the week of June 22, 1984 (\$23,000 was raised by local residents to protect the barrier).

EXISTING CBRS UNITS

A brief description of each existing Coastal Barrier Resources System unit in Rhode Island

follows. Each unit is identified by its ID code and name (established by Congress in 1982) and the county in which it is located.

D01-Little Compton Ponds (Newport). This unit consists of a cape and four bay barriers fronting ponds of various sizes along the south shore of Little Compton (Rhode Island) facing the Atlantic Ocean. The cape is Sakonnet Point which extends into the Atlantic on the eastern shore of the Sakonnet River. The barriers are quite low and consist primarily of cobbles and gravel. A few have sand dunes, but most are without any substantial dune formations. From east to west these barriers are South Shore Beach on Quicksand Pond, Briggs Beach and Briggs Marsh, Long Pond, and Round Pond.

D02-Fogland Marsh (Newport). There are two subunits in Fogland Marsh. Both are on the Sakonnet River, one on the north and one on the south side of High Hill Point near Tiverton Four Corners. The northern subunit, Fogland Point, in the Town in Tiverton, is a barrier spit with an internal wetland. The southern subunit, mostly in the Town of Little Compton, is a marshland and bay barrier at the entrance to Nonquit Pond. The barrier and marsh connect High Hill Point and Wind Hill.

D02B-Prudence Island Complex (Newport, Kent). This unit consists of a number of barriers including spits and bay barriers in Narragansett Bay near Bristol. Two subunits are on the northern part of Prudence Island. One consists of a small cape protecting an interior pond called Sheep Pen Swamp opposite Patience Island in Sheep Pen Cove. The second is part of a tombolo system connecting sections of Prudence Island and contains beaches protecting Jenny Pond and Nag Pond and their associated marshes. The other subunits are on Hog Island immediately south of Bristol. The one to the west consists of a spit and a smaller marsh island, and the one to the south is a marshland area behind a narrow beach and spit system just east of Southwest Point. The Marsh Point subunit is

CBRS UNITS IN RHODE ISLAND ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Little Compton Ponds	D01	Newport	2.9	1,358.4	284.8
Fogland Marsh	D02	Newport	0.9	194.5	47.2
Prudence Island Complex	D02B	Newport Kent	3.6	300.5	53.0
W. Narragansett Bay Complex	D02C	Washington	0.7	21.1	9.3
Card Ponds	D03	Washington	0.7	128.2	65.7
Green Hill Beach	D04	Washington	0.8	250.2	64.4
East Beach	D05	Washington	0.5	402.4	74.0
Quonochontaug Beach	D06	Washington	1.8	414.2	121.7
Maschaug Ponds	D07	Washington	1.1	92.9	48.0
Napatree	D08	Washington	1.3	1,194.0	120.1
Block Island	D09	Washington	3.4	434.9	170.1
Totals:			17.7	4,791.3	1,058.3

a small cape on the north side of the mouth of the Potowomut River. Narrow beaches protect marshes and a small pond.

D02C-West Narragansett Bay Complex (Washington). This unit contains two capes on the western shore of West Narragansett Bay Passage in North Kingstown. The southern cape is called Casey Point and protects a body of open water behind narrow beaches. The northern cape is Greene Point, which contains beaches, marshes, and some open water.

D03-Card Ponds (Washington). This unit is composed of a bay barrier known as Browning Beach on the east side of a narrow, temporary tidal passage and Moonstone Beach on the west side of the passage. The barrier protects the open water and marshes of Card Ponds. It faces the Atlantic Ocean and is near the village of Matunuck. The barrier has a single dune ridge 10+ feet high.

D04-Green Hill Beach (Washington). This wide, low bay barrier across Green Hill pond has been recently overwashed. It is located between developed uplands (Green Hill on the east and Charlestown Beach on the west) in the Town of South Kingstown. Dunes are low and scattered over the beach as a result of overwashing during past storms. Washover deposits are found in Green Hill Pond. The unit also includes small islands and spits within the pond: Horseneck Point, Goose Island, Jacob Island, and Hog Hill Island, plus two small spits in Flat Meadow Cove.

D05-East Beach (Washington). This unit consists of two subunits on the eastern end of East Beach, a substantial bay barrier consisting of a dune ridge, back-barrier flats, and marshes that protect Ninigret Pond. The unit fronts the Atlantic Ocean and is in Charlestown. A dredged and jettied inlet bisects the barrier at the site of an old natural inlet opposite the U.S. Naval Reservation. The western subunit contains beach, dunes, marshes, and a portion of Governors Island. The eastern subunit includes beach, dunes, and a series of marshes: Marshneck Point, Ward Island, and Heather Island behind the existing inlet into Ninigret Pond.

D06-Quonochontaug Beach (Washington). This large bay barrier connecting Weekapaug Point and Quonochontaug Point protects Quonochontaug Pond. It is located mostly in the Town of Westerly, but a small portion is in Charlestown. The barrier consists of low dunes, grassy flats, and marshes, with an improved road running along the barrier to a dredged opening called Quonochontaug Breachway, the site of a former natural inlet. The western part of the barrier is called Weekapaug Beach and the eastern part in Charlestown is called Quonochontaug Beach. This barrier, along with others on the south shore of Rhode Island, was severely overwashed during the 1938 hurricane and major damage to existing structures occurred. Hurricanes in the 1950's also passed over these barriers. Today, natural dune vegetation and grasslands grow where houses once stood.

D07-Maschaug Ponds (Washington). This bay barrier, with a single dune ridge 10 feet high, protects two ponds: Maschaug Pond to

the west and Little Maschaug Pond to the east. It is on the Atlantic shore between the Villages of Misquamicut to the east and Watch Hill to the west. The unit is just west of Misquamicut State Beach.

D08-Napatree (Washington). This unit contains two sections: Napatree Island and Napatree Beach at the very southwestern corner of Rhode Island, just west of Watch Hill. Napatree Island, also known as Sandy Point, lies between Napatree Beach and Stonington, Connecticut, and protects Little Narragansett Bay. The southeastern end of Napatree Island has shown substantial migration to the northeast during the past 20 years. In effect, it appears to be rotating northeastward with its northwestern end acting as a pivot. Napatree Beach is a tombolo that also protects Little Narragansett Bay. The tombolo is attached at its eastern end to Watch Hill Point.

D09-Block Island (Washington). This unit consists of three subunits on the north and northwest coasts of Block Island. The unit protects Great Salt Pond, Sachem Pond, and Middle Pond. The barriers front on Block Island Sound. The northern part of the unit is a cape called Beach Plum Neck. This area consists of a vegetated dune field with elevations between 10 and 20 feet. The southwestern part of the unit, Gunners Hill, consists of a spit with dunes up to 20 feet and salt marshes behind. This spit is separated from Harbor Neck to the south by a jettied inlet into Great Salt Pond. This area has been called Rhode Island's most magnificent natural area because of its significant ecological, geological, and historical resources. Rare and endangered plants and birds can be found there, including the peregrine falcon and osprey. It is regarded as one of the three most unique areas in North America for bird-watching during the fall migration.

RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitat identified in Rhode Island be added to the CBRS. The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded from the CBRS. Portions of existing CBRS units D02 and D02B are State-protected and a portion of D03 is Federally protected; DOI recommends these areas be deleted from the CBRS. However, if any otherwise protected, undeveloped coastal barrier is ever made available for development that is inconsistent with the purposes of the CBRA, the DOI recommends that it then be automatically included in the CBRS. A complete discussion of DOI's recommendations concerning otherwise protected, undeveloped coastal barriers, including suggested guidelines for acceptable development, appears in Volume 1. Maps of all otherwise protected, undeveloped coastal barriers in Rhode Island appear in the following section. A table summarizing the Department's recommendation on each unit or proposed unit identified in Rhode Island follows this discussion.

The Department of the Interior's recommendations were developed after full consideration of the many public, State and Federal agency, and Congressional comments on the delineations in the Draft Report released in March 1987.

The State of Rhode Island reviewed the 1987 Draft Report and made recommendations on most of the existing and proposed CBRS units in the State. The State supports a CBRS expansion in Rhode Island but opposes excluding otherwise protected coastal barriers from the System. The State's positions on individual CBRS units are discussed in the following section, interspersed with appropriate maps. The State's positions on the DOI's general recommendations are discussed in Volume 1.

The Department received 63 other comment letters concerning Rhode Island. Most of the general letters expressed support for the CBRS expansion and opposition to excluding otherwise protected coastal barriers in the State. Substantive comments concerning

individual existing or proposed CBRS units are discussed and reprinted in the following section, interspersed with the appropriate maps.

Forty-seven letters were received requesting that Easton Beach and Pond be recommended for addition to the CBRS. Easton Beach was proposed unit RI-05 in the 1985 Draft National Inventory. It was not included in DOI's proposed recommendations in the 1987 Draft Report because it is otherwise protected; it is owned by the City of Newport and maintained as a recreation area. Easton Pond is substantially modified and managed to provide the City's water supply.

The State of Rhode Island supports the addition of Easton Beach, but not Easton Pond, to the CBRS. The City of Newport opposes the addition of both areas. Because Easton Beach is otherwise protected and Easton Pond is developed, DOI recommends neither be added to the CBRS.

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN RHODE ISLAND

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
D01	Little Compton Ponds	Newport	1	3.1	1,718	281	Add new areas to existing CBRS unit; modify boundary in harbor to meet DOI criteria
RI-01	Brown Point	Newport	1	0.5	48	12	Add to CBRS
D02	Fogland Marsh	Newport	1	0.4	104	14	South segment: add wetlands to existing CBRS unit. North segment State protected; delete from existing CBRS unit
RI-02	Sapowet Point	Newport	1	1.2	102	36	Add to CBRS
RI-02A	McCurry Point	Newport	1	0.4	15	7	Add to CBRS
RI-05	Easton Beach	Newport	1	—	—	—	Locally protected; <u>not</u> a recommended addition
RI-06	Almy Pond	Newport	1	0.2	57	10	Add to CBRS

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN RHODE ISLAND (CONTINUED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
RI-07	Hazards Beach	Newport	1	0.2	41	11	Add to CBRS
D02B	Prudence Island Complex	Newport Kent Bristol Washington	1 2	6.4	927	215	Sheep Pen Swamp segment of existing CBRS unit; State protected; delete from CBRS. Add new areas to existing CBRS unit
D02C	West Narragansett Bay Complex	Washington	2	1.5	145	43	Add Bissel Cove segment to existing CBRS unit
RI-08	Fox Hill Marsh	Newport	2	0.3	72	4	Add to CBRS
RI-09	Bonnet Shores Beach	Washington	2	0.4	119	26	Add to CBRS
RI-10	Narragansett Beach	Washington	2	0.4	396	20	Add to CBRS
RI-11	Seaweed Beach	Washington	2	0.2	22	6	Add to CBRS
D03	Card Ponds	Washington	2	0.3	105	51	Delete federally protected (FWS) refuge from existing CBRS unit
D04	Green Hill Beach	Washington	2	0.8	515	66	Add new area to existing CBRS unit
D05	East Beach	Washington	2	1.4	1,033	113	Add wetlands and western segment of Charlestown Beach to existing CBRS unit
D06	Quonochontaug Beach	Washington	2	2.1	1,154	165	Add new area to existing CBRS unit
D07	Maschaug Ponds	Washington	2	1.1	93	48	No change to existing CBRS unit
D08	Napatree	Washington	2	1.3	1,194	120	No change to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN RHODE ISLAND (CONCLUDED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
D09	Block Island	Washington	2	3.5	991	188	Add new area to existing CBRS unit
				25.7	8,851	1,436	
Total - CBRS as Recommended							
Existing CBRS				17.7	4,791	1,058	
Net Change in CBRS				+8.0	+4,060	+ 378	

^aUNIT ID CODE - State initials (RI) plus a number identify a proposed new unit. An existing unit is identified by the legal code letter (D) and number established by Congress in 1982.

^bUNIT NAME - For proposed new units, this is a provisional name based on a prominent local feature. For existing CBRS units, this is the legal name.

^cCONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

^dSHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

^eTOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

^fFASTLAND AREA - This acreage is a rough estimate of the portion of the total area that is above the mean high tide line (i.e., the non-wetland area). It is a very general representation of the potentially developable land.

^gRECOMMENDATION - A brief explanation of the Department's recommendations to Congress. For more detailed explanations, see the following section. Abbreviations: FWS = Fish and Wildlife Service, NPS = National Park Service, CBRS = Coastal Barrier Resources System.

STATE COMMENT LETTER



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
STATEWIDE PLANNING PROGRAM
265 Melrose Street
Providence, Rhode Island 02907

1276

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

OFFICIAL STATE POSITION
On the Department of the Interior's
Proposals Pursuant to Section 10 of the
Coastal Barrier Resources Act of 1982

June 19, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
Post Office Box 37127
Washington, DC 20013-7127

Dear Members of the Study Group:

Transmitted herewith are five copies of the "Official State Position" on the proposals by the Department of Interior under Section 10 of the Coastal Barrier Resources Act. This position statement was adopted by the State Planning Council on June 11, 1987.

Please contact me if you need any further information on this matter.

Yours very truly,

Daniel W. Varin
Secretary
State Planning Council

DWV:cac
Enclosures: 5
cc: Ron DiOrto, w/enclosure

Adopted by the State Planning Council
on June 11, 1987

DIVISION OF PLANNING
RHODE ISLAND DEPARTMENT OF ADMINISTRATION
265 Melrose Street
Providence, Rhode Island 02907
(401) 277-2656

PREFACE

The State Planning Council is designated by the Governor to adopt the "Official State Position" on proposals by the Department of the Interior in response to Section 10 of the Coastal Barrier Resources System. These proposals were published in the draft "Report to Congress: Coastal Barrier Resources System, Executive Summary" (March, 1987) and the "Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System, Volume 4, Rhode Island" (February, 1987).

This document presents the "Official State Position" adopted by the State Planning Council on June 11, 1987. A limited amount of background and descriptive material is also included. The process leading to adoption of this position statement began in December, 1983. Preliminary recommendations were forwarded to the Department of the Interior in January, 1984, and an interim "Official State Position" on the Department's "Draft Coastal Barrier Inventory: Rhode Island" (January, 1985) and preliminary "Draft Report to the Congress" (April, 1985) was adopted by the State Planning Council on June 13, 1985. That document contains additional information on the proposals and the review thereof.

Evaluation of the 1987 proposals included discussion at the State Planning Council meetings on April 9 and May 14, and at meetings of the Council's Technical Committee on February 6, May 1, and June 5. Public workshops were held during the afternoon and evening on May 12 in Portsmouth (for east Bay residents) and May 14 in South Kingstown (for west Bay and south shore residents). Comments received are summarized in this position statement. They are available in full for inspection at the Melrose Street Office of the Division of Planning.

This report was prepared by George W. Johnson, Principal Planner and typed by Kim A. Gelfuso, Word Processing Typist.

I. BACKGROUND

A. Coastal Barrier Resources Act of 1982

The Coastal Barrier Resource Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. Under the Act barriers designated by Congress as CBRS units become ineligible for most categories of federal actions, grants and flood insurance that serve to stimulate or assist the development of presently undeveloped or sparsely developed coastal barriers. Certain exceptions are made to the prohibition of federal expenditures for projects which affect a link in a larger network, development of energy resources, military, Coast Guard, and navigation facilities, fish and wildlife and recreation projects, emergency actions, scientific research and non-structural shoreline stabilization projects. The act does not prohibit private development, or development by state and local governments, of designated areas of federal assistance is not involved.

B. Section 10 Study

Section 10 of the CBRA directs the Secretary of the Interior to "prepare and submit to the (congressional) committees a report regarding the System". This study must include recommendations for management alternatives that foster conservation of coastal barriers and recommendations for additions, deletions, or modifications to the system of areas designated in 1982.

As the entity designated by the Governor to represent the State of Rhode Island in the Section 10 study, the Statewide Planning Program has provided recommendations and comments to the Department of the Interior (DOI) on several occasions during the course of the study. In January, 1984, the State Planning Council recommended that 22 areas in Rhode Island be added to the CBRS, that nine additional sites be studied for possible inclusion, and that the boundary of one site be slightly modified. Additionally, two management alternatives were recommended to strengthen the effect of the Act: (1) inclusion of the entire aquatic habitat associated with designated barrier units (as opposed to designation of only the land portion of a barrier), and (2) inclusion of a provision allowing future designation of barrier areas which currently do not meet the undeveloped criteria (less than one structure per five acres of land), but which qualify at some point in the future after their development status is changed by a severe storm or any other means.

The initial draft of the section 10 study and maps showing proposed additions to the CBRS were released by DOI in the spring of 1985. Following a public and staff review process, the State Planning Council adopted, in June, 1985, a comprehensive set of recommendations on the initiatives of the draft study and maps of proposed CBRS additions. In summary, this "Official State Position":

- a. Reiterated the State's previously-expressed recommendation that all aquatic habitat associated with designated barrier areas be included;
- b. Reiterated the State's earlier recommendation that as a matter of policy, presently developed areas be included in the CBRS if they are subjected to significant storm damage which renders them undeveloped.
- c. Recommended that coastal barriers shorter than one-quarter mile in length be eligible for inclusion in the CBRS if specifically recommended by a state.

- d. Supported the DOI proposal to include all "otherwise protected" coastal barriers in the CBRS, conditioned upon a recommendation that certain development projects (limited expansion of recreational facilities and highways, for example) remain eligible for funding if found to be in the public interest and environmentally sound following review on a case-by-case basis.
- e. Recommended that Congress increase funding for federal and/or state acquisition of coastal barrier properties, and for legislative or administrative changes which would require the General Services Administration to give "exceptional merit" status to federal surplus properties on coastal barriers facilitating their transferral without reimbursement to other governmental entities for recreation, conservation and/or wildlife usage.
- f. Supported, with some conditions and recommendations for slight boundary changes, the proposals of DOI for the addition of 40 coastal barrier areas in Rhode Island to the Coastal Barrier Resources System.
- g. Opposed the DOI-recommended addition of one coastal barrier in Rhode Island (Easton's Pond Barrier in Newport) to the CBRS.
- h. Recommended that one coastal barrier not proposed by DOI (McCurry's Point Portsmouth) be added to the CBRS.

- 2

Rhode Island has consistently supported the general principle of including "otherwise protected" coastal barriers in the CBRS out of concern that ownership status of a protected area could change in the future, and mindful that some conceivable public sector developments could be as ill-advised and harmful as private sector development to the resources of the coastal barrier. DOI's identification of a number of state and local recreational beaches as CBRS candidates in 1985 did generate considerable concern over the potential loss of federal assistance for the replacement and expansion of such facilities. The state's 1985 position attempted to balance these concerns against the desire to extend the protections of the Act to these areas by supporting their inclusion while recommending that guidelines be established to permit the continued funding on a case-by-case basis of expanded and new facilities which "serve a public interest" and are "environmentally sound".

STATE POSITION: RHODE ISLAND REITERATES ITS 1985 POSITION SUPPORTING INCLUSION OF "OTHERWISE PROTECTED" AREAS WITHIN THE CBRS AS A GENERAL PRINCIPLE. RHODE ISLAND ALSO RECOMMENDS AMENDMENT OF THE ACT TO EXPLICITLY ALLOW AND ENCOURAGE CONTINUED FEDERAL PARTICIPATION IN PROJECTS TO IMPROVE, REPLACE AND EXPAND EXISTING AND PROVIDE NEW FACILITIES AND INFRASTRUCTURE FOUND NECESSARY TO ALLOW ACCESS AND ACCOMMODATE VISITORS TO PUBLICLY-MANAGED CONSERVATION AND RECREATION AREAS TO THE EXTENT SUCH IMPROVEMENTS AND EXPANSIONS ARE CONSISTENT WITH THE PURPOSES OF THE ACT.

4. Federal Stewardship:

The current DOI proposal describes the utility of federal acquisition as a conservation measure for coastal barriers and documents past accomplishments (nine National Seashore units and 50 National Wildlife Refuges along the Atlantic and Gulf coasts). DOI recommends continued federal acquisition of coastal barrier properties based upon a user fee financing concept, such as embodied in the recently enacted Emergency Wetlands Resources Act. Rhode Island has previously supported expanded federal funding for federal, state, or local acquisition of coastal barriers, and staff believes that the DOI proposal for user-fee based acquisition does not go far enough. Indeed, the recently released "Report of the President's Commission on Americans Outdoors" recommends a federal commitment of \$ 1 billion per year for expansion of outdoor recreational opportunities for present and future generations of Americans. Legislative enactment of such a program could provide additional resources to acquire vulnerable coastal barrier areas for recreational usage and wildlife protection, and endorsement of such a proposal, at least conceptually, should be recommended.

DOI also proposes that excess federal property on coastal barriers which is not currently in the CBRS, be included in the CBRS (if deemed appropriate by DOI in consultation with the General Services Administration) prior to its disposal. Rhode Island has previously recommended that such federal surplus land on coastal barriers be considered as having "exceptional merit" for transferral without reimbursement to federal or state agencies for recreation or conservation purposes.

- 4

II. CURRENT PROPOSALS AND RECOMMENDATIONS

A. Management Alternatives

The (draft) Report to the Congress: Coastal Barrier Resources System (Executive Summary) describes the options that DOI examined the protection of designated coastal barrier units. Those of primary importance to Rhode Island are summarized below and presented with a state position:

1. Associated Aquatic Habitat:

DOI proposes that the original (1982) minimum delineation of aquatic habitat be expanded to include all open water and wetlands protected by the barrier during severe storm conditions. This could include up to a one mile expanse of open water and a five mile expanse of marsh. In Rhode Island, this proposal would have the effect of including more of the coastal ponds and wetlands "behind" the designated barrier. Rhode Island has consistently pressed for an expanded definition of "associated aquatic habitat" in its earlier comments.

STATE POSITION: RHODE ISLAND SUPPORTS DOI'S PROPOSAL TO INCLUDE ALL ASSOCIATED AQUATIC HABITAT WITHIN THE DESIGNATED AREA OF COASTAL BARRIER RESOURCES SYSTEM UNITS.

2. Secondary Barriers:

Secondary barriers include those on large, well-defined embayments such as Narragansett Bay. They resemble oceanic barriers but are generally smaller and more ephemeral. While several barriers were designated within Narragansett Bay at the time of the Act's passage, many others were not, and there has been confusion over whether the Act was intended to apply to such partially sheltered barriers within embayments. DOI finds that the similarities between these barriers and oceanic barriers are compelling and that they should be added to the CBRS.

STATE POSITION: RHODE ISLAND SUPPORTS DOI'S PROPOSAL THAT SECONDARY BARRIERS BE INCLUDED IN THE CBRS.

3. "Otherwise Protected" Coastal Barriers:

Congress initially excluded from the CBRS undeveloped barriers which are "included within the boundaries of an area established under Federal, State or local law, or held by a qualified organization as defined in Section 170 (h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes". In a 1982 report, and again in the initial draft of the Section 10 study and maps released in 1985, DOI advocated including "otherwise protected" coastal barrier areas in the CBRS to enhance their long-term protection, to include privately-held "inholdings" within protected areas, and to remove the inconsistency in the treatment of undeveloped coastal barriers based solely upon their ownership status. In the current draft, DOI retreats from the proposal that all otherwise protected areas be included, proposing instead that only private inholdings within protected areas be "included by reference" in the CBRS, and that any coastal barrier properties held by private non-profit conservation groups be "automatically" included in the CBRS (by some unspecified mechanism), if the group ever proposes to sell the property for development inconsistent with the purposes of the Act.

3

STATE POSITION: RHODE ISLAND RECOMMENDS TO THE CONGRESS THAT ACQUISITION OF UNDEVELOPED COASTAL BARRIERS BE EXPANDED WITHIN THE FRAMEWORK OF NEW FEDERAL COMMITMENT TO PROVIDING FUNDS FOR ACQUIRING LAND AND WATER RESOURCES NECESSARY TO ACCOMMODATE THE NEEDS OF AMERICANS OF THE 21ST CENTURY FOR ACCESS TO AND ENJOYMENT OF THE GREAT OUTDOORS, AS IS RECOMMENDED IN THE REPORT OF THE PRESIDENT'S COMMISSION.

RHODE ISLAND FURTHER RECOMMENDS THAT THE GENERAL SERVICES ADMINISTRATION'S PROPERTY DISPOSAL PROCEDURES BE MODIFIED, LEGISLATIVELY IF NECESSARY, TO REQUIRE THE OFFERING OF SURPLUS FEDERAL LAND ON DEVELOPED COASTAL BARRIERS FOR TRANSFERRAL AT NOMINAL OR NO COST TO APPROPRIATE FEDERAL, STATE OR LOCAL ENTITIES FOR RECREATIONAL OR WILDLIFE PURPOSES.

5. Procedure for Future Designation of Presently Developed Areas:

DOI's draft report does not appear to directly address the question of whether the Act should allow or authorize a procedure for administrative designation of areas which do not currently meet the designation criteria because of their development status, but which might at some future time, should their state of development be reduced by a storm or some other occurrence (such as the conflagration that destroyed a large amusement park/boardwalk on a coastal barrier in New Jersey in June). Having a history of storm-induced transformations of developed coastal areas, Rhode Island has repeatedly argued the need for provision of such a stand-by procedure. DOI, citing the complexities involved in applying the provisions of CBRS to developed coastal barriers, recommends that a joint study be undertaken by DOI, FEMA, and NOAA to develop a more comprehensive approach addressing the question of redevelopment of coastal barriers following major storms in view of sea level rise, erosion, environmental deterioration, and federal subsidization issues.

STATE POSITION: RHODE ISLAND ENDORSES DOI'S CALL FOR A STUDY OF THE BROAD ISSUE OF FEDERAL INVOLVEMENT IN POST-STORM REDEVELOPMENT OF COASTAL BARRIERS, WHILE RECOMMENDING THAT STATES HAVING DEVELOPED COASTAL BARRIERS BE REPRESENTED ON THE STUDY TASK FORCE OR OTHERWISE INCLUDED IN THE STUDY EFFORT.

RHODE ISLAND ALSO RESTATES ITS CALL FOR ESTABLISHMENT OF A PROCEDURE UNDER THE CRBA TO ALLOW ADDITION OF PRESENTLY DEVELOPED COASTAL BARRIER AREAS TO THE COASTAL BARRIER RESOURCES SYSTEM AT THE TIME DEVELOPMENT CONDITIONS CHANGE.

- 5

B. The Coastal Barrier Resources System

A second component of the Section 10 Study requires that the Department of the Interior examine the Coastal Barrier Resources System (CBRS), established by the Congress at the time the law was enacted, and provide recommendations concerning additions, deletions, or modifications to the areas designated.

This portion of the supplement considers the proposals affecting CBRS units in Rhode Island, and provides recommendations for groups of units/candidates where this is feasible.

1. Existing Designated Areas

a. Unaffected by 1987 DOI Proposals and No Public Comments Received:

Unit Name:	Designation:	Location:
Quicksand Pond	D01	Little Compton
Briggs Marsh	D01	Little Compton
Long Pond	D01	Little Compton
Unit Name	Designation:	Location
Round Meadow Pond	D01	Little Compton
Hog Island (2)	D02B	Portsmouth
Prudence Island-Neck	D02B	Portsmouth
Marsh Point	D02B	Warwick
Greene Point	D02C	North Kingstown
Casey Point	D02C	North Kingstown
Maschaug Ponds	D07	Westerly

1985 STATE POSITION: NONE

STATE POSITION: NO ACTION REQUIRED; DESIGNATION TO CONTINUE IN EFFECT.

b) Proposed for Deletion from CBRS by DOI:

Unit Name:	Designation:	Location:
Fogland Point	D02	Tiverton
Prudence Island (Sheep Pen Marsh)	D02B	Portsmouth

DISCUSSION: These areas are proposed for deletion from the CBRS on the basis of being "otherwise protected" through state or local government ownership. However, DOI is not consistent in this regard. Other areas designated in 1982 that are also "otherwise protected" are not proposed for deletion.

COMMENTS RECEIVED: Comments from the Audubon Society of Rhode Island, the League of Women Voters of Rhode Island, the Conservation Law Foundation of New England, and Save the Bay all support the continued designation of otherwise protected coastal barrier areas as a general principle.

Nayatt Point	D02B(addition)	Barrington
Mussel Bed Shoals	D02B(addition)	Portsmouth
Gaspee Point	D02B(addition)	Warwick
Occupassatuxet Cove	D02B(addition)	Warwick
Baker Creek	D02B(addition)	Warwick
Sandy Point	D02B(addition)	Warwick
Pojac Point	D02B(addition)	North Kingstown
Tibbets Creek	D02B(addition)	North Kingstown
Bissel Cove	D02C(addition)	North Kingstown
Bonnet Shores Beach	RI09	Narragansett
Seaweed Beach	RI11	Narragansett
Green Hill Beach	D04(addition)	South Kingstown
Quonochontaug	D06(addition)	Charlestown/Westerly

1985 STATE POSITION: Inclusion of these areas in the CBRS, with several minor boundary changes recommended.

COMMENTS RECEIVED:

- The Town Council of Little Compton reiterated its 1985 position opposing the designation of Brown's Point.
- An attorney representing Hazards Beach, Inc. opposed designation of Hazards Beach (Lily Pond) on the basis of its use as a recreational facility, and the assertion that the Hazards Beach facilities have little or no impact upon the adjacent marshes, and would probably not be significantly expanded in the future.
- An individual affiliated with Hazards Beach, Inc., opposed inclusion of the Hazards Beach, Inc. property within the Hazards Beach (Lily Pond) candidate area based upon the fact that Hazards Beach is backed by a large hill (rather than the pond), and is thus not a part of the geologic barrier.
- An attorney representing the Gooseberry Beach, Inc. requested that the Hazard Beach (Lily Pond) barrier not be designated, citing as justification the state highway traversing the barrier, the limited water exchange between the barrier pond and the ocean, and the assertion that Gooseberry Beach, presently developed with recreational facilities, is limited by deed restrictions to continued operation as a bathing beach.
- Two comments were received from an individual representing the Common Fence Point Improvement Association expressing concern and asking questions relative to the designation process, the effect that the designation of Common Fence Point would have on continuation of federal funding for a previously approved mosquito control program, and whether potential future grants for improvement of recreational facilities within the area would be precluded.

DISCUSSION: Staff feels that Rhode Island's previously-expressed (1985) position to support the broadest legitimate applicability of the CBRA provisions to barrier areas in the state, and consistency with the state's recommendation relative to the inclusion of state and locally-owned public recreational barrier areas should control the question of whether privately-owned areas with recreational facilities are recommended.

STATE POSITION: RHODE ISLAND'S POSITION ON DELETION OF THESE UNITS REFLECTS THE POSITION TAKEN ON THE GENERAL QUESTION OF INCLUSION OF OTHERWISE PROTECTED AREAS IN THE CBRS. RHODE ISLAND OPPOSES THE DEPARTMENT OF THE INTERIOR'S PROPOSAL TO DELETE THESE UNITS.

c) Modification Proposed by Rhode Island in 1985 but not Recommended by DOI; Comments Received

Unit Name:	Designation:	Location:
Sakonnet Harbor	D01	Little Compton

1985 STATE POSITION: Rhode Island recommended that the boundary of this unit be based upon the best available geological data, to wit, the mapping prepared by Dr. Jon Boothroyd. This recommendation would have had the effect of a slight reduction in the size of the land and water areas designated in the unit.

COMMENTS RECEIVED:

- The Town Council of Little Compton reiterated its 1985 recommendation concerning this unit. (This position recommended that the boundary of the unit be modified to conform with a line established by the Rhode Island Coastal Resources Management Council separating water use intensity classifications of the harbor, and the landward projection of that line.)
- Harborwatch, Inc. communicated its belief that acceptance of the Town Council's recommended boundary change would permit development of a dock and result in chronic pollution and environmental degradation of the unit.

DISCUSSION: Refer to 1985 Official State Position, pages 17-20, in which all pertinent issues have been adequately explored.

STATE POSITION: RHODE ISLAND AFFIRMS ITS 1985 RECOMMENDATION THAT THE BOUNDARY OF THIS UNIT BE BASED UPON THE BEST AVAILABLE GEOLOGIC INFORMATION.

2. Candidate Areas

a) Areas Recommended for Inclusion by Rhode Island in 1985 and Endorsed by DOI in 1987 Draft Study

Candidate Name:	Designation:	Location:
Ship Pond Cove	D01(addition)	Little Compton
Round Meadow Pond	D01(addition)	Little Compton
Brown Point	RI 01	Little Compton
Almy Brook	D02(addition)	Little Compton
Almy Pond	RI06	Tiverton
Hazards Beach (Lily Pond)	RI07	Newport
McCurry Point	RI02A	Newport
Common Fence Point	D02B(addition)	Portsmouth
Mussachuk Creek	D02B(addition)	Portsmouth
		Barrington

A slight modification of the western boundary of the Hazards Beach (Lily Pond) candidate unit was recommended by the State Planning Council in its 1985 Official State Position. This modification, which would have had the effect of including the Hazard Beach, Inc. property within the area proposed for CBRS designation, has not been accepted by DOI. Upon analysis of aerial photography, and review of the public testimony, staff supports the delineation of this unit's boundaries as currently proposed by DOI, as a reasonable approximation of the barrier's configuration. (This delineation appears to exclude the structure and most of the property of Hazard's Beach, Inc.)

Staff, while continuing to support designation of the Common Fence Point candidate area, will respond via separate correspondence to the questions raised by the commentor representing the Common Fence Point Improvement Association.

STATE POSITION: RHODE ISLAND SUPPORTS THE INCLUSION OF THESE AREAS, AS THEY ARE DELINEATED IN THE (DRAFT) REPORT TO THE CONGRESS: COASTAL BARRIER RESOURCES SYSTEM, VOLUME 4: RHODE ISLAND, (FEBRUARY, 1987), WITHIN THE CBRS.

b) Areas Recommended for Inclusion by Rhode Island in 1985, but Not Recommended by DOI in 1987, or Recommended with Substantially Modified Boundaries from the Delineations Endorsed by Rhode Island in 1985:

Candidate Name	Designation:	Location
Tunipus Pond	*	Little Compton
Sepowet Marsh	RI02	Tiverton
Sandy Point	*	Portsmouth
Second/Third Beaches	*	Middletown
Rumstick Point/Jacobs Point	*	Barrington/Warren
Prudence Is. - Providence Point	*	Portsmouth
Prudence Is. - Gull Point	*	Portsmouth
Conimicut Point	*	Warwick
Fox Hill Marsh/		
Med. Cal. Cove	RI03	Jamestown
Narragansett Beach	RI10	Narragansett
Sand Hill Cove Beach	*	Narragansett
East Matunuck Beach	*	Narragansett/South Kingstown
Trustom Pond	*	South Kingstown
East Beach	D05(addition)	Charlestown
Misquamicut Beach	*	Westerly
Napatree Point/		
Watch Hill Cove	*	Westerly
Block Island/Great Salt Pond	D09(addition)	New Shoreham

* Not included as candidate in 1987 DOI draft. Refer to 1985 preliminary DOI draft and 1985 official state position for designation code.

1985 STATE POSITION: Rhode Island endorsed the inclusion of these areas in the CBRS, while noting that many of the sites include public recreational beach facilities, highway segments, and other public facilities that should remain eligible for federal assistance on a case-by-case basis if public need and environmental consistency criteria are met.

COMMENTS RECEIVED:

- i. The Planning Director of the City of Warwick noted the Planning Department's concern that the entire portion of the (proposed) Conimicut Point designation had been dropped from consideration by DOI on the grounds that the area was locally protected. The City notes that while a portion of Conimicut Point is a city park, the exclusion of sizable areas of privately-held developable land on the southern side of the point will encourage development, and requests reconsideration of designation of these areas.
- ii. The Town of Middletown Conservation Commission comments that the Sachuest Point Barrier (Second and Third Beaches) should be reinstated in the CBRS, and contests DOI's assertion that the entire area is federally-protected.
- iii. The Town Council of Little Compton reasserts its 1985 position opposing the designation of Tunipus Beach on the grounds that the area is the town's recreational beach.
- iv. Easton's Point Association, Inc. asserts that a major portion of the Sachuest Point (Second and Third Beaches) Barrier is not federally protected (as stated in the Draft DOI study), and supports inclusion in the CBRS as the "only hope that the entire area will be uniformly considered and protected in the years ahead".

DISCUSSION: The deletion of these areas as candidates and discrepancies between the delineations proposed in 1985 and the present proposal appear in all cases to result from the application of DOI's new policy of not recommending the inclusion of "otherwise protected" barrier areas. As has been discussed previously, the "new" approach conflicts with Rhode Island's 1985 recommendation on the general question of protected areas, and with the previous state recommendations for each (of these) specific areas. Application of the new DOI "otherwise protected" exclusion rule has in many cases, as the comments from the City of Warwick document, resulted in the dropping of unprotected (e.g. subject to development) private land as well as the "otherwise protected" parcels.

STATE POSITION: RHODE ISLAND PROTESTS DOI'S DELETION AND/OR DRASTIC MODIFICATION OF THE BOUNDARIES OF THESE CANDIDATE AREAS AND RECOMMENDS THAT DOI REINSTATE THESE AREAS, AS THEY WERE DELINEATED IN THE JANUARY, 1985 COASTAL BARRIER INVENTORY, FOR INCLUSION IN THE CBRS BY THE CONGRESS.

c. Other Candidate Areas Upon which Comments were Received:

Candidate Name	Location
Easton's Beach/Pond	Newport/Middletown

1985 STATE POSITION: Rhode Island recommended that this area not be added to the CBRS, on the grounds that the barrier had been significantly modified by human activities to serve important local purposes. ("It has been raised to form a dike protecting Easton's Pond. It is traversed by a four-lane divided road and utility lines. One or more permanent structures have been constructed on the beach. The ponds are an integral part of the Newport water supply system and are managed for this purpose rather than as

aquatic habitat. This water supply system has serious quantity and quality problems that are currently under study. The solutions ultimately devised can range from substantial modification of Easton's Pond to its abandonment as a surface reservoir. The availability of federal funds to assist any improvements to the water system cannot be determined at this time, but the opportunity to use such assistance should not be foreclosed. The State Guide Plan recommends that existing supplies be maintained wherever possible.")

COMMENTS RECEIVED:

- i. The Mayor of Newport reiterated the City's (1985) position that Easton's Beach not be included in the CBRS. The City's position is that the development of the barrier and the alteration of the ponds to accommodate the City's water supply render it ineligible for inclusion in the CBRS. The City also feels that DOI acted appropriately in recommending that Easton's beach be dropped from consideration because it was otherwise protected. While acknowledging that the draft DOI study erroneously listed the barrier as "state protected", the City recommends that this be corrected to "locally protected with no further consideration necessary". The City requests that the State Planning Council reaffirm its position that Easton's Beach not be included in the CBRS.
- ii. Easton's Beach and Pond Association, Inc., citing overwhelming opinion among residents of Newport and Middletown, strongly urges the State Planning Council to reconsider its former Official State Position and to recommend that DOI include Easton's Beach and its two associated ponds within the CBRS. The Association submitted lengthy documentation including exhibits supporting the fact that DOI acted erroneously in listing the area as "state protected" in the 1987 draft study; materials demonstrating the wildlife values of the barrier's ponds (a list of over 100 species of waterfowl and other birds observed frequenting the pond); and excerpts from documents and studies prepared by or for the City of Newport bolstering the Association's contention that City ownership of the area should not be construed as "protection", notably a 1984 consultant's Master Plan for Newport Beach which presented a range of options ranging from "do-nothing/minimal maintenance" to a "long-term development" including construction of a public parking deck with upper level commercial uses and air rights development. The Association acknowledges that the City is presently pursuing the study's middle option—a modest upgrading of existing public beach facilities at Easton's Beach, but is concerned about pressure for more intensive development in the future.
- iii. Easton's Point Association, Inc. requested that the State recommend inclusion of Easton's Beach in the CBRS with a boundary configuration as recommended in the staff recommendation to the State Planning Council in 1985. (Note: this configuration proposed the addition of the portion of the barrier situated in the Town of Middletown to the area proposed for designation.)
- iv. Several other interest groups including Save the Bay, Audubon Society of Rhode Island, and Conservation Law Foundation of New England also specifically support inclusion of Easton's Beach in the CBRS and urged the state to so recommend to DOI.
- v. Brief written statements of support for inclusion of Easton's Beach/Pond within the CBRS were received from 20 individuals.

- vi. One written statement from an individual opposed to designation of Easton's Beach/Pond on the grounds that the City has given a great deal of consideration to the capital improvement needs of the beach facilities, the fact that the beach is locally protected, and that the beach is moderately developed.

DISCUSSION: Staff believes that the question of designation of Easton's Beach/Pond should pivot on two issues; whether the area could be designated. Both questions are admittedly close, judgemental calls. On the first question, the barrier admittedly has been substantially modified by man's activities and for man's purposes. The test under the Act and DOI's criteria, however, is whether the effects of man's activities significantly impede the barrier's geomorphic and ecologic processes. Absent detailed field investigation, DOI based its determinations on this point on the presence or absence of four readily observable features: (a) extensive shoreline stabilization, (b) pervasive canal construction and maintenance, (c) major dredging projects and erosion, and (d) extensive capitalized projects such as condominiums which evidence a commitment to stabilization of the area. On the basis of these criteria, staff concludes that Easton's Beach/Pond should qualify for designation, a conclusion borne out of DOI's identification and mapping of the area in 1985.

The second question requires balancing the public interest in insuring long term protection of area's resources and avoidance of unwise development in an extremely hazardous location, against the City's very legitimate interest in protecting its investment in the public facilities in the area and its ability for enhancing the appropriate public usage of the area's resources in the future. Staff believes that the language and the exceptions of the Act which specifically authorize maintenance, repair and replacement of public recreational facilities, and allow funding under the Land and Water Conservation Fund offer sufficient safeguards so as not to unduly prejudice the City's opportunities to continue to enjoy federal participation in the modest upgrading program underway at its Easton's Beach facilities should the area be designated a part of the CBRS. Designation would likely constrain federal participation in larger scale developments, and would preclude federal flood insurance for private sector development on the barrier—constraints that should not be viewed as undesirable from the standpoint of protecting the barrier's resources and avoiding undue flood risks. Supporting designation of the beach also would be consistent with the general policy advocated by Rhode Island that otherwise protected areas be included in the CBRS.

The importance of the ponds associated with the barrier as the City's primary water supply reservoirs is a separate matter, and a more significant one for the State's consideration in staff's opinion. Staff continues to believe that it is important not to foreclose any possibilities of federal involvement in eventual solutions to upgrade the water supply system which require continued reliance upon Easton's Pond. The City's recent commitment to invest \$10 million in upgrading the water treatment plant reinforces this concern.

STATE POSITION: RHODE ISLAND SUPPORTS THE INCLUSION OF THE LAND PORTION OF THE EASTON'S BEACH BARRIER, INCLUDING THE PORTION OF THE BARRIER SITUATED WITHIN MIDDLETOWN, BUT RESERVES ENDORSEMENT OF INCLUSION OF THE ASSOCIATED AQUATIC HABITAT OF EASTON'S AND GREEN END PONDS UNTIL LONG RANGE WATER SUPPLY PLANS AND SOLUTIONS FOR NEWPORT AND AQUIDNECK ISLAND HAVE BEEN FORMULATED.

A map of the area included in this recommendation follows.

OTHER GENERAL COMMENT LETTERS CONCERNING RHODE ISLAND



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

1346

Department of Environmental Management
OFFICE OF THE DIRECTOR
9 Hayes Street
Providence, R.I. 02908

June 23, 1987

Coastal Barriers Study Group
National Park Service
US Department of the Interior
PO Box 37127
Washington, DC 20013-7127

Dear Sirs:

Thank you for providing the State of Rhode Island the opportunity to review the U.S. Department of the Interior's executive summary of the "Draft Report to Congress -- Coastal Barrier Resources System." The Honorable Edward D. DiPrete has requested that the R.I. Department of Environmental Management comment on these recommendations.

Our Department has reviewed the executive summary and finds the proposed recommendations to be well thought out and timely. We concur with the Department of Interior's recommendations, in general, but have further comments on two items, as follows:

- I. "Otherwise Protected" Coastal Barriers, Item D, page 9.

Undeveloped coastal barriers that are included within the boundaries of an area established under Federal, State or local law, or held by a qualified (conservation) organization are currently excluded from the CBRS. Since approximately one-third of the Atlantic and Gulf coasts falls into this protected category, it is our opinion that this considerable resource merits the additional protection afforded by the Coastal Barrier Resources Act. The effectiveness of state and federal law in protecting these barriers differs from region to region, as do the goals of conservation organizations. "Otherwise Protected" coastal barriers should be included in the CBRS, and waivers granted, when appropriate, to allow Federal subsidies for development necessary to allow access and accommodate visitors to publicly-managed conservation or recreation areas.

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- II. Conservation of Atlantic and Gulf Coast Barriers: The Next Step, page 20.

The Rhode Island Department of Environmental Management concurs with the Department of the Interior's position that alternative guidelines must be developed for reconstruction on barrier beaches following storms and hurricanes. This issue is one of the most critical in the management of coastal resources; federal guidelines through legislation and policy should be in place to prevent repetition of past problems. It seems inevitable that developed barrier beaches will suffer catastrophic storms in the future. In those areas where the destruction resulting from such storms demonstrates the unsuitability of the barrier for redevelopment, consideration should be given to including the area in the CBRS and henceforth protecting it as undeveloped.

Thank you for your consideration of our comments.

Sincerely,

(Robert L. Bendick, Jr.)

Robert L. Bendick, Jr.
Director

RLB:lmh
L30RB
cc Honorable Governor Edward DiPrete
Victor Bell

984

SAVE THE BAY

June 18, 1987

Coastal Barrier Study Group
U.S. Department of the Interior
National Park Service - 498
P.O. Box 37127
Washington, DC 20013-7127

Dear Sirs:

The following comments are submitted to the Coastal Barrier Study Group on behalf of Save The Bay, Inc., Providence, Rhode Island, regarding the Report To Congress: Coastal Barrier Resources System, Proposed Recommendations For Additions to or Deletions From the Coastal Barrier Resources System, Feb. 1987, Vol.4, Rhode Island.

Our prime concern is that a significant number of eligible barrier beaches in Rhode Island (11) are either being deleted from the CBRS or are receiving no further consideration because they are "otherwise protected" by either the state or local government. In his 1982 "Report to Congress on Undeveloped Coastal Barriers" the Secretary of the Interior recommended that "otherwise protected" coastal barriers be included in the CBRS. Save The Bay strongly supports this recommendation - all eligible "otherwise protected" barrier beaches should be included in the CBRS.

Experience has shown that we can not necessarily depend on the state, or especially not local government to provide long-term protection to environmentally sensitive areas. Pressures on state agencies to increase revenues to support recreational programs could possibly result in expansion of existing facilities at State beaches that may be contrary to the long-term conservation of a barrier beach. Additionally, although the Rhode Island Coastal Resources Management Program places many restrictions on developing barrier beaches, the program does contain provisions for the granting of variances and special exceptions for prohibited activities. Save The Bay believes that neither state ownership or the Coastal Resources Management Program guarantee long-term protection for these fragile areas.

Local protection is even more unstable, since local policies and plans are susceptible to change with each local election. A case in point is RI-05, Easton's Beach, which is incorrectly identified in the report as being state protected. Easton's Beach is owned by the City of Newport. In the Newport Master Beach Plan, which is an active long-term development plan, six options are outlined for Easton's Beach. The present city council has undertaken a modest improvement program for the beach. However, future city councils could choose to develop other options which include construction of a 9-hole mini golf course, use of the Rotunda for either a 350-seat performing arts center or full service restaurant, or building a high-rise hotel including a public parking deck and upper level commercial uses. Does "local protection" really afford a coastal barrier sufficient long-term protection? The answer is quite simply "No!" Therefore, we strongly recommend that as a general principle all eligible "otherwise protected" coastal barriers in Rhode Island be added to the CBRS.

Our additional comments regarding the report and the Department of the Interior's (DOI) proposals can be summarized as follows:

1. We protest DOI's deletion and/or drastic modification of the boundaries of the following candidate areas and recommend that they reinstate these areas, as they were delineated in the January 1985 Coastal Barrier Inventory:

Candidate Name	Location
Tunipus Pond	Little Compton
Sepowet Marsh	Tiverton
Sandy Point	Portsmouth
Second/Third Beaches	Middletown
Rumstick Point/Jacobs Point	Barrington/Warren
Prudence Is. - Providence Pt.	Portsmouth
Prudence Is. - Gull Pt.	Portsmouth
Conimicut Point	Watwick
Fox Hill Marsh/Mackerel Cove	Jamestown
Narragansett Beach	Narragansett
Sand Hill Cove Beach	Narragansett
East Matunuck Beach	Narragansett
Truston Pond	South Kingstown
East Beach	Charlestown
Misquanicut Beach	Westerly
Napatree Pt./Watch Hill Cove	Westerly
Block Is./Great Salt Pond	New Shoreham

2. We support DOI's proposal that secondary barriers be included in the CBRS.
 3. We support DOI's proposal to include all associated aquatic habitat within the designated area of a coastal barrier unit.
 4. We endorse DOI's call for a study of the broad issue of federal involvement in post-storm redevelopment of coastal barriers, and that states having developed coastal barriers be included in the study effort.
 5. We support the inclusion of the Great Lakes and the Pacific Coast in the CBRS. These areas are plagued by sea and lake level rises, flooding, wind-driven wave damage and erosion. Therefore, it would be consistent to include these areas in the system.
 6. We oppose the deletion of military and Coast Guard lands from the system. We believe that military barriers need protection from unnecessary development as much as barriers on private lands.
 7. We support the DOI's proposal regarding the clarification and strengthening of federal funding guidelines and restrictions.
- In conclusion, Save The Bay believes that multiple layers of protection are the soundest approach to the long-term protection of coastal barriers. It is only through their inclusion in the CBRS that we can be assured that these environmentally sensitive areas will be guaranteed long-term conservation and protection.

Sincerely,

Trudy Cox
Trudy Cox
Executive Director
Save The Bay, Inc.

LEAGUE OF WOMEN VOTERS OF RHODE ISLAND
100 LAFAYETTE STREET, PAWTUCKET, RI 02860
723-8230
723-1530

677

May 28, 1987

The Coastal Barrier Study Group
U.S. Department of the Interior
National Park Service, P.O. Box 37127
Washington, D.C. 20013-7127

Re: Proposed Changes in DOI's Coastal Barrier Resources System

Dear Sirs:

The League of Women Voters of Rhode Island wishes to comment on William P. Horn's "Draft Report to Congress: Coastal Barrier Resources System/Executive Summary" published in March, 1987, by the Coastal Barrier Study Group of the U.S. Department of the Interior (hereafter called A); and Horn's "Draft Report to Congress: Coastal Barrier Resources System/Volume 4/Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System/Rhode Island..." published in February, 1987, by the Coastal Barrier Study Group (hereafter called B).

We are glad you propose expanding DOI's Coastal Barrier Resources System to protect 1,150.69 miles of undeveloped shoreline in the United States as a whole (A, p. 10) and 25.26 miles of undeveloped shoreline in Rhode Island (B, p. 7).

We also are glad you propose to include in the System: 1) the aquatic habitats associated with these shorelines (A, p. 9, para. 3; B, p. 5, para. 5) and 2) secondary barriers like those in Narragansett Bay (A, p. 9, para. 4 and 5).

We urge you to include in the DOI System "otherwise protected" (A, p. 9, para. 5 et seq.; B, p. 6, para. 4 et seq.) undeveloped coastal barriers and their associated aquatic habitats; the nature of the site—not its ownership—should determine the type and extent of its development.

We also urge you to provide for future designation of barrier areas not now meeting the "undeveloped" criteria, which will meet them after a severe storm or other disaster destroys a significant amount of the developments on them (A, p. 23, last para.; B, p. 6, last para. et seq.).

We in the Rhode Island League of Women Voters are particularly interested in the issues raised in Documents A and B because:

- 1) Our members have worked long and hard to protect sensitive and critical areas from unmitigated development;
- 2) We supported the 1982 Act co-sponsored by R.I. Senator Chafee which presently prohibits federal subsidies for development and makes flood insurance unavailable along 666 miles of barrier beaches on the Atlantic and Gulf coasts; and
- 3) Rhode Island's coastal communities are under intense pressures from developers who want to build condominiums and marinas on their waterfronts—see the enclosed article from the April 12, 1987, issue of the Providence Sunday Journal.

Thank you for soliciting our comments.

ain for JD & DR

copies to:
Daniel Varin, Chief, R.I. Statewide
Planning & Program
Ellen Greiner, Chair, Water Issues,
LWV-RI

Yours truly,
Judith E. Damuth
Judith E. Damuth, Pres.
M. Derwent Ridd, Pres. Bristol
League of Women Voters

CLF

Conservation Law Foundation of New England, Inc.

622

3 Joy Street
Boston, Massachusetts
02108-1497
(617) 742-2540

May 29, 1987

Coastal Barriers Study Group
U.S. Department of the Interior
National Park Service - 498
P.O. Box 37127
Washington, D.C. 20013-7127

Re: Draft Section 10 Report to Congress and Proposed
Recommendations for the Coastal Barrier Resources
System (52 Fed. Reg. 9618-9619, March 25, 1987)

Dear Sir/Madam:

The Conservation Law Foundation of New England, Inc. (CLF) is pleased to submit the following comments on the Coastal Barriers Study Group's Draft Report to Congress and its proposed recommendations for additions to and deletions from the Coastal Barrier Resources System (CBRS) and for conservation of the CBRS' natural resources under Section 10 of the Coastal Barrier Resources Act (CBRA). CLF is a non-profit, public interest, environmental law organization dedicated to the conservation and preservation of New England's environment, including its coastal resources.

CLF also submitted comments on the Coastal Barriers Study Group's draft maps, definitions, and delineation criteria for the CBRS in 1985. We attach a copy of those comments and incorporate them by reference.

I. Proposed Recommendations for Additions to or Deletions from the CBRS

A. Geographic Scope

CLF supports the proposed inclusion of the Florida Keys, Puerto Rico, and the Virgin Islands in the CBRS. The ecological and mainland protection values of the barriers in these areas, combined with the severe development pressures they are experiencing, make their inclusion in the CBRS timely and essential.

We are disappointed, however, by your decision not to recommend the inclusion of the Great Lakes and Pacific Coasts in the CBRS. The initial inventory included 269 units from these regions. Barriers along these coasts perform the same beneficial

functions, provide similar fish and wildlife habitat, and experience the same storm damage/subsidized reconstruction cycles as the rest of the nation's coastal barriers. Their inclusion in the CBRS would be consistent with both the interests enumerated in the CBRA and the Department's proposal to expand the definition of a "coastal barrier" to include geological formations that are different from the originally protected areas of the Atlantic and Gulf Coasts but function as coastal barriers (see Section I.C below). We urge you to reconsider your decision and to recommend inclusion of the Great Lakes and Pacific Coasts in the CBRS.

B. Associated Aquatic Habitats

CLF welcomes the proposed recommendation to include all associated aquatic habitats in the CBRS. Their inclusion would recognize their inseparability from the other parts of coastal barrier ecosystems and eliminate the inconsistency between the CBRA's definition of "undeveloped coastal barrier" (which includes associated aquatic habitats) and the extent of the existing CBRS.

C. Secondary Barriers

As a New England organization, we are particularly pleased to see the proposed recommendation to include secondary barriers in the CBRS. Large embayments such as Long Island Sound, Narragansett Bay, and Buzzards Bay in Massachusetts provide many examples of secondary barriers, which, while generally smaller than high-energy barriers exposed to the open ocean, nevertheless perform all the functions of other coastal barriers.

D. "Otherwise Protected" Coastal Barriers

CLF supports the inclusion of all eligible "otherwise protected" areas in the CBRS. To that end, we support the proposed recommendation to include all privately owned areas within conservation or recreation areas established by federal, state, or local law (inholdings), in the CBRS, as well as any land held for conservation purposes by private groups if the land is later sold for development. Moreover, we urge you to work with Congress on developing your suggested amendment to the CBRA that provides for guidelines to aid in determining whether development in such inholdings is consistent with the interests of the Act. However, we firmly believe that the proposed recommendation does not go far enough, and that inclusion of "otherwise protected" areas within the CBRS is desirable.

It is not safe to assume that all federally supported projects in these "otherwise protected" areas will be consistent with the conservation goals of the CBRA. A prime example in New England is the Fish and Wildlife Service's proposal several years

ago to build a large headquarters and visitor center within the Parker River National Wildlife Refuge on Plum Island, Massachusetts. It took a combination of lengthy negotiations between the government and a coalition of environmental groups (including CLF), congressional intervention, and financial assistance from a private conservation organization to convince the Fish and Wildlife Service to site its building at an off-island location. A more current example is the proposal by the Assateague Island National Seashore in Maryland to spend millions of dollars on a beach nourishment project in an attempt to stop erosion along the northern portion of the island -- a project with little chance of long-term success and whose primary immediate beneficiaries will be private developers who want to build in high-hazard floodplain areas on the mainland.

"Otherwise protected" areas should be included in the CBRS, with appropriate guidelines that allow federal expenditures within these areas but restricts it to those projects that are consistent with the interests of the CBRA.

E. Expansion of the Definition of "Coastal Barrier"

We fully support an expanded definition of "coastal barrier" to include landforms that function as coastal barriers but are not composed entirely of unconsolidated sediments. Among the areas that would be added to the CBRS under the broadened definition are the granitic bedrock outcroppings and glacial deposits that are so common in New England.

F. Proposed Additions/Deletions in New England

As noted above, we have attached a copy of our comments on the 1985 draft maps, definitions, and delineation criteria. Those comments contained detailed discussions of our views on the proposed additions and deletions to the CBRS in New England. We ask you to refer to those comments, and offer the following additional comments.

1. Maine

We reiterate our support for maximum protection of coastal barriers in Maine, particularly along the southern coast, where development pressure is greatest.

2. New Hampshire

We are informed by the New Hampshire Office of State Planning that Wallis Sands Beach and Rye Harbor (NH-01 and NH-02), which were included in the 1985 inventory, have been eliminated from further consideration because they are already developed. This differs from the reason given previously by Governor Sununu and the Office of State Planning for eliminating

these units, i.e., that they are not coastal barriers (letter from Governor John H. Sununu to Secretary James Watt, March 31, 1983; letter from David G. Scott, Acting Director, Office of State Planning to J. Craig Potter, March 20, 1985). We suggest that the Coastal Barriers Study Group reexamine the available information about these units and the reasons for eliminating them from further consideration.

The remaining units in the 1985 inventory (NH-03, NH-04, and NH-05) have evidently been excluded because they are "otherwise protected." Mr. Scott's 1985 comments on one of these areas, Hampton Beach State Park (NH-05) referred to the consequences of inclusion in the CBRS on "future development of the State Park." This underscores the importance of including such areas in the CBRS.

3. Massachusetts

CLF supports all proposed recommendations for expansion of the CBRS in Massachusetts. The decision to exclude all "otherwise protected" areas is felt strongly in the Commonwealth, affecting such areas as the Parker River National Wildlife Refuge (MA-02), portions of the Cape Cod National Seashore (MA-17, MA-18, MA-19, and MA-20), the Monomoy National Wildlife Refuge (MA-21), and Waquoit Bay (C-18).

4. Rhode Island

We reiterate our support for maximum inclusion within the CBRS, especially in the vicinity of Little Compton and the Sakonnet River, including Little Compton Ponds (D-01), especially Tunipus Pond and Briggs Marsh; Brown Point (RI-01); Fogland Marsh (D-02); Sapowet Point (RI-02); Sandy Point (RI-03); Almy Pond (RI-06); Hazards Beach/Lily Pond (RI-07); Green Hill Beach (D-04); East Beach/Charlestown Beach (D-05); and Misquamicut Beach (RI-14). We oppose any deletion from the Little Compton Ponds unit (D-01). In addition, we urge full inclusion of Easton's Pond (RI-05).

5. Connecticut

Once again, we support full inclusion of all identified eligible areas in Connecticut. We echo the comments of the Connecticut Coastal Zone Management Program, which has called for inclusion of all "otherwise protected" areas with appropriate guidelines for allowable projects. Connecticut would especially benefit from adoption of the proposed recommendation to include secondary barriers in the CBRS.

10. Proposed Conservation Recommendations

A. Deletion of Military and Coast Guard Lands

Buried in the draft report's section on "Federal Stewardship: The Acquisition Alternative" is the proposed recommendation that the areas currently included in the CBRS on military and Coast Guard lands be deleted. We reject this proposal, and the underlying assumption that all military spending is essential for national security. Coastal barriers owned by the military and the Coast Guard are no different from other undeveloped coastal barriers, and need and deserve just as much protection from unnecessary development. We call on you to drop this proposed recommendation and keep the military and Coast Guard on an equal footing with private landowners and other federal agencies. Environmental laws should apply equally to all parties, public and private.

B. Application of Section 5 Funding Prohibition to Projects Outside the CBRS that Benefit CBRS Units

CLF agrees with your conclusion that Section 5 of the CBRA prohibits federal financial assistance to any project that serves a CBRS unit, even if the project is located outside the CBRS unit in question. We applaud your recognition that federal financial assistance to such projects is inconsistent with the purposes of the CBRA, since they subsidize the very sort of coastal barrier development that the CBRA seeks to discourage.

C. Deletion of the "Essential Link" Language of Section 6(a)(3)

CLF supports the proposed recommendation to eliminate the loophole provided by Section 6(a)(3) of the CBRA. We agree that Section 6(a)(6)(F) better protects the interests of the CBRA by restricting the repair, replacement, or reconstruction of roads and other public facilities within the CBRS to projects that are consistent with the conservation purposes of the CBRA.

D. Restrictions on Dredged Material Disposal

CLF also supports the proposed recommendation to amend Section 6(a)(2) of the CBRA to require that dredged material disposal within the CBRS be consistent with the conservation goals of the CBRA. The amendment would close another potential loophole.

E. Deletion of the OMB Certification Requirement of Section 7

While we agree that the Office of Management and Budget is ill-equipped to monitor federal agency compliance with the CBRA

because it lacks the capability to audit agency spending, we do not think that the solution is to eliminate the certification requirement entirely. We suggest that you instead recommend that Congress ask the General Accounting Office, which is able to audit expenditures, to take on the certification task.

Sincerely,

Paul Hauge

Paul Hauge
Staff Scientist

/ph
encl.

cc: Governors and coastal zone management/state planning offices of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut
Congressional delegations of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut
National Wildlife Federation



Working for the Nature of Tomorrow
NATIONAL WILDLIFE FEDERATION
 1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

1282

Coastal Barriers Study Group
 Department of the Interior
 National Park Service
 P.O. Box 37127
 Washington, D.C. 20013-7127

RE: Comments on the Coastal Barrier Resources Act--Section 10 Draft Report to Congress, 52 Federal Register 9618-9619

Dear Sir or Madam:

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society are writing in response to the Department of the Interior's Federal Register Notice of March 23, 1987 soliciting comments on the Draft Report to Congress: Coastal Barrier Resources System--Executive Summary.

Our organizations have a longtime interest in the conservation of coastal barriers. The Natural Resources Defense Council was the founding organization of the Barrier Islands Coalition in 1978. Likewise, the National Wildlife Federation, the Coast Alliance, and the Oceanic Society became members of that coalition in 1979 to help seek protection of coastal barriers.

Our organizations have led efforts to pass legislation which would conserve the natural resources of coastal barriers--first, the flood insurance prohibition in the Omnibus Reconciliation Act in 1981 and then, the Federal financial prohibition in the Coastal Barrier Resources Act (CBRA) in 1982. We continue to support the goals of CBRA and expansion of the Coastal Barrier Resources System (CBRS) throughout the United States and its territories. The federal government should not be subsidizing development in hazardous areas which destroys productive coastal ecosystems, endangers the lives and properties of shoreline residents, and costs federal taxpayers millions of dollars each year in flood insurance claims and disaster relief.

The need for an expanded Coastal Barrier Resources System in which federal development subsidies are prohibited is becoming increasingly critical in light of the projected rise in sea levels due to global warming. As water levels rise, so will the costs of protecting existing structures, the damages from erosion and flooding, and the risk to human life and property. Unfortunately, however, development in these unstable coastal areas continues to grow at a frightening pace. We feel strongly, therefore, that it is essential that the Department recommend maximum expansion of the System to include the eligible areas on all of America's coasts.

- 2 -

before these sites are irrevocably committed to development. An appendix of specific comments on additions to and deletions from the System follow our general comments.

PROPOSED RECOMMENDATIONS FOR ADDITIONS TO OR DELETIONS FROM THE CBRS

We support the Department's recommendation to expand the definition of a "coastal barrier" to include landforms which function as coastal barriers in protecting the mainland and adjacent aquatic habitats, even if they are not composed of unconsolidated sediments as are barriers in the traditional definition. Use of this expanded definition in delineating CBRS units is consistent with the conservation goals of CBRA and would allow for the inclusion of such new geological formations as undeveloped beach rock, cemented dunes, fringing mangroves and associated coral reefs, cheniers, discontinuous outcrops of bedrock, and coarse glacial deposits. Since these areas serve the same function as coastal barriers and are as vulnerable to development pressure, sea level rise, and storm damage as traditionally-defined coastal barriers, it is appropriate that they also be protected within the System.

APPENDIX

COMMENTS ON SPECIFIC COASTAL BARRIER AREAS

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society endorse the inclusion of all undeveloped coastal barriers identified by the Department of Interior in the March 1985 inventory, as well as some additional areas mentioned below. Following are our comments on some of the specific areas.

Rhode Island

D-01

We strongly oppose the deletion of any part of the D-01 unit in Sakonnet Harbor as requested by the Little Compton Town Council.

D09 Block Island

The natural resources of this unit are the basis for the Block Island tourist industry which is the town of New Shoreham's greatest economic asset. Moreover, New Shoreham and the Block Island Trust both strongly endorse the Department's proposed addition to D09.

I-05 Eastons Beach

Although listed in the 1985 inventory, through an error Eastons Beach was not recommended for inclusion in the 1987 draft report. This unit is not protected by the city of Newport or the State, as previously was thought by the Department, and should be included within the System.

We concur with the State Planning Council's recommendation to add McCurry's Point in Portsmouth to the System.

1592

Mrs. Ruth B. Whipple
 11 Hawthorne St.
 No. Providence, R.I. 02904

May 31, 1987

Dear Members of the Coastal Barrier Study Group,
 First of all, as a citizen deeply concerned about conservation of our resources, I thank you for serving on the study committee. It is my hope that the committee will act favorably on the areas listed below which the National Wildlife Federation supports.

- supporting the proposed addition of 1,010,646 new acres in the Coastal Barrier Resources System, including areas in the Florida Keys, the U.S. Virgin Islands, Puerto Rico, Maryland, New Jersey, large embayments, and adjacent aquatic habitats;
- urging the inclusion of the Great Lakes and the Pacific coast in the System;
- opposing the deletion of military and Coast Guard lands from the Coastal Barrier Resources System.

I understand that there may be other issues which I am unaware of that will affect your final decision.

Thank you for your consideration.
 Yours truly,
 Ruth B. Whipple

515



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
 STATEWIDE PLANNING PROGRAM
 265 Melrose Street
 Providence, Rhode Island 02907

April 14, 1987

Mr. Frank McGilvery, Chairman
 The Coastal Barriers Study Group
 Department of the Interior
 National Park Service
 Post Office Box 37127
 Washington, DC 20013-7127

Dear Frank:

The Easton's Beach and Pond Association and Senator Chafee's Office have requested that I write to you concerning the proposed recommendation for Easton's Beach (Unit RI-05 in the Draft Report to Congress: Coastal Barrier Resources System, Volume 4).

In the "Summary of Proposed Recommendations," Easton's Beach is described as "State-protected; no further consideration." This designation is an error. The State Planning Council's June 13, 1985, "Official State Position" recommended that this area not be added to the Coastal Barrier Resources System, but the reasons given did not include protection by the State. I am enclosing pages 20 and 21 from our 1985 report containing the full text of the State Planning Council's position on this unit.

Easton's Beach is traversed by a four-lane road that is functionally classified as a principal arterial and is part of the State-maintained highway system. This does not provide any degree of state protection to this area, however. Both the barrier and the ponds are owned by the city of Newport, and our records do not show any property owned by the State of Rhode Island within the area previously delineated as RI-05.

As far as proposals in total are concerned, we have briefed the State Planning Council on your report and have scheduled two public workshops (see enclosed notice). We will assemble all of the comments and suggestions for consideration by the State Planning Council at its meeting on June 11 and will submit an "Official State Position" to you prior to your June 24 deadline.

Yours very truly,

D. Varin
 Daniel W. Varin
 Secretary-State Planning Council

DW:cac
 Enclosures
 cc: James Tobak, Easton's Beach and Pond Association, w/enclosures
 Jeff Fenton, Senator Chafee's Office, w/enclosures
 Robert Bendick, RI DEM, w/enclosures



THE CITY OF NEWPORT, RHODE ISLAND 02840

307

May 1, 1987

Frank McGilvery, Chairman
Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Mr. McGilvery:

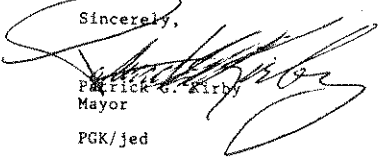
On behalf of the City of Newport I would like to reaffirm the City's position that Easton's Beach should not be included in the Coastal Barrier Resource System. It is our belief that Easton's Beach in Newport should not be included in the CBRS for it is a major recreational facility with a significant level of development including a four-lane State roadway.

In addition, beyond the roadway an embankment exists which establishes Easton's Pond as the primary basin for the Newport water system. As a result, the natural state has been significantly altered.

For these reasons, and the fact that it is locally protected, the City of Newport believes that your conclusion that no further consideration as to the inclusion of Easton's Beach into the CBRS was appropriate. However, we would like to point out that in your summary, your proposed recommendation did state that the beach was State protected. In actuality it is locally protected.

Thank you for your consideration in this matter.

Sincerely,


Patrick G. Kirby
Mayor

PGK/jed

Newport — America's First Resort



THE CITY OF NEWPORT, RHODE ISLAND 02840

1005

June 17, 1987

Frank McGilvery, Chairman
Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Mr. McGilvery:

On behalf of the City of Newport I would like to express our deep displeasure as to what has occurred regarding Easton's Beach in Newport as to its inclusion in the Coastal Barrier Resources System.

In 1985 the City made its argument not to include Easton's Beach into the CBRS. At that time the State Technical Committee supported the recommendation of the City of Newport. This support was transmitted to the State Planning Council which also supported the City's position. This was over the State Planning staff's recommendation for inclusion. As a result, the "Official State Plan" indicates that Newport's Easton's Beach should not be included in the Coastal Barrier Resource System. The reasons were clear: the level of development exceeds CBRS levels; an argument could be made that Easton's is not a true barrier beach; the principal function of the area has changed, and the State Technical Committee and State Planning Council recognized the City's legitimate concerns for securing emergency Federal funds for its facilities.

The Technical Committee and the State Planning Council have now reversed their positions and have endorsed the State staff recommendation to include Easton's Beach. The resulting inconsistency leaves the City in an extremely difficult situation. The issues and concerns have not changed, but now the State Official Plan is recommending inclusion. We, therefore, strongly recommend that the original State position adopted on June 13, 1985 be adhered to in that Easton's Beach should not be included in the Coastal Barrier Resources System.

In addition, as mentioned in my May 1, 1987 letter to you, the City concurs with the Department of Interior's position that if locally or State protected, no further consideration for inclusion is necessary. Easton's Beach is locally protected.

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Enclosed is a Resolution from the City of Newport supporting this position. We strongly recommend that the Department of Interior maintain the position established in the report to Congress regarding Coastal Barrier Resource System published in February 1987 which excluded Easton's Beach from inclusion in the Coastal Barrier System.

Thank you for your consideration in this matter.

Sincerely,


Patrick G. Kirby
Mayor

PGK/jed

cc:Congressional Delegation

Enclosure



THE CITY OF NEWPORT, RHODE ISLAND 02840

1171

June 26, 1987

Frank McGilvery, Chairman
Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 20013-7127

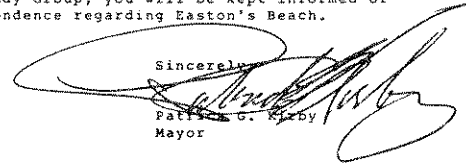
Dear Mr. Gilvery:

Enclosed is a copy of a letter presented at the public hearing held on June 25, 1987 by the Department of Commerce regarding the Coastal Resources Management Program. Within the letter, the City of Newport is requesting support from both the CRMC and the Department of Commerce in preventing an inconsistency in how Easton's Beach is classified.

It is our understanding that the Department of Commerce has a representative on the Coastal Barriers Resources Study Group. At the public hearing, the City asked that the Department of Commerce's representative on the study group receive a copy of the submitted letter and support the City's position.

As Chairman of the Study Group, you will be kept informed of all pertinent correspondence regarding Easton's Beach.

Sincerely,


Patrick G. Kirby
Mayor

PGK/bc

Newport — America's First Resort



June 24, 1987

The Coastal Resources Management Council and
The Division of National Oceanic &
Atmospheric Administration
Department of Commerce

Gentlemen:

On behalf of the City of Newport, I would like to express the City's endorsement of the State of Rhode Island Coastal Resource Management Program as established in the document adopted by the Coastal Resource Management Council in 1977 and revised in 1979. The program is thorough and functions properly within the City of Newport.

At the same time, the City of Newport requests the support of both the State CRMC and the Department of Commerce in preventing an inconsistency in how Easton's Beach, in Newport, is classified.

Within the CRMC's management program, Table 4 indicates that Easton's Beach is moderately developed on the western portion and on the eastern portion it is identified as developed. Again, according to the program document, a moderately developed beach is one that is free of houses and/or commercial/industrial buildings (excluding public utility lines) that contain surfaced roads, public recreational structures and/or structural shore line protection facilities. The City of Newport concurs with this assessment of the western portion of Easton's Beach.

A developed beach contains houses and/or commercial/industrial structures in addition to surfaced roads, structural shore line protection, and public recreational facilities. Again, the City concurs with this assessment of the eastern portion of Easton's Beach.

The inconsistency occurs in the recommendation by the State Planning Council to include Easton's Beach in the Coastal Barrier Resources System. According to the Report to Congress by

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the US Department of the Interior in March, 1987, "the intent of the Coastal Barrier Resources System Act is to remove from undeveloped coastal barriers, federal incentives for new development such as national flood insurance, US Army Corps of Engineers structural development projects and federal assistance for construction of sewer systems, water supply systems, airports, highways, bridges and jetties."

Easton's Beach is not undeveloped, it is moderately developed on the western portion and developed on the eastern portion as identified in the Coastal Resources Management Program. The inclusion of Easton's Beach would be inconsistent with the intent of the Coastal Barrier Resource System Act and inappropriate.

The City of Newport strongly disagrees with the inclusion of Easton's Beach in the Coastal Barrier Resource System. Easton's Beach is the only public beach in the City and is maintained for the enjoyment of the citizens of Newport and the hundreds of visitors who come to our city during the summer months. This beach has been a developed public facility for well over a century and it should remain as such.

The City Council feels that control of Newport's only public beach should remain in the hands of local government and not be handed over to the control of governmental departments in Washington. Decisions affecting this beach are best made by locally-elected officials, who serve at the pleasure of the voting residents of the community in which Easton's Beach is located.

Thank you for your consideration in this matter.

Sincerely,

Patrick J. Kelly
Mayor

PGK:jed

cc:Congressional Delegation

1347

EASTON'S BEACH & POND ASSOCIATION, INC.
NEWPORT, RI 02840



May 23, 1987



Mr. Frank B. McGilvrey
Coastal Barriers Coordinator
Coastal Barrier Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Mr. McGilvrey: Re: RI-05 Newport, R.I.

In accord with your advice on the telephone the first week of April, we enclose a letter setting forth documented evidence that the Coastal Barrier officially known as Easton's Beach (unofficially as Newport Beach and First Beach) is not protected by either the State of Rhode Island or by the City of Newport. This fact would indicate "lack of safeguards for automatic inclusion in the CBRS."

The portfolio contains letters from high officials in State government, documents from city files, and supporting articles which conclusively indicate lack of maintenance and safeguard. Also included are photographs taken within the past year which show the extent of present recreation buildings on the barrier, and views of the aquatic habitats between the barrier and the mainland. There is also a history of former development on the beach with its eventual Coney Island build-up which was destroyed in 1938 by a hurricane. (Photograph of before and after this event is included.)

It is the overwhelming consensus of the membership of our Association, of the 800 members of Friends of the Waterfront, and we believe of the majority of residents of Newport, that these areas be included with the CBRS for protection. Clearly the inclusion of RI-05 in the proposed CBRS list to Congress is a vital and necessary step to prevent a repetition of the above described disastrous development at some future time.

We ask that the Study Group carefully read and review all the compiled documentation to make possible the protection of our beautiful and fragile resource.

Sincerely,

Charlotte P. Simons, Chairman

Coastal Barrier Study Group--page 2

Documentation #1: The Newport Master Plan, a document endorsed by the City Council in December 1972 as a guideline for City plans and development, is still in effect and referred to in testimony before the Zoning Board of Review and regarding the passing of Ordinance or zoning. The document states in part: (Appropriate sections of the document attached.)

"It is important that a plan be designed so that it can remain valid and useful when desirable situations appear in the future which are not presently seen...Such policies form the official attitude of the City by virtue of the fact that provisions for a Plan are set forth in the City Charter...This plan places great emphasis on policies and their usefulness in determining future direction... The policy statements either encourage or discourage a particular activity in a given area. (pp 1 & 2)

"To discuss the adequacy of the existing system in relation to national standards is meaningless. Instead the system is related to the specific needs and desires of Newport...What is needed, however, is more intense development of these (recreation) areas. This is especially true with regard to Newport Beach (Easton Beach).

"As part of revitalization program for Newport Beach, it is proposed that a salt water pool and an ice rink be constructed. It is felt that the pool would increase use of the beach during times of undesirable ocean swimming conditions and that the rink would provide excellent off-season use for which there is great demand." (pp 22 and 23)

Documentation #2: In January, 1984, the City of Newport Recreation Department and the Newport City Council hired Urban Design Group in Providence to develop a Newport Beach Master Plan for revitalization strategies for Easton's Beach. An abbreviated Historical Overview of the report follows: The City of Newport has over the years exploited the beach. In 1786 Easton's Beach was deeded to the City "for the common use forever." In 1850 the City granted the privilege to a private group to place bathhouses on the beach. In 1854 the stage was set for the first of seven leases to operate the beach. "In spite of continued dissatisfaction by the public and complaints of inappropriate development, the City Council over these years continued with this policy." (See Historical Overview, p. 16)

Between 1911-1912 outdated facilities were demolished and there was construction of pavilions, bathhouses, toilets, hot water baths and a convention Hall.

"By 1922, under a lease with the Newport Beach Association, the Beach had taken on the appearance of Coney Island with a roller-coaster, a swimming pool, amusements, various rides, and many concessions, etc...."

"It was a great favorite of day trippers who came by excursion boat from New London, Providence, and Fall River and were transported from the Waterfront by trolley car." (Ibid, pp. 16 & 18)

"The disastrous hurricane of 1938 completely demolished the Beach (see photo) and it was not until 1940 that the Beach in its present form was constructed under the Works Progress Administration..."

"In recent years, to defray operating costs, the City has entered into a number of leases of the Rotunda's second floor for such uses as a discotheque and indoor golf, etc.

"However, due to its exposure to the weather, vandalism and lack of maintenance over the years has led to the progressive deterioration of the buildings and beach facilities, compounding the establishment of business uses on the Beach." (Ibid, p. 18)

Documentation #3: The following options were presented by the Urban Design Group in the Newport Master Beach Plan:

1. A do-nothing posture with on-going minimal maintenance.
2. Demolition of all structures and reverting back to natural beach environment.
3. Modest improvement program coupled with an increase in Beach fees.
4. A broadening of compatible uses in the area to include for example: a 9-hole mini golf course, an Adventure Playground, development of related concessionaires, use of the Rotunda for either a 350 seat Performing Arts Center or Full Service Restaurant.
5. Long term development of air rights (high rise hotel) over East Parking Lot (Federal funds are available for such a development) including a public parking deck and upper level commercial uses with supporting parking. Future projections indicate that the City will have to maximize its use of public land. (See drawing attached.)
6. Should Easton's Pond be excised as part of Newport's water system, it would offer the City some acreage for developable land. Additional parking therefore could be provided in linear fashion, built into the levee along its southern boundary. Pedestrian access to the Beach would be gained by an overpass across Memorial Blvd. (Ibid, pp. 10, 11, 12 of the Report. See drawings attached.)

The present City Council has begun to develop Option #3; however without CBRS protection future City Councils could opt to develop Options 4 and 5. The Newport Beach Master Plan continues in active City files and is a long-term development plan. Option #6 is not presently a threat. A Referendum last year provided public funds for the construction of a new Water Filtration Plant on Easton's Pond which as a reservoir for Newport water is nonetheless a wildlife refuge with important nesting and a habitat for over 100 identified species of water fowl and birds. (Please refer to previous correspondence)

-3-

Fact: The City may be under future pressure from the Tourist and Convention Authority to serve their needs in terms of Beach parking, shops, or convention facilities. This season the West Parking Lot at the Beach will be used for a parking shuttle to the Harbor waterfront in exchange for \$40,000 to be used for Beach improvements.

Documentation: The T & C Authority "would be interested in assisting the beach improvements only if the beach was designated a stop on the Loop bus system with parking for the loop bus riders." (See letter to Acting City Manager, dated December 26, 1986.)

"Because of funding restraints, it is no longer possible to continue this renovation program without assistance from the Tourism & Convention Authority. The contribution by the T & C would then be matched with a Land & Water Conservation Fund Grant. It is recommended that \$40,000 be requested from the T & C to be matched with a L & W C Grant, providing \$80,000 for renovations." (p. 43 Capital Improvement Program, 1988-1992)

The above facts and their documentation indicate that Easton's Beach Coastal Barrier is not protected against commercial development by the State of Rhode Island or by the City of Newport whose long range Beach Master Plan is still referred to in current and projected Capital Improvement Program financial planning. (See attached schedule following page 43.)

Furthermore, on page 11 of the March 1987 Draft Report to Congress, the 2nd paragraph states that State and local governments also protect coastal barriers but that urbanization pressure is exerting considerable effort to develop local parks. In paragraph three on the same page, it states that such "protected" areas may contain only a single developed area of bathhouses and other facilities to support beach-oriented recreation. This describes conditions at Easton's Beach. In the 4th paragraph the report states that "Exclusion of these privately protected areas from the CBRS increases their market value."

Under Section D, "Otherwise Protected" Coastal Barriers, the Proposed Recommendation on page 11 states: "DOI proposes that all privately owned property within a conservation or recreation area established by Federal, State or local law on an undeveloped coastal barrier (inholdings) be included by reference in the CBRS. And, on page 12, in the same Proposed Recommendation, the last sentence states "Lack of safeguards...would constitute justification for automatic inclusion in the CBRS."

Therefore, geologic and developmental criteria is considered the foremost reason to include coastal barriers in the CBRS and no consideration

-4-

can be given to present ownership or land use. Bitter experience has shown that public ownership or "protection" cannot be depended upon to keep out development, as was shown by The Nature Conservancy's sale of Dog Island in Florida which can now be developed utilizing the full range of Federal subsidies because it was excluded from the CBRS.

Even should so-called "Otherwise Protected" areas be excluded against the DOI's recommendation, Easton's Beach and its associated aquatic habitats Easton and Green End Ponds should be included (See 1985 correspondence) because of the documentary evidence that the barrier has no protection under State or local laws as set out above, and the term "Otherwise Protected" does not apply to RI-05. While the ponds constitute a part of the City water supply, the additives used are not detrimental to the ponds as a wildlife refuge which is an important nesting area and habitat. All manner of wildlife has been particularly plentiful this year in both numbers and species. "All such associated habitats are inseparable parts of the coastal barrier ecosystem," (p. 9 of the Report) and the ponds serve to protect the mainland which is heavily populated on all sides.

We respectfully and strongly request that RI-05 be reinstated in its entire geologic entity in your pending list to Congress to correct its mistaken deletion. We also recommend that all other deleted "Otherwise Protected" areas in Rhode Island be reinstated with particular emphasis on Second and Third beach barriers in Middletown which are not Federally protected.

Sincerely,
EASTON'S BEACH & POND ASSOCIATION, INC.
Charlotte F. Simons
Charlotte F. Simons, Chairman
172 Eastis Avenue
Newport, RI 02840

-5-

236

Calderon Howe, M.D.
56 ANNANDALE RD., NEWPORT, RHODE ISLAND 02840
(401) 846-0580

Coastal Barrier Study Group
National Park Service
United States Department of the Interior
P.O. Box 37127
Washington D.C. 20013-7127

April 30, 1987

Gentlemen:

As a permanent resident of Newport, Rhode Island, I write to urge that unit RI-05 (Easton Beach) be retained in the Coastal Barrier Resources System and be so designated when the list is finalized and sent to Congress in June. It was mistakenly assumed by the Department of the Interior that the area (unit RI-05) was protected by the state of Rhode Island; it most definitely is not so protected, according to recent and reliable information from the R.I. Department of Environmental Management and from Statewide Planning. Without any protection from either the State or the City of Newport, this particular area (RI-05) remains highly vulnerable to destructive development that would negate the truly "coastal barrier" nature of this part of Rhode Island.

Yours sincerely,

Calderon Howe
Calderon Howe, M.D.

306

Coastal Barrier Study Group
Dept. of the Interior
National Park Service

Gentlemen:

I urge you to include Easton's Beach + Pond at Newport, Rhode Island ~~from~~ in your list of Coastal Barriers protected by the Coastal Barrier Resources System.

This beach property is owned by the City of Newport, so not under the protection of the state of Rhode Island and will be at risk of development ^{also} if it is included in your list of protected coastal barriers.

Joseph F. Nail
36 Corne St
Newport RI
02840

cc Senators Chafee + Pall
May 3, 1987

523

34 Pellam St.
Newport, R.I. 02840
May 20, 1987

Coastal Barrier Study Group
Dept. of Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013

Gentlemen:

Re Easton Beach, R.I. - 05, in Newport, Rhode Island. We feel strongly that this Beach should be protected from development and urge you to have this area reinstated in the final list to Congress to be protected by the Coastal Barrier Resources System.
Thank you.

Sincerely,
DeEtte Ellis
[Signature]

491

Mrs. Dwight Webb
2 Alpond Drive
Newport, Rhode Island 02840

May 19, 1987

491

Gentlemen:

I have just learned that Easton Beach and pond have been removed from the R.I. list of Coastal barriers protected by the CBRS. My understanding of the situation is that if Easton Beach, RI-05, is not on the final list to Congress, the area could be taken over by developers. This must not happen! The waterfront areas in and around the town of Newport are overdeveloped as it is - we need to protect what little natural waterfront areas we have left!
Sincerely, Barbara Webb

1646



State of Rhode Island and Providence Plantations
OFFICE OF THE LIEUTENANT GOVERNOR
PROVIDENCE
02905

Richard A. Licht
Lieutenant Governor

Telephone
(401) 277-2371

September 16, 1987

Frank McGilvrey
Chairman of Coastal Barriers Study Group
Department of Interior
National Park Services
PO Box 37127
Washington, DC 20013-7127

Dear Frank:

In its June 11, 1987 report, the Rhode Island State Planning Council made its formal recommendations providing the official state position on the Department of Interior's Proposals Pursuant to Section 10 of the Coastal Barrier Resources Act of 1982.

Within its formal recommendations, the Council voted to request that the DOI recommend to Congress the reinstatement of a number of important beach areas for inclusion in the Coastal Barrier Resource System. Among the areas recommended was the Easton's Beach/Pond area located in Newport and Middletown.

I request that your Department recommend to the Congress that it grant Coastal Barrier beach protection status to Easton's Beach, along with the other recommended Rhode Island areas. It is my hope that your recommendations to the Congress will be forthcoming in the near future and that such recommendations will lend support to the need to provide protection status to these vital beach areas.

Sincerely,
[Signature]
RICHARD A. LICHT
Lieutenant Governor

RAL/jn/ct

CLAUDINE SCHNEIDER
2nd DISTRICT, RHODE ISLAND
WASHINGTON OFFICE:
SUITE 1117
LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20546
PHONE (202) 225-2738
DISTRICT OFFICE:
50 COLLETT SQUARE
CRANFORD, RHODE ISLAND 02910-2626
PHONE: 402-8428



Congress of the United States

HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515
May 28, 1987

PLEASE REPLY TO:
 WASHINGTON OFFICE
 DISTRICT OFFICE

1221

COMMITTEE
MERCHANT MARINE
AND FISHERIES
SUBCOMMITTEE
FISHERIES AND WILDLIFE
CONSERVATION AND THE
ENVIRONMENT
OCEANOGRAPHY
OVERSIGHT AND INVESTIGATIONS
SCIENCE AND TECHNOLOGY
SUBCOMMITTEE
NATURAL RESOURCES
AGRICULTURAL RESEARCH
AND EDUCATION
SCIENCE RESEARCH
AND TECHNOLOGY
INVESTIGATIONS AND OVERSIGHT
AGING
SUBCOMMITTEE
HEALTH AND LONG TERM CARE
CO-CHAIR, CONGRESSIONAL
COMPETITIVENESS CAUCUS

The Honorable Donald P. Hodel
Secretary of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

It has been brought to my attention that there is some confusion regarding the present status of Easton's Beach in Newport and Middletown, and its possible inclusion in the Coastal Barrier Resources System. Although there is a State-maintained roadway traversing the barrier beach, the State of Rhode Island does not own any land on either the beach side or the pond side of the roadway. Both sides are owned by the City of Newport. This lack of ownership precludes any possible State protection of the barrier beach, which DOI has erroneously claimed as the reason for Easton's Beach exclusion from the Coastal Barrier Resources System. This misunderstanding was pointed out in an April 14, 1987, letter by the Secretary of the State Planning Council, Daniel H. Varin, to Frank McGilvrey, Chairman of the Coastal Barriers Study Group.

Easton's Beach is uniquely situated as part of one of the most scenic stretches of shoreline on the East Coast. It would be tragic if the fate of this unique public resource was to be determined on the basis of false information. I urge you to set the record straight, and to reconsider the inclusion of Easton's Beach (Unit RI-05) in the Coastal Barrier Resources System. Easton's Beach is a unique public resource which should be protected for this and future generations.

Thank you for your consideration of this matter.

Sincerely yours, -

Claudine Schneider

CLAUDINE SCHNEIDER

CS:pmb

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

1630

CLAIBORNE PELL
RHODE ISLAND

United States Senate
WASHINGTON, D.C. 20510

August 6, 1987

The Honorable Donald Paul Hodel
Secretary of the Interior
Department of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

I am writing to ask you to assure that the enclosed letter from the Mayor of Newport, expressing opposition to a proposal to include Easton's Beach in the Coastal Barrier Resource System, receives a careful review.

The letter clearly expresses the strong objections of the Newport City Council to any efforts to include the beach area, which also is known as Newport Beach and First Beach, under the restrictions of the Coastal Barrier Resource System.

As one who supports the Coastal Barrier Resource System, I share and appreciate your efforts to protect fragile coastal barrier beaches from unnecessary development. These beaches are a precious natural resource that must be preserved.

In this case, however, I believe that the beach falls under the protection of the City of Newport. As you can see from the enclosed letters, Newport is well able to plan and to provide adequate resource management for the beach.

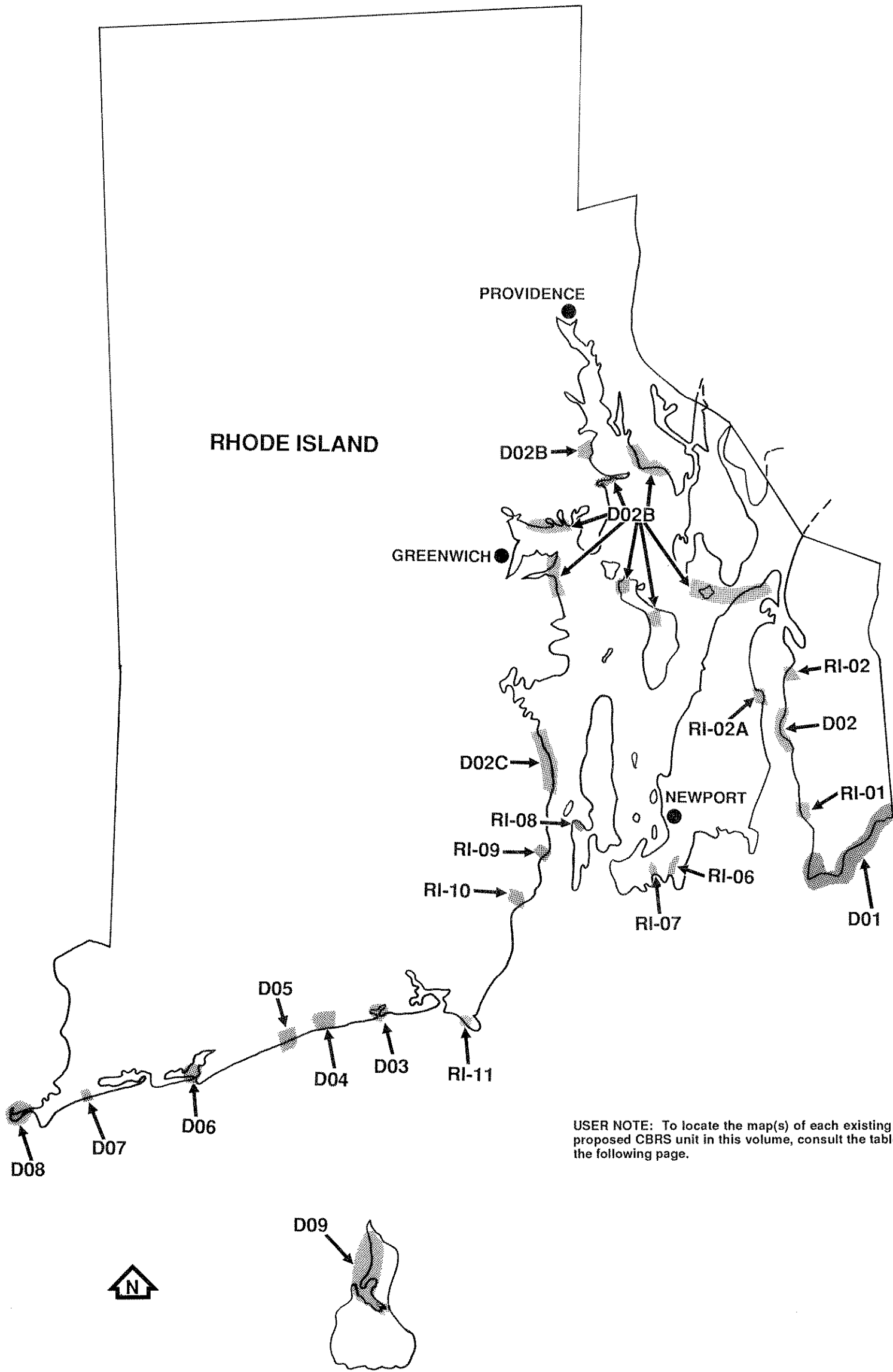
Your assistance is appreciated.

Ever sincerely,

Claiborne Pell
Claiborne Pell

Enclosure

INDEX TO EXISTING AND PROPOSED CBRS UNITS IN RHODE ISLAND



USER NOTE: To locate the map(s) of each existing and proposed CBRS unit in this volume, consult the table on the following page.

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
D01*	Little Compton Ponds	Sakonnet Point	24
		Tiverton	27
D02	Fogland Marsh	Tiverton	27
D02B*	Prudence Island Complex	Bristol	33
		Fall River	34
		East Greenwich	35
D02C	West Narragansett Bay Complex	Wickford	37
D03	Card Ponds	Kingston	39
D04	Green Hill Beach	Kingston	39
D05	East Beach	Quonochontaug	40
D06	Quonochontaug Beach	Quonochontaug	40
		Watch Hill	41
D07	Maschaug Ponds	Watch Hill	41
D08	Napatree	Watch Hill	41
D09*	Block Island	Block Island	42
RI-01	Brown Point	Tiverton	27
RI-02	Sapowet Point	Tiverton	27
RI-02A*	McCurry Point	Tiverton	27
RI-06*	Almy Pond	Newport	29
RI-07*	Hazards Beach	Newport	29
RI-08	Fox Hill Marsh	Narragansett Pier	38
RI-09	Bonnet Shores Beach	Narragansett Pier	38
RI-10	Narragansett Beach	Narragansett Pier	38
RI-11	Seaweed Beach	Narragansett Pier	38

*Public comment summaries and DOI responses follow unit maps.

MAPS DEPICTING OTHERWISE PROTECTED, MILITARY, AND COAST GUARD LANDS ON UNDEVELOPED COASTAL BARRIERS*

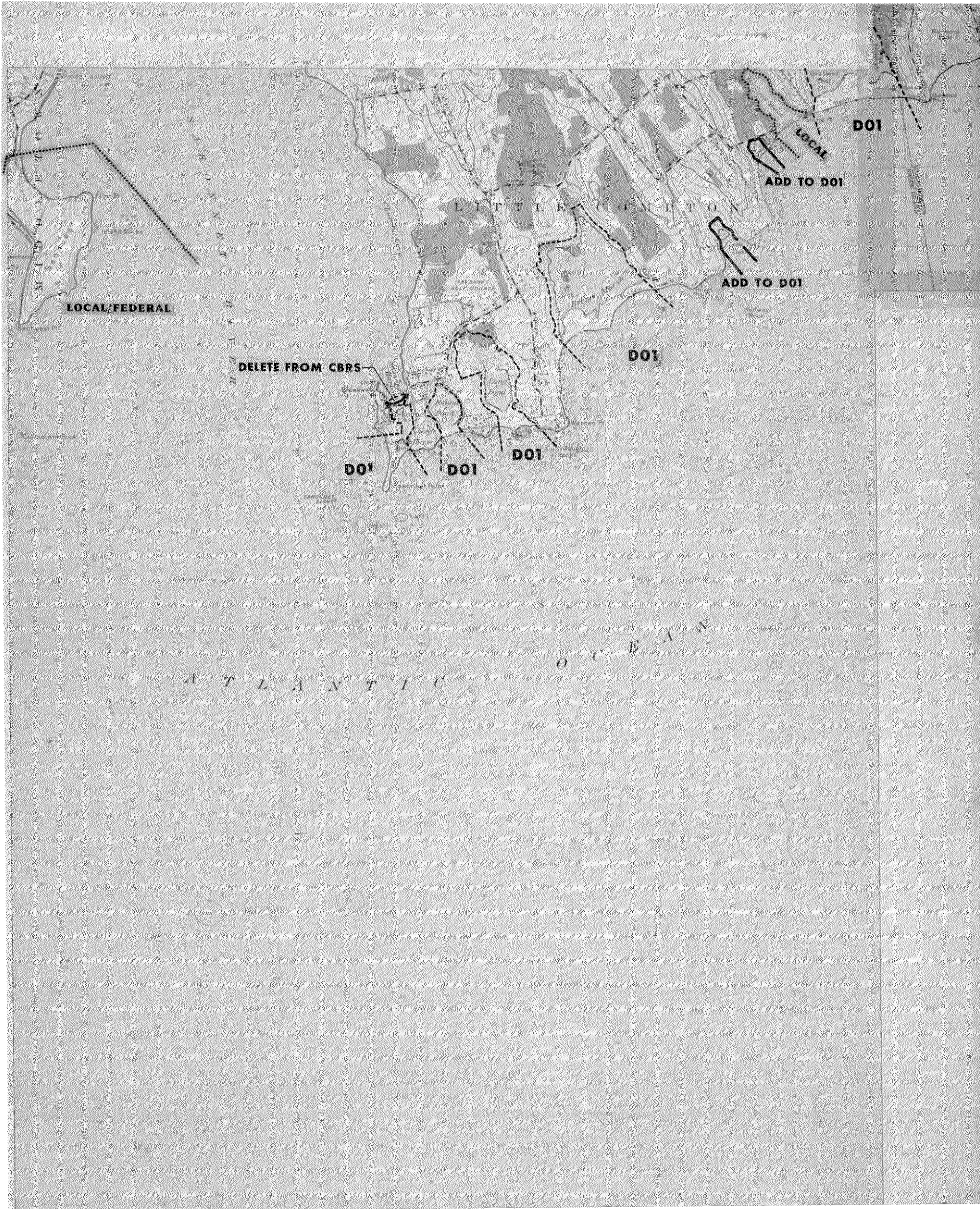
USGS Topographic Map or Map Composite	Coastal Barrier Status	Page
Sakonnet Point	Federal, Local	24
Tiverton	State, Local	27
Newport	Federal, Local	29
Bristol	State, Local	33
Narragansett Pier	State, Local	38
Kingston	Federal, State	39
Quonochontaug	Federal, State	40
Watch Hill	State, Local	41
Block Island	Federal, State, Local	42

*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from the CBRS
.....	Military, Coast Guard, or otherwise protected, undeveloped coastal barrier
ADD	Area recommended for addition to the CBRS
DELETE	Area recommended for deletion from the CBRS
EXCLUDED	Area excluded from an existing or proposed CBRS unit because it is developed
FEDERAL	Federally protected, undeveloped coastal barrier; for information only
STATE	State protected, undeveloped coastal barrier; for information only
LOCAL	Locally protected, undeveloped coastal barrier; for information only
PRIVATE	Privately protected, undeveloped coastal barrier; for information only
MILITARY	Undeveloped coastal barrier owned by the military; for information only
COAST GUARD	Undeveloped coastal barrier owned by the Coast Guard; for information only

Maps are arranged in geographic order from east to west.



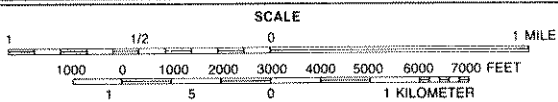
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
SAKONNET POINT
RHODE ISLAND



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - Dashed lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

DOI - LITTLE COMPTON PONDS

State Position: The State of Rhode Island requested the addition of two new bay barriers to the existing CBRS unit. The State also requested a modification of the existing unit boundary in Sakonnet Harbor to better conform with the geologic criteria defining a coastal barrier.

Other Comments: The Town Council of Little Compton, through the State, also requested the boundary modification in Sakonnet Harbor. Two letters were received opposing this modification, believing it would allow development of a dock and result in chronic pollution problems. Two letters requested the addition of Tunipus Pond to the existing CBRS unit.

Substantive letters concerning DOI are reprinted below. See also letters number 622, 984, and 1282 reprinted in the General Comment Letters section.

Response: DOI accepts the State's geologic information supporting the boundary modification in Sakonnet Harbor. Tunipus Pond is otherwise protected; it is a town park.

DOI Recommendation: The DOI recommends adding Little Pond Cove bay barrier and the bay barrier to the northeast to the existing CBRS unit. The DOI also recommends modifying the existing unit boundary in Sakonnet Harbor to better conform with DOI's geologic criteria.

615

HARBOR WATCH, INC
Box 934
Little Compton, RI 02837

May 23, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
Box 37127
Washington DC 20013-7127

RE: Section 10 Review of the CBRA and D01 (Little Compton Ponds)

Ladies & Gentlemen:

Please find enclosed a copy of our May 23, 1987 letter (with its two enclosures) to Daniel W. Varin, Associate Director, RI Department of Administration.

Thank you for your consideration and for your magnificent efforts to preserve our Atlantic coastal barriers.

Sincerely,

John W. Cutler, Jr.
John W. Cutler, Jr.
Chairman

Enclosures: 3

HARBOR WATCH, INC
Box 934
Little Compton, RI 02837

May 26, 1987

Mr Daniel W. Varin
Associate Director
Department of Administration
265 Melrose Street
Providence, RI 02907

RE: Section 10 Review of the CBRA and D01 (Little Compton Ponds)

Dear Mr Varin:

Harbor Watch, Inc has reviewed the 1987 draft *Report to Congress: Coastal Barrier Resources System: Executive Summary and Volume 4, Rhode Island*. We reaffirm our letter to you dated May 3, 1985.

The draft *Report* (vol. 4, pg. 5) implies that the State, the Town and Harbor Watch made similar requests regarding Sakonnet Harbor Beach. The paragraph beginning "The Town of Little Compton . . ." should be corrected to read:

The State and Harbor Watch, Inc. requested a minor modification of the western CBRS boundary of Sakonnet Harbor Beach (CBRS unit D01, Little Compton Ponds) to conform it to a "conservative" (i.e., minimal) geologic barrier boundary established by a coastal geologist and a professional engineer. The Town of Little Compton requested that a portion of undeveloped geologic barrier, which it plans to develop, be removed from this unit. The Department proposes no recommendation to modify this boundary.

On May 21, 1987 the Little Compton Town Council by a 4-1 vote reaffirmed its May 1, 1985 letter to you, which requested removal of Lots 429 and 430 from the CBRS. The Town Council's plan to site a dock on Lot 430 is documented by the minutes of its July 2, 1985 meeting (copy enclosed). This development would entail dredging, filling, wharfing, bulkheading, and paving; once in place, it would generate chronic petroleum hydrocarbon spills, leaching of preservatives and heavy metals, and sediment resuspension dangerously close to the water-exchange culvert serving the barrier's tidal marsh. In his letter of May 3, 1982 (copy enclosed), marine biologist Dr Scott W. Nixon warned that such chronic pollution might wreak "real environmental degradation" upon the marsh.

We appreciate the fine work conducted by the Statewide Planning Program and by the State Planning Council on all phases of the Coastal Barrier Resources Act.

Sincerely,

John W. Cutler, Jr.
John W. Cutler, Jr.
Chairman

Enclosures: 2
cc: The Coastal Barriers Study Group ✓

Voted: That the Town Council pursue with the State government, DEM and CRMC officials a clarification of whether SA water quality regulations can be coordinated with CRMC regulations to facilitate the building of a town dock in Sakonnet Harbor, and that the Town Council consult with the environmentalists, other towns people and the Harbor Board in their state consultations and that one member each from the Town Council, Harbor Advisory Board, Fishermen's Association, Harbor Watch and Sakonnet Yacht Club meet with state officials.

Voted: That the Town Council endorse the Harbor Advisory Boards recommendation that Lot 430, after due consideration, provides the best site for a town dock which could respond to the needs of fishermen, yachtsmen and towns people.

Voted: That the Town Council retain as its position, its previous recommendation that the limit of the barrier beach be moved from the northern boundary of Lot 430 to the eastern boundary of Lot 429, until further information is available.


Voting in the negative - Mr. McKinnon

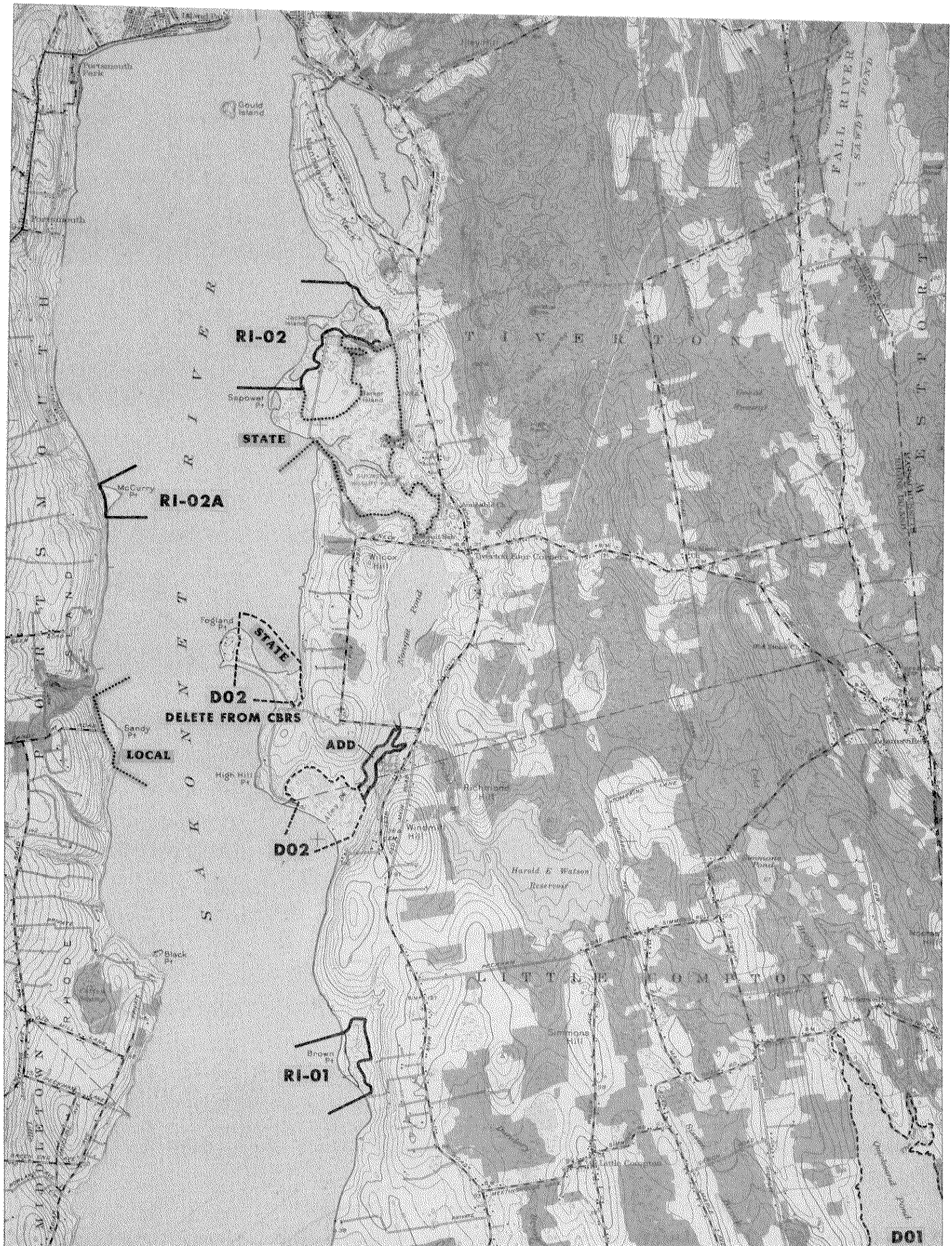
Voted: To call DOI and Senator Chafee's office requesting an extension of the Coastal Barrier Resources Act comment period from July 15 to September 15, 1985.

Adjourned - 9:25

Minutes
Meeting of July 2, 1985
Little Compton Town Council

Attest:


Clerk



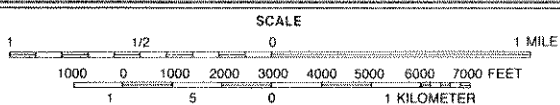
UNITED STATES
DEPARTMENT OF THE INTERIOR



Mapped, edited and published
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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
TIVERTON
RHODE ISLAND



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
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- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

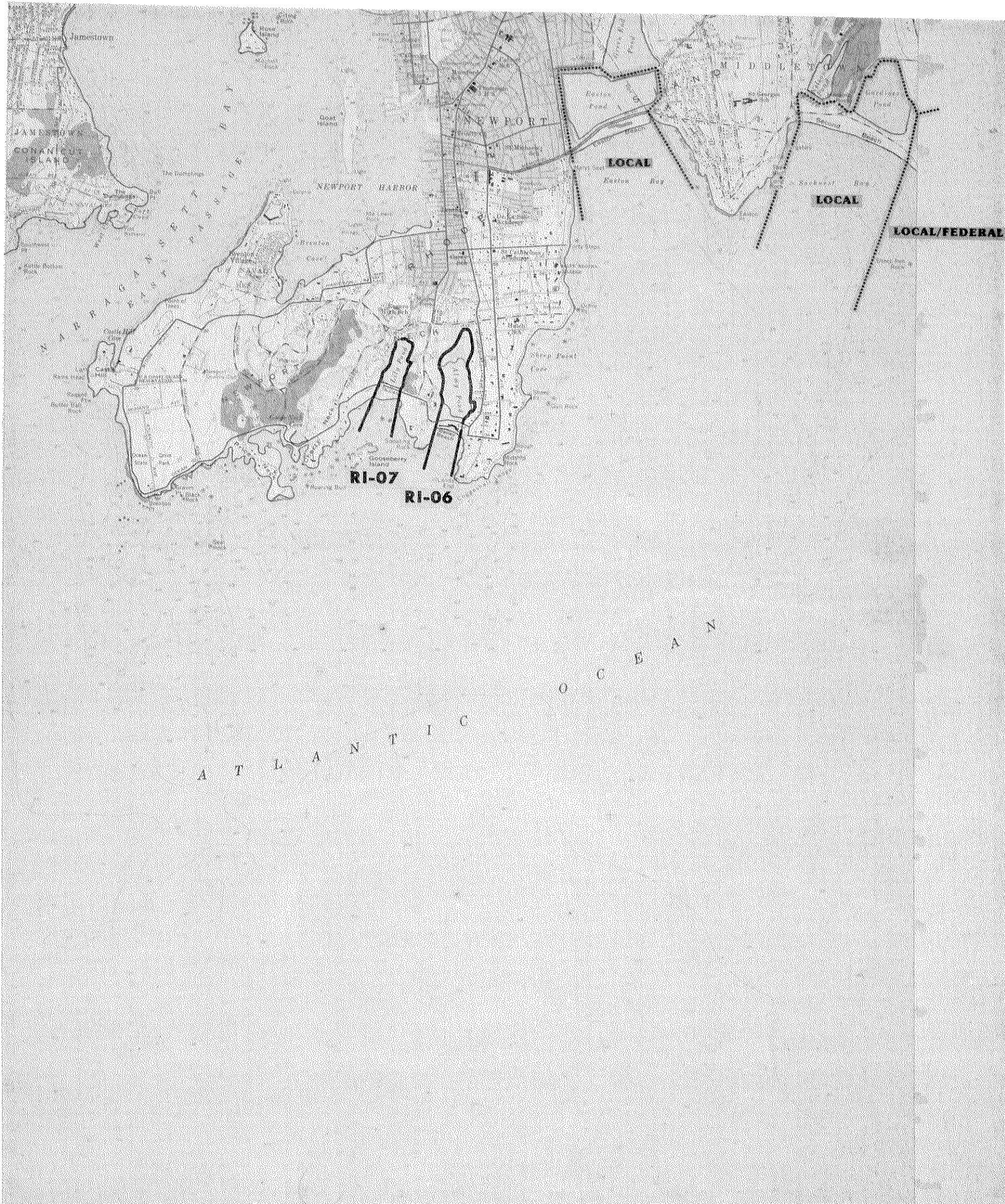
RI-02A - MCCURRY POINT

State Position: The State of Rhode Island suggested and supports the addition of RI-02A to the CBRS.

Other Comments: One letter endorsing the State's suggestion and supporting the addition of RI-02A was received. This letter is reprinted in the General Comment Letters section (letter number 1282).

Response: McCurry Point fully qualifies as an undeveloped unprotected coastal barrier under DOI criteria.

DOI Recommendation: The DOI recommends adding RI-02A to the CBRS.



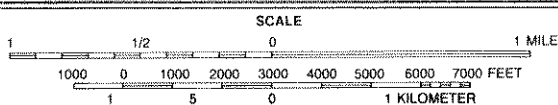
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
NEWPORT
RHODE ISLAND



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

RI-06 - ALMY POND; RI-07 - HAZARDS BEACH

State Position: The State of Rhode Island supports the addition of both RI-06 and RI-07 to the CBRS.

Other Comments: The City of Newport wrote opposing the addition of RI-06 and RI-07 to the CBRS, claiming both barriers are partially developed. Five other letters also opposed the addition of RI-07 because it serves as a recreational area. The letters are reprinted below.

Response: Both Almy Pond and Hazards Beach fully qualify as undeveloped, unprotected coastal barriers under DOI criteria. Addition to the CBRS will not restrict recreational use of either barrier.

DOI Recommendation: The DOI recommends adding both RI-06 and RI-07 to the CBRS.



THE CITY OF NEWPORT, RHODE ISLAND 02840

895

June 15, 1987

Coastal Barriers Study Group
Department of The Interior
National Park Service
P. O. Box 37127
Washington, D. C. 20013-7127

Gentlemen:

At the meeting of the Council of the City of Newport, held on June 10, 1987, the Council adopted Resolution 42-87 opposing the inclusion of Gooseberry Beach, Hazards Beach (RI-07), and Almy Pond (RI-06) in the Coastal Barrier Resource system.

Very truly yours,

Jane A. McManus
Jane A. McManus, CMC
City Clerk

JAM/jj

Enclosure

Newport — America's First Resort

THE CITY OF NEWPORT

RESOLUTION
OF THE
COUNCIL

No. 42-87.....

WHEREAS, Gooseberry Beach and Hazards Beach in the City of Newport are included in the summary of proposed recommendations for coastal barriers in Rhode Island under Unit I.D. Code "RI-07" and the Unit name "Hazards Beach," as also is Spouting Rock Beach Association (Bailey's Beach) under Unit I.D. Code "RI-06," Almy Pond; and

WHEREAS, these beaches are already partially developed with bath houses and are maintained as bathing beaches; and

WHEREAS, further development of these beaches is regulated by the Rhode Island Coastal Resources Management Council; and

WHEREAS, these beaches provide an important recreational and social facility for many Newporters and have done so for many years and intend to continue to be an important recreational and social facility for many Newporters for many years to come; and

WHEREAS, their designation as a coastal barrier under the Coastal Barrier Resource System may impair the ability of Gooseberry Beach, Hazards Beach, and Almy Pond (Spouting Rock Beach Assoc.) to obtain flood insurance in the future. NOW, THEREFORE, BE IT

RESOLVED: that the Council of the City of Newport does hereby oppose the inclusion of Gooseberry Beach and Hazards Beach (RI-07) and Almy Pond (RI-06) in the Coastal Barrier Resource System. AND BE IT FURTHER

RESOLVED: that copies of this resolution be forwarded with letters to our State and Congressional legislators urging them to work and vote not to include Gooseberry Beach and Hazards Beach (RI-07) and Almy Pond (RI-06) within the Coastal Barrier Resource System. AND BE IT FURTHER

RESOLVED: that copies of this resolution also be forwarded to Coastal Barriers Study Group of the U.S. Department of the Interior and the Rhode Island Statewide Planning Committee.

WILLIAM D. NAGLE

IN COUNCIL

READ AND PASSED

June 10, 1987

Jane A. McManus
Jane A. McManus, CMC

1110

CORCORAN, PECKHAM & HAYES, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
CORNER LONG WHARF & AMERICA'S CUP AVENUE
P.O. BOX 389
NEWPORT, R.I. 02840
TELEPHONE 401-847-0872

EDWARD J. CORCORAN
PATRICK O'N. HAYES
EDWARD B. CORCORAN
WILLIAM W. CORCORAN
JOSEPH T. HOLLIMAN
KATHLEEN MANASHAN
PATRICK O'N. HAYES, JR.
JAMES S. HYMAN
JEFFREY J. FEITZ
EDWARD J. CORCORAN

WILLIAM A. PECKHAM
1910/1963

June 19, 1987

Page 2
Coastal Barrier Study Group
June 19, 1987

If the beaches were included in the Coastal Barrier Resource System, flood insurance becomes no longer available, it may deprive many citizens of this community of recreational facilities that have existed for many years.

On behalf of these beaches, I would urge you to change the recommendation and not include Hazard's Beach and Gooseberry Beach in the Coastal Barrier Resource System.

Sincerely yours,

Patrick O'N. Hayes, Jr.
Patrick O'N. Hayes, Jr.
for Gooseberry Beach, Inc. and
Hazard's Beach, Inc.

Coastal Barrier Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Coastal Barrier Study Group:

I am enclosing herewith a certified copy of a Resolution from the Council of the city of Newport regarding the inclusion of Hazard's Beach and Gooseberry Beach in the Coastal Barrier Resource System. Both of these beaches are located in the City of Newport, Rhode Island. They are designated as RI-07 Hazard's Beach, Newport County, First Congressional District in the Summary of Proposed Recommendations for Coastal Barriers in Rhode Island. These beaches are already developed as bathing beaches and provide a recreational and social facility for many citizens in this area. While they may have had the appearance of coastal barrier beaches when viewed on a map, an actual view will indicate that they are already developed and not appropriate for inclusion in the Coastal Barrier Resource System.

Secondly, there is little, if any, interaction between these beaches and the Lily Pond, the coastal pond which is adjacent to them. The only direct contact between the pond and the beach is an underground drain which drains the overflow from the Lily Pond out to the beaches.

Further, any additional development of Gooseberry Beach and Hazard's Beach, which is unlikely and not planned, is regulated by the Rhode Island Coastal Resource Management Council, and could only be done with the appropriate environmental safeguards.

PBJr./mn
Enclosure
cc: Mrs. John T. Allan
Certified #P333664724

ROOM-6217 E3 1395
June 7, 1987
To Whom it may concern,
Gooseberry Beach, of Newport, R.I.
is on the list recommended for
protection by the Coastal Barrier
Resource System. We would like
the beach to be eliminated from
this list as it has been a
valuable resource for recreation
for the people in our area and
surrounding towns.
Please take this into
consideration and remove
Gooseberry Beach from the list
for protection by the system.
Sincerely
(Mrs) Ethel D. Martin
38 Hammond St
Newport, R.I. 02840

1389

1389 June 8, 1987
To Whom it may concern,
Gooseberry Beach of
Newport, R.I. is on the list
recommended for protection
by the Coastal Barrier
Resource System. I would
like the beach to be
eliminated from this
list as it has been a val-
uable resource for
recreation for the people
in our area and many
surrounding areas.
Please take this in
consideration and remove
Gooseberry Beach from the
list for protection by the
system.
Sincerely
(Mrs) Jane Connell
72 Connetquot St
Newport, R.I. 02840

1388

55 Hammett Street
Newport, R.I. 02840
June 8, 1987

Committee for Coastal Barrier Resource System
Department of the Interior
Washington, D.C.

Dear Members of the Committee,

Gooseberry Beach of Newport, R.I. is on the list recommended for protection by the Coastal Barrier Resource System. We want the beach to be eliminated from this list because Gooseberry Beach has been a valuable source for recreation for people in our area. Please take this fact into consideration and remove Gooseberry Beach from the list for protection by the System.

In advance we thank you for your consideration.

Sincerely,
Jean and Thomas Condeley
(Husband and Mrs. Thomas F. Condeley, Jr.)

1408

FERNAND J. ST GERMAIN
1ST DISTRICT, RHODE ISLAND
2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: 202-225-4811
204 JOHN E. FOLETTI BUILDING
PROVIDENCE, RI 02903
TEL: 401-828-9090
TOLL FREE TELEPHONE
1-800-892-8110

Congress of the United States
Hous. of Representatives
Washington, DC 20515

CHAIRMAN,
BANKING, FINANCE AND
URBAN AFFAIRS COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON FINANCIAL
INSTITUTIONS SUPERVISION,
REGULATION AND INSURANCE

May 28, 1987

Mr. David Brown
Assistant to the Secretary and Director,
Office of Congressional and Legislative Affairs
Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

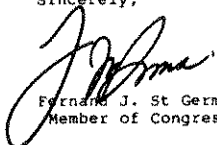
Dear Mr. Brown:

On behalf of Mr. Patrick O'N. Hayes, Jr., I am requesting that the Department of Interior reconsider their classification of Gooseberry Beach as a Coastal Barrier Beach.

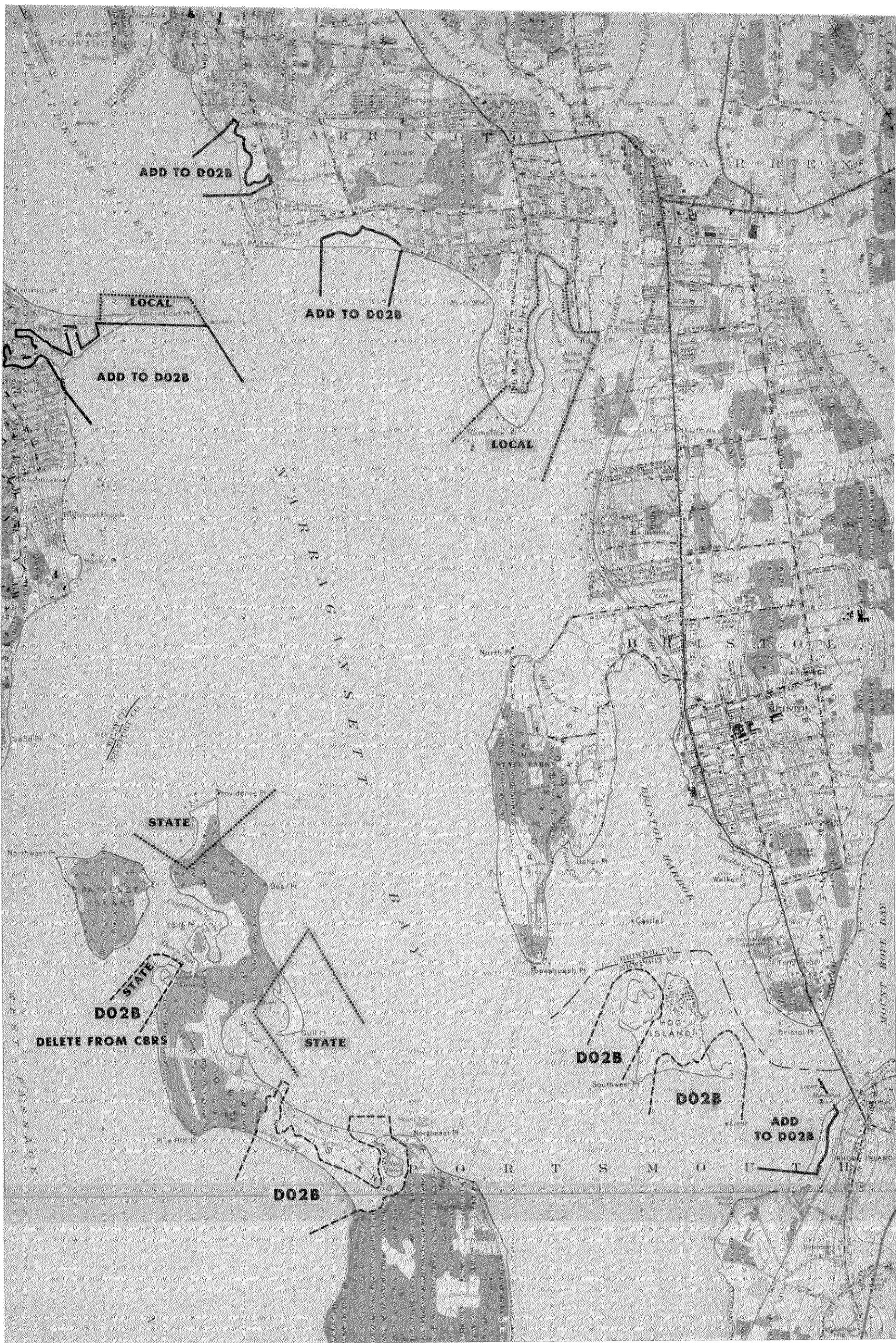
I have been a long time supporter of policies that protect and maintain the environment, but feel that there are no apparent benefits derived from the categorization of this shoreline as a Coastal Barrier Beach. Although, Gooseberry Beach reflects some typical attributes reflective of a Coastal Barrier Beach, it beneficially serves the community more as a recreational facility. Consequently, it is my hope that you will give this matter the utmost consideration and a mutual agreement regarding this issue can be reached.

Thank you for your attention in this matter.

Sincerely,


Fernand J. St Germain
Member of Congress

FJStG:kan
enclosure



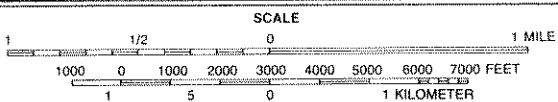
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR

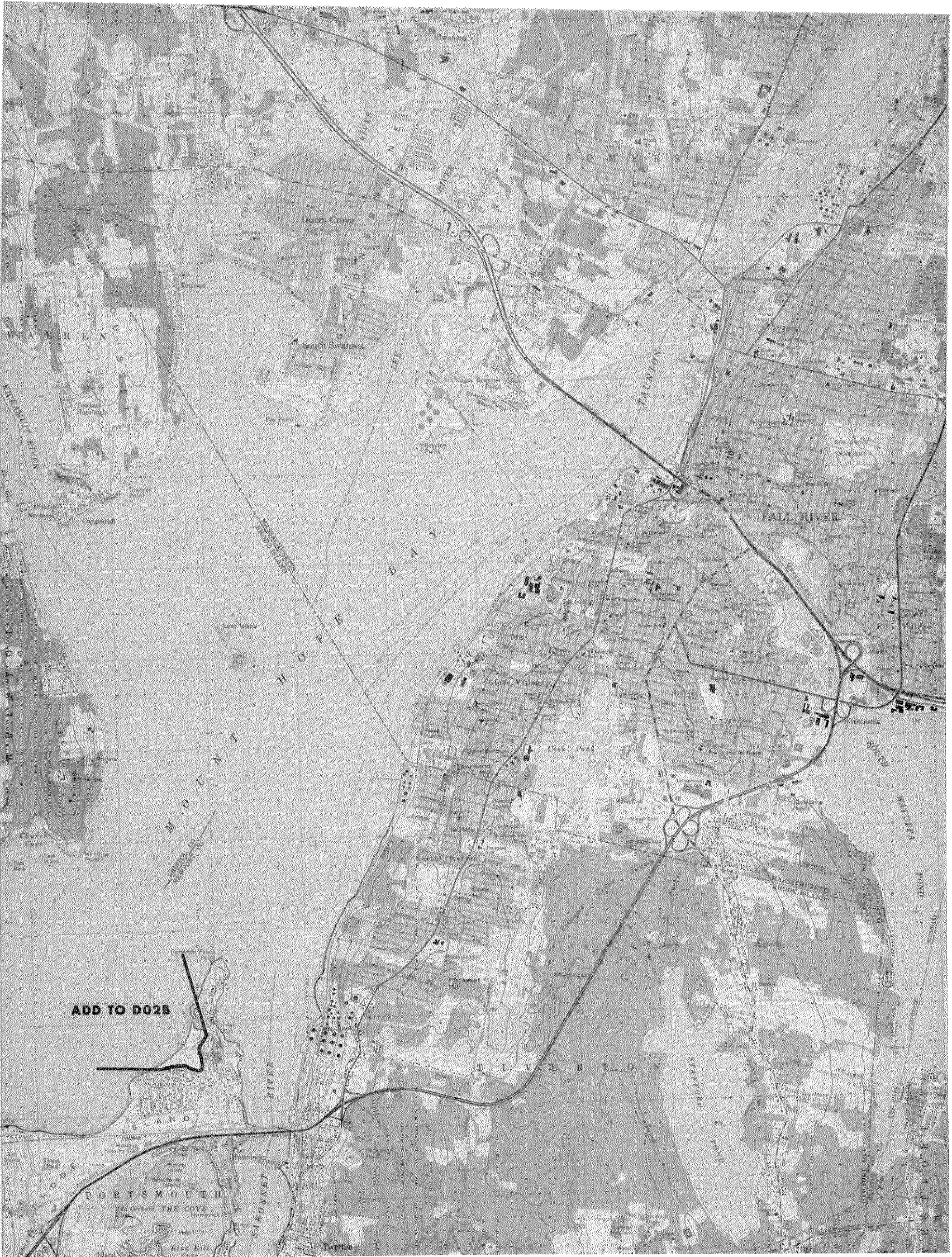


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U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
BRISTOL
RHODE ISLAND



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



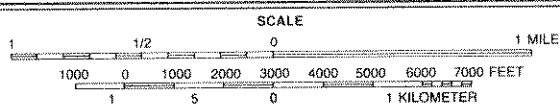
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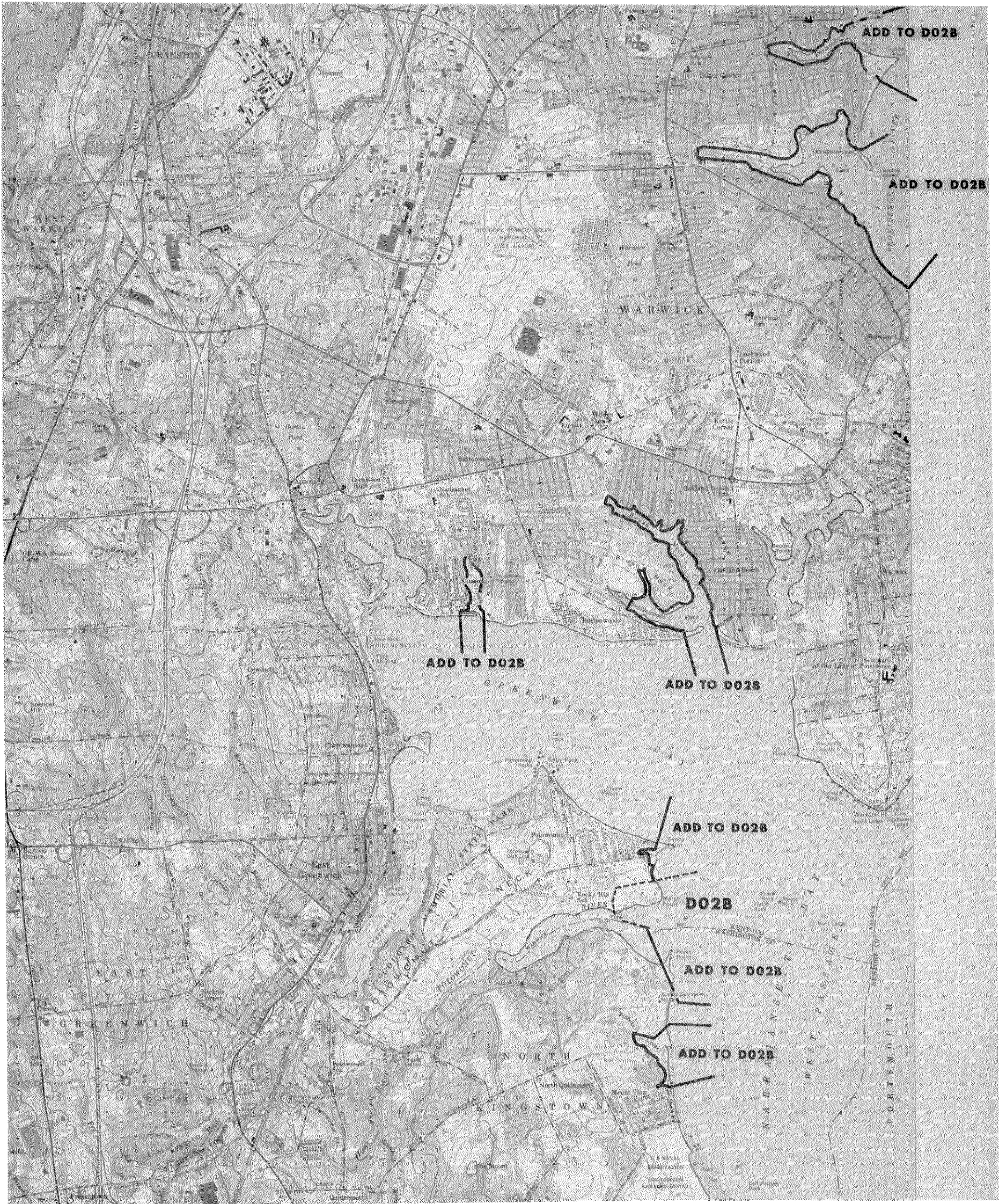
QUADRANGLE
FALL RIVER
RHODE ISLAND



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



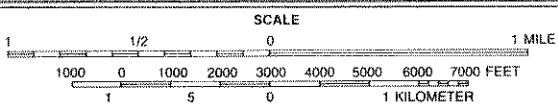
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QUADRANGLE
EAST GREENWICH
RHODE ISLAND



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D02B - PRUDENCE ISLAND COMPLEX

State Position: The State of Rhode Island opposes the deletion of State-protected Sheep Pen Swamp from the existing unit, but supports the addition of the Conimicut Point and Musselbed Shoals areas to the unit.

Other Comments: One letter was received expressing concerns about whether all of the otherwise protected and developed areas were excluded from both the existing unit and the proposed additions. It is reprinted below.

Response: No developed areas are included in the recommended additions. Sheep Pen

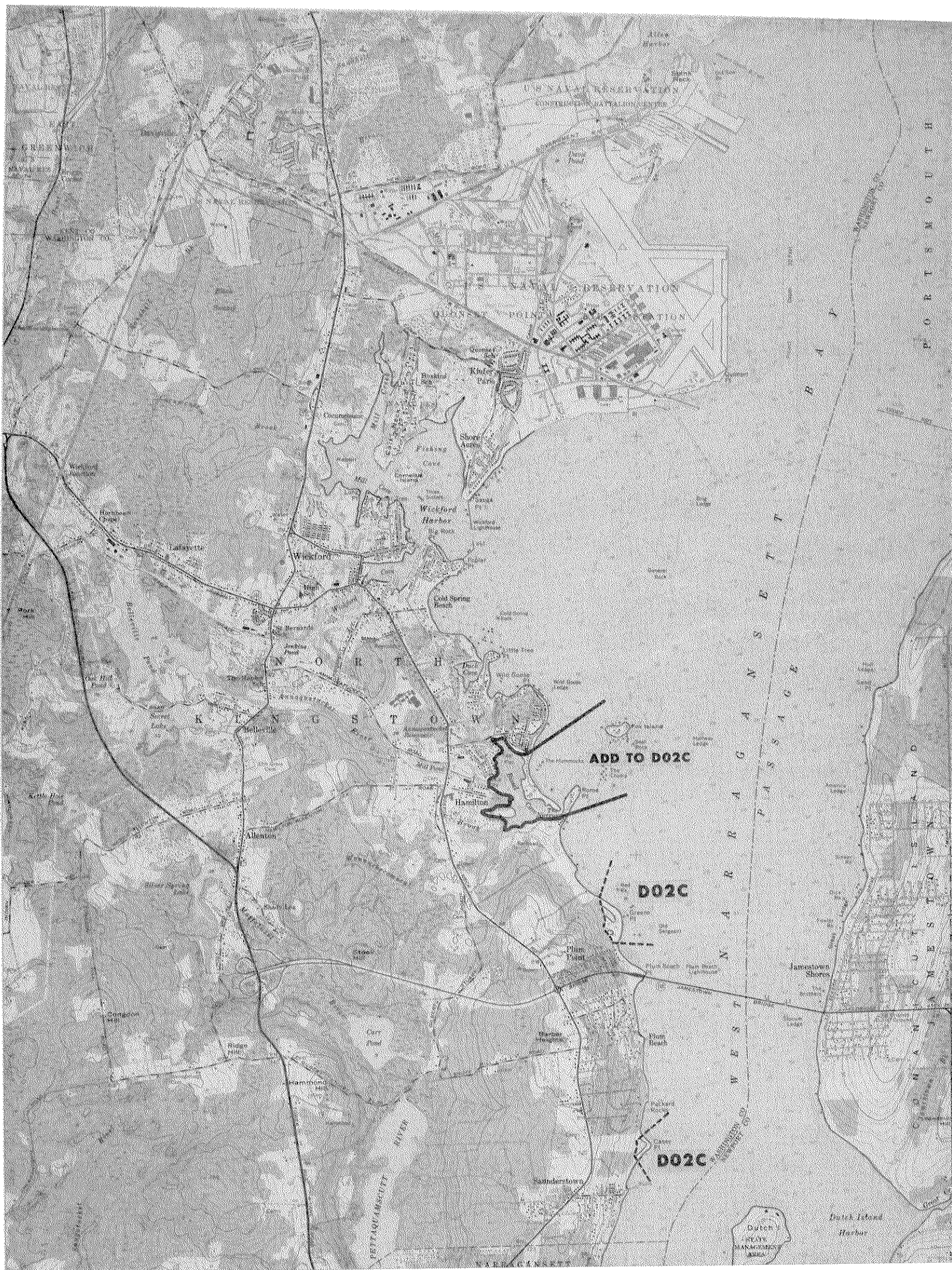
Swamp is protected by the State of Rhode Island. As discussed previously, the DOI is not recommending that otherwise protected barriers be included in the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

DOI Recommendation: The DOI recommends deleting the Sheep Pen Swamp segment of the existing unit because it is protected by the State. The DOI also recommends adding the Conimicut Point and Musselbed Shoals areas to the existing CBRS unit.

601

STATE PLANNING COUNCIL
WORKSHOP ON COASTAL BARRIER RESOURCES ACT
SECTION 10 MAPS/STUDY
May, 1987

NAME: Sara Peade
ORGANIZATION:
ADDRESS: 1249 Anthony Rd Portsmouth RI 02871
PHONE: 401 683 0621
QUESTIONS/
COMMENTS: 1.) Area to be added to the Prudence Island Plan, on Common
Fence Point, D02B, is land held by a land trust. Have the owners of this wetland,
the Common Fence Point Improvement Association, been notified of this
proposal concerning their property?
2.) It appears that there are a few houses to be included in the
Common Fence Point beach area, though the maps are very unclear.
Have the owners of these houses been notified that their property
may be included in this plan?
3.) Presently there is a State funded mosquito control plan under way
in this area of Common Fence Point. Would the designation of
barrier beach prevent the funding and continuation of this
project?
4.) In this CFF area is also a baseball field, childrens playground,
park areas, and small fresh water pond. How would this barrier
beach designation affect these public areas? Would improvements
and maintenance be allowed to continue?



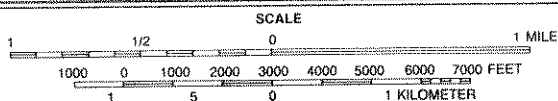
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Washington, D.C. 20240

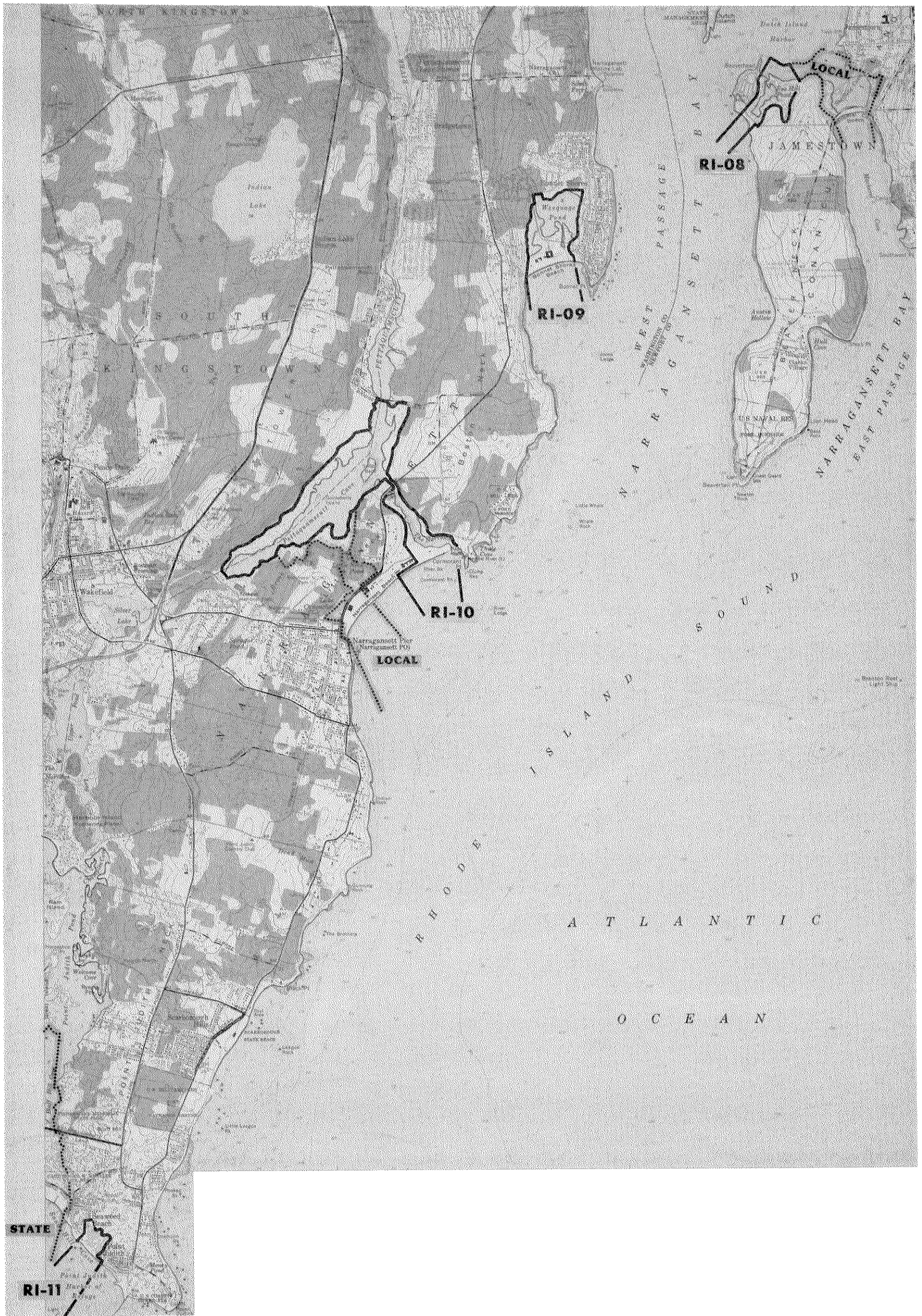
QUADRANGLE
WICKFORD
RHODE ISLAND



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STATE
RI-11

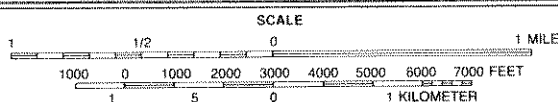
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QUADRANGLE
NARRAGANSETT PIER
RHODE ISLAND



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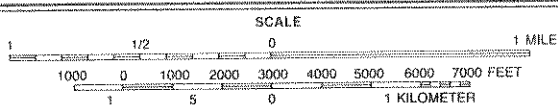
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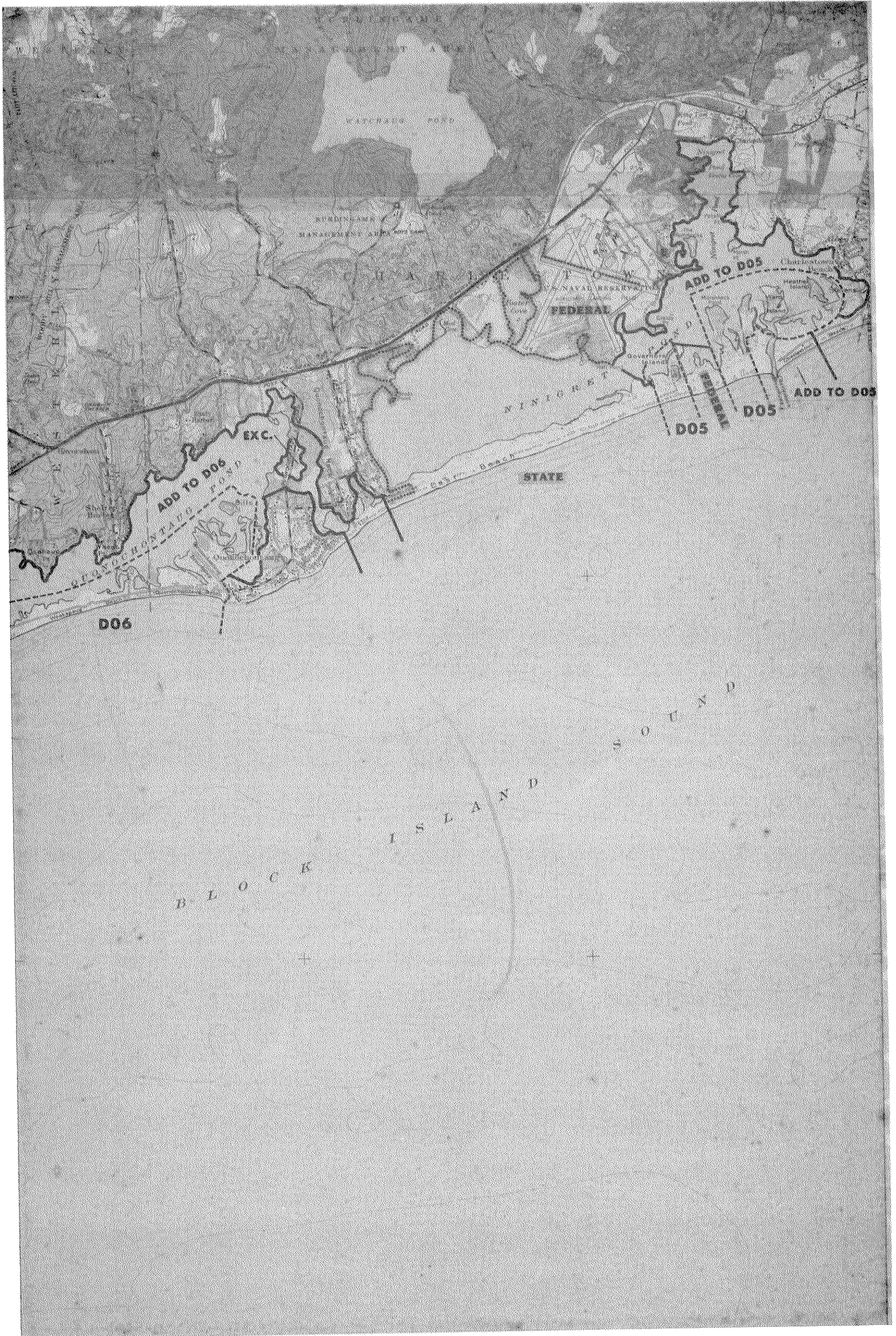
QUADRANGLE
KINGSTON
RHODE ISLAND



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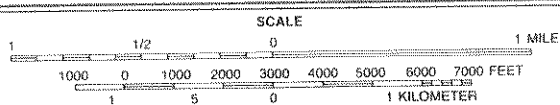
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QUADRANGLE
QUONOCHONTAUG
RHODE ISLAND



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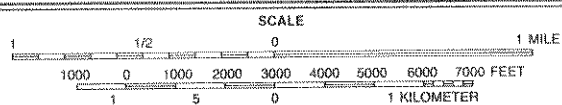
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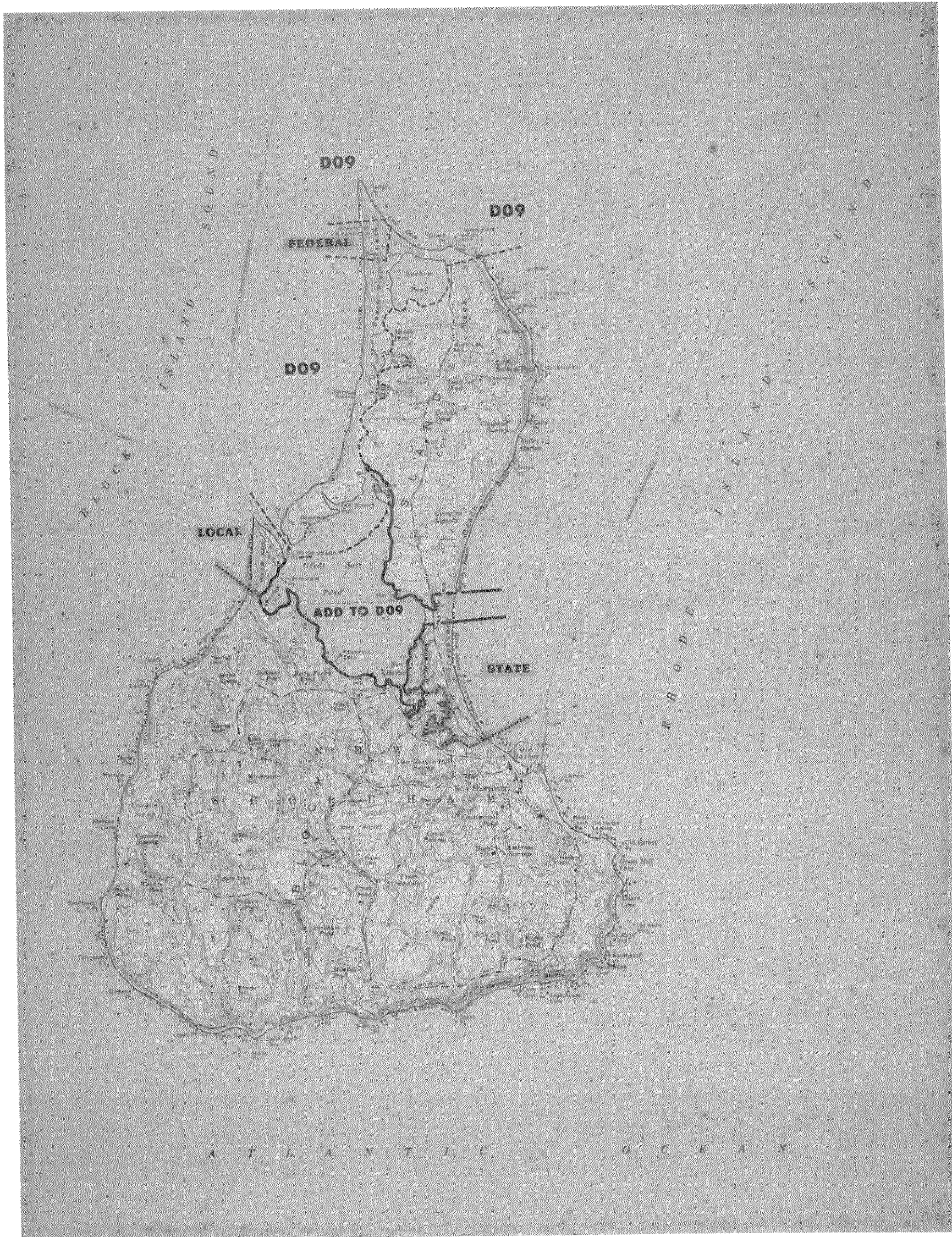
QUADRANGLE
WATCH HILL
RHODE ISLAND



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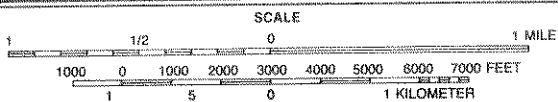
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QUADRANGLE
BLOCK ISLAND
RHODE ISLAND



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D09 - BLOCK ISLAND

State Position: The State of Rhode Island supports the addition of associated aquatic habitats to D09 and recommended further additions of otherwise protected areas.

Other Comments: Two letters of support for the additions to D09 were received. One letter is reprinted below; the other appears in the General Comment Letters section (letter number 1282).

Response: The DOI is not recommending that otherwise protected barriers be included in the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

DOI Recommendation: The DOI recommends adding the associated aquatic habitats to the existing CBRS unit.

583

TOWN OF NEW SHOREHAM
P.O. Drawer 220
Block Island, Rhode Island 02807

Block Island Land Trust
(401) 466-5598

REURRES:

Keith A. Lewis
Dorothy S. McCluskey
Cynthia W. Pappas
Nancy Walker Oronoway
Keith Long

May 22, 1987

Coastal Barriers Study Group
National Park Service
U. S. Dept. of the Interior
P. O. Box 37127
Washington, DC 20013-7127

Re: U.S. Dept. of the Interior
Coastal Barriers System

Gentlemen:

The Block Island Land Trust is a public instrumentality, authorized by the Rhode Island legislature and the New Shoreham Town Council, that acquires and manages open, agricultural and shorefront land for purposes of public access, recreation and conservation. The Trust's activities are financed by a 2% fee imposed upon transfers of real property in New Shoreham after October 1, 1986 and by gifts and grants.

The Block Island Land Trust strongly supports your recommendations to increase the amount of land included in the National Coastal Barrier Resources System. By increasing from 439 to 991 acres the amount of Block Island land in this system, you would be greatly assisting us in our efforts to protect environmentally sensitive lands in our community.

Our town's greatest economic asset is its natural resources which are the primary attraction for most tourists/visitors to Block Island, which is the smallest town in the smallest state in the United States.

With Federal funds for open space acquisition rapidly disappearing we are trying to find sufficient state, local and private financial resources to fill the gap. We urge you at the very least to push forward with this proposed expansion of the Coastal Barriers Resources System. Doing so will at least withdraw the existing Federal subsidy for sewers and roads in floodplains and the Federal flood insurance for development of these fragile lands. The tourism and recreational boating

Coastal Barriers Study Group
National Park Service
U. S. Dept. of the Interior

May 22, 1987
Page Two

and fishing activities which form the basis of Block Island's economy are largely dependent upon protection of these wetlands, shorelands and floodplains.

Thank you for your consideration of our concerns.

Sincerely,

Dorothy S. McCluskey
Dorothy S. McCluskey
Vice-Chairman
Block Island Land Trust

DSM:KS
Enc. Map
N.Y. Times Article

cc: Town Council
Planning Board
Zoning Board
Conservation Commission
Governor DiPrete
Senator John Chafee
Senator Claiborne Pell
Rep. Claudine Schneider
Robert L. Bendick, Jr.
Mr. Nat Williams
Ms. Eve Endicott