TOWN OF NORTH KINGSTOWN
Harbor Management Plan
AND HARBOR ORDINANCES

October 20, 2008
**Table of Contents**

1.1 Statement of Purpose 4  
1.2 Methodology 4  
1.3 Goals of the Plan 5  
1.4 Objectives of the Plan 5  
1.5 Jurisdiction and Authority 6  
2.0 History and Geography of NK Waters 11  
2.1 Wickford Harbor Complex 11  
2.2 Allen Harbor 11  
2.3 Quonset/Davisville 12  
2.4 West Passage – Narragansett Bay 13  
2.5 Narrow River Watershed/Pettaquamscutt River 13  
2.6 Bellville Pond and Secret Lake 13  
3.0 Findings and Recommended Actions 14  
3.1 Recommended Revisions to the Ordinance 14  
3.1.1 Creation of Harbor Commission 14  
3.1.2 Composition of Harbor Commission 14  
3.1.3 Appointments 14  
3.1.4 Vacancies 14  
3.1.5 Absences 15  
3.1.6 Officers 15  
3.1.7 Powers and Duties 15  
3.1.8 Ex-Officio Members 15  
3.2.0 Funding of Harbor Management 15  
3.4.0 Plan Elements and Recommendations 16  
3.4.1 Water Quality 16  
3.4.2 Moorings, Slips and Docks 31  
  Mooring Field Charts 36  
3.4.3 Public Rights of Way 51  
3.4.4 Commercial Fishing 62  
3.4.5 Wildlife, Conservation and Land Use 68  
3.4.6 Recreational Boating, Boat Safety and Navigation 74  
4.0 Harbors and Waterways – Inventory by Sector 84  
  Storm Preparedness Plan 110  
  Town Harbor Ordinances 120
Maps

Waters of Narragansett Bay Under the Jurisdiction of Town of North Kingstown 8
Water Bodies of the Narrow River System 9
Annaquatucket River Watershed 10
Pump Out Facilities 23
Impaired Waters 24
Shellfish Restrictions 25
DEM Water Classifications 27
CRMC Water Type Classifications 30
Mooring Fields 37
Lobster Fishing Area 66
Conservation Sites 72
Natural Resources 73
Sector Map 83
1.1 STATEMENT OF PURPOSE

The Town Council of North Kingstown, in recognition of the valuable environmental and commercial assets provided by the tidal and other waters of North Kingstown, hereby adopts this Harbor Management Plan (HMP) as a comprehensive evaluation of current activities and a long term guide for activities on or adjacent to the tidal waters of North Kingstown.

The Harbor Management Plan has been prepared by citizens as a guide to establish and revise ordinances for the benefit of all waterway users within the jurisdictional boundaries of the waters managed by the Town of North Kingstown under this HMP. The HMP was developed to be compatible with relevant management and regulatory policies of both Federal and State programs. The Plan also promotes the principal authority for implementation of the HMP to the Town of North Kingstown.

1.2 METHODOLOGY

This document is an update of an extensive community planning process that attempted to consolidate the knowledge, recommendations and concerns of a diverse representation of North Kingstown’s harbors and waters users and abutters, as well as residents, non-residents and adjacent communities. Twelve members were appointed by the Town Council to the Harbor Management Plan Steering Committee, with ex-officio representation extended to Warwick, Narragansett and South Kingstown. The Steering Committee established six subcommittees to investigate the following subjects:

1. Commercial Fishing
2. Recreational Boating
3. Moorings, Slips and Docks
4. Wildlife and Conservation
5. Public Access/Rights of Way
6. Water Quality

Upon the establishment of the subcommittees and relevant charges, a hearing was conducted to ascertain input from the public as to the subject matter that would become the basis of the plan. The Steering Committee extended an invitation to the community for additional members to participate on the subcommittees. Many individuals, residents and non-residents contributed their time to the subcommittee efforts.
1.3 GOALS OF THE PLAN

The overall goal of this plan is to manage the coastal waters, harbor areas, and other water bodies under the jurisdiction of the Town of North Kingstown, as described herein, by establishing policies, goals and regulations that balance and manage the diverse uses of the waters, harbor areas, waterfront, and minimize user conflict.

Additional goals of the Harbor Management Plan include:

- Providing a mechanism that will ensure that the administration and operational costs of the Harbor Management Plan and ordinances are identified and adequately supported;
- Maintaining, improving and developing public access opportunities to the coastal waters of the Town of North Kingstown for the benefit of all user groups;
- Remaining consistent with the goals and regulations of the Rhode Island Coastal Resources Management Council, the Rhode Island Department of Environmental Management, and the United States Army Corps of Engineers.
- Maintaining compliance with the Town of North Kingstown Comprehensive Community Plan.

1.4 OBJECTIVES OF THE PLAN

1.4.1 Safeguard and improve the water quality of the Harbors and Coastal waters to ensure their continued use for safe public contact recreation, recreational and commercial fishing activities, and boating.

1.4.2 Gain the proper balance between the preservation of the diversity of living resources of the harbors and the intensity of harbor activities and use.

1.4.3 Provide defined mooring fields for the equitable and efficient distribution of private and commercial moorings without compromising public health and safety.

1.4.4 Recognize the importance, historically and economically, of the local fin and shellfisheries and take appropriate measures to prevent encroachment on and impairment of these resources.

1.4.5 Provide a forum for ongoing discussion concerning the coordination among the different authorities responsible for boating safety and enforcement.

1.4.6 Provide guidance for improving public access to the waters.
1.4.7 Set forth a means for implementation of the goals of the North Kingstown Harbor Management Plan.

1.4.8 Identify and provide opportunities for marine related and water dependent industries.

1.4.9 Promote North Kingstown as a desirable destination harbor by supporting the development of facilities and activities that enhance the recreational boating experience.

1.4.10 Designate areas for opportunities for swimming, conservation and wildlife.

1.4.11 Protect the scenic and historic character of the harbors by incorporating the policies of the North Kingstown Historic District regulations, where applicable, with the Harbor Management Plan.

1.4.12 Recommend for consideration such zoning or other land use criteria which would serve to protect waterfront views and encourage architectural designs that complement the surrounding area and the goals of the Harbor Management Plan.

1.5 JURISDICTION AND AUTHORITY

**Coastal waters:** The coastal waters and harbor areas of the Town of North Kingstown included under the jurisdiction and authority of this ordinance are those coastal waters and harbors areas within the jurisdiction of the corporate boundaries of the Town of North Kingstown. The northern coastal boundary of North Kingstown begins at a line between the City of Warwick and the Town of North Kingstown at a point on Forge Road Bridge; then proceeding down the center line of the Potowomut River to a location halfway between Marsh Point and Pojac Point; from this point easterly to Round Rock Buoy "1"(41°0'-39'-24"N: 071°0'-23'-24" W). The Town boundary extends southerly to a point in the Narragansett Bay, 733 yards from shore (41°0'-30'-16"N: 071°0'-24'-46" W). There are approximately 30 miles of coastline along the Narragansett Bay that constitute the coastal jurisdictional boundaries of North Kingstown. (See Figure 1-1)

**Narrow River:** The northern section of the Narrow River (Pettaquamscutt), a tidal estuary, is within the corporate boundaries of North Kingstown. In 1986 the R.I. Coastal Resource Management Council designated this river and its watershed, to be protected under the Special Area Management Plan (SAMP). The SAMP was amended on April 12, 1999. (See figure 1-2).

**Belleville Pond & Secret Lake:** In 1991 the North Kingstown Town Council instructed that the public water bodies Secret Lake and Belleville Pond be regulated under Town Ordinances
Chapter 7, Harbors and Wharves. (See Figure 1-3.) These ordinances are still in effect.

1.5.1 Authority: Section 46-4-6.4 of the Rhode Island General Laws confers limited powers upon the North Kingstown Town Council to regulate public waters in its jurisdiction.
Water Bodies of the Narrow River System

Figure 1-2. Water bodies of the Narrow River System.

Source: CRMC Narrow River Special Area Management Plan
This map is for reference purposes only. The Planning Department utilizes this information as a reference tool for review. This map is not intended for use as a site plan.
2.0 HISTORY AND GEOGRAPHY OF NORTH KINGSTOWN WATERS

The Town of North Kingstown has a rich and storied history, dating back to the 1600's, much of which centered along the coastline. A brief history and description of the coastal areas follows.

2.1 WICKFORD HARBOR COMPLEX

The Wickford Harbor Complex consists of a set of shallow coves indented into the western shore of Narragansett Bay's West Passage and is protected by two breakwaters. The history of this harbor and the village, for which the harbor was eventually named, extends back to the seventeenth century when Richard Smith and Roger Williams established a trading post and farm in 1643. Over the years this harbor flourished as a mercantile center, for farm and other products produced and processed from the expanding development of the interior lands. In the early 1700's Updike's Newtown was renamed Wickford, for the city in England. In spite of the early historic trade activity the area never became a major metropolitan center. The village has retained its historic charm and the harbor is presently used primarily for recreational boating.

2.2 ALLEN HARBOR

During the onset of World War II in 1941 the United States Navy established the Davisville Naval Construction Battalion Center (NCBC) and Quonset Point Naval bases to facilitate research and development on a wide range of technologies and provide training facilities for the Seabees. Over the 30 years that the Navy used these facilities the topography of Allen Harbor changed substantially.

The harbor itself served as a Naval dredging school, with the dredged materials creating significant expansion to the surrounding land area and creating an additional 50% in harbor area.

In 1974 the Navy closed its Quonset Point operation, and portions of the Davisville NCBC installation. In 1980 the Town acquired from the Department of Interior 14.76 acres of land on the eastern side of Allen Harbor. The Town currently operates a municipal marina, with services currently limited to slips, moorings and boat launching areas.

The Base was selected for closure under the Base Closure and Realignment (BRAC) Act of 1991 and was officially closed in April 1994. At the time, there were approximately 1,000 acres held by Navy, all of which were scheduled for release by 1997. A Base Reuse Plan developed by representatives of the State, local and tribal governments has been completed. This plan recommends the conveyance of the western side of Allen Harbor to the Town of North Kingstown. The Town currently holds a lease from the QDC for 47 acres on the western side of Allen Harbor. Since 1966 the Quonset/Davisville Navy Yacht Club (now known as the
Allen Harbor Boating Association (AHBA) has utilized approximately two (2) acres of land on the western shore of this harbor. Over the years this organization has established through "sweat equity" and other contributions, an approximately 65 slip boating facility, serving 200 members of active and retired military personnel. The Town now leases the property to the AHBA.

In 2000, the Town, with the assistance of a consultant, completed a master plan for the Allen Harbor Calf Pasture Point (AHCPP) complex. This plan provides a long-term vision for the Allen Harbor and Calf Pasture Point area in ten years and beyond. It also identifies feasible development opportunities and use options for the complex. In 2001, the Town received title to Calf Pasture Point. Calf Pasture Point is approximately 189 acres in the northern harbor area. The Town is planning a series of trails throughout the point for passive recreation. A variety of amenities are also proposed including benches, interpretative signage, kayak haul-outs, and restroom facilities. Access to the site will be allowed just south of the Allen Harbor landfill. A parking lot is proposed at this location as well. In 2003, the Town hired another consultant to assist in the implementation of the recommendations of the AHCPP master plan.

Since 1980, the Town has owned and operated a marina on the eastern side of Allen Harbor on approximately 14.7 acres of land. Various improvements have been made to the marina property over the past twenty plus years. The Town recently received permission from CRMC to add 22 slips to the existing dock configuration. In addition, the Town has recently completed new restroom facilities and a sewer line extension from the Quonset Development Corporation (QDC) wastewater treatment facility. In addition, parking lot improvements are under consideration as well.

In 2004, the Town received the title to the Allen Harbor landfill. The landfill is approximately 15 acres in size. The landfill was capped as part of the Navy Restoration Program in 1998. Pedestrian access is allowed on the landfill where a simple trail layout is in place. The top of this elevated plateau offers scenic views of the harbor and Narragansett Bay.

### 2.3 QUONSET NAVAL BASE - DAVISVILLE NAVAL CONSTRUCTION BATTALION CENTER

As discussed in the previous section these bases were fully active between 1941 and 1974. As in Allen Harbor extensive dredging occurred along the shore with the dredged materials being used to significantly extend the land area. On this filled land the Navy developed two cargo piers, a carrier pier, an airport, sewage treatment plant and numerous buildings and facilities. The bases accounted for approximately 2000 acres of land with 4.7 miles of waterfront. These facilities and associated parcels have become a foundation for the State's Quonset Business Park now managed by an entity known as the Quonset Development Corporation (QDC).
2.4 WEST PASSAGE - NARRAGANSETT BAY

North Kingstown was conferred limited powers from the State of Rhode Island to regulate the waters within its jurisdictional boundaries in 1974 (RIGL 46-4-6.4). The Town's northern boundary begins at the halfway point of the Potowomut River between Pojac Point and Marsh Point, Warwick and extends to a location seaward in the Narragansett Bay with the following coordinates: 41°39'-24"N: 071°23'-24"W. The boundary extending south is consistent with the County boundary, to a location in Narragansett Bay with the following coordinates: 41°30'-16"N: 071°24'-46"W.

2.5 NARROW RIVER WATERSHED / PETTAQUAMSCUTT RIVER

The Narrow (Pettaquamscutt) River is an environmentally sensitive watershed located in the southern portion of North Kingstown. Its source begins in North Kingstown and flows south through the two communities of Narragansett and South Kingstown to the Narragansett Bay. The Narrow River Watershed was designated by the Coastal Resources Management Council (CRMC) in 1986, as amended on April 12, 1999, to be managed under the SAMP. The SAMP provides a comprehensive approach toward protecting critical watersheds by imposing best management practices in the use and development of properties within the watershed. While the CRMC has direct and comprehensive authority over the Narrow River and its watershed, the Town's role is in coordinating the individual actions of the various State and local authorities toward the implementation of a consistent management policy. The Town exercises additional authority through its Zoning Ordinances particularly the Groundwater Reservoir and Groundwater Recharge Overlay Districts, and through subdivision development regulations. Because of its sensitive nature, the North Kingstown Comprehensive Plan (1992), as amended in 2001, recommended that the Narrow River be designated primarily for low-density residential development.

2.6 BELLEVILLE POND & SECRET LAKE

Belleville Pond and Secret Lake are adjacent water bodies within the Annaquatucket River Watershed. In 1990 the Town Council voted to include these water bodies under its authority to regulate public waters granted under Section 46-4-6.4 of the RI General Laws. Belleville Pond is a 159-acre waterbody and is a focal point of the Town's 350 acre Ryan Park which surrounds the Pond. The impetus behind acquiring the property for this park was to protect the groundwater through preservation and the managed development of the natural resources and critical habitat for rare and endangered species. The long range management plan proposes to establish a Town forest that integrates existing and proposed nature trail networks such that a natural educational resource will be established along with active recreation facilities such as ball fields.
Secret Lake is approximately 60 acres in size. Three of the Town's public wells are located on 41 acres of Town land adjacent to this pond. A wellhead delineation study determined that there is some induced infiltration from this pond to the wells. The intensity of land use adjacent to this water body and its watershed varies from open space to heavy business. The degradation of water quality has been of concern. In its continuing effort to protect groundwater resources, the Town through open space bonds, acquired, an additional 40 acres of land in this watershed. Other uses adjacent to the shore or that contribute to the water quality include single-family residential units and an auto salvage yard.

Belleville Pond and Secret Lake form the source of the Annaquatucket River system that discharges to Bissels Cove on Narragansett Bay. The RIDEM Division of Fish & Wildlife has constructed a complete fish ladder system within the Annaquatucket watershed for spawning alewives.

3.0 FINDINGS AND RECOMMENDED ACTIONS

3.1 RECOMMENDED REVISIONS TO THE ORDINANCE

In 1994 the Town adopted its first Harbor Management Plan. The Harbor Management Plan Steering Committee had the opportunity to review the Town's historic harbor management operations. There was also an opportunity to observe the many unique features of the Town's public waters and the diverse relationships of the water users. As result of this undertaking it was recommended that the structure currently used to manage the public waters be modified to include the following:

3.1.1 Creation of a Harbor Management Commission: This Commission shall be the local advisory body to the North Kingstown Town Council regarding the public waters and harbor areas of the Town.

3.1.2 Composition of the Harbor Management Commission: The Commission shall consist of seven (7) members, with recommended representation from each of the following groups: Recreational Boating Community; Commercial Fishing Industry; Marina and/or Boatyard Operators; Environmental/Conservation Groups; General Public Access interests; Waterfront property owner and one citizen at large.

3.1.3 Appointments: Members shall be appointed by the Town Council for terms consisting of two years. Initial appointments were staggered, with four (4) members appointed for a three (3) year term and three (3) members for a two (2) year term.

3.1.4 Vacancies: shall be filled as necessary and in accordance with the initial appointment.
3.1.5 Absences: Any member absent more than two consecutive meetings, without good cause, would be considered as a resignation from the Commission. An affected member would be afforded an appeal to the remaining Commission members and a majority vote would be required to reverse the action.

3.1.6 Officers: A Chairperson, Vice Chairperson, and Secretary shall be elected by the members of the Commission. The Commission shall meet monthly and all meetings shall conform to open meeting laws. Any additional meetings shall be called by the Chairperson or by the request of at least four (4) members of the Commission. The Secretary shall keep minutes of all meetings and file such minutes with the Town Clerk.

3.1.7 Powers and Duties: The Harbor Commission serves as shall be the local advisory body authorized to recommend policy for the coastal waters and harbor areas of the Town through the implementation of the Harbor Management Plan and its subsequent ordinances. The Harbor Commission shall adopt rules of procedure and operation for its meetings and is authorized to:

a) Recommend to the Town Council the adoption of rules, regulations, fees, penalties and other amendments to the Harbor Management Plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the Harbor Management Plan and meet the requirements of its ordinances;

b) Recommend additional duties and responsibilities for the Harbor Division, herein detailed.

c) Review and suggest revisions as necessary the Harbor Management Plan and its subsequent ordinances for Town Council and Coastal Resource Management Council approval. The Harbor Management Plan and its ordinances shall be reviewed at least once every five years;

3.1.8 Ex-Officio Members: (1) The Harbormaster shall be a non-voting, ex-officio member of the Harbor Commission. (2) To enable the Harbor Commission to coordinate issues of mutual concern between adjacent coastal municipalities, there may be one non-voting, ex-officio member from the Harbor Commissions of Warwick, Narragansett, South Kingstown and Jamestown.

3.2.0 FUNDING OF HARBOR MANAGEMENT ACTIVITIES

The Harbormaster and Planning Department staff are funded via the Town General Fund.
3.4.0 PLAN ELEMENTS AND RECOMMENDATIONS

This Harbor Management Plan was developed as result of findings and recommendations of six subcommittees. Each subcommittee had specific charges to research and develop recommendations regarding the conditions, operations and management of Town harbors and waters. Those committees were as follows:

  Commercial Fishing,
  Recreational Boating,
  Moorings, Slips, and Docks,
  Wildlife and Conservation,
  Public Access/ Rights of Way,
  Water Quality

The following provides the recommendations of each subcommittee report excerpted by the Harbor Management Plan Steering Committee. Full subcommittee reports are on file in the North Kingstown Department of Planning and Development.

3.4.1 WATER QUALITY

A. Statement of Purpose

As the population and development in North Kingstown continues to increase possible effects to the water quality include increased algal growth, decreased water transparency, and a decline in the biological and recreational quality of the waters in North Kingstown. Furthermore, many other factors affect the fish, shellfish and overall water quality. These factors include hydrocarbons, such as oil and grease from roads and outboard motors; inorganic fertilizers used in landscaping practices; trash left on beaches which is unable to break down into organic matter, especially plastics and Styrofoam; common automotive spills of transmission fluid, antifreeze, and ethylene glycol; organic chemicals and metals from antifouling paints; herbicides; over-fishing; disturbance and shading of the bottom of docks and the transport of sand into the ponds through the breachways.

The Town of North Kingstown acknowledges the unique and precious resource inherent with coastal waters and is committed to protecting and improving the water quality for future generations. It is paramount to identify, measure, and document all sources of present and potential threats to the quality of our waters. Through Town Ordinances and North Kingstown Storm Water Management Plan, programs and policies are in place to minimize water pollution and regulate inorganic waste disposal. Additional programs and policies, recommended below, will be encouraged to further minimize water pollution and improve water quality. It is the goal of the Town of North Kingstown to maintain and improve the water quality and aesthetic values of this community for fishing, shell fishing
and recreational uses.

B. North Kingstown Water Quality

North Kingstown has approximately 30 miles of tidal shoreline along Narragansett Bay, in Allen Harbor and Wickford Harbor, as well as other public waters within the Town’s jurisdiction. The quality and use of North Kingstown’s waters have been classified by two State agencies:

The RI Department of Environmental Management, Division of Water Resources measures and classifies the magnitude of water quality for the various harbors, inlets and waterways of the State into water quality standards. These standards are water quality goals for the use of a particular waterbody and require the control of pollutants entering a waterbody to maintain its classification (See Table 3-1); and

The R.I. Coastal Resource Management Council classifies the types of uses that can be conducted in the various waters and on the adjacent lands (See Table 3-2). These classifications have been outlined within the sector inventory description and map.

B. Areas of Water Quality Concern

There are several areas within Town with conditions and/or activities that have the potential to contribute to water quality degradation. Those areas and conditions are as follows:

1. Allen Harbor is subject to intensive boating use, and is adjacent to a former Navy dumpsite.

2. Wickford Harbor Complex has extensive boating activity and other water dependent uses such as marinas and boatyards. There is also the presence of high-density residential development adjacent to the shore. With the exception of the Wickford Point and Intrepid Drive neighborhoods, residences and businesses in the Wickford area are not connected to sewer service. There are many estuaries, coves and inlets within this harbor that lack efficient tidal flushing;

3. The Quonset Business Park, (the site of the former Quonset and Davisville Navy Bases), had been subject by the Navy to indiscriminate dumping of various materials and substances throughout the site. The Navy has been charged with site reparation and is identified as a Superfund site on the National Priority List (NPL).

4. Much of the Quonset Business Park has been designated for industrial purposes and it is anticipated that much of the Davisville property will be designated for the same use, placing the onus upon the Town and State to assure that appropriate technology, zoning and regulation is imposed to minimize further negative impacts to the water
quality.

5. There is a sewage treatment plant at Quonset that was constructed by the Navy in the 1940’s and 1950’s. There have been subsequent upgrades and repairs conducted. The outfall for this facility discharges into Narragansett Bay.

6. There are other situations along the coast that warrant similar concern, particularly with point and nonpoint sources of pollution as are found with runoff from roads and failed septic systems. There is concern with non-point sources of pollution in the Town’s following coastal neighborhoods; Mount View, Shore Acres, Wickford, Poplar Point, Hamilton and Plum Point.

C. Available Water Quality Data

The Town of North Kingstown is committed to maintaining and improving water quality throughout its coastal rivers, estuaries and harbor areas. See enclosed maps regarding current DEM and CRMC water quality data.

D. Policies / Implementation

Stormwater Management

1. The Town’s Public Works Department recently conducted a survey utilizing handheld GPS devices to identify and map all roadway drainage structures, catch basins, manholes, outfalls, and any other drainage structures in Town. The survey also identified adjacent land uses, vegetation, wildlife, debris and any other significant features that would substantiate action to rectify or protect water quality. This information will assist with the continual monitoring of these sites to identify the source, condition, and maintenance of potential polluters, especially near coastal features. The Town is currently working to develop a plan to GPS all piping between drainage structures.

2. In conjunction with the results of the water quality sampling, a basis to identify areas that require some type of intervention will be formulated.

3. Ensure the review of all highway improvement projects by the North Kingstown Planning and Engineering Departments to determine the level of pollutant mitigation measures incorporated in the stormwater management systems. Appropriate comments and recommendations are to be forwarded to the RI Department of Transportation or other design control agencies.

4. The Town will support measures to improve water quality through its Stormwater Management Plan, 2004. Specific items to be addressed by the Public Works Department within the next three years are to detect illicit discharges from the outfalls and perform Best
Management Practices (BMP’s) such as storage and treatment of stormwater runoff.

5. The Town will uphold Division I Prohibition of Illicit Discharges and Illegal Connections, under Article IX Stormwater Management, regulating illicit connections and discharges.

6. Roadway improvements for Main Street in Wickford are scheduled to being in October 2007. Main Street improvements will include the addition of stormwater quality structures (votecnic units), designed to remove most suspended solids.

7. The Town is also working with property owners along Walmsley Lane to place stormwater retention basins and improve stormwater outfall in the Narrow River.

Water Quality

1. To ensure current water quality standards are maintained and improved, periodic monitoring and testing should be conducted. A water testing effort should be organized similar to the Watershed Watch Program to establish base line data for the coastal waters of North Kingstown.

2. Ensure that all new and significantly expanding mooring areas do not cause significant adverse effects on water quality.

3. Ensure that new mooring fields are located in areas that have adequate tidal flushing.

Wastewater

1. The Quonset Business Park wastewater treatment plant discharges to Narragansett Bay. As this business park expands the impact of this treatment plant could be significant to the water quality of North Kingstown. It will be important to develop and maintain relations with the QDC, park businesses and other agencies that use the facility.

2. The Town will uphold its Wastewater Ordinance (Chapter 8, Article VIII), in accordance with RIGL 1956, § 45-24.5-3, establishing the North Kingstown Wastewater Management District (NKWWMD) to ensure that individual sewage disposal systems are properly operated, regularly inspected and routinely maintained to prevent malfunctioning systems.

Boat Sewage Waste

1. Continue to support and enforce measures to improve the water quality of North Kingstown and qualify for Federal No-Discharge Harbor status.

2. The Town will prohibit the overboard discharge of untreated vessel generated waste by endorsing RIGL 46-12-39 and directing the Harbormaster to enforce the law.
3. The Town will uphold Town Ordinance Section 7-82 “Boat Sewage Waste” and RIGL 46-12-39 requiring the entire Bay to be a no-discharge zone.

4. Dockside marine sewage pump-out facilities are provided at Allen Harbor Marina, Rhode Island Mooring Services (Little Allen’s Harbor), Brewer’s Wickford Cove Marina, Wickford Marina and at Wickford Shipyard in order to improve water quality and to qualify for Federal No-Discharge status. Dutch Harbor Boat Yard and the West Ferry Town Dock, located in West Passage of Narragansett Bay in the Town of Jamestown provide boaters quick and easy access to pump-out facilities in the southern end of North Kingstown.

5. The Town will continue to support and educate the public about existing pump-out facilities in North Kingstown and to establish additional pump-out facilities. All marine pumpout facilities should be design and positioned for convenient and inexpensive use of the boating public.

6. In addition, all marine pumpout facilities that are required by CRMC and/or DEM to mitigate adverse impacts to water quality associated with recreational boating shall be available for the general public’s use. Marina operators may charge a fair and nondiscriminatory fee to defray the cost of constructing and operating these facilities. Signs shall be posted directing the public to the location of the facility and should indicate the charge for pumping out and the operational hours.

7. In accordance with the Rhode Island Coastal Resources Management Program, Section 300.5, houseboats or floating businesses are prohibited from mooring or anchoring, unless within the boundaries of a marina.

Waste Disposal

1. Identify and develop emergency response capability for oil and other hazardous type spills that could threaten water quality. Encourage a hazardous materials response network be maintained among North Kingstown Department of Public Safety, Harbor Division, RI DEM, QDC, boatyards, marinas, and other water dependent users. The intent of this network would be to identify the response capability of the community, expand it if necessary, and disseminate such information to users of North Kingstown waters.

2. Reinforce the obligation of recreational boaters to dispose of oil, plastics, trash, paint, varnish and other pollutants at the transfer station or other approved facilities.

3. The Town will encourage the development of a hazardous waste recycle program. The program will provide for the proper disposal of oil, paint, varnish and other inorganic materials.

4. The Town will work with RIDEM to develop an organic waste plan and ordinance to
implement it.

Operation and Maintenance of Marinas

1. Encourage CRMC operation and maintenance plans for all marinas.

2. The Town will encourage compliance with state and federal operation and maintenance measures for the marinas located in Town waters. The Harbormaster will continuously monitor the marinas’ conditions.

3. In order to prevent/minimize pollution from boating activities, encourage the use of best management practices during any in-water servicing of vessels. Vessels should be serviced only at marinas that implement best management practices to prevent water quality degradation.

Efforts to Minimize Pollutants

1. Promote public education on water quality, specifically targeting boating, septage, refuse, waterfront land use, individual septic disposal systems, and stormwater runoff. Emphasis should be put on what an individual can do to improve water quality.

2. The Town will uphold Section 21-326 of the North Kingstown Zoning Ordinance, regulating ISDS units within 150 feet of any river, stream, surface water body (including seasonal surface water body), coastal or freshwater wetland, or within 150 feet of the mean high tide line. The Planning Commission, Zoning Board, and Conservation Commission continuously approve development adjacent to the coast or wetlands conditional upon the development standards set forth in the ordinance. In addition, no adverse impacts are to occur from the development especially runoff during the construction phase.

Protection of Natural Resources

1. To protect existing shellfish resources and improve water quality, it is recommended that activities in areas suitable for the propagation of shellfish be regulated. Some suggested methods of regulating activities include;
   - Establishing mooring fields away from areas conducive to shellfish propagation;
   - Increasing setback requirements for waterfront development;
   - Imposing innovative/alternative ISDS regulations for waterfront development;
   - Effecting the repair or replacement of failing septic systems on or near the waterfront.
- Using best management plans to control stormwater discharges.

2. Where significant shallow-water habitat is identified, restrict boating activities as necessary to decrease turbidity and physical destruction of such habitat.
This map is for reference purposes only. The Planning Department utilizes this information as a reference tool for review. This map is not intended for use as a site plan.
# TABLE 3-1
RIDEM Water Quality Classifications

## Salt Water

### Class SA
- primary and secondary contact recreation activities
- shellfish harvesting for direct human consumption
- fish and wildlife habitat
- aquaculture
- industrial cooling

### Class SA(b)
- restriction of shellfishing in the summer

### Class SB
- shellfish harvesting for human consumption after depuration
- primary and secondary contact recreation activities
- fish and wildlife habitat
- aquaculture
- navigation
- industrial cooling

### Class SB1
- primary contact recreation activities dependant on pathogen levels from approved wastewater discharges
- secondary contact recreation activities
- fish and wildlife habitat
- aquaculture
- navigation
- industrial cooling

### Class SC
- boating, other secondary contact recreational activities
- fish and wildlife habitat
- industrial cooling

## Freshwater

### Class AA
- public drinking water supply
- bathing, other primary contact recreational activities
- fish and wildlife habitat

### Class A
- primary and secondary contact recreational activities
- fish and wildlife habitat
- industrial processes and cooling
- hydropower
- agricultural uses
- navigation

### Class B
- fish and wildlife habitat
- agricultural uses
- primary and secondary contact recreational activities
- industrial processes and cooling
- navigation

### Class C
- boating, other secondary contact recreational activities
- fish and wildlife habitat
- industrial processes and cooling
This map is for reference purposes only. The Planning Department utilizes this information as a reference tool for review. This map is not intended for use as a site plan.
TABLE 3-2
CRMC WATER TYPES

Section 200.1 Type 1. Conservation Areas

Included in this category are one or more of the following: (1) water areas that are within or adjacent to the boundaries of designated wildlife refuges and conservation areas, (2) water areas that have retained natural habitat or maintain scenic values of unique or unusual significance, and (3) water areas that are particularly unsuitable for structures due to their exposure to severe wave action, flooding, and erosion.

CRMC’s goal is to preserve and protect Type 1 waters from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types.

Section 200.2 Type 2. Low-Intensity Use

This category includes waters in areas with high scenic value that support low-intensity recreational and residential uses. These waters include seasonal mooring areas where good water quality and fish and wildlife habitat are maintained.

CRMC’s goal is to maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these areas, while providing for low-intensity uses that will not detract from these values.

Section 200.3 Type 3. High-Intensity Boating

This category includes intensely utilized water areas where recreational boating activities dominate and where the adjacent shorelines are developed as marinas, boatyards, and associated water-enhanced and water-dependent businesses.

The highest priority uses of Type 3 waters and adjoining land areas within CRMC jurisdiction are (a) marinas, mooring areas, public launching ramps, and other facilities that support recreational boating and enhance access to tidal waters; and (b) boatyards and other businesses that service recreational boaters.

Section 200.4 Type 4. Multipurpose Waters

This category includes (1) large expanses of open water in Narragansett Bay and the Sounds which support a variety of commercial and recreational activities while maintaining good value as a fish and wildlife habitat; and (2) open waters adjacent to shorelines that could support water dependent commercial, industrial, and/or high-intensity recreational activities.

CRMC’s goal is to maintain a balance among the diverse activities that must coexist in Type 4 waters. The changing characteristics of traditional activities and the development of new water-dependent uses shall, where possible, be accommodated in keeping with
the principle that CRMC shall work to preserve and restore ecological systems.

Section 200.5 Type 5. Commercial and Recreational Harbors

These waters are adjacent to waterfront areas that support a variety of tourist, recreational, and commercial activities. They include all or portions of the following harbor areas in North Kingstown:

1. Wickford Harbor

The highest priority uses of Type 5 waters and adjoining land areas within CRMC jurisdiction are (a) berthing, mooring, and servicing of recreational craft, commercial fishing vessels, and ferries; (b) water-dependent and water-enhanced commerce, including businesses catering to tourists; (c) maintenance of navigational channels and berths, removal of obstructions to navigation; and (d) activities that maintain or enhance water quality and scenic qualities, including the preservation of historic features. CRMC shall suitably modify or prohibit activities that significantly detract from or interfere with these priority uses.

Section 200.6 Type 6. Industrial Waterfronts and Commercial Navigation Channels

These water areas are extensively altered in order to accommodate commercial and industrial water-dependent and water-enhanced activities. They include all or portions of the following areas in North Kingstown:

1. Quonset Point and Davisville

Highest priority uses of Type 6 waters and adjacent lands under CRMC jurisdiction are: (a) berthing, loading, and unloading, and servicing of commercial vessels; (b) construction and maintenance of port facilities, navigation channels, and berths; and (c) construction and maintenance of facilities required for the support of commercial shipping and fishing activities.
This map is for reference purposes only. The Planning Department utilizes this information as a reference tool for review. This map is not intended for use as a site plan.
3.4.2 MOORINGS, SLIPS AND DOCKS

A. INTRODUCTION

Chapter 7, Public Waters, Harbors and Wharves of the Charter and Revised Ordinances of the Town of North Kingstown, Rhode Island establishes the rules and regulations for the siting of moorings (See Appendix A).

B. RECOMMENDATIONS

1. Examine the feasibility of aligning moorings in existing mooring fields and design and maintain field alignments for maximum utilization.

2. Compare mooring field design with RIDEM density and water quality certification standards.

3. Visitors: Additional space for visitors should be provided. They should be encouraged to anchor in the following areas:

   a. Sauga Point, east, off Shore Acres - with 10 to 11 feet of water available these waters could provide an excellent safe anchorage for transient boaters.

   b. Poplar Point, east of the breakwater - Additional anchorage space could be provided off this point where existing water depth is six (6) feet or more.

4. Docks, Pilings, and Other Structures in North Kingstown Waters: In order to maintain safety in Town waters and protect the historical integrity of the Town waterfront the following recommendations are made for the placement of structures in Town waters.

   a. All docks, pilings, and other structures placed in North Kingstown waters not within the jurisdiction of the Coastal Resources Management Council and placed within the waters of the Town must have all required Federal, State and Town permits for their design and placement. All docks, pilings and other structures within the jurisdiction of the Coastal Resources Management Council and placed within the tidal waters adjacent to the town must have all required Federal and State permits for their placement.

   b. The Town of North Kingstown must be notified in a timely manner (two (2) working days notice to the Town Clerk’s Office) by the CRMC of all hearings proposed and actual on all applications for docks and other structures to be placed in North Kingstown waters in order that the Town may be adequately represented at such hearings.
C. GOALS AND OBJECTIVES

1. Establish equitable distribution of moorings among all users.
   a. Set goal of 3:1 ratio of local residents to non-residents.

2. Maximize the use of available mooring areas.
   a. Establish specifications for moorings to be used in North Kingstown waters (Appendix A).
   b. Identify the locations of existing mooring fields (Figure 3-2).
   c. Establish and maintain accurate maps of mooring fields, channels, swim areas and other significant features of Town public waters.

3. Ensure that all moorings in North Kingstown are properly permitted and conform to all minimum requirements.

4. Address riparian mooring privileges.

5. Seek to establish and maintain a fee structure that supports the implementation of the Harbor Management Plan.
   a. Identify and project costs associated with enforcement, maintenance and capital improvements for the harbor complexes and public waters of North Kingstown.
   b. Identify and project revenue generation/opportunities through use of harbor facilities.
   c. Develop a mechanism to raise and manage revenues for the development and maintenance of harbors and waters associated facilities.

6. Establish a fee schedule, with categories for resident, nonresident and commercial moorings.

7. Encourage the further establishment of marine pumpout stations to accommodate moored and docked vessels.

8. Monitor the number and location of boats in mooring fields and marinas.
9. Develop and implement a plan to exchange commercial moorings located within the federally maintained project areas, with private moorings located outside of the federal project, as those private moorings become available through attrition.

D. EXISTING CONDITIONS

Wickford Harbor Complex - Records from the Harbor Master indicate that as of October 2007 there were 372 registered moorings, 510 slips and 64 pilings in the Wickford Harbor Complex. Of the 404 moorings, approximately 298 are registered or occupied by residents (including commercial moorings) and 106 are occupied by non-residents. Thus, we have achieved a ratio of 3:1 residents to non-residents. It should be noted that our commercial moorings are providing a valuable service by giving access to the harbor that would not otherwise be available. There were 6 private marina/boatyards in the Wickford Harbor Complex, which provided approximately 510 slip spaces. The Town provides 30 slips at the Town wharf serving primarily commercial fishing vessels.

1. **Potowomut (Greene) River** – The Potowomut (Greene) River separates the Town of North Kingstown and the City of Warwick. Within North Kingstown waters there are 4 moorings. The depth of the river is shallow and access is very restricted. The major concern for this area is that of protecting the associated marshes and estuaries by establishing sections along the river as conservation areas.

2. **Mount View** – Bay area in front of the Mount View section of North Kingstown. This sector contains 4 moorings all of which are exposed and in shallow water. Access is restricted and any growth in this sector will be from an increase in small boat owners within the area.

3. **Allen Harbor** – The Town of North Kingstown Marina located on the southeast side of this harbor provides 100 boat slips and 80 moorings. This Town facility is operated under the Quonset/Davisville Recreation Fund. The Allen Harbor Boating Association on the southwest shore of this harbor provides 100 slips for its members. The Coast Guard maintained a berth in this harbor until 1992. The property adjacent to the Town Marina is owned by the U.S. Food and Drug Administration and maintains the berthing facilities. Little Allen Harbor, an adjacent inlet is owned by the RI Port Authority and is leased to private concerns and operated as a private marina with 52 slips and no moorings.

4. **Shore Acres** – From the north end of the breakwater to Blue Beach. Local property owners primarily use this area, containing 39 mooring.

5. **Fishing Cove** – Situated off of Calf Neck peninsula. This area contains 39 moorings.

6. **Mill Cove** – Located just south of Mill Creek and east of Rabbit Island. This area contains 96 moorings.

7. **Wickford Cove** – Located. This area contains no moorings, however there were 64
pilings present in October 2007

8. **Pleasant Street** – The area is located off of Pleasant Street in Wickford. This area contains 69 moorings.

9. **Sauga Point** – This area is located off of Sauga Point. This area contains 61 moorings.

10. **Poplar Point** – This area is located off Poplar Avenue and Steamboat Avenue. This area contains 43 moorings.

11. **Town Beach North** – From the North side of the Town beach to the south side of the Breakwater. This area contains 32 moorings. It has been the long term policy that accessing moorings in this area from the Town Beach is not permitted, due to night time parking restrictions and conflicts with the swimming beach. Access therefore is limited to residents of the area.

12. **Town Beach South** – From Lone Tree Point north to the southern end of the Town Beach. This area contains 10 moorings.

13. **Lone Tree Point** – From Anthony Beach around the Cove and north to Lone Tree Point. Access to this area is limited to the immediate residential area. The area contains 28 moorings.

14. **Hamilton** (including Wild Goose Point) – Rome Point north to Wild Goose Point. This area contains 86 moorings. Parking is limited and access to the area is available only to the local neighborhood.

15. **Plum Point** – From the Jamestown-Verrazano Bridge extending north for approximately 500 yards. This area contains 11 moorings. Access is restricted to the local community. No impact on water use is foreseen.

16. **Plum Beach** – South of the old Jamestown Bridge and just east of the Plum Beach Club. This area contains 28 moorings.

17. **Saunderstown South** – Located near a small break-wall around the Saunderstown Yacht Club, at the end of Ferry Road. This area contains 46 moorings, well spaced along the coast. The moorings do not exceed a reasonable distance from the shoreline. It appears that access to the mooring fields is restricted to property owners in the immediate area. General sea conditions make this an undesirable area for anchoring or overnight stays. This area is inshore of a productive lobster fishery area and should remain as a "local" mooring area in order to prevent a conflict of use.

18. **Saunderstown North** – Starting at the small breakwater just south of the Saunderstown Yacht Club and proceeding north to Casey Point. This area contains 50 moorings, most of which are used for the yacht club's small boat sailing fleet.
Access to this sector is restricted to club members and residents of the immediate area. No public parking is available. Sea conditions are not good for anchoring or overnight stays. The moorings in the sector are compacted, however, this does not seem to be a problem because of the type of vessels in use.
TABLE 3-3
SUMMARY OF NORTH KINGSTOWN MOORING FIELDS  
October 16, 2007

The CRMC defines a mooring field as an area containing five or more moorings in close proximity. There are several moorings scattered along the coast in front of owners’ property, and not included in the following list.

<table>
<thead>
<tr>
<th>Mooring Area</th>
<th>Name</th>
<th>Number of Moorings</th>
<th>Number of Boats over 25'</th>
<th>Maximum Moorings</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Potowomut</td>
<td>4</td>
<td>4</td>
<td>8</td>
<td>37.5</td>
</tr>
<tr>
<td>2</td>
<td>Mount View</td>
<td>4</td>
<td>0</td>
<td>10</td>
<td>13.8</td>
</tr>
<tr>
<td>3</td>
<td>Allen Harbor</td>
<td>95</td>
<td>Varies</td>
<td>95</td>
<td>35.3</td>
</tr>
<tr>
<td>4</td>
<td>Shore Acres</td>
<td>39</td>
<td>14</td>
<td>45</td>
<td>55.2</td>
</tr>
<tr>
<td>5</td>
<td>Fishing Cove</td>
<td>39</td>
<td>9</td>
<td>45</td>
<td>23.6</td>
</tr>
<tr>
<td>6</td>
<td>Mill Cove</td>
<td>96</td>
<td>46</td>
<td>96</td>
<td>23.6</td>
</tr>
<tr>
<td>7</td>
<td>Wickford Cove</td>
<td>64</td>
<td>Varies</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Pleasant Street</td>
<td>69</td>
<td>24</td>
<td>69</td>
<td>14.5</td>
</tr>
<tr>
<td>9</td>
<td>Sauga Point</td>
<td>61</td>
<td>34</td>
<td>61</td>
<td>27</td>
</tr>
<tr>
<td>10</td>
<td>Poplar Point</td>
<td>43</td>
<td>28</td>
<td>43</td>
<td>17.6</td>
</tr>
<tr>
<td>11</td>
<td>Town Beach North</td>
<td>32</td>
<td>24</td>
<td>32</td>
<td>22.3</td>
</tr>
<tr>
<td>12</td>
<td>Town Beach South</td>
<td>10</td>
<td>3</td>
<td>10</td>
<td>9.1</td>
</tr>
<tr>
<td>13</td>
<td>Lone Tree Point</td>
<td>28</td>
<td>8</td>
<td>30</td>
<td>19.8</td>
</tr>
<tr>
<td>14</td>
<td>Hamilton (including Wild Goose Point)</td>
<td>86</td>
<td>32</td>
<td>90</td>
<td>90.5</td>
</tr>
<tr>
<td>15</td>
<td>Plum Point</td>
<td>11</td>
<td>0</td>
<td>15</td>
<td>18.5</td>
</tr>
<tr>
<td>16</td>
<td>Plum Beach</td>
<td>28</td>
<td>6</td>
<td>32</td>
<td>13.8</td>
</tr>
<tr>
<td>17</td>
<td>Saunderstown South</td>
<td>46</td>
<td>8</td>
<td>50</td>
<td>15.59</td>
</tr>
<tr>
<td>18</td>
<td>Saunderstown North</td>
<td>50</td>
<td>9</td>
<td>50</td>
<td>17.05</td>
</tr>
</tbody>
</table>

Land Use Specialists conducted a mooring perimeter survey in 1995.
3.4.3 PUBLIC RIGHTS OF WAY

A. SUMMARY OF RECOMMENDATIONS FOR ESTABLISHING RIGHTS-OF-WAY IN NORTH KINGSTOWN

The CRMC has directed North Kingstown and all other coastal towns to prepare a plan for managing their coastal waters and harbors. Part of this effort must include a plan for identifying, designating and opening rights-of-way (ROWs) to the shore.

North Kingstown is extremely fortunate to have a long coastline, approximately 30 miles in length, as well as many freshwater streams, rivers and ponds. These natural resources should be made available to all residents to use and enjoy while diligent care is taken to protect fragile ecosystems and private property. To assure access traditional and existing rights of way (ROWs) must be located, designated, opened to the public, and maintained on a regular schedule. In preparation of this report the North Kingstown Rights of Way Subcommittee visited nearly 90 sites identified as ROWs in various reports and on plat maps.

Recommendations

The following recommendations for establishing rights of ways to the shore in North Kingstown were adopted in 1993 by the North Kingstown Harbor Management Plan Steering Committee after a review of the Harbor Management Plan Rights-of-Way Subcommittee report.

1. The Town should seek to discover and designate traditional and existing rights-of-way to the shore in all parts of Town through any legal means available to it. An inventory of all traditional and existing ROW sites should be printed and updated on a regular basis by the Town to identify the proper location of the ROWs and raise awareness of the regulations that must be followed at each site.

2. The Town must determine the legal status of each potential ROW before it can be nominated as a public Right of Way.

3. All Town roads that are platted, accepted and maintained by the Town that extend to, or pass over the mean high water area are Rights of Way to the shore.

4. All designated ROWs should be marked. Usage regulations may also be posted on signs.

5. The Town should develop parking regulations and designate parking areas, as feasible, at the ROWs.

6. The Town should mandate public access in all new waterfront development in all zoning categories and should seek access in established areas. The Town should continue to support CRMC goals to provide public access under Section 335 of the Red Book.
7. The Town should provide adequate parking in waterfront areas throughout Town.

8. The following ROW sites that are under Town jurisdiction were nominated to CRMC as public ROW:
   
   a. Wilson Park Intrepid Boat Ramp nominated by HMC to Town Council and approved by Town Council for nomination to the CRMC in 2004.
   b. Allen Harbor Complex nominated by HMC to Town Council and approved by Town Council for nomination to the CRMC in 2004.
   c. Town Wharf nominated by HMC to Town Council and approved by Town Council for nomination to the CRMC in 2004.
   d. Town Dock nominated by HMC to Town Council and approved by Town Council for nomination to the CRMC in 2004.

9. The Town should support efforts to maintain and improve public rights-of-way to the shore. Continued maintenance of CRMC designated rights-of-way and Town rights-of-way is an important element in providing access to the shore.

B. INTRODUCTION - STATUTORY AUTHORITY FOR PUBLIC ACCESS

The citizens of Rhode Island have a long history of visiting the shore for a variety of reasons. The Rhode Island Constitution grants its citizens privileges of the shores. Based on traditional uses of the shore which have been upheld by Rhode Island Court decisions, a 1986 Constitutional amendment defined these privileges as follows: (1) fishing; (2) gathering seaweed; (3) leaving the shore to swim in the sea; and 4) passing along the shore (called lateral access). The above mentioned privileges apply only between the mean high tide line and the sea. Unfortunately, colonial and recent legislators did not foresee the intense population growth that has occurred in the Coastal regions that has led to the increased privatization of the shore, and did not guarantee a way to get to the shore (referred to as a perpendicular access). High real estate prices have often restricted the amount of waterfront property that the towns and the State have been able to acquire for public purposes.

The State of Rhode Island has tried to improve Public Access by identifying traditional and existing public rights-of-way to the shore. Since 1971 this responsibility has resided with the Coastal Resources Management Council (CRMC). R.I. General Laws 46-23-6(E) gives CRMC the following charges:

1. The Council shall be responsible for the designation of all public rights-of-way to the tidal water areas of the State, and shall carry on a continuing discovery of appropriate public rights-of-way to the tidal water areas of the State.
2. The Council shall maintain a complete file of all official documents relating to the legal status of all public rights-of-way to tidal water areas of the State.

3. The Council shall have the power to designate for acquisition and development and posting and all other functions of any other department for tidal rights-of-way and lands for tidal rights of way, public parking facilities, and other Council related purposes.

4. In conjunction therewith every State department controlling State-owned land, close to or adjacent to discovered rights of way is authorized to set out the land, or so much thereof, as may be deemed necessary for public parking.

5. No such use of such land for public parking shall conflict with existing or intended use of the land, and no improvement shall be undertaken by any State agency until detailed plans have been submitted to and approved by the governing body of the local municipality.

6. In designating rights-of-way, the council shall consider the following matters in making its designation:
   
   a. Land evidence records;
   b. The exercise of domain over the parcel such as maintenance, construction, or upkeep;
   c. The payment of taxes;
   d. The creation of a dedication;
   e. Public use;
   f. Any other public record or historical evidence such as maps and street indexes;
   g. Other evidences as set out in #42-35-10.

7. A determination by the Council that a parcel is a right-of-way shall be determined by substantial evidence.

A 1988 study of Wickford Harbor Management issues describes rights of ways this way: "a public right of way is a pathway that allows for passage to and from the shoreline. These public rights of ways can occur on public or private property since ownership of the land is not an issue. CRMC simply determines whether or not the public has the legal right to use a piece of land to access the water. There have been no subsequent studies of the rights of way in North Kingstown.

The CRMC has directed North Kingstown and all other coastal towns to prepare a plan for managing its coastal waters and harbors. Part of this effort must include a plan for identifying, designating and opening rights-of-ways to the shore. Several recent reports give excellent reviews of current efforts in Rhode Island to identify and open ROWs. The potential always exists for conflicts between those seeking access to the shore and waterfront property owners. The North Kingstown Harbor Management Commission recommends that the Town maintain and improve access to Town waters for all user groups.
C. TYPES OF ACCESS

1. Private
   a. Deeded access ways, private ROWs
   b. Beach clubs, private beaches
   c. Waterfront businesses such as restaurants, marinas

2. Quasi-Public
   a. Audubon sites
   b. Land trust holdings

3. Public
   a. Examples include: beaches, parks, boat ramps, piers/jetties,
      walkways/pathways, fishing areas, conservation areas, overlooks.
   b. Two major categories are:
      1. Publicly owned shore front properties, (i.e. lands owned in fee simple title), including
         shore front parcels owned by the Federal Government, the State or the
         municipalities.
      2. Public Rights-of-Way, including:
         • Municipal streets (accepted)
         • State Roads
         • Municipal streets (unaccepted)
         • Driftways & platted ROWs
         • Easements set forth by CRMC permits, through long-term public
           use, or as compensation for filled tidelands or infringement upon
           tidal water areas.

Generally there are six legal methods of establishing a public ROW in Rhode Island:

1. Roadways that have been laid out, recorded, opened, and maintained by a city or
town council.

2. Highways by grant or use (R.I.G.L. Chapter 24-2)

3. Ways that have been approved by recordation of a subdivision plat.

4. Ways that have been offered to the public by dedication and accepted by public use
   or by official city or town action (implied dedication).

5. Highways that have been used by the public since time immemorial.

6. Ways that have been obtained by the public's adverse use.
D. REASONS WHY PUBLIC ACCESS IS OFTEN DENIED

Some of the most common reasons people use to attempt to refuse access to the shore are indicated below:

1. Infringement on privacy/privilege;
2. Fear of strangers and resultant security issues in the neighborhoods;
3. Litter, noise, rowdy behavior, vandalism, drinking, drug use;
4. Lack of adequate facilities, sanitary facilities and parking;
5. Damage to environmentally sensitive areas;
6. Potential liability of property owners abutting ROW if a member of the public is injured in the ROW;
7. Increased traffic;
8. Ethnic and cultural prejudice.

These are certainly important concerns to those who live in coastal areas, but they are problems that generally already have remedies in Town ordinances and State laws with enforcement powers residing with the police. Rhode Island has a private property liability law that states that if access is allowed on private property, an injured party is not allowed to sue unless there is negligence on the part of the property owner. The draft legislation dealing with filled tidal lands contains provisions for enhancing public access. It states that no owner of private filled lands shall be liable for any injury to persons or their property while that party is exercising his or her rights to enter and use such land under the public easement.

The North Kingstown Harbor Management Commission recommends that ROWs be established uniformly throughout Town in a fair and equitable manner so that all residents have easy access to shore.

E. RESPONSIBILITIES OF THE PUBLIC USING ROWS

A recent CRMC publication details the rights of citizens to use the shore but also clearly explains that the shore use privileges require responsible actions by the citizens in order that the rights of private property owners and the environment are respected. These responsibilities include the following:

1. Citizens should access and return from the shore only in designated public Rights-of-Way. Trespass is not allowed on private property.
2. Citizens should respect private waterfront property.
3. Citizens should keep the shoreline clean. They need to remove their personal trash and dispose of it properly.
4. Citizens should be aware of sensitive environmental areas and protect the native plants and animals and coastal features.
F. RIGHTS-OF-WAY IN NORTH KINGSTOWN

North Kingstown is extremely fortunate to have a long coastline approximately 30 miles in length as well as many freshwater streams, rivers and ponds. These natural resources should be made available to all residents to use and enjoy while diligent care is taken to protect fragile ecosystems and private property. To assure access, traditional and existing rights-of-way must be located, designated, opened to the public and maintained on a regular schedule.

In preparation of this report the North Kingstown Rights-of-Way Subcommittee visited nearly 90 sites identified as rights-of-way in various reports and plat maps.

Most ROWs which were located were unmarked or poorly marked, overgrown, poorly maintained, hidden or blocked by private owners or posted with NO TRESPASSING or NO PARKING signs. In addition, very few had designated parking areas.

The results of these site visits are tabulated at the end of this report. Information is included for each site detailing its location, adjoining platted lots, ownership (if known), width, access status (paved, pedestrian access, handicap access, vehicle access), description, availability of parking, recommended use, and recommended action for a title search. The ROW Subcommittee made recommendations for each site based on the scale of use it can sustain. Many of the sites are in neighborhoods with limited possibility of parking or additional facilities.

The Harbor Management Commission recommends that all traditional and existing ROWs need to be continued on the inventory even if they cannot all be opened at this time. No legal determination of individual titles has been made by the Town.

1. Roads and Paths to Narragansett Bay

Much of the coastal region of North Kingstown was originally platted for summer homes. To make lots that were not directly on the waterfront more salable, many developers created easements to allow these interior residents access to the shore. Today, many of these homes are year-round residences.

The Harbor Management Commission recommends that the Town Council adopt an ordinance that declares that all (public) roads which are platted, accepted and maintained as Town roads, that physically extend to, or pass over, the mean high water mark and those which are platted to extend to, or pass over the mean high water mark, be declared Town Rights-of-Way. It should not be necessary for the Town to have pavement that ends at the water, only that the platted street extends to the water. In many neighborhoods, these ROW’s are not visible. Some platted paths are also valid ROW.

2. Develop a Management and Maintenance Policy for ROWS

An official list of ROWs should be maintained by the Town and updated at regular intervals. The Town will seek opportunities for increasing shore access in established neighborhoods.
3. Develop Public Education and Adopt-A-Spot Programs

The Town should undertake a public education program addressing the value of identifying, designating and opening ROWs.

4. Jamestown-Verazzano Bridge

The Town needs to be more assertive with the RIDOT to assure that there is safe pedestrian access to the sidewalk and bicycle access over the Jamestown-Verazzano Bridge. This is an issue that has been largely ignored in North Kingstown while the Jamestown Town Council has actively been working for access. North Kingstown should work cooperatively with Jamestown and RIDOT to assure safe access is provided.

5. Jamestown Bridge Fishing Pier Park

The State has proposed that a major new park be constructed from the end of the old Jamestown Bridge to accommodate fishermen without boats. This will have a significant impact on some neighborhoods of North Kingstown.

The Harbor Management Commission has provided a substantial list of concerns to the North Kingstown Town Council about this particular proposed location.

6. Freshwater Access and Greenbelts

The committee endorses the concept of the development of a connected set of greenbelts in the Town that was proposed in the North Kingstown Comprehensive Plan, 1992. Greenbelts are generous setbacks from fresh water and salt water features which can be used for public recreation, protection of natural resources, connection of wildlife habitats and protection from flooding. Public access will be secured utilizing a variety of methods such as fee-simple acquisition and conservation easements, as well as open space and recreation funds. The committee would like to see additional public access developed along fresh water ponds and rivers. ROWs should be established at appropriate locations with provision for parking where feasible. The committee did not visit all the potential fresh water ROWs but restricted its site visits to rivers that drain, into Narragansett Bay.

7. Access to Filled Lands

Recently a case was decided in the Rhode Island Supreme Court that is likely to have a large impact on public access in the State. In the case of Hall vs. Nascimento, 1991, the court declared that lands which have historically been filled within Narragansett Bay and other tidal waters remain the property of the State unless they have formally been conveyed by the General Assembly to a private party.

The decision affirms the supremacy of the public trust doctrine that certain rights of the public can never be alienated, and has potentially laid the foundation for significant changes in the
control and regulation of historically filled shorelines. The State Legislature subsequently passed RIGL 46-23-1 that clarifies this issue.

Since much of North Kingstown from Wickford to Quonset Point is filled land these new regulations will likely affect North Kingstown although the effect is uncertain at this time.

8. Previous Studies

The Wickford Harbor Complex Study prepared in 1988 contained several suggestions for enhancing public access. These are listed below:

a. Utilize existing CRMC designated ROW (Loop Drive #1 and #2 and Phillips Street) to develop a walkway around Wickford Cove;

b. Develop a walkway around Academy Cove between the Library and Brown Street;

c. Seek to acquire land on the western side of Mill Cove which is now privately owned and undeveloped for both public access and environmental reasons;

d. Acquire the rest of Cornelius Island and make it a conservation area or a public park.

No subsequent studies have been conducted in terms of how to further enhance public access.

9. Compatibility of the Harbor Plan with the Comprehensive Plan

The Public opinion survey completed for the North Kingstown Comprehensive Plan found that acquisition of undeveloped waterfront land for open space use was the number one open space priority for the citizens polled. Table 3-10 shows those sites that have the greatest potential for providing open space, public access and protection of sensitive ecological areas.

10. Designation of ROWS

The Town should work cooperatively with CRMC to identify and open ROWs to the shore. The Town must provide the CRMC with a list of sites that it recommends to be designated by CRMC. Only those ROW sites that are currently under Town or State control, or are likely to be acquired in the near future can be recommended for CRMC designation at this time. Those sites which can handle sufficient increased usage to warrant CRMC designation are indicated below and in Table 3-12.
Sites in Public Ownership Suitable for CRMC Designation

Location
Jamestown Bridge Fishing Pier Park
Spinks Neck and Spinks Neck Beach
Little Allen Harbor

In addition to these sites, the Town should explore the potential for additional public shoreline access points, including municipal paper streets, dedicated easements, drainage outfalls, and buried cables.

The Harbor Management Commission nominated the following ROW’s to the Town Council for nomination to the CRMC in 2004:

- a) Wilson Park Intrepid Boat Ramp nominated by HMC to Town Council and approved by Town Council for nomination to CRMC in 2004.
- b) Allen Harbor Complex nominated by HMC to Town Council and approved by Town Council for nomination to CRMC in 2004.
- c) Town Wharf nominated by HMC to Town Council and approved by Town Council for nomination to CRMC in 2004.
- d) Town Dock nominated by HMC to Town Council and approved by Town Council for nomination to CRMC in 2004.

Additional opportunities for public access will be available when the planned Calf Pasture area improvements are completed. This area was conveyed to the Town by the National Park Service on August 14, 2001. Note: The Town received the Allen Harbor Marina on September 11, 1980. The Quonset Development Corporation is the owner of the property leased by the Allen Harbor Yachting Association.
Sites Previously Reviewed by CRMC as Potential ROW’s

In the 1970’s the CRMC investigated 17 sites as potential ROWs. Many were initially declared to be public ROWs. Subsequently many residents of plats with deeded ROW access hired legal counsel and the original CRMC designation was reversed. See appendix B for more information.

The final CRMC designation is listed below:

<table>
<thead>
<tr>
<th>Street Designation</th>
<th>R-O-W Designation No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottrell Road</td>
<td>Not Resolved</td>
</tr>
<tr>
<td>Plum Beach Road</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Clinton Drive (1)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Clinton Drive (2)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Buena Vista Drive</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Buena Vista Drive (2)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Buena Vista Drive (3)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Buena Vista Drive (4)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Buena Vista Drive (5)</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Elgin Avenue</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Concord Avenue</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Poplar Avenue</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Steamboat Avenue</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Philips Street</td>
<td>F-5</td>
</tr>
<tr>
<td>Loop Drive</td>
<td>F-6</td>
</tr>
<tr>
<td>Loop Drive (2)</td>
<td>F-7</td>
</tr>
<tr>
<td>Town Wharf</td>
<td>Designation number pending*</td>
</tr>
<tr>
<td>Allen Harbor Complex</td>
<td>Designation number pending*</td>
</tr>
<tr>
<td>Wilson Park</td>
<td>Designation number pending*</td>
</tr>
<tr>
<td>Duck Cove Road</td>
<td>Insufficient Evidence</td>
</tr>
<tr>
<td>Worsley Avenue</td>
<td>Under Review</td>
</tr>
</tbody>
</table>

Summary

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Insufficient Evidence</td>
<td>13</td>
</tr>
<tr>
<td>Public</td>
<td>6</td>
</tr>
<tr>
<td>Not Resolved</td>
<td>1</td>
</tr>
<tr>
<td>Under Review</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
</tr>
</tbody>
</table>

*The Town Wharf, Allen Harbor Complex, and Wilson Park have all been officially designated as public rights-of-ways to the shore by the CRMC full Council. Designation numbers for each ROW will be included in a pending report on the Council’s decision.
Descriptions of CRMC Designated Rights-of-Way

Phillips Street (F-5)
Description: Area at end abutting Philips Street provides unofficial parking and access to Loop Drive. Passes through very small, very congested residential neighborhood with poor vehicular circulation.

Loop Drive #1 (F-6)
Description: ROW is overgrown and no longer visible from the street. Ends in Wetland. Passes through very small, very congested residential neighborhood with poor vehicular circulation. Extends west from circular drive at the end of Loop Drive.

Loop Drive #2 (F-7)
Description: A dirt road that extends north from the small circular drive at the south end of Loop Drive to the causeway that crosses Wickford Cove and connects to CRMC ROW: F-S. Passes through a small, congested residential neighborhood.

Allen Harbor Complex (Designation # pending)
Description: The Allen Harbor Complex is located in the Quonset Davisville Port and Commerce Park off of Bruce Boyer Road. Allen Harbor is a well-protected harbor and is an ideal site for the boater. Many public amenities are offered at the Town marina, including parking, bathrooms and picnic benches. There is also a well maintained concrete boat ramp available for a small fee. It consists of approximately 8.8 acres of land area.

Town Wharf (Designation # pending)
Description: The Town Wharf is located at the end of Main Street. It is situated among other commercial piers and hosts both commercial fishing recreational boats. There are also recreational fishing opportunities but there is no public launching facility. Transient docks are also available. A waterfront walkway parallels the shoreline and offers a great opportunity to enjoy the panorama of an active harbor. It consists of approximately 44,300 square feet of land area.

Wilson Park (Designation # pending)
Description: The Wilson Park recreational area is accessible both from West Main Street and Intrepid Drive. The primary shoreline access is located at the northern terminus of Intrepid Drive where a ramp facility is available for launching trailered boats into Mill Cove. A small wooden dock is also available for short-term landings. This site offers plenty of parking. A walking/bicycling path winds around the cove and offers scenic views of the cove. The property consists of approximately 7.15 acres of land area.

The Quonset Development Corporation (QDC) developed and submitted a Public Access Plan to the CRMC. Several drafts of this plan were reviewed by the North Kingstown Harbor Management Commission and the Town Council and others. The QDC plan was approved by the CRMC on August 12, 2005.
Public Access points and allowed activities are described for the following locations:
   a) Blue Beach
   b) Calf Pasture Point Beach
   c) Compass Rose Beach
   d) Spink’s Neck Beach
   e) Allen Madison House
   f) Quonset Air Museum
   g) Seabee Memorial Park
   h) Quonset State Airport
   i) Cross Park Road Conservation Area
   j) Quonset Pier Area
   k) Bike Path
   l) Golf Course
   m) Allen Harbor Marina
   n) North Kingstown Marina

The NK Harbor Management Commission endorses the provision of additional public use at the Quonset Business Park as it develops.

All other sites included in the Site Review are recommended to be Town ROWs at this time. After the legal review is completed it may be possible to nominate some of the other Town ROWs for CRMC designation.

11. Visual Access

Another type of access is visual access. Scenic views of the harbors and waterfront areas certainly add to the aesthetic quality of North Kingstown. Important marine vistas should be inventoried and maintained as additional waterfront development occurs. Visual access is an important characteristic of our Town as well as an important asset for attracting tourists.

Appendix B of this Harbor Management Plan details the ROW Subcommittee’s recommendations for individual ROWs. We hope this inventory will provide a useful resource to the Town and will lead to a speedy enhancement of opportunities for all users to access the shore.

3.4.4 COMMERCIAL FISHING

A. INTRODUCTION

The Commercial Fishing industry, fin and shellfisheries, is recognized for its importance, historically and economically, to the Town and region. Accordingly, it is an objective of this plan to prevent encroachment on, and impairment of, these resources.

To guide the Harbor Management Commission in accomplishing said objectives, a list of sites, grounds, and issues vital to the interests of the commercial fishing industry of North Kingstown has been consolidated into a series of specific goals and objectives,
enumerated as follows.

1. That the Town recognize the economic potential of the commercial fishing fleet which sails from North Kingstown and that the Town take the necessary steps to protect a major economic resource through the improvement of dockage facilities and in the adoption of a long range plan to encourage this activity.

2. That appropriate maintenance and up-keep be performed on all Town-owned or operated docks and wharfs to ensure the safe and efficient use by commercial and pleasure interests. The commercial fishing fleet represents an income-generating element for the Town in terms of revenues collected for dockage and mooring permit fees.

B. DOCKAGE AND MOORINGS FOR COMMERCIAL FISHING VESSELS

To ensure a fair and equitable system for maintenance and occupancy of commercial dock sites held by the Town of North Kingstown the following guidelines are recommended. (See also Appendix A Public Waters, Harbors and Wharves Ordinance):

1. Applications for the waiting list shall be made to the Harbor Division in accordance with sec 7-107. Current lists shall be available in the Police Station, North Kingstown Library and the Town Hall.

2. The waiting list should be divided based on boat length. One list should be for vessels 25’ and under, and a second list for vessels over 25’.

3. As sites become available they should be filled on a "First Come, First Served" basis without regard to the residency of the applicant. (This policy conforms to the requirements set by the Coastal Resources Management Council (CRMC) as detailed in the "State of Rhode Island Coastal Resources Management Plan" 1990).

4. Vacancies at the Town Wharf shall be filled from the waiting list according to the priorities set forth in Sec. 7-22 of the ordinances.

5. Any vessel berthed at Town commercial dock sites not in conformity with Section 7-22, paragraph 3, may be subject to eviction by the Harbormaster.

C. POTENTIAL POLLUTION OF FISHING GROUNDS

There are several sources of potential pollution, which could adversely affect the commercial fishermen operating out of North Kingstown. Specifically, the potential polluters include the expanding industrial activities at Quonset Point Industrial Park and the sewage treatment plant discharging to the bay.

Should pollutants reach the bay in sufficient quantities, the shellfish and other species currently harvested could become either unmarketable, or perceived as dangerous to consume, a major blow would be dealt to the commercial fishermen. The reports of contaminated shellfish from
Rhode Island being sold in New York, several years ago, is a prime example of the damage that can be done to the industry by just such a report. The committee strongly recommends that steps should be taken to document the present condition of the waters and the bay sediments, which are fished in order to establish their current status relative to existing Environmental Protection Agency standards.

D. HISTORY OF COMMERCIAL FISHING IN NORTH KINGSTOWN

Native Americans, the original inhabitants of North Kingstown, depended on the resources of Narragansett Bay for its abundant source of food, as well as, for the shells used as tools and utensils. The Narragansetts utilized not only shore access to the intertidal flats, but canoes, fixed fish traps and nets to harvest a variety of fish, crabs, and shellfish.

The colonial and post-colonial settlers in the North Kingstown area exploited the bountiful resources of the bay for everything from food to fertilizer. Seaweed was gathered at the shore to be spread over farm fields and was tilled into the soil. Fish and shellfish were caught for human consumption as well as livestock feed, and, surprisingly, many hogs were fattened on a diet of lobster and soft shelled clams.

During the 1800's Cornelius Island was the site of a busy menhaden plant. Large amounts of the fish were brought to the site where they were processed to extract fish oil and the by-product of this process sold as fertilizer. According to the protests lodged by local residents, the whole thing was a rather smelly affair. Town records report one resident as describing the smell as "being strong enough to stop his clock."

Between the late 1800's and early 1900's, Rhode Island had a very successful oyster industry operating in the bay. North Kingstown was home to a few "shucking houses", one of which was located at the foot of Pleasant Street. As a result of the destruction caused by the 1938 hurricane and other natural factors, the oyster industry in the bay went into a sharp decline from which it never recovered.

E. THE NORTH KINGSTOWN FISHING FLEET

In 2007 there are more than 50 commercial fishing vessels sailing from North Kingstown ports, which access the waters of Narragansett Bay. A healthy shellfishery supports the majority of these boats and has attracted two shellfish wholesalers to locate in North Kingstown. Lobster landings in the Town have had a cyclical impact. Additionally, there are boats engaged in other in-shore fisheries such as dragging, for finfish and lobster, snailing, and mussel harvesting.

There is also an off-shore freezer boat fleet, located at the Davisville Piers, which consists of two permanent boats and a fluctuating number of temporary boats operating out of this facility.

The commercial fishing fleet that sails from North Kingstown, with the exception of the freezer boats, tends to concentrate its activities in what is referred to as the West Passage of Narragansett Bay with a limited use being made of the East Passage for lobster and dragging.
The fishing grounds extend from the mouth of the West Passage north to a point approximately even with the northern tip of Prudence Island. North Kingstown is in close proximity to clean, highly productive fishing grounds, which is of substantial benefit to the fishing fleet and individual fishermen. The relative closeness of the grounds and the close proximity to support services imparts a direct impact upon the individual profits received by the individual fishermen in terms of shorter transit times.

Currently, North Kingstown supports several in-water aquaculture projects covering 19 acres in 2007. In addition there are three upweller operations in North Kingstown for growing shellfish seed for transfer to outside aquaculture lease sites.

F. ECONOMIC IMPACT UPON TOWN

In the Town of North Kingstown the economic importance of the commercial fishing fleet to the various local businesses is a major one. The goods and services, which are purchased by the fishermen, include fees to the Town, repair of vessels, the purchase of supplies and equipment, as well as fuel and other services.
G. DOCKAGE

Within the Town of North Kingstown there are a variety of docks and wharfs that are used by the commercial fishing fleet. These facilities include Town-owned dockage, docks controlled by the QDC, and private docks maintained by a variety of entities.

Traditionally, a harmony has existed between the commercial fishermen and the recreational boaters, with many individuals, from both groups, being more than willing to render assistance to fellow watermen when needed.

The rapid growth of the recreational boating fleet has put available berthing space at a premium. The consistent increase in pleasure boats has and will result in the displacement of commercial fishing boats. Such pressure is a serious threat to the survival of North Kingstown’s commercial fishing fleet, the wholesalers, and the support industries that service them. The commercial vessels in North Kingstown, though economically pressured by limited and competitive dock space, are currently holding constant levels of dock space due, in part, to the demand for seafood products, and the available resources that they yield.

H. TOWN OWNED FACILITIES

The two clearly defined Town facilities: 1) the Town Dock located at the head of Wickford Cove, off Brown Street, is used exclusively for transient vessels for short-term visits to the Wickford Village, and (2) the Town Wharf at the mouth of Wickford Harbor is located at the eastern end of Main Street. The Town Wharf is currently operating to capacity and docks lobster boats, draggers, and quahog boats. To date, the commercial fishermen who use this facility are concerned with the upkeep and maintenance of the wharf and have provided several recommendations, which are covered in Section 3.4.2

I. QUONSET DEVELOPMENT CORPORATION

Dockage available at the Davisville piers is controlled by the Rhode Island Port Authority, which sets its own fees and use requirements. Transient deep-draft car carriers and a fleet of offshore fishing vessels operated by Sea Freeze, Inc primarily use these piers. The general size and height above water of these facilities preclude their use by the smaller vessels, which make up the majority of the North Kingstown fishing fleet.

Little Allen Harbor - This small inlet located between Allen Harbor and the Davisville Piers is leased to a private business that operates a marina, providing dockage to pleasure craft and small commercial fishing vessels.
J. **PRIVATELY OWNED DOCKAGE FACILITIES**

Two privately owned docking facilities exist within the Town, which accommodate commercial fishing interests, Gardner’s Wharf, and Wickford Shipyard.

K. **DOCKAGE CONDITIONS**

The Town wharf was constructed by the Rodman Manufacturing Company in 1893, and conveyed to the Town on November 13, 1948. In 1976 the deck and some pilings were replaced, and in 1979 the parking lot was resurfaced as part of a Town-wide pavement program. Maintenance has been conducted on an as-needed basis by the Department of Public Works.

The Navy Seabees constructed the pier at Allen Harbor that is now used by commercial fisherman. This pier was determined to be unsafe by the Army Corps of Engineers and was scheduled for demolition. Through the efforts of the Recreation Department, Commercial Fishermen, and staff of the Rhode Island Congressional Delegation, the Army Corps revised their plans and is to demolish only portions of the pier. Additional repairs and floating docks have been effectuated through the Allen Harbor Enterprise Fund.

L. **USERS OF COMMERCIAL DOCKAGE**

In North Kingstown, Town dockage facilities for commercial vessels are a limited commodity, and an issue that arises from time to time is whether or not vessels occupying space designated for commercial fishing vessels are actually being used for commercial fishing. Chapter 7-1 of the North Kingstown Ordinances defines a commercial fishing boat.

Extensive discussion on this issue concluded that enforcement of this regulation to be very difficult as many extenuating circumstances become involved. A consensus was that the Harbor Master would be in the best position to resolve incidents of this type.

3.4.5 **WILDLIFE, CONSERVATION AND LAND USE**

A. **INTRODUCTION**

In 1993 members of the Wildlife and Conservation Subcommittee felt that several areas within the Town had qualities that make them special places that should be preserved for use by everyone in the Town. In order to keep these areas available, the committee recommended that the Town add a new zoning category to its present list. This category would designate specific sites for "conservation, low intensity use."

North Kingstown's greatest natural resources may be its shoreline and coastal waters. The
Committee felt that maintaining and improving the quality of these resources is important for the future of North Kingstown.

The remainder of the Wildlife, Conservation and Land Use chapter consists of the following sections:
- Definition of conservation low intensity use
- Sites recommended for designation as conservation low intensity use areas
- Additional areas for special consideration

B. DEFINITION OF CONSERVATION LOW INTENSITY USE

The conservation, low intensity use category would restrict land use to public recreation activities such as hiking, fishing, shellfishing, sunbathing, swimming, picnics and the like. Activities that would typically be prohibited under this category are off-road vehicles and use of other motorized vehicles.

In order to make recommendations for the future use of areas covered in the wildlife and conservation portion of the report, the committee relied on personal observation from field trips made for some sites, knowledge of sites from subcommittee members who live near or use the sites, and current land use for the areas. When field trips were made, the subcommittee evaluated land within 200 feet of the shore.

Detailed recommendations are included in the following sections.

C. SITES RECOMMENDED FOR DESIGNATION AS CONSERVATION AREAS

It is recommended that the following areas be classified as conservation, low intensity use. The areas are listed, from north to south, in the order shown on the map (see Figure 3-5 at end of this chapter)

1. Calf Pasture Point Area

The area recommended for conservation, low intensity use include:

- All of Calf Pasture Point, from Mount View to Allen Harbor
- Allen Harbor except for the Town operated marina and the Quonset/Davisville Navy Yacht Club

Part of this area is wetlands and is important as breeding areas for fish and shore birds. The tidal beach area is very clean, with clear water. The beach was, for a brief period, a Town beach and would provide an excellent area for low intensity use. The Town has developed a plan for the use of this area.
2. Quonset Business Park Coves, Ponds, and Beaches

The areas recommended for conservation, low intensity use include:

- Fry’s Cove
- Davol Pond
- Blue Beach
- Fry’s Pond

The two ponds in this area drain into Narragansett Bay and are surrounded by phragmites.

The beaches at Fry’s Cove and Blue Beach contain large quantities of shellfish. The shellfish larvae are also an important part of the food chain.

The most important aspect of these beaches may be their aesthetic value for attracting clean industries into the Quonset Business Park. Having open spaces where employees and visitors can walk is an important part of the work environment. These areas in the Quonset Business Park should be set aside as waterfront areas for the enjoyment of all. It should be noted that some areas at Quonset are contamination sites from former Navy operations. These sites will need to be cleaned up before any access is granted.

3. Mill Creek

The area recommended for conservation, low intensity use is the west side of the creek, south of the Oakdale plat.

The area was identified by a 1988 study (ref. 2) as an important hatching area for finfish and shellfish, which are a food source for larger animals within the Harbor Complex as well as replenishment for fish and shellfish stocks.

4. Mill Cove

The areas recommended for conservation, low intensity uses are:

- Wilson Park Phase II
- Cornelius Island

This cove was identified in a 1988 study as having similar habitat to Mill Creek, with the exception that it is negatively affected by boat traffic and anti-fouling paint.

The Town currently owns the Wilson Park area. Cornelius Island is currently half privately owned and half owned by the Town. It is recommended that the Town negotiate with the private owners to designate the entire area as conservation, low intensity use.
5. Academy Cove (north bank)

The area recommended for conservation, low intensity use is the north bank of Academy Cove, the location of the Town Library.

The water in Academy Cove ranges from fresh to saline. The areas of brackish water freeze up only in the coldest winter months, so this area is important for migratory birds.

6. Cold Spring Beach

This area is currently used as the Town Beach. The Committee recommends that its land designation be changed to conservation, low intensity use.

7. The Hummocks and Rome Point

This area includes Hamilton and Bisse l Cove areas. The area is a spit of land that can be accessed from the end of Worsley Avenue at low tide. At high tide, the gravel bar that provides access to the area is under water.

The area on the west side is a tidal flat that rise up to a woodlands area. On the east side there is a two to three foot drop-off from the wooded area to a sandy/rocky shore. Because of the diverse habitat, this area is important for a variety of birds, from wading birds to songbirds.

The Rome Point property, now known as the John H. Chafee Nature Preserve, has been transferred from Narragansett Electric to the State of Rhode Island for use as a low intensity recreation area. The town holds a conservation easement over the property. This area needs to be studied in more detail since it currently includes diverse habitats that although they are not old growth, are reverting to a relatively wild state.

D. ADDITIONAL AREAS FOR SPECIAL CONSIDERATION

1. Upper end of Wickford Cove

The land around the upper end of Wickford Cove is zoned residential. Because of the existing homes in this area, it is the Committee’s recommendation that this designation be maintained. However, the waters in the area of the old railroad trestle provide important habitat for migrating waterfowl. Warm season prairie grasses in this area are important to wildlife. This area should be closely monitored to ensure that lawn chemical and sewerage pollution are not allowed to adversely affect these waters and that there is no loss of the native grass habitats.
3.4.6 RECREATIONAL BOATING, BOATING SAFETY AND NAVIGATION

A. INTRODUCTION

Recreational boaters are the predominant water dependent users of facilities and services in the North Kingstown waters. North Kingstown has approximately 30 miles of coastline on Narragansett Bay, including two protected harbors, one with historic appeal. Wickford Harbor is regarded as a destination harbor by transient vessels and a nice place to live for boating enthusiasts.

This section of the Harbor Management Plan summarizes issues and makes recommendations with regard to Recreational Boating, Boating Safety and Navigation in the public waters of North Kingstown.

The issues raised and recommendations made are based on field observations of the various boating recreation areas, readings of previous studies related to the Town's recreational waters, and discussions among community members who have had recreational boating experience in the Town of North Kingstown's recreational waters.

As a guide to the dissemination of information in this section of the plan, specific geographical areas are identified for recreational boating in North Kingstown waters. In this regard, reference is made to the Harbor Management Sector Map at the end of this chapter (See Figure 3-6).

B. DESCRIPTION OF RECREATIONAL BOATING BY SECTORS

Because of shore and integrated geographical and riparian relationships the sectors were grouped into four categories for study:

See Figure 3-6 Sector Map

- Allen Harbor - Sector 4
- Wickford Harbor, including its adjacent and interrelated coves
  - Sectors 8, 9, 10, 11, 12, 13
- Coastline, related coves and waters
  - Sectors 2, 3, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22
- Inland ponds and rivers - Sectors 1, 23

I. Allen Harbor – Sector 4

Deed

The United States Government deeded land and docks at Allen Harbor Marina to the Town of
North Kingstown. Covenants in the deed between the Town and the federal government stipulate that the use of Allen Harbor is restricted to recreational purposes.

**Recreational Boating**

The North Kingstown Leisure Services Committee advises the Town Council on policies related to the recreational boating facilities at Allen Harbor Marina. The Allen Harbor Boating Association leases property on the southwest side of the harbor from the town.

**Navigation**

The Navy dredged the channel to Allen Harbor in the early 1970's and again in the nineties. Over the years the channel has become a navigational hazard due to shoaling. The configuration of the channel is a dog-leg to the north. Anyone unfamiliar with the channel, particularly during low tide, could easily run aground. Efforts to dredge this channel have been delayed due to the following:

1. The Navy established a solid waste dump on the northern shore of this harbor. Extensive testing is underway to determine the impact of the dumping activity. Depending on the levels of various materials found at the site, the Navy may be required to conduct a clean-up before releasing its jurisdiction over the site. The Navy has an ongoing program to monitor contaminants in the area.

2. In August of 1997 the waters of Allen harbor were reclassified from SA to SB and SA{b} (see table 3-1). The introduction of boating activities or the expansion of existing marina operations is prohibited in SA waters but is allowed in SB and SA {b} waters. The Rhode Island Coastal Resource Management Council has classified the allowable uses within these waters as being Type 3, which permits boating and marina facilities.

**Recommendation**

- The Town should pursue and develop a plan to dredge the channel into Allen Harbor within the immediate future or face the potential of greatly restricted use of this sheltered harbor due to shoaling action.

- The Town should petition the U.S. Government to designate this channel as a federal channel. Such designation would place the responsibility of maintaining the channel on the U.S. Army Corps of Engineers.

- Designate and mark anchorage areas to allow for a harbor of refuge. To preserve an available area for a sheltered anchorage no moorings shall be placed north the current mooring field (see Mooring Field map).
Allen Harbor Boating Association

The property on the southwest side of Allen Harbor, formerly known as the Quonset/Davisville Yacht Club, has now been transferred to the Town.

II. Wickford Harbor Complex including it’s adjacent and interrelated coves
Sectors 8, 9, 10, 11, 12, 13

Boat Storage

As the Wickford Harbor and coves complex is hard pressed to accommodate additional moorings or dock space for recreational boating, other alternatives should be investigated.

Recommendation

There are storage methods, such as those that utilize racks for smaller boats. It is suggested that the Town and private sector investigate this alternative as a method of accommodating additional vessels.

Destination Harbor

Wickford Harbor is an attractive "port-of-call" for transient recreational boaters. Such visits enhance the economic health of Wickford. In 2004, the Town received a grant for a Welcome Sign and map, which has been installed at the Town Dock near Brown Street.

Recommendation

The Town should maintain an on-going public relations program to publicize Wickford as a desirable destination for recreational boaters. Local merchants and the Chamber of Commerce should be encouraged to participate actively in the development and promotion of the program. An information packet developed by this program could include:

- A summary of the Town's Harbor Ordinances to help recreational boaters to comply with them and promote the safe and sanitary use of the harbor’s waters (including available "pump-out stations)
- A description of historic Wickford and related buildings, sites and activities.
- Listings of emergency services (police, fire, physicians, hospitals and harbormaster with telephone numbers)
- Listings of commercial services (taxi, boat repair, laundry, hairdressing, etc.)
• Listings of stores (food, clothing, antiques, marine supplies, gifts, etc.)

• Listings of churches with service hours.

• A listing of public events (festivals, exhibits, musicals, celebrations, etc.)

III. Coastline, Related Coves and Waters Sectors 1,2,3,5,6,7,14, through 23

Recreational Boating

There is a need for future expansion of facilities to accommodate additional recreational boaters (both permanent and transient). Because Allen and Wickford Harbors currently have the maximum number of moorings allowed under current regulations, the coastline offers the best opportunity to provide additional moorings in North Kingstown waters. Each sector described below will address issues pertinent to recreational boating. Where significant shallow-water habitat is identified, boating activities should be restricted as necessary to decrease turbidity and physical destruction of the habitat.

1. Sector 1. Potowomut River

The river separates the Town of North Kingstown and the City of Warwick. The river depth near its confluence at Narragansett Bay varies from approximately 3 to 5 feet. As far as can be ascertained the last dredging was done in 1881 and subsequent silting has occurred. Moored vessels in the river are limited to boats having 2 to 3 feet drafts (small center-board sailboats, canoes, row boats, wind-surfers, etc.). This sector is somewhat remote with respect to emergency response time. Private property and private roads limit shore access.

Recommendations: Because of the water depth the use of the Potowomut River should be limited to vessels with 2 to 3 foot drafts, small sailboats, canoes, windsurfers, etc. Both North Kingstown and Warwick should share patrolling and distress calls. A Memorandum of Understanding (MOA) should be adopted between the municipalities to define terms of mutual aid.

Moorings should be kept to a minimum to minimize the impact on the sensitive environmental issues of the area.

Dredging for this area is not recommended so as to preserve the river and its environmental quality.

2. Sectors 2 & 3- Mount View and Calf Pasture Point

These are exposed anchorage areas with shallow waters.
Recommendations: Because of the lack of shelter from storms, and because shore access is restricted, mooring growth in the Mount View area should be limited to riparian small boat owners who can oversee their anchorages.

Calf Pasture Point should be deemed a natural open water area due to a sand bar that extends out from the shore.

3. **Sector 5 – Quonset Business Park**

   This sector encompasses the following areas:
   
   - The Davisville coast, which is currently used for industrial purposes, has future plans for expanded industrial development.
   - Fry's Cove, is primarily used for recreational boating, transient anchorage, swimming and commercial fishing.
   - Quonset Business Park is primarily used for commercial and industrial purposes and for future economic development.

   Recommendation: With regard to Davisville and Quonset, the Town should collaborate with the Quonset Development Corporation and other State and local Economic Development entities, as well as, business associations to encourage continued economic development of water dependent activities. Further, Fry's Cove usage should continue as indicated above with no permanent moorings allowed.

4. **Sector 6 - Fry's Pond**

   The RI Coastal Resource Management Plan designates this tidal pond as Type 1 waters.

   Recommendation: Fry's Pond is protected as a wetland and conservation area.

5. **Sector 7 - Sauga Point** (Narragansett Bay Side)

   This area is used primarily by local property owners.

   Recommendation: This area has excellent potential for the expansion of permanent and transient moorings; additionally it is near Wickford Harbor and would be a short commute for powered launches.
6. **Sector 14 - Cold Spring**

This area is used as a mooring area, a day and overnight anchorage, for water and jet skiing, swimming and other general water dependent uses. Of the entire coastline in Town this sector has the greatest potential for user conflict. Land access to the area can be gained from the Town Beach, with an adjacent parking lot at the Cold Spring Community Center and Senior Center. Only Town residents generally use this beach as parking is restricted to residents.

Recommendation: No change is recommended in the present recreational boating usage.

7. **Sector 15 and 16 - Duck Cove and Anthony's Beach**

This area is currently used for shellfishing, fishing, swimming, recreational boating and riparian moorings. The current use pattern should continue.

Recommendation: These sectors should remain restricted to the immediate residential area.

8. **Sectors 17 and 18 - Hamilton and Bissell's Cove**

Considered as a contiguous area there is the potential for expansion of recreational boating facilities. The area offers good transient anchorage opportunities.

Recommendation: These sectors should remain restricted to the immediate residential area.

9. **Sector 19 - Rome Point to Greene Point**

This area is primarily used as a transient anchorage by recreational boaters.

Recommendation: The off-shore area should stay as a transient anchorage, i.e. no moorings allowed.

10. **Sector 20 - Plum Point Shores/Plum Beach - Greene Point to Plum Point Beach**

There have been a limited number of moorings (11) in the Plum Point area, mainly accessed by the local residential community. The private Plum Point Beach Club is located in this area. Due to the exposed nature of the area to sea conditions this is an unsuitable location for an overnight anchorage. There are 28 moorings offshore of the Plum Beach Club.

Recommendation: No change in current use is recommended.
11. Sector 21 - Packer Rocks, Saunderstown to the Narragansett town line

There are scattered riparian moorings as well as an extended mooring field associated with the Saunderstown Yacht Club located in this area. The waterfront is generally exposed to sea conditions making this an undesirable area for an overnight anchorage. This area is inshore of a productive fishing area. The present moorings at this location are compacted but problems do not seem to exist because of the type of vessels in use.

Recommendation: No change in current use is recommended.

IV. Rivers - Sector 22

1. Sector 22 Narrow River includes Pettaquamscutt and Carr Ponds.
2. Sector 23 includes Belleville Pond and Secret Lake.

- Small recreational boats primarily use these “freshwater” bodies. Town ordinances restrict powered vessels on these water bodies to those propelled by electricity.

Recommendation: No change in present recreational use. Committee recommends limiting electric powerboats to trolling speed.

C. GENERAL RECOMMENDATIONS

Increase Harbor Division Resources

With an increasing number of boats using public waters, there is a commensurate responsibility of the Harbor Division for added surveillance for compliance with Harbor Ordinances and safe boating operations. The Harbormaster has 30 miles of coastline, two harbors (Wickford and Allen), several boat launching ramps, coves, anchorages and mooring fields to supervise.

In addition, the Harbormaster has to be available day and night to respond quickly to emergencies and for night patrols of boat mooring and anchorage areas to prevent criminal activity. Further, time is required for paperwork, reports, record keeping, etc.

Recommendation: The addition of a full-time, year around harbormaster in 2001 has resulted in significant improvements in enforcement, record keeping, continuity, and customer service. The harbormaster should continue to be supported with seasonal assistants and proper equipment.
D. NAVIGATION AND SAFETY

Navigational Hazards - Wickford Breakwaters

The Wickford Harbor and coves complex are protected by two breakwaters that are in disrepair. The northern tip of the southern breakwater is submerged at extreme high tides and then becomes a hidden navigational safety hazard.

Recommendation: That the Town petition the U.S. Army Corps of Engineers, North Eastern Region, Trapelo Rd., Waltham, Mass. to identify and correct any deficiencies.

Boating Safety

Unsafe boating operations have been observed in North Kingstown waters.

Recommendation: The Town should encourage safe boating practices by the following means:

a. Encourage participation in instructional classes on boating safety offered by the local Power Squadron and the Coast Guard Auxiliary.

b. Provide additional posting of the harbor regulations. They should be posted in the same locations as the mooring waiting list, police station, library and Town Hall, as well as at gas docks, private marinas, yacht clubs and the Chamber of Commerce.

c. The Harbor Master should enforce speed limits as defined in the ordinance.

d. The Harbor Master should cite for violations of the ordinance.

e. Designate water skiing and jet skiing areas clear of mooring fields.

Safety/Moorings - Wickford Harbor

On July 1, 1991 an inspection of the waters of Wickford Harbor was conducted with an eye towards improvement of boat safety, space to accommodate more boats, possible changes in existing moorings, etc. This is the most recent study. The following is a report of their findings with recommendations.

Fishing Cove could be very dangerous for water skiers. In some areas the cove is very shallow, approximately 2 feet. Such conditions invite casualties for the inexperienced who could tumble at high speeds.

Recommendations - The Harbor Division should have soundings of the cove conducted and
follow up with appropriate corrective measures, i.e., danger areas marked, skiing at high tide only, forbid skiing etc. Town liability should be explored.

Many boaters enter and depart Wickford waters at high speeds thus creating dangerous wakes in the vicinity.

Recommendation: Install speed limit buoys very close to breakwater and enforce the regulations. Provide maximum support to the Harbor Master.

Navigation

The Navy dredged the Allen Harbor entrance channel in 1972/1973 and again in 1998/1999. It has now become silted-in and at low tides is a hazard to navigation.

Recommendation: The Town must pursue and develop a plan to dredge the channel into Allen Harbor within the immediate future or face the potential of greatly restricted use of the harbor due to shoaling action.

The Town should petition the U.S. Government to designate this channel as a federal channel. Such designation would place the responsibility of maintaining the channel on the U.S. Army Corps of Engineers.

Designate and mark anchorage areas.
This map is for reference purposes only. The Planning Department utilizes this information as a reference tool for review. This map is not intended for use as a site plan.
4.0 HARBORS AND WATERWAYS - INVENTORY BY SECTORS

To describe the unique features of the harbors and waterways of the Town, the shoreline has been divided into the following sectors. A corresponding map of these sectors is included on the previous page. Federal Emergency Management Agency (FEMA) maps can be viewed in the Building Officials office or the Office of Planning and Development.

4.1.0 POTOWOMUT RIVER - Forge Rd - to a line between Marsh Point and Pojac Point
Assessors Plats 172, 170, 169, 168

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: RI CRMC designates the waters in this sector and the first 500' seaward along the shore as Type 1 waters. Beyond that point the water are designated as Type 4.

FEMA Flood Zone: 445404 0002 B - A13 and V16 zones, subject to 100 year storm flooding and wave action.

NOAA CHART: # 13224

Land Use: The Potowomut River provides the northern border of the Town, at the centerline of the river, separating North Kingstown and the City of Warwick. This part of North Kingstown is known as Pojac Point, within which zoning requires 5 acres per unit. Existing housing density along the river is low in both North Kingstown and Warwick. There are marsh and estuary...
areas along the river that are pristine and of high wildlife and conservation value.

Waters: Water depths from the Forge Road Bridge to the mouth of the Potowomut River range between 1' to 3'. Due to the depths, vessel access is limited to canoes and other vessels with shallow draft. In 1881 the U.S. Army Corps of Engineers dredged a 115-foot wide by 5-foot deep channel, .5 miles in length from the mouth of this river. It has not been dredged since.

Dredging for this area is not recommended so as to preserve the river and its environmental quality.

Moorings: As of October 2007, 4 riparian moorings were identified in this sector.

4.2.0 MOUNT VIEW - Pojac Point to Mount View (Pettee Ave.)
Assessors Plats 168, 167, 166

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: RI CRMC classifies the first 500' seaward along the shore of this sector as Type 1, with the exception of that area along the Mount View plat, which has been designated as Type 2. Waters beyond the 500' area are designated as Type 4. CRMC identifies an erosion prone area (A) along the vicinity of Scalabrini Villa, requiring a 75' setback for all structures. Also, an undeveloped barrier beach has been identified along the mouth of Tibbet's Creek.

FEMA Flood Zone: 445404 0002 B - V16 zone, subject to 100 year storm flooding and wave action.
Land Use: The land use in the northern portion of this area is low density, referred to as Pojac Point, within which zoning requires 5 acres per unit. Three segments of this sector differ in existing and proposed land use. One area includes a 70 acre parcel called the Scalabrini Villa of which 20 acres is dedicated to a 120 bed nursing home. Building and septic system setback designs are beyond the 200' CRMC jurisdiction.

An adjacent waterfront project on 191 acres incorporates the 18-hole Quidnessett Golf Course & Country Club with plans to construct 83 Townhouse/Condominium units on this parcel. Upon full build-out of this project the average density will be one unit per 2.3 acres.

The remaining area of this sector includes the former summer village called the Mount View plat, which has since become used for year-round occupancy. In the 1940's this estimated 75-acre plat was subdivided into 470 lots, on which there are currently 247 units or, an average density of 3.29 units per acre. The typical lot size is 50 by 100 feet. Town water and individual septic systems service this subdivision.

Waters: Water depths from Pojac Point to the Mt. View neighborhood range from 1 to 2 feet, for a distance of about 700 yards offshore. Beyond 700 yards the drop-off is rapid to a depth of 7' to 9'.

Moorings: In October 2007, there were 4 moorings in this area.
4.3.0 CALF PASTURE - Mount View to Calf Pasture Point. Assessors Plat 197

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: RI CRMC designates the first 500’ seaward along the shore of this sector as Type 1 waters and Type 4 beyond that point. The portion of this sector that fronts on Allen Harbor is designated as Type 3

FEMA Flood Zone: 445404 0005 B - A-13 and V-16 zones, subject to 100 year storm coastal flooding and wave action.

NOAA CHART: # 13224 : # 13223

Land Use: This sector was under the ownership of the United States Navy since 1941 and as such was used as a training area for the "Seabees" Naval Construction Battalion dredging school. As a result of training activities the physical characteristics of the area changed substantially. As an example, the adjacent Allen Harbor, once an open inlet, has as result of dredging and filling, formed the protected Allen Harbor of today. Calf Pasture Point was a primary depository of the dredge materials, which expanded the width of this peninsula and reduced the exposure of this harbor to Narragansett Bay.

A former Naval landfill is also located on this site. Dumping activities no longer take place. A study to determine what types of waste have been dumped in this facility and whether there is a resulting threat to human life is in progress. The site has over time reverted back to a natural state, thus providing an important wildlife habitat.

Waters: Water depth from Mt. View to Calf Pasture is 1’ to 2’ out to a distance of approximately 600 to 800 yards. There is some fouling near shore on the northern end. Beyond 800 yards there is a rapid drop-off to 8’ to 11’.

Moorings: This sector is currently undeveloped and no moorings are located in this area.
Because this sector fronts on Narragansett Bay, West Passage and is extensively exposed to weather patterns and tidal changes, it may not be considered as a suitable site for mooring fields.

### 4.4.0 ALLEN HARBOR - Allen Harbor and Little Allen Harbor.

**Assessors Plat(s) 197, 191, 190**

Those water bodies west of a straight line from Calf Pasture Point to the northeast tip of Little Allen Harbor, also known as Spinks Neck.

**RIDEM Water Quality Designation: SA, SA(b) and SB**

- **SA(b)** - Allen Harbor waters north of a line extending from the westernmost indentation of the cove which is immediately north of the easternmost curve of Westcott Road to the northernmost point of land on the south side of the mouth of Allen Harbor, North Kingstown.

- **SB** - Allen Harbor waters south and east of a line extending from the westernmost indentation of the cove which is immediately north of the easternmost curve of Westcott Road to the northernmost point of land on the south side of the mouth of Allen Harbor, North Kingstown.

**CRMC Use Type Designation: RICRMC designates both harbors of this sector for Type 3 uses. There are several areas in the harbor that have been identified as coastal wetland and are protected under the CRMP 210.3.**

It should be noted that initially a contradiction existed between the classifications of these waters by two State agencies, RIDEM and RICRMC. The RIDEM establishes the water quality designation for Rhode Island waters, while the RICRMC establishes the type uses that can be conducted in RI coastal waters. The contradiction is in permitted uses that can be conducted in these water bodies under the designated classifications. The RIDEM Water Quality classification "SA" prohibits boating activities such as moorings and marinas. RICRMC "Type 3" classification allows high intensity recreational uses such as marinas, Moorings and public launching ramps. The conflict was resolved with the RIDEM classification of SA{b}, which recognized the pre-existing boating activity. The Town currently operates a marina in Allen Harbor with plans to upgrade and expand the facility.

**FEMA Flood Zone: 445404 0005 B - V16 and A13 zones, subject to 100 year storm flooding and wave action.**
Land Use: This sector was under the ownership and control of the U.S. Navy from 1941 until 1974. This harbor served as a training ground for dredging techniques for the Seabees, resulting in significant physical alterations to the land and harbor perimeter. As a result of the dredge training Allen Harbor has an average depth of 8 feet. With exception of shoaling in the channel this harbor is regarded as an excellent boating resource. The Town of North Kingstown acquired 14 acres of property along the southeastern shore of the harbor. This property was formerly used by the Navy as their docking and operations area. Currently the Town operates a public marina on this property and provides approximately 100 slips and 80 moorings for recreational boaters.

The Allen Harbor Boating Association maintains a lease from the Navy to use 1.75 acres of land with approximately, 900’ of frontage along the southwestern shore of the harbor. Over the years the Yacht club has constructed 100 slips with utilities on the northwest side of Allen Harbor. The club also has 5 moorings. In 1990 the Davisville Navy Construction Battalion Base was decommissioned. The North Kingstown Comprehensive Plan has recommended that the Town seek to acquire this property.

Waters: Allen Harbor has a depth of between 5 and 11 feet, with an average depth of 8’. This harbor is regarded as an excellent boating resource.

Moorings: Currently, the Town operates a public marina with approximately 100 slips and provides 80 moorings in the harbor.

The U.S. Food & Drug Administration owns a parcel adjacent to the Town and maintains berthing facilities in this harbor.
Little Allen Harbor was acquired by the RI Port Authority from the U.S. Department of Interior in 1980. This 2.75-acre Harbor has been leased to a private concern that is pursuing the development of a 100 slip commercial marina.

Waters: The average water depth is 6’.

Moorings: There are no moorings in Little Allen Harbor.

4.5.0 QUONSET/DAVISVILLE - Northern tip of Little Allen Harbor, also known as Spink Neck, to a fence near Shore Acres that separates Federal and private property (includes all of Quonset Point/ Davisville waterfront) Assessors Plat(s) 190, 189,188, 187, 186, 183, 182, 179

RIDEM Water Quality Designation: RIDEM classifies the water in the vicinity of Piers 1&2 at the Davisville Depot as being “SB”. The designation of “SB1” is applied to waters in the vicinity of Quonset Point within 1500’ of the shore from the western end of the carrier pier to a point 1000’ north of Quonset Point.

CRMC Use Type Designation: Type 6

FEMA Flood Zone(s): 445404 0005 B : 445404 0009 B - A13 and V16 zones, subject to coastal flooding and wave action.

NOAA CHART: # 13223
Land Use: This sector was under the ownership and control of the U.S. Navy from 1941 until 1974. Since 1941 the physical characteristics of the shoreline have changed significantly. Extensive wetland filling has taken place over the years, resulting in several square miles being added to the area.

Since 1974 the Rhode Island Port Authority and Department of Transportation have acquired most of the available property on the shoreline. Primary emphasis has been in transforming this installation into an industrial park. Located along the waterfront of this sector are the Davisville Piers #1 & #2, RI Air National Guard, the Carrier Piers, General Dynamics \Electric Boat (a defense contractor who build submarines) and SENESCO (a builder of double hulled barges). There is also a sewerage treatment plant that services the Quonset Point/ Davisville Industrial Park and Navy facilities. The treatment plant has an out-fall near Sauga Point.

Waters: Water depth varies considerably in this area due to dredging, bulkheads and piers. In the region of Spinks Neck, there is shoaling out for about 200 yards, then depths of 7' to 10'. To the south, there is a dredged channel approaching Davisville, that averages 28' to 30'. Between Davisville and Quonset point, depths range from 6' to 15'. Depths approaching and surrounding the Carrier Pier range from 32' to 35'. Between the Carrier Pier and the limits of the Port, depths range from 8' to 12', with the deeper portions closer to land.

Moorings: No moorings are located in this area.

4.6.0 FRY'S POND - The tidal pond located near the Quonset Pt. Airport's NW runway

RIDEM Water Quality Designation: SA.

CRMC Use Type Designation: Type 1

FEMA Flood Zone(s): 445404 0005 B : 445404 0009 B - A13 zone subject to 100 year coastal flooding.

NOAA CHART: # 13223

Land Use: This sector is located within the Quonset Point\ Davisville Industrial Park at the end of the NW airport runway and is also adjacent to the Town Golf course. During the development of this base extensive wetland filling was conducted by the Navy to accommodate the runway. A culvert approximately 1200' long was installed under the runway to maintain the integrity of this tidal pond.

Waters: No official water depth information is available for the pond.

Mooring: No moorings have been placed in Fry's Pond
4.7.0 SAUGA POINT - Beginning at a fence near Shore Acres that separates federal and private property to the tip of Sauga Point
Assessors Plat(s) 179, 142, 141

RIDEM Water Quality Designation: SB, SA,
CRMC Use Type Designation: Type 2, Type 3

FEMA Flood Zone(s): 445404 0009 B - V16 zone subject to wave action

NOAA CHART: # 13223

Land Use: Most of the land in this sector was platted in 1910 as Shore Acres. The emphasis of this plat was on seasonal summer residences and has since become occupied year-round. The sector covers about 70 acres on which was 220 lots were created. Current records show that 150 units have been constructed to date with a typical lot size of 7500 sq ft. Potential density calculates to 3.14 units per acre.

Waters: Water depth is 1 to 2 feet for a distance of 100 to 200 yards offshore. There is a steep drop-off to 10 to 12 feet out to a distance of 500 to 600 yards.

Moorings: During a Harbor Management survey conducted in 2007 61 moorings were counted at Sauga Point/Shore acres.

WICKFORD HARBOR COMPLEX

The Wickford Harbor Complex consists of 6 sections described as coves, harbors, and estuaries indented into the western shore of Narragansett Bay, West Passage. The Complex
is protected by two breakwaters constructed by the U.S. Army Corps of Engineers in 1949. Channels and fairways of the complex have also been dredged by the Army Corps of Engineers, initially in 1900, with maintenance and expansion dredging in 1961. The following describes some of the features for each section of the Wickford Harbor Complex.

**4.8.0 FISHING COVE** - A straight line from the base of the breakwater at Sauga Point to the eastern tip of Cornelius Island (CRMC W. Quad. f) Assessors Plat(s) 140,141

RIDEM Water Quality Designation: SA{b}

CRMC Use Type Designation: Type 2, Type 3

FEMA Flood Zone(s): 445404 0009 B - A12 zone subject to 100 year storm flooding.

NOAA CHART: # 13223

Land Use: The land in this sector has been developed for residential purposes. Two examples of housing development patterns are evident, the conventional grid pattern of Shore Acres platted in 1910 and Cedarhurst which clusters units among common open space. Cornelius Island situated off the Calf Neck peninsula is approximately 18.6 acres and currently uninhabited. One half of the Island was a bequest to the Town, the other half to heirs. This island was a depository for much of the material dredged from the channel and Mill Cove.

Waters: Fishing Cove contains about 90 acres of shallow fairway, averaging 1 to 3 feet in depth.

Moorings: The Fishing Cove mooring field contains 39 moorings.
4.9.0 MILL CREEK - That waterway west and north of Mill Cove

Assessors plat(s) 139, 140, 107, 108

RIDEM Water Quality Designation: SB

CRMC Use Type Designation: Type 1

FEMA Flood Zone(s): 445404 0009 B - 445404 0008 B - A12 zones, subject to 100 year storm flooding.

NOAA CHART: # 13223

Land Use: The land use along this mile long waterway includes both developed and undeveloped parcels. To date this area has been sparsely developed and is regarded as pristine. Currently, there are two relatively large undeveloped parcels along the creek that if developed could negatively impact the integrity of this pristine area. A 54 acre undeveloped parcel, zoned Neighborhood Residential, is located on the western shore of the creek and is
adjacent to the historic Smith's Castle. The other parcel zoned Planned Village Development is known as Calf Neck and is located on the eastern side of the creek. The parcel has now been developed and consists of single family homes.

Waters: Depth ranges from .5 feet to 4 feet.

Moorings: No moorings have been located in this waterway.

4.10.0 MILL COVE - (1) A straight line from the northeast side of Rabbit Island to the tip of Calf Neck (CRMC W. Quad K); (2.) A straight line from the southern tip of Rabbit Island to the western side of the launching ramp at Long Point(CRMC W. Quad L); (3.) A straight line extension of Pleasant St.(CRMC W. Quad N)

RIDEM Water Quality Designation: SB

CRMC Use Type Designation: Type 1, Type 2, Type 3, and Type 5 in the area of Cedar Tree Point.

FEMA Flood Zone(s): 445404 0008 B - A12 zone, subject to 100 year storm flooding.

NOAA CHART: # 13223

Land Use: Traditional land use adjacent to this sector is divided among single family residential and water dependent commercial. Along the southern shore there is a concentration of marinas and docks, namely Wickford Yacht Club, Pleasant Street Wharf, Johnson’s Boat Yard and Wickford Shellfish that service commercial, recreational and government vessels. The ten acre Rabbit Island is located near the center of the cove. This island is Town owned and designated as open space.
Waters: In 1963 the Army Corps of Engineering modified the channel by dredging a 10 acre anchorage 6 feet in depth.

Moorings: The Town regulates 96 moorings in this area. In 1963 the Army Corps of Engineering modified the channel by dredging a 10 acre anchorage 6 feet in depth. A Town boat launching ramp is located at Long Point, which can be accessed from Intrepid Drive. There are three commercial marina operations and a yacht club in this sector, who own approximately 150 slips.

4.11.0 WICKFORD HARBOR - (1) A line along the western side of the breakwater from Sauga Point, running across the entrance channel to Wickford Harbor and along the western side of the breakwater from Poplar Point (CRMC W. Quad E). (2) A straight line across the entrance of Wickford Cove from the tip of Big Rock Point to the tip of the northern peninsula at the end of West Main Street also known as Gardner’s Wharf (CRMC W. Quad. G). Assessors Plat(s) 117, 91

RIDEM Water Quality Designation: SA{b} and SB.

CRMC Use Type Designation: Type 3

FEMA Flood Zone(s): 445404 0009 B - 445404 0013 B - V16 and A13 zones, subject to 100 year storm flooding and wave action.

NOAA CHART: # 13223

Land Use: The land use along the shores of this harbor has been a mix of high density residential and water dependent commercial development, such as marinas and boat yards. There are twenty-nine waterfront properties along Pleasant Street with 26 lots used for residential purposes. Lots sizes along the Pleasant Street waterfront average 11,000 square
feet. The Wickford Yacht Club, Gardner’s Wharf, a portion of the Town Wharf and the Wickford Shipyard account for the water dependent businesses in this sector. This area is serviced by Town water and each unit is serviced by individual septic systems. The Army Corp of Engineers constructed two breakwaters along the eastern face of this harbor in 1962. These structures are at times submerged during storms and high tides.

Waters: A Federal Channel was dredged from the breakwater entrance to the west. Branches of the channel split off to Mill Cove and Wickford Cove. Depths range from 10 feet to 13 feet.

Moorings: The Town regulates 372 moorings in Wickford Harbor each defined in the moorings section of the plan.

4.12.0 ACADEMY COVE - That waterway west of the bridge on Brown Street.

RIDEM Water Quality Designation: SB
CRMC Use Type Designation: Type 1

FEMA Flood Zone(s): 445404 00012 B - A12 zone, subject to 100 year storm flooding.

NOAA CHART: # 13223

Land Use: This small tidal cove is located near the center of the Historic Wickford Village. Residential, Public and Commercial development has been established along the shores of this Cove.

At one time a train trestle that serviced the Sea View Railroad extended through this waterway. Today that filled area provides a pedestrian path from the Public Library on Boone Street to West Main Street. Most of the land on the West side of this Cove is owned by the Town and is used for the Wickford Elementary School and Public Library. Along the eastern side of the Cove is Brown Street where three restaurants, a grocery store, several other retail stores and residences have been established. Six lots abut the Cove along West Main Street and are used for commercial and residential purposes. All of the establishments in this sector are serviced by Town water and use Individual Septic Systems.

Waters: The Cove is tidal and no recent depth soundings are available. Useful only for canoes and kayaks.

Moorings: This tidal cove is very shallow and no moorings have been located in this water body.

4.13.0 WICKFORD COVE - That waterway southwest of Wickford Harbor except; Academy Cove which is separated by a line along the western side of the bridge on Brown Street (CRMC W. Quad. H).
RIDEM Water Quality Designation: SB

CRMC Use Type Designation: Type 5, Type 2 and Type 1

FEMA Flood Zone(s): 445404 00012 B - 445404 0013 B - A12 zone, subject to 100 year storm flooding.

NOAA CHART: # 13223

Land Use: Traditional land use along the shores of this sector have been residential, waterfront commercial and industrial. This sector is within the Wickford Historic District. There are three marina/boat yards and the Town's transient dock in this sector. Commercial and housing density along the waterfront of this sector ranges between 4 to 7 units per acre. Units are serviced by Town water and individual septic systems.

Waters: A federal Channel traverses from the junction with Wickford Harbor to the Hussey Bridge. Depths range from 10 feet to 8 feet.

Moorings: There are no mooring fields in Wickford Cove, however there are 64 pilings that line the channel, and 415 commercial marina slips situated along the southeast shore of the Cove. The Town Wharf, located in the Northwest corner of the Cove contains berthing spaces for approximately 36 commercial vessels.
4.14.0 Town Beach (North and South) - Poplar Point to Lone Tree Point - A straight line between Poplar and Lone Tree Points (Contains the Town's Cold Spring Beach. Assessors Plats 90, 91).

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: Type 2
FEMA Flood Zone(s): 445404 0013 B- V16 zone subject to wave action.
NOAA CHART: # 13223

Land Use: The property in this sector is used primarily for residential and public purposes. There are 29 lots along the waterfront of this sector grouped in different levels of density. The Town's Cold Spring beach and Community Center represents approximately 800 feet of waterfront and essentially divides the sector into distinct development patterns. The area known as Poplar Point is to the north of the beach and has been developed at an average of 2.5 units per acre. To the south, an area also referred to as Cold Spring has a current density averaging between 2 and 4 acres per unit.

Waters: Water depth varies from 4 to 8 feet in this area. There are several rock hazards near Cold Spring Rock.

Moorings: As of October 2007 there are 42 moorings in this area.
4.15.0 DUCK COVE - That waterway southwest of a straight line across the entrance of Duck Cove at its narrowest point from the northern side of the small peninsula, running generally southeasterly to where it meets the opposite shore on Lone Tree Point (CRMC W. Quad. O). Assessor Plats 26 & 89

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: Type 1

FEMA Flood Zone(s): 445404 0013 B - A12 and V16 zones, subject to 100 year storm flooding and wave action.

NOAA CHART: # 13223

Land Use: The land use along this sector is exclusively residential. The density of existing housing stock averages 3 lots per acre. The average lot size is less than 10,000 sq ft. This sector is serviced by Town water and each unit is serviced by individual septic systems.

Waters: Water depth in this tidal cove is very shallow. Only kayaks and canoes are found here.

Moorings: This inlet was not included in a Harbor Management mooring survey conducted in July of 1991. Further investigation will be required. There are no Town designated mooring fields in this cove.

4.16.0 Lone Tree Point – Anthony’s Beach from Lone Tree Point to Wild Goose Point - That waterway generally east of a straight line from Lone Tree Point to Wild Goose Point.

RIDEM Water Quality Designation: SA
CRMC Use Type Designation: Type 2

FEMA Flood Zone(s): 4454040013 B-V16 zone, subject to wave action.

NOAA CHART: # 13223

Land Use: The land use along this sector is exclusively residential. Density of existing housing stock averages 1.49 units per acre. The average platted lot size is 20,000 sq ft. Each unit is serviced by Town water and Individual Septic Systems.

Waters: There is an extensive rocky shore out to as much as 100 yards. There is then a steep drop-off to a consistent 9 feet.

Moorings: In the area between Lone Tree Point and Wild Goose Point 28 moorings were counted in October 2007.

4.17.O HAMILTON, INCLUDING WILD GOOSE POINT – That area west of a straight line from Wild goose Point to Rome Point; includes the area called the Hummocks and Fox Island. Assessor Plats 68 and 69

RIDEM Water Quality Designation: SA

CRMC use Type Designation: Type 2

FEMA Flood Zone(s): 445404 0013 B-V16 zone, subject to coastal flooding and wave action.
Land use: The land use in this sector is residential. The density of existing housing stock averages 2.5 units per acre. Lot sizes along the waterfront average 6,000 square feet. Town water and Individual Septic Systems service each lot in this sector.

Water: The shore is shallow and rocky out to 100 yards in many places. Then there is a steep drop off to 8 feet.

Moorings: In the Hamilton area between Wild Goose Point and Rome Point 86 moorings were present in October 2007. A private beach is located at the intersection of Worsley and Sea View Avenues.

4.18.0 BISSEL COVE  That waterway west of the Hummocks barrier beach  Assessors Plat (s) 31, 45, 68

RIDEM Water Quality Designation: SA

CRMC Use Type Designations: Type 2. The Cove is classified by CRMC as a poorly flushed estuary.

FEMA Flood Zone(s): 4454040013B&4454040017C – V 16 zone, subject to coastal flooding and wave action.
Land Use: The land use adjacent to this sector is predominately residential and vacant land. The Annaquatucket River flows to this cove from Secret Lake and Belleville Pond. This estuary has been noted as an important propagation area for anadromous and shellfish. The former Hamilton Textile Mill, which was transformed into 67 apartment units, is located on the western shore of this water body and adjacent to the Annaquatucket River. The northern shore of this sector was subdivided with lots that average in size from 6,000 to 15,000 square feet. Town Water and Individual Septic Systems service each unit in this sector.

The barrier beach called the Hummocks is also located along this sector. This coastal feature is owned by Narragansett Electric Company and managed by RIDEM Fish and Wildlife Division as a public access point for fishing and other passive recreation activities.

Waters: The Cove is entirely tidal and depth at low tide, except in the center, is often less than one foot.

Moorings: There are no moorings in Bissel Cove.

4.19.0 ROME POINT Rome Point to Green Point Assessors Plats 31, 43, 42

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: type 2; Except in the vicinity of Green Point where an undeveloped barrier beach and associated wetland marsh is identified & classified as Type 1.
FEMA Flood Zone(s): 44454040017C - V16 zone, subject to coastal flooding and wave action.

NOAA CHART: #13223

Land Use: Currently the property along the waterfront of this sector, known as the John H. Chaffee Nature Preserve, provides for passive recreation and is an important wildlife habitat.

Waters: The areas around Rome Point and Greene Point are shallow and very rocky. Water depths range from 1 to 3 feet. From the beach area in between the points, the water drops off rapidly to 9 to 11 feet.

Moorings: During a Harbor Management survey no moorings were identified in this sector. Areas along Rome Point and Green Point have been used as unofficial transient anchorages.

4.20.0 PLUM POINT SHORES Green Point to Plum Beach Point Assessors Plats 41 & 42

RIDEM Water Quality Designation: SA

CRMC Use Type Designation: Type 2; the undeveloped barrier beach at Green Point is also in this sector and is designated as Type 1.

FEMA Flood Zone(s): 44454040017C – V16 zone, subject to coastal flooding and wave action.
Land Use: Currently most of the land along the waterfront of this sector is vacant or has very low density, except the last 1,000 feet of the southern shoreline. A thickly settled plat called Plum Point has been established along the Route 138 corridor to the Jamestown-Verrazzano Bridge and Boston Neck Road. The average lot size in this plat is 5,500 square feet. Route 138 and the access road to the Jamestown-Verrazzano Bridge are adjacent to this sector. A portion of the old Jamestown Bridge will remain and be used as a fishing pier.

Waters: This area is very shallow. Water depths range from 2 to 3 feet out to a distance of 300 to 500 yards.

Moorings: In October 2007, 11 moorings were identified in this sector.

4.21.0 SAUNDERSTOWN (NORTH & SOUTH), PLUM BEACH, south of the Jamestown-Verrazano Bridge to the North Kingstown/ Narragansett Town line. Assessors Plats 1, 18, 19, 41

RIDEM Water Quality: SA

CRMC Use Type: Type 2

FEMA Flood Zone(s): 44454040017C & 44454040021C - V16 Zone, subject to coastal flooding and wave action
Land Use: Development in this sector is primarily residential with lot sizes averaging over one acre. Actual public access to the water in this sector is limited to Plum Beach and Ferry Roads. The Plum Beach Club a private bathing and beach organization is located in this sector. Along the mid-section of this sector from Griffith to Ferry roads, there is approximately 2,000 feet of vacant shoreline that is zoned Open Space/Public Land.

Most of these shoreline parcels are part of the historic Casey Farm (owned by Historic New England) intended as preservation land for agricultural, conservation and public purposes. The University of Rhode Island owns a 22-acre portion of this open space and has proposed to establish an anadromous fish aquaculture facility on this site. South of said open space, waterfront residential lot sizes range from 11,000 square feet to one acre, with an average size of 21,000 square feet. Most of the lots have been developed with residential homes.

Waters: The water drops off rapidly directly from the beach. Depths range from 10 to 16 feet out to 400 yards from shore.

Moorings: There are 28 moorings in vicinity of the Plum Beach Club; 50 moorings for the Saunderstown Yacht Club (Saunderstown North) and 46 private and riparian moorings to the
south, to the North Kingstown town line.

4.22.0 PETTAQUAMSCUTT/NARROW RIVER  This sector, also known as the Narrow River, is protected under a Special Area Management Plan. This watershed extends from Silver Spring Lake, south to the town boundary, through the towns of Narragansett and South Kingstown to the Narragansett Bay. This environmentally sensitive watershed was placed under the jurisdiction of the Rhode Island Coastal Resource management Council in 1986.

RIDEM Water Quality: The waters from Silver Spring Lake to the Mattatuxett River are designated as Type B; from Pausacaco (Carr) Pond to Gilbert Stuart Stream as Type A; and from the top of Upper Pond through the town line; and to the Narrows in Narragansett as SA waters.

CRMC Use Type: Type 1 from Gilbert Stuart Stream south to the southern boundary of land designated as Open Space/Public Land and owned by Casey Farm; and Type 2 from that point south to the town line.

FEMA Flood Zones: 44454040016B ; 44454040017C; 44454040020B; 44454040021C; A2 - A12 zones subject to 100 year storm flooding.
Land Use: The land along the Narrow River remains predominantly vacant. Most of the property is in this area is privately held with large lots averaging several acres. The portion of this sector from Silver Spring Lake to Carr pond is within the Pettaquamscutt Groundwater Reservoir and Recharge Districts and where three of the town’s wells are located. Properties within these districts are subject to the Town’s Groundwater Protection Ordinances requiring two acres per unit. The entire sector is subject to the Narrow River Special Area Management Plan. Public access to this river is limited.

Moorings: There are no moorings in the North Kingstown section of the Narrow River. The water depths become increasingly shallow (3-5 feet) in the northern section of the river, with the exceptions of sections of the upper and lower ponds where depths plunge to 50 feet. The town’s five acre, undeveloped parcel off of Walmsley Lane provides the only town public access to this river. An adjacent landowner granted the University of Rhode Island the use of portion of land for a boathouse for the crew team, otherwise boating is limited primarily to river front landowners.
4.23.0 BELLVILLE POND/SECRET LAKE  Two water bodies centrally located in town, off Oak Hill Road.

DEM Water Quality : RIDEM classifies the waters in this sector as B

CRMC Use Type: These water bodies are not coastal therefore not classified by RICRMC. Belleville Pond and Secret Lake are within the Annaquatucket Groundwater Aquifer.

FEMA Flood Zone(s) : 44454040012B: A – A1 zones

Land Use: To protect the integrity of the water quality North Kingstown has acquired several hundred acres of the vacant property abutting these water bodies. Adjacent to Belleville Pond the Town has developed its 350 acre holding as a natural resource center for active and passive recreational activities (Ryan Park).

In 1991 the North Kingstown Town Council amended Town Ordinance, Chapter 7 ‘Harbors and Wharves’ to include these water bodies under town jurisdiction so as to protect the water quality. With an analogous intent the Town Council also amended the ordinance to prohibit the use of fuel-powered motorboats on these water bodies.
TOWN OF NORTH KINGSTOWN

STORM PREPAREDNESS PLAN

FOR WICKFORD HARBOR, ALLEN HARBOR, AND ALL NORTH KINGSTOWN WATERS

This Harbor Storm Preparedness Plan has been written in conformance with the guidance detailed in Guidelines for The Development of Municipal Harbor Management Plans, State of Rhode Island, Coastal Resources Management Council.

Recreational Waters Summary

Town waters are popular for residents and non-residents, as well as transient boaters. Area consists of two major harbors (Allen Harbor and Wickford Harbor), and approximately 30 miles of east-facing coastline from Saunderstown to Potowomut River.

Authority

The primary authority for carrying out the responsibilities detailed in this plan is vested in the Harbormaster who will work in cooperation with the Chief of Police and Emergency Management Director (Town Manager). The Town has a separate Hazard Mitigation Plan which will include many of the issues outlined here.

Goals of the Harbor Division Storm Plan

To prevent the loss of life and property by:

- Properly preparing harbor and shoreline areas for storm events;
- Having a completed and enforceable response and recovery plan;
- Working in cooperation with harbor and shoreline users to ensure that a coordinated approach is applied to hazard mitigation;
- Integrating harbor hazard mitigation activities with other, ongoing, local hazard mitigation programs; and
- Identifying and completing long-term actions to redirect, interact with, or avoid the hazard.

Although this plan strives to eliminate all damage from natural disaster, providing that level of protection is clearly impossible. Therefore, the plan seeks to provide the greatest degree of protection from storm events.

Boating Density

There are approximately 790 registered moorings and 737 permanent slips in North Kingstown as of October 2007.

<table>
<thead>
<tr>
<th>Location</th>
<th>Moorings</th>
<th>Slips</th>
<th>Pilings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Harbor</td>
<td>95</td>
<td>175</td>
<td>0</td>
</tr>
<tr>
<td>Little Allen Harbor</td>
<td>0</td>
<td>52</td>
<td>0</td>
</tr>
<tr>
<td>Wickford Harbor</td>
<td>372</td>
<td>510</td>
<td>64</td>
</tr>
<tr>
<td>West Passage</td>
<td>323</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>790</strong></td>
<td><strong>737</strong></td>
<td><strong>64</strong></td>
</tr>
</tbody>
</table>
### Risk Assessment Table

<table>
<thead>
<tr>
<th>Threat</th>
<th>Marine interest</th>
<th>Effect</th>
<th>Result -1</th>
<th>Result -2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood/surge</td>
<td>Boaters on moorings and docks</td>
<td>Decreased scope</td>
<td>Dragging</td>
<td>Threaten shoreline homes and businesses</td>
</tr>
<tr>
<td>Marina facility</td>
<td>Flooded facility</td>
<td>Flooded facility</td>
<td>Floating debris</td>
<td>Threaten surrounding</td>
</tr>
<tr>
<td></td>
<td>Docks topping piles</td>
<td></td>
<td>Spills of hazardous material</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Freed docks and boats</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Freed docks and boats</td>
<td></td>
</tr>
<tr>
<td>Private residences</td>
<td>Flooded property</td>
<td>Windage</td>
<td>Dragging or pennant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Docks topping piles</td>
<td></td>
<td>structural damage</td>
<td></td>
</tr>
</tbody>
</table>

### Strategies for Preparedness, Response and Recovery

Town of North Kingstown - The Harbormaster Division, in conjunction with the United States Coast Guard, will coordinate all harbor activities related to preparation, response and recovery. This will be done in coordination with the emergency management officer and other department heads.

Preparedness - The Town of North Kingstown, through its Harbormaster Division, in conjunction with the United States Coast Guard, will activate the following preparedness, response and recovery plan 72 hours prior to a severe storm event or as necessary for unpredictable events.

### LEVEL 3  
**72 HOURS PRIOR TO STORM**

1. If hurricane, begin tracking and monitoring hourly weather reports.
2. Manage harbor traffic as it increases during marina/boater preparation activities.
3. Ensure all patrol vessel fuel tanks are full and reserve batteries are charged.
4. Inventory and update first aid equipment and other on board emergency tools.
5. Maintain radio watch.
6. Alert local port community, encouraging boat owners to seek safe refuge, remove boats from water, or take action to minimize damaging effects.
7. Alert local marina, marine interests, and holders of mooring permits, to impending emergency.
8. Keep U.S. Coast Guard Marine Safety Office (MSO), Providence appraised of hazardous conditions in harbors.

### LEVEL 2  
**48 HOURS PRIOR TO STORM**

1. Continue to perform activities in level 3 as required.
2. Contact those town mooring holders who are not complying with their preparedness plan. Plans are prepared by mooring holders in accordance with the guidelines provided herein and submitted with mooring applications to the Harbor Division.
3. Finalize emergency work schedule with Assistant Harbormasters.
4. Confirm arrangements to have Harbormaster vessel(s) hauled and stored.
5. Prepare town properties, with Department of Public Works, including:
   - securing all items such as trash bins, benches, etc. that are located in shoreline areas
   - completing necessary precautions for harbormaster dock area.
6. Establish liaison with police, public works departments and Emergency Management Director.
7. Alert maritime community to unsafe conditions in the harbor as needed via VHF radio and Harbor Division vessels.
8. Communicate with Allen Harbor Marina crew regarding specific needs they may have.
9. Curtail regular business activities.
10. Begin regular patrols of Wickford Harbor to ensure that necessary individual precautions are being taken.
11. Advise MSO Providence of the status of emergency preparedness in progress.
12. Alert local harbor community to any impending closure of anchorages or waterways.
13. Encourage local marinas to suspend fueling operations and to secure fueling piers sufficiently to minimize pollution threat.

LEVEL 1                              24 HOURS PRIOR TO STORM

1. Continue to perform pertinent level 2 activities.
2. Undertake final patrol of the harbor:
3. Log information on transient boats.
4. Arrange for safe haven for all transient boaters in need of shelter. Coordinate with Police Department. Harbor Division will NOT assist during the storm event.
5. Fuel Harbormaster vessel(s)
6. Haul and store Harbormaster vessels – NO LATER THAN 12 HOURS BEFORE STORM!!!!
7. Complete shoreline survey and final harbor check from shore.
8. Alert harbor community and MSO to any unsafe conditions in harbor.
Response

The Harbor Division will NOT respond to on-water emergencies during the storm event. All requests for assistance during the storm will be forwarded to Coast Guard Station Castle Hill. This policy will remain in force unless revoked by the Emergency Management Director (Town Manager).

The Harbormaster will remain on-site in the police department or other established command center to address any harbor-related issue. All vessels will be launched to allow the Harbormaster to begin operations immediately at the conclusion of the storm.

Recovery

Immediately after the event has terminated, the town has three recovery priorities:

Priority 1. Reestablish the Harbors Division as an operational unit in order to facilitate the second and third priorities.

Priority 2. Take the necessary immediate action to minimize additional risk to life and property.

Priority 3. Reopen the harbor for recovery activity.

To achieve these priorities, the Harbormaster will take the following sequential actions:

IMMEDIATE FOR 24 HOURS AFTER STORM

1. Assess readiness of the Harbor Division; correct deficiencies, reestablish radio communications.
2. Complete rapid appraisal of damage.
3. Provide damage assessment information to town’s public information center and to MSO Providence.
4. Be aware that the Harbor Division is not in the business of marine salvage. Harbormaster and assistants will not tow, remove vessels from the beach, or otherwise provide salvage services except in extreme and unusual circumstances.
5. Institute security watches as necessary.
6. Alert maritime community to unsafe conditions in the harbor.
7. Track beginning time and resource allocation of Harbors Division for possible state and federal reimbursement.

MID-TERM 1 TO 14 DAYS AFTER STORM

1. Complete comprehensive inventory of damage using photographs and video if possible.
2. Notify appropriate parties regarding damage (i.e., mooring holders).
3. Provide list of identified and unidentified boats to MSO Providence and DEM Enforcement.
4. Contact local harbor and shoreline users to assess their situation and identify requests for assistance.
5. Provide MSO Providence with a daily harbor status.
6. Begin to remove large pieces of floating debris from the harbor and bring to designated shorefront collection area.
7. Assist town and state agencies with damage assessments and emergency permitting process.

LONG-TERM 14 TO 90 DAYS AFTER STORM

1. Analyze effects of storm on the harbor. Complete summary report for the Town Manager within 30 days of storm event.
2. Review mitigation list and select actions that could be implemented during the recovery phase.
3. Conduct an evaluation meeting for harbor and shoreline users to identify problems not properly addressed by this plan.
4. Complete a survey of boat damage.
5. Update hazard mitigation plan and identify new mitigation opportunities.
6. Assist in emergency situations as appropriate.
7. Transfer collected harbor debris from collection site to town disposal area.

HARBOR AND SHORELINE USERS

Marinas

All marinas located in North Kingstown Waters must submit a Storm Plan to address issues of community safety. A suggested plan is included here. Individual marinas are encouraged to expand upon this plan as it relates to their specific situations.
(Please see suggested Marina Storm Plan at end of this document)

Boaters

Boat owners who hold a town mooring permit must submit an individual preparedness plan. This will be accomplished by attachment of a preparedness plan to the annual mooring renewal forms. For a mooring permit to be approved, an individual preparedness plan must be attached to the mooring application. Boaters will be expected to comply, to the best of their ability, with the plan they have prepared. The boat owner should advise the Harbormaster of any significant changes to the plan made during the boating season.

Boat owners are encouraged not to stay aboard during major storm events. The town’s standard operating procedure is NOT to respond to on-the-water requests for assistance during a major storm event. Such requests for assistance will be forwarded to U.S. Coast Guard Station Castle Hill.
(Please see suggested Individual Storm Plan at end of this document)

Transients

Vessels not usually moored in the harbor but seeking safe refuge will be allowed to moor in the federal anchorage areas. Transient vessels will not be allowed to tie to a mooring unless authorized by the Harbormaster. Transient vessels seeking shelter will provide the harbormaster with:
- name of owner and captain, if different
- home port
- registration/documentation numbers
- length, draft, and type (power/sail)
- number of persons aboard
- address and phone where owner can be contacted

Transients will be given a high priority for personal safety during the storm event. Transportation to and from town designated shelters will be arranged as necessary.

**Commercial Vessels and Ferries**

As deemed necessary by the harbormaster, local commercial vessels and ferries will submit individual plans to the harbormaster prepared in accordance with their appropriate company guidelines.
Storm Preparedness Plan
Marina Storm Plan

Name of Marina: _______________________________________________

1. GENERAL INFORMATION

Primary contact

Name ________________________________________________________

Telephone ____________________________________________________

Cell Phone ____________________________________________________

Secondary Contact

Name ________________________________________________________

Telephone ____________________________________________________

Cell Phone ____________________________________________________

VHF channel _________________________________________________

2. PREPARATION AND RECOVERY ACTIVITIES

Preparation:

Phase Three (Alert)

72-48 Hours Prior to Hurricane’s ETA

- Notify all personnel that the facility is on a hurricane alert. All personnel will commence preparations for putting the Severe Weather Preparedness Plan in action.

- Begin facility protection preparations by policing all yard, marina, and dock areas to stow away or secure loose equipment and items. Store in covered or sheltered areas.

- Secure all flammable and hazardous materials, such as waste oil receptacle.

- Commence plans for securing remaining in-water vessels. Ensure that all vessel removal operations are well underway. The facility has established a list of vessels to be hauled from the water and secured. Those vessels that remain in the water will be secured with extra lines and fenders.

- Top off vehicles with fuel as necessary, in preparation for the securing of all fueling operations and equipment. (We expect that loss of electrical power during a hurricane...
may disrupt fuel supplies after the storm)

- Check and secure any loose siding or roofing on work sheds and business buildings.
- Take down large signs, antennas, or other removable items subject to wind damage.
- Commence facility protection precautions. Install storm shutters or protect windows with masking tape to reduce the possibility of flying glass.
- Check First Aid and other emergency supplies and restock.
- Monitor storm’s progress and maintain contact with Harbormaster

**Phase Two (Watch)**

**48 - 24 Hours Prior to ETA**

- Notify all personnel that facility is on hurricane watch.
- Continue to monitor storm’s progress and maintain contact with the Harbormaster.
- Complete securing operations in lowland locations. All dock structures, field buildings: and offices will be secured.
- Assess all electrical supplies to areas that may become flooded. Plan for shut-off at final evacuation.
- Secure all fuel supply tanks and lines at the shoreside installation.
- Disconnect and protect all electric motors, pumps, and like equipment at or below ground level, or place in a safe location.
- Secure waterside sewage pump-outs. Turn off sewage grinder pump breakers at last call to evacuate marina.
- Turn off fresh water supplied from municipal or other water lines at the meter.
- Check that all emergency supplies are readily available, such as first aid kits, fire protection equipment, sufficient stores of provisions, including bottled fresh water, fuel for emergency generators, battery-powered lighting, flashlights or lanterns, battery-powered radios, VHF units.
- Notify Harbormaster of any transient boaters requiring shelter during the storm event.

**Phase One (Warning)**

**24 Hours Prior to ETA**

In these hours prior to the projected arrival of the hurricane, the “hurricane warning” advisory will have been issued and it is highly likely that the hurricane will make landfall or pass near the marina
facility. Continue or complete the following activities:

- Notify all personnel that the facility is on hurricane warning.
- Continue to monitor storm’s progress.
- With all vessel protection and securing operations completed, make a final check of doubled mooring lines, tied off with sufficient slack, and fender boards and/or other protective equipment in place.
- Secure as necessary any remaining operational facility buildings.
- Secure power to marina, if evacuated.
- Release employees who are not manning facilities during the storm with sufficient time to seek safe location prior to the storm. Give instructions for reporting back to work after the storm at that time.
- Notify Harbormaster of any transient boaters requiring shelter during the storm event.

**Recovery**

The following will be considered when returning to the area:

- We understand that extensive damage may have been caused by the hurricane. While checking the condition of the marina facility is main concern, there may be limitations to access to the facility or at the facility itself. An inspection of the facility will be made as soon as practicable to determine conditions, damages, and security of premises.
- Post storm security will be provided as a priority to protect against vandalism.

Personnel returning to the facility and beginning the preliminary damage assessment are to be aware of the following:

- Wear boots and use extreme caution.
- Be aware of possible downed electrical wires, which should be considered “hot” and avoided until the power company or facility electrical maintenance personnel services the wires.
- Check facility fueling docks and tanks for leaking gasoline or diesel fuel, where applicable. File a report with your local harbormaster if a leak is found.
- Do not start electrical equipment that has been submerged in water until it has been checked and repaired as necessary.
- Report immediately, broken sewer or water mains to the harbormaster.
- Check building, shop, and dock electrical wiring completely prior to turning on the main power switch.
Individual Storm Preparedness Plan

Name: __________________________________

Mooring #: __________________________________

Federal and State regulations require that mooring permit holders submit a “Storm Plan” to the Town along with their annual mooring permit application. We have listed several of the most commonly accepted steps to take prior to a storm event. When a hurricane warning is issued, you will be expected to prepare your vessel, to the best of your ability, to minimize loss to your property and property of others.-

Not all dangerous storms are hurricanes. It is important to be “storm ready” throughout all the season.

Recommended Safety Precautions

• Double your lines and make sure chafe gear is in place where lines pass through fairleads and chocks, or over the side of the vessel. Chafing is the most common reason boats come loose in a storm.
• Put ample fendering on both sides of your boat.
• Reduce windage by removing sail covers and sails, especially roller furling sails. Also remove the boom, dodgers and awnings and any other items on deck that could come loose. If you cannot remove them, it is imperative that they be as tightly secured as possible. Secure all loose material below deck.
• Make sure all ports are secured and that all funnels are removed and capped
• Tightly secure the helm amidships.
• Remove all electronics and ship’s documents to shore.
• Remove any protruding objects such as anchors in bow rollers that could catch on another vessel.
• Shut off fuel and water systems and close all seacocks.

Do NOT attempt to ride out a storm on board. The Harbor Division will not respond for service during the storm. All calls will be referred to the US CG.

Additional plans or comments:____________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Please submit the name of an alternate captain who can be reached in your absence:

Alternate Captain Name:________________________________

Telephone: ____________________________

I have read the above safety recommendations. I agree to prepare my vessel in advance of a storm, to the best of my ability, to minimize risk to my own vessel and to the property of others.

Signed:__________________________________  Date: ______________________
TOWN HARBOR ORDINANCES

Chapter 7 HARBORS, WHARVES AND PUBLIC WATERS*

*Cross references: Mobile and manufactured home parks, ch. 10; parks and recreational areas, ch. 13; streets and sidewalks, ch. 17; zoning, ch. 21; public access to water, § 21-281.

State law references: Authority granted to Town of North Kingstown regarding waters within its jurisdiction, G.L. 1956, § 46-4-6.4; harbor and harbor lines, powers of the North Kingstown Town Council regarding its public waters, Public Laws of 1985, ch. 234; harbor violations in North Kingstown to be heard by the division of administrative adjudication, Public Laws of 1987, ch. 200.

Article I. In General
   Sec. 7-1. Purpose and definitions.
   Sec. 7-2. Enforcement.
   Sec. 7-3. Penalties for violation.
   Sec. 7-4. Authority of harbor division.
   Secs. 7-5--7-20. Reserved.

Article II. Berthing Spaces at Town Wharf
Division 1. Generally
   Sec. 7-21. Purpose of article.
   Sec. 7-22. Use priorities.
   Sec. 7-23. Violations; penalty.
   Sec. 7-24. Swimming prohibited.
   Secs. 7-25--7-45. Reserved.

Division 2. Town Wharf Permits
   Sec. 7-46. Criteria for issuance; application; waiting list.
   Sec. 7-47. Changes in use.
   Sec. 7-48. Billing and payment of berth space fees.
   Sec. 7-49. Unpaid berth space fees.
   Sec. 7-50. Responsibilities of permittee.
   Sec. 7-51. Vacated berthing space.
   Sec. 7-52. Revocation; vacating berth for maintenance and repairs.
   Sec. 7-53. Floating docks.
   Sec. 7-54. Transient vessels.
   Sec. 7-55. Use of town-owned wharfs and landings by commercial passenger vessels.
   Secs. 7-56--7-75. Reserved.

Article III. Vessels, Anchorages and Moorings
Division 1. Generally
   Sec. 7-76. Purpose.
   Sec. 7-77. Harbor management map.
   Sec. 7-78. Water skiing/high speed operations prohibited in certain areas.
   Sec. 7-79. Management and control of vessels.
   Sec. 7-80. Speed of vessels.
   Sec. 7-81. Designation of thoroughfares; mooring, anchoring and swimming in thoroughfares; swimming areas.
   Sec. 7-82. Boat sewage waste.
   Sec. 7-83. Transient docks.
   Secs. 7-84--7-105. Reserved.
Division 2. Anchorages and Moorings
   Sec. 7-106. Mooring permit required; application contents; denial and restrictions on anchorages.
   Sec. 7-107. Mooring permit issuance; waiting list; renewal; restrictions.
   Sec. 7-108. Mooring permit term; application and renewal; revocation.
   Sec. 7-109. Unauthorized use of moorings.
   Sec. 7-110. Removal and relocation of moorings, vessels and structures.
   Sec. 7-111. Enforcement of liens.
   Sec. 7-112. Appeals.
   Sec. 7-113. Minimum mooring tackle requirements.
   Sec. 7-114. Mooring inspections.
   Sec. 7-115. Rafting on moorings.
   Sec. 7-116. Harbor management commission.
   Sec. 7-117. Funding of harbor management activities.
   Sec. 7-118. Coordination of harbor management authorities memorandum of agreement.
   Secs. 7-119--7-127. Reserved.
   Sec. 7-128. Liability.
   Sec. 7-129. Severability.
   Sec. 7-130. Compliance with state and federal regulations.
ARTICLE I. IN GENERAL

Sec. 7-1. Purpose and definitions.

(a) **Scope.** This chapter addresses the regulation of uses and activities within the public waters of the town, as described in this chapter, consistent with the authority granted the town under G.L. 1956, § 46-4-6.4 and any amendments thereto.

(b) **Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**Anchorage** means an area for the anchoring of transient vessels.

**Charter** means a legal arrangement between two parties for the use of a vessel. The charterer has full care, custody, control, and exclusive use of the vessel. The vessel owner shall not participate in the use of the vessel for the specified time.

**Commercial craft** means any vessel, the primary function of which is to engage in an income-producing operation. This category includes any vessel engaged in commercial fishing not meeting the requirements of a commercial fishing boat, as described in this subsection, and any boat for charter, hire or rent. A boat for charter, hire or rent must be engaged in such business at least 75 percent of the time that it goes to sea.

**Commercial fishing boat** means any vessel, the primary function of which is to garner marine organisms from the sea or its tidal estuaries and then to sell this catch. While this vessel is berthed at a town-owned wharf, it must be engaged in commercial fishing operations on the average of at least three days a week for at least six months of the year, and at least 75 percent of the time that the vessel goes to sea it must do so for purposes of commercial fishing.

**Commercial service mooring** means a mooring permit granted to an individual or business engaged in the full time business of selling, leasing, storing, servicing or maintaining vessels and who uses the mooring covered by the permit in connection with such a business. Use by any single vessel for more than 30 days per season, unless registered to the permittee, or rental of the mooring is expressly forbidden.

**CRMC** refers to the state coastal resources management council.

**Division** means the harbor division of the department of public safety of the town.

**Harbor management commission** means that commission created and appointed by the town council to be the local advisory body to regulate the public waters and harbor areas of the town.

**Harbormaster** means that person appointed by the town manager, with the approval of the town council, who is responsible for the administration and enforcement of all sections of this Code and all ordinances regulating the uses and activities on public waters.

**High speed operations** refers to any operation of a vessel at speeds in excess of five miles per hour.

**Mooring permit** means the contract between the town and the permittee granting the permittee the privilege of using an assigned mooring space within town waters for a specified season. The contract is granted on a year to year basis for the exclusive, personal use of the permittee for a
vessel registered in his/her name.

Mooring Service Providers means companies approved by the harbor division to provide mooring service, installation, and inspections in town waters. To be considered for this list, a company must be in the full-time business of mooring service, have a vessel suitable for mooring service and inspections, and be insured.

Moorings:
(1) Mooring means any object or device, including a piling, to which a vessel may be secured other than a wharf, dock, slip, pier or aid to navigation.

(2) Mooring field means an area containing five or more moorings, and designated for a relatively high density of moorings. Each mooring field will be designated by a name as shown on the harbor management map. A boundary shall be defined in state plane coordinates which serves as the perimeter of the mooring field.

(3) Mooring inspector means the person approved by the harbor division to inspect moorings.

(4) Mooring permit means the contract between the town and the permittee granting the permittee the privilege of using an assigned mooring space within town waters for a specified season.

(5) Mooring tackle means the hardware used to secure a vessel mooring to the bottom of a waterway.

(6) Shallow mooring means any mooring located in sheltered waters having a depth of two feet or less at mean low water. Shallow water moorings are limited to riparian moorings.

(7) Deep mooring means any mooring other than a shallow mooring.

(8) A Riparian mooring permit is a mooring permit issued to a waterfront property owner, for a mooring located within seaward extensions of the lot lines of their associated waterfront property.

Permitted vessel means that vessel identified on the permit for a private mooring.

Permittee means the individual person or entity to whom a mooring permit is issued by the division. For the purpose of this chapter, a mooring permittee shall be classified as follows:

(1) Commercial means a permittee who is engaged in the business of renting or leasing moorings; or a person who is engaged for profit in the business of selling, leasing, storing, servicing or maintaining vessels and who maintains and uses the mooring covered by the permit in connection with such business.

(2) Private means any permittee other than one classified as commercial, yacht club or town under this definition.

(3) Town means the Town of North Kingstown acting by and through the division.

(4) Yacht club means a nonprofit yachting or boating association.

Powered vessel means any vessel propelled in whole or in part by mechanical means, either
inboard or outboard, and using a motor powered by gasoline, diesel fuel, naphtha, kerosene, steam, fuel oil or electricity.

_Prohibited area_ means an area of the public waters where the navigation of vessels is prohibited. Law enforcement and life guard vessels may operate in prohibited areas when required by the duties of law enforcement and life guards.

_Public waters_ means the public waters within the confines of the town, as delineated on the harbor management map of the town.

_Rafting_ means two or more vessels tied abreast to a single mooring.

_Rhode Island State Plane Coordinate System_ means the state plane coordinate system consisting of two systems of plane coordinates, established by the national ocean/national geodetic survey, that can be used for defining and stating the geographic positions or locations of points on the surface of the earth within the state. These two systems are known as the Rhode Island Coordinate System of 1927 and the Rhode Island Coordinate System of 1983. A more technical definition of these systems can be found at G.L. 1956, § 34-8.4-1 et seq.

_Riparian privileges_ means the privileges of a person owning land containing or bordering on a watercourse related to access to the water, certain privileges regarding its uses and the benefits of accretions and reliction.

_Sheltered waters_ means the Wickford Harbor complex, Allen Harbor and any other sheltered water areas of the town's waters as designated by the harbor division and as shown on the harbor management map of the town.

_Thoroughfare_ means any area of the public waters reserved for the unobstructed navigation of vessels and designated as such on the harbor management map of the town.

_Town dock_ means the town-owned floating transient dock located behind the town parking lot off of Brown Street in Wickford.

_Town wharf_ means the town-owned wharf located at the east end of Main Street in Wickford.

_Wickford Harbor complex_ is a collective term which includes Wickford Harbor, Wickford Cove, Fishing Cove, Mill Cove and Mill Creek.

(Cross references: Definitions generally, § 1-2.)

Sec. 7-2. Enforcement.

The regulations set forth in this chapter shall be enforced by the harbormaster.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-3. Penalties for violation.
(a) Any person who violates a section of this chapter shall be punished by a fine not to exceed the maximum penalty allowed under state laws.

(b) If any offense continues more than one day, each day the offense continues shall be considered a separate violation.

(Ord. No. 95-2, § 1, 3-13-1995)
Sec. 7-4. Authority of harbor division.

(a) The harbor division shall have the authority to recommend to the town council rules and regulations to carry out this chapter and shall furnish all permittees with a copy of such rules and regulations (subsection 7-52(a)).

(b) The harbor division shall have the authority to monitor the number and location of boats in mooring fields and marinas and to recommend to the town council the maximum number of moorings possible for each mooring field.

(Ord. No. 95-2, § 1, 3-13-1995; Ord. No. 99-20, § 1, 9-13-1999)

Secs. 7-5--7-20. Reserved.

ARTICLE II. BERTHING SPACES AT TOWN WHARF

DIVISION 1. GENERALLY

Sec. 7-21. Purpose of article.

This article sets forth the town policy pertaining to the use of town wharves in Wickford as it relates to the berthing of boats and establishes the priorities and fees for such a permit for berthing space and the rules and regulations governing such use.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-22. Use priorities.

(a) In Wickford, berthing space at town-owned wharves, exclusive of space needed by the harbor division for administrative and enforcement purposes, shall be allocated and posted by the harbor division in the following order of priority: first, commercial fishing vessels; second, other commercial vessels; and third, pleasure vessels. The town shall maintain, permanently, berthing space for transient vessels according to the rules set forth in section 7-54.

(b) In Allen Harbor, berthing space at town-owned wharves, exclusive of space needed by the harbor division, shall be allocated and posted by the recreation department exclusively for pleasure vessels.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-23. Violations; penalty.

(a) No person shall cause or allow any vessel to occupy any berthing space at any wharf, other than one which has been designated and posted as transient space in accordance with section 7-54, unless:

(1) The owner of such vessel is the holder of a valid permit issued under this article which authorizes such vessel to occupy such berthing space; or

(2) The occupation of such space by such vessel is in accordance with a day-to-day rental approved by the harbor division pursuant to section 7-51.
(b) No person shall cause or allow any vessel to occupy or obstruct any berthing space at any wharf which has been designated and posted as transient space, except in accordance with section 7-54.
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-24. Swimming prohibited.

No person shall swim from any town-owned dock or wharf nor shall swimming be permitted from any vessel moored to any town-owned dock or wharf.
(Ord. No. 95-2, § 1, 3-13-1995)

Secs. 7-25--7-45. Reserved.

DIVISION 2. TOWN WHARF PERMITS

Sec. 7-46. Criteria for issuance; application; waiting list.

(a) Annual permits for berthing space at the town wharf shall be issued by the finance department to boat owners, pursuant to applications approved by the harbor division. Such applications shall certify ownership; boat name, registration and pertinent licenses; and other information as requested by the division. Permits, once issued, are renewable without reference to waiting lists by all commercial fishing boats.

(b) Annual assignments of remaining berthing spaces shall be made according to the priority classes set forth in section 7-22 and placed, in order of application date, on the waiting list appropriate to that class. Such lists shall be maintained by the harbor division.

(c) A person on the waiting list shall reapply annually between May 1 and May 31 of each year to maintain the relative position on the waiting list. This application will reconfirm the person's desire for a slip and will provide the size of the vessel and other pertinent data. Individuals not reapplying annually, as specified in this subsection, will be dropped from the waiting lists. An application shall be mailed annually by regular mail to each person on the waiting list to the person's last known address before May 1 to allow such person to maintain the place on the list.

(d) A one-time nominal fee will be charged to those on the waiting list. This fee will be used to cover the cost of maintaining the list and providing appropriate notification to those on the list. The amount of the fee shall be as prescribed in section 9-4, table VI.
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-47. Changes in use.

(a) If a change of boat is proposed or if there is a change in other pertinent characteristics related to the permit application of record, as provided in this division, the permittee shall submit full particulars to the harbor division for its approval.

(b) A permittee shall not sell, trade, sublet or assign the permit or the usage of the permittee's assigned space.

(c) If a permittee sells or otherwise transfers a portion of such permittee's boat ownership
interest, and this fact is properly reflected in the boat registration, the harbor division may issue a new permit recognizing such multiple ownership without regard to the waiting list, provided that the original permittee actively participates in the usage of the boat at the assigned berth.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-48. Billing and payment of berth space fees.

Fees for berth space at the town wharf for each year shall be paid annually in advance by June 30 for the next fiscal year. Remittance shall be made payable to the town and sent to the Director of Finance, 80 Boston Neck Road, North Kingstown, Rhode Island 02852, or it may be paid at the town hall.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-49. Unpaid berth space fees.

(a) If a berth fee remains unpaid on the first business day of July, the permit issued pursuant to this division shall be automatically terminated.

(b) The town shall have a lien upon the vessel using such space for any money due it for fees that are in default, which lien may be enforced by the harbormaster through sale of such vessel in accordance with the maritime laws of the United States, if any applicable, or otherwise in accordance with G.L. 1956, § 34-35-1 et seq. and any amendments thereto.

(c) The owner of such vessel or the owner's agents shall be liable for arrest for trespassing on town property while fees remain in default.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-50. Responsibilities of permittee.

(a) Berthing spaces at the town wharf are occupied at the sole risk of the user thereof.

(b) The permittee shall not permit other craft to tie up alongside without the permission of the harbormaster.

(c) The permittee shall take care to maintain the assigned berthing space in a clean and orderly condition and shall take care that no garbage, oil, refuse or other substance shall be discharged or thrown into the public waters.

(d) The permittee shall not store gear, barrels, equipment or other material on wharf surfaces, except gear in transit, without the permission of the harbormaster. Storage of bait on the town wharf shall by kept to a minimum, not to exceed a three-day supply.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-51. Vacated berthing space.

(a) If a boat owner vacates the assigned berthing space during the year in which the space is assigned, such space may be assigned for the duration of that year to another boat owner according to the priority classes set forth in section 7-22.
(b) An owner who fails to use the assigned berth for a period of 60 days during the period of May to November 1 may have the berthing permit revoked, the berth to be filled by another boat owner according to the priority classes set forth in section 7-22.

(c) When an assigned berth shall be unoccupied for a period exceeding 48 hours, such information shall be transmitted to the harbormaster. The harbormaster shall be authorized to rent this space on a day-to-day basis as prescribed in section 9-4, table VI.

(d) Exceptions to this section can be arranged through the harbormaster.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-52. Revocation; vacating berth for maintenance and repairs.

(a) The harbormaster shall have the authority to revoke a permit for berthing space at the town wharf on ten days' notice for violation of any rules and regulations made under this article. Any person aggrieved by such revocation may appeal to the town council or any appeals board designated by the council within 20 days of receiving notice thereof by filing the reason of appeal in writing with the town clerk.

(b) On notice by the harbormaster, a permittee shall vacate the berth to allow for maintenance and repair work.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-53. Floating docks.

(a) Installation of floating docks at any berthing space at the town wharf by any permittee is prohibited unless the harbor division has obtained an assent for such docks from the coastal resources management council.

(b) If approved, floating docks shall be constructed and maintained by the permittee according to the provisions of the assent. These docks shall not be more than two-thirds the length of the craft assigned to that berth.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-54. Transient vessels.

(a) The harbor division shall designate and post berthing space at the town wharf for transient vessels. Such space shall not be occupied by the same vessel for more than two consecutive hours, after which a fee as prescribed in section 9-4, table VI, shall be charged, and the harbormaster may, at the harbormaster's discretion, cause such vessel to be removed.

(b) When a vessel must overstay the two-hour time limit because of unsafe or disabling conditions, the vessel owner must promptly notify the harbormaster. The harbormaster may then waive the limit and/or any fee for a period of time deemed reasonable under the circumstances.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-55. Use of town-owned wharfs and landings by commercial passenger vessels.

(a) The owner or operator of a commercial passenger vessel shall not use town-owned
wharfs or landings to load or discharge passengers without first obtaining a permit to do so from the harbormaster.

(b) Requirements for a permit shall include:

(1) Copies of U.S. Coast Guard vessel certification and captain's license.

(2) A certificate of insurance, satisfactory to the town showing liability coverage of at least $1,000,000.00 per occurrence with the town as an additional insured in connection with the use of the town's wharfs, landings and other facilities.

(3) A written business plan outlining the proposed operation, including season, days and hours of operation, frequency of trips, whether trips originate in the town, numbers of passengers per trip, any associated trucks or buses and a parking plan with respect to trips originating in the town. The harbormaster shall not issue a permit unless he/she is satisfied that the proposed operation, as outlined in the written business plan, will not, when considered together with other permitted operations and scheduled events, be detrimental to the health, safety and welfare of the surrounding area. In that regard, the harbormaster may, in his/her discretion, refuse to issue a permit for trips which originate in the town unless off-site and/or off-street parking is made available by the applicant.

(4) An application fee, as specified in section 9-4 of the Code of Ordinances, shall be paid with the application for the permit.

(5) The harbormaster is authorized to revoke the permit when the approved business plan has not been followed or when the operation adversely affects the surrounding area by giving notice to the holder of the permit.

(6) Permits shall be issued for a specified period of time not to exceed one year.

(7) Exceptions to these requirements may be made by the harbormaster.

(Ord. No. 04-06, § 1, 5-10-2004)
Secs. 7-56--7-75. Reserved.

ARTICLE III. VESSELS, ANCHORAGES AND MOORINGS*


DIVISION 1. GENERALLY

Sec. 7-76. Purpose.

The purpose of this article is to regulate the speed, management and control of vessels and the size, type, location and use of all anchorages and moorings within the public waters within the town
in accordance with the power conferred upon the town council by G.L. 1956, § 46-4-6.4.
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-77. Harbor management map.

(a) There shall be harbor management maps of the town. The harbor management commission shall update and keep current the harbor management maps as required. Amendments to the maps shall be approved by the town council and kept on file in the office of the town clerk.

(b) The maps shall delineate, for the purposes of this article, the public waters within the town and shall depict the approximate size and location of all anchorages, mooring fields, swimming areas, prohibited areas, sheltered waters and thoroughfares established and regulated by this article.

(c) The maps may be amended, from time to time, by the town council.
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-78. Water skiing/high speed operations prohibited in certain areas.

(a) Water skiing or any other high speed operations are prohibited anywhere inside the Wickford Harbor breakwater, except in the following locations:

(1) In Fishing Cove, north of a line from Wickford Point dock to the northern tip of Cornelius Island, and north of a line from the eastern tip of Cornelius Island to the southern tip of Sauga Point;

(2) In Allen Harbor or in the public waters between Spink Neck and Calf Pasture Point; and

(3) In any prohibited or mooring areas.

(b) No water skier or vessel towing a skier or any vessel conducting any high speed operations shall approach closer than 200 feet to any person, marked swimming area, vessel or object, stationary or moving, including the shore, except the person being towed or otherwise as may be incidental to the starting or finishing of a run.

(c) Further, water skiing is prohibited in all designated channels, fairways, and mooring areas.

(Ord. No. 95-2, § 1, 3-13-1995; Ord. No. 03-01, § 2, 2-10-03)

Sec. 7-79. Management and control of vessels.

(a) Every person operating a vessel within the public waters shall navigate in a careful and prudent manner so as to not endanger the life, limb or property of any person or so as to not interfere with or damage other vessels within the public waters.

(b) No person shall operate or cause to be operated any vessel, other than law enforcement vessels, within any prohibited area that is designated as such on the map and that is marked by buoys or other devices by the division.
(c) No person shall operate or cause to be operated on Belleville Pond and Secret Lake any powered vessel, except electric motors, as defined by this article.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-80. Speed of vessels.

(a) No vessel within the public waters of the town shall proceed at a greater speed than is reasonable and prudent having due regard to weather and traffic conditions.

(b) No vessel shall proceed within the public waters of the town at a speed sufficient to cause a wake capable of imparting substantial motion to anchored or moored vessels; to vessels docked or berthed at any wharf, dock, pier or marina; or to smaller vessels that are underway.

(c) To the extent not otherwise prohibited by subsections (a) and (b) of this section, no vessel shall proceed at a speed in excess of five miles per hour in the following locations:

(1) In Allen Harbor, in Little Allen Harbor or in the public waters between Spink Neck and Calf Pasture Point.

(2) In Wickford Harbor, in Wickford Cove, in Fishing Cove south of a line running between the eastern point of Charnels Island and the southern tip of Sauga Point, in Mill Cove, in Mill Creek south of Rabbit Island or north of a line extending easterly from the terminus of Actual Road through the large rock located on the east side of such cove or in any of the public waters located to the west of the breakwater between Poplar Point and Sauga Point.

(3) In Belleville Pond and Secret Lake.

(4) In close proximity to any anchored or moored vessel.  
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-81. Designation of thoroughfares; mooring, anchoring and swimming in thoroughfares; swimming areas.

(a) Thoroughfares may be established by the division to allow vessels unobstructed passage to and from all anchorages, wharves, docks, piers, marinas and launching areas within the public waters and through all channels within the public waters. When established, these thoroughfares shall be marked by the division and shown on the harbor management map.

(b) All channels as marked by the United States and this state within the public waters, together with the areas delineated as such on the map and marked by the division, are declared to be thoroughfares for the purpose of this article.

(c) Except in an emergency, no person shall moor or anchor any vessel in any thoroughfare or otherwise obstruct or cause the obstruction of any thoroughfare except by the reasonable and proper navigation of a vessel.

(d) Swimming is prohibited in all designated channels, fairways, and mooring areas.
(e) Scuba diving or snorkeling is prohibited in all thoroughfares and mooring areas except when conducting underwater search and/or salvage operations, in which case prior permission for these operations must be obtained from the harbormaster. A division vessel must be on site for safety and traffic control for the duration of these operations.

(f) All public and private club, association or public entity swimming areas in town waters must be designated as such and approved by the harbor commission in conformance with the harbor management plan and indicated on the harbor management map. The commission will issue an approval for each swimming area on a yearly basis. Every public and private club, association or public entity maintaining a swimming area shall apply to the commission for designation by March 31, on a yearly basis, with a letter of intent. For the safety of swimmers, all such areas will be enclosed with a continuous line of buoys. Each club, association or public entity will be responsible for maintaining the buoys within the designated areas.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-82. Boat sewage waste.

(a) The town will prohibit the overboard discharge of untreated vessel-generated waste by endorsing G.L. 1956, § 46-12-39 and directing the harbormaster to enforce the law. Any person who violates this section shall be punished in accordance with G.L. 1956, § 46-12-40.

(b) In accordance with G.L. 1956, § 46-12-41, the harbormaster shall have the authority to enforce the provisions of G.L. 1956, § 46-12-39 and, in the exercise thereof, shall have the authority to stop and board any vessel subject to G.L. 1956, tit. 46, ch. 12. The provisions of G.L. 1956, § 46-12-41 provide the authority to enforce these prohibitions.

(c) All mooring areas shall be adequately serviced with operational and properly maintained pump-out systems.


Sec. 7-83. Transient docks.

The transient docks that are parallel to Brown Street are for temporary use only. The maximum stay is two hours. Owners and operators who stay at these docks longer than two hours will incur fees as prescribed in section 9-4.

(Ord. No. 03-01, § 3, 2-10-03)

Secs. 7-84--7-105. Reserved.

DIVISION 2. ANCHORAGES AND MOORINGS

Sec. 7-106. Mooring permit required; application contents; denial and restrictions on anchorages.

(a) No person shall place, cause to be placed or maintain any mooring in the public waters, as designated on the harbor management map of the town, without first receiving from the division a permit therefore.

(b) All applications for permits shall specify the location of the mooring, the dimensions and type of vessel to be secured to the mooring, the type of mooring and such other information as the division may require.
(c) No person shall anchor or moor a vessel in any anchorage, mooring area or mooring field in a manner or in a location which, under the circumstances existing, creates a probability of damage to other vessels moored or anchored nearby.

(d) The harbormaster may order the relocation of any vessel anchored in the public waters as is deemed necessary and appropriate for the protection of other vessels and/or property.

(e) A transient vessel using its own anchor may anchor within town waters. Any vessel anchored in town waters utilizing its own tackle shall not be left unattended overnight except in an emergency, and the vessel operator shall notify the harbormaster of such emergency.

(f) The division may deny any mooring permit when it determines the following:

1. There is insufficient space in the area requested;
2. The location poses an unreasonable risk to other vessels in the area;
3. The proposed mooring will endanger the life or property of any person; or
4. The location of the mooring, in conjunction with other moorings already located in the same general area, will have an adverse effect on the water quality.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-107. Mooring permit issuance; waiting list; renewal; restrictions.

(a) No person shall place, cause to be placed or maintain any mooring in town waters unless the division has issued a permit therefore specifying the particular mooring field for which it is issued, the location of the mooring in such mooring field and the dimensions of the vessel or type of vessel to be secured to the mooring. All vessels on a non-riparian moorings must be kept within the perimeter limit of a CRMC approved mooring area.

(b) The division shall not issue a mooring permit for an additional mooring in any mooring field until a determination has been made, after acting on all applications for renewal of mooring permits which were in effect during the immediately preceding year, that there is adequate space in that mooring field to accommodate the vessel or type of vessel specified in the application.

(c) In the assignment of initial mooring space and the reallocation of existing mooring space, the North Kingstown Harbor Division shall maintain a ratio of no more than three residents to every one non-resident. In the assignment of moorings located within a federal navigation project (mooring area) mooring permits shall be allocated on an open to all on an equal basis (first come, first serve) with no preference for residents.

(d) In the assignment of moorings located within a federal navigation project (mooring area) mooring permits shall be allocated on an open to all on an equal basis (first come first served) with no preference for residents.
(e) The harbor division shall maintain a waiting list of applicants for additional mooring permits in each mooring field, except Allen Harbor which is maintained by the recreation department, on which list shall be placed the names of all applicants.

(f) A person on the waiting list shall reapply in writing annually between May 1 and May 31 of each year in order to reconfirm the person's desire for a mooring, with the size of the vessel and other pertinent data. When an individual annually reapply for the list, the date of an individual's earliest consecutive application shall be used in determining position on the waiting list. An individual not reapplying annually, as specified in this subsection, will be dropped from the waiting lists. An application shall be mailed annually by regular mail to each person on the waiting list to the person's last known address before May 1 to allow the person to maintain the position on the waiting list. A one-time nominal fee will be charged to those on the waiting list. This fee will be used to cover the cost of maintaining the list and providing appropriate notification to those on the list. The amount of the fee shall be prescribed in section 9-4, table VI.

(g) Permits for all riparian moorings are subject to the following, dependent upon space available and water quality degradation:

1. A riparian property owner outside of Wickford Harbor will be allowed one mooring per household, for a boat registered in such owner's name plus one guest mooring in front of the property. However, in no case shall the number of moorings exceed that allowed by CRMC. If the vessel is not registered, appropriate proof of ownership will be required.

2. A riparian property owner in Wickford Harbor will be allowed one mooring for a vessel registered in such owner's name.

3. Riparian mooring permits cannot be rented or sold.

4. A riparian owner in Wickford Harbor will take precedence over others on the mooring waiting list if space becomes available in front of such owner's property for one mooring.

5. Riparian moorings need not be located within designated mooring fields and are not included in the total mooring count for designated mooring areas.

(h) Additional mooring permits for any mooring field shall be issued first to applicants on the waiting list in the following order of priority:

1. The division's applications for town moorings.

2. Length of time on the waiting list, provided that when the space available will not accommodate the vessel or type of vessel covered by the oldest application on the waiting list, the division may issue a permit to the oldest application which covers a vessel or type of vessel which can be accommodated by the space available.

(i) A mooring permit, when approved, is for a specific vessel of record, as identified on
the permit. The vessel must be registered to the permittee. A copy of the vessel's current registration is required to be provided with both the initial private mooring permit application and, also, with each annual permit renewal.

(j) The temporary use of a private mooring by a vessel other than that for which the permit was issued may be authorized by the harbormaster.

(k) A mooring permit shall be renewed by the division when a timely application for renewal is filed by the permittee in accordance with subsection (d) of this section indicating that the dimensions of the vessel or type of vessel to be secured to the mooring is not substantially different from that designated in the prior permit and that the components of the mooring meet the requirements of section 7-113. If the vessel or type of vessel to be secured to the mooring is substantially different from that designated in the prior permit, the division shall not renew the permit unless such different vessel or type of vessel may be, in the opinion of the division, accommodated in the mooring area or mooring field and unless the applicant agrees to pay the costs of any relocation of moorings deemed necessary by the division to accommodate such different vessel or type of vessel. The division may refuse to renew a mooring permit for failure of the applicant to comply with this article or the orders, rules and regulations of the division concerning the location and use of moorings during the immediately preceding year.

(l) The location of a permitted mooring within a mooring field shall be subject to the final determination of the harbormaster. The harbormaster, as deemed necessary and appropriate for the conservation of space or for the protection of other vessels, may order the relocation of any mooring.

(m) No mooring permit or the right to renew such a mooring permit shall be sold, assigned, rented, leased or otherwise transferred by the permittee, provided that:

(1) A commercial mooring may be rented by the permittee to a customer of the permittee, provided that such permittee designates such mooring as a rental mooring in the application and the division is notified by June 30 or, for moorings not rented by June 30, within ten days of the rental of the mooring of the required information, including the identity of any vessel and the owner thereof which is to be secured for more than seven consecutive days to the rental mooring.

(2) A commercial service mooring may be granted to an individual engaged in the full-time business of selling, leasing, storing, servicing or maintaining vessels and who uses the mooring covered by the permit in connection with such a business. Use by any vessel for more than 30 days in a season, unless registered to the permittee, or rental of the mooring is expressly forbidden. Permits of this type are limited to a maximum of ten at any given time, are subject to the same fee as a commercial mooring, and are not automatically transferable as part of the sale of such business.

(3) Any yacht club mooring may be rented to a regular member of the permittee or rented for a period not to exceed seven consecutive days to a nonmember of the permittee.

(4) A private mooring permit, when approved, is issued for a specific vessel of
record, as identified on the permit. A copy of the vessel’s current registration is required to be provided with both the initial private mooring permit application and, also, with each annual permit renewal. The temporary use of a private mooring by a vessel other than that for which the permit was issued may be authorized by the harbormaster.

(n) Ensure mooring areas are not established, nor any vessel moored or anchored, so as to interfere with the free and unobstructed use of channels, fairways, or shoreside facilities within the harbor. Public mooring areas shall provide, where possible, a 50 foot setback from all residential docks, piers, floats, public launching ramps, federal navigation channels, fairways, anchorages, and/or turning basins. Setback limits from riparian moorings and shoreline public rights of way shall be sufficient to allow for ingress and egress and to prevent interference with the exercise of private or public rights in these areas.

(o) New mooring areas shall be setback at least three times the US Army Corps of Engineers authorized project depth from federal navigation projects.

(p) No mooring or mooring area controlled by a commercial entity shall be located within a federal navigation project.

(q) No mooring or mooring area may be sited where they may substantially interfere with access to designated shellfish management areas, traditional fishing grounds as defined by the CRMC, public recreational areas, and conservation areas.

(r) All new and significantly expanded mooring fields shall be sited to ensure that tides and currents aid in flushing the mooring area.

(s) All new and significantly expanded mooring areas shall be sited to avoid adverse effects on water quality.

(t) Mooring area shall be sited so as to not significantly effect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and other important aquatic habitats.

(Ord. No. 95-2, § 1, 3-13-1995; Ord. No. 99-20, § 3, 9-13-1999; Ord. No. 03-01, § 4, 2-10-03)

Sec. 7-108. Mooring permit term; application and renewal; revocation.

(a) Mooring permits issued pursuant to this article shall be valid for a one-year period from April 1 of the year of issuance until March 31 of the succeeding year.

(b) Application for a mooring permit and for renewal of a mooring permit shall be made in accordance with the rules and regulations established and promulgated by the division on forms provided by the division and shall be fully completed by the applicant. An incomplete application will not be processed and will be returned to the applicant for completion.

(c) If a commercial or yacht club mooring permit is being applied for, the application shall contain the identity and dimensions of the vessel or type of vessel to be secured to the mooring, a description of the components of the mooring, the permitted use
intended to be made of such mooring (commercial, commercial rental, yacht club or private) and such additional information as may be required by the division.

(d) An application for renewal of a commercial mooring shall indicate the size of the largest vessel that will be allowed to occupy the mooring.

(e) Application renewals shall be accompanied by full, nonrefundable payment and shall be filed with the division between March 1 and March 31. Failure of the permittee to file an application to renew a mooring permit shall result in forfeiture of the right to renew. Any application to renew filed after March 31 shall be treated as an application for a new mooring permit and shall go to the bottom of the waiting list.

(f) The annual fee for a mooring permit shall be as prescribed in section 9-4, table VI.

(g) Each mooring for which a permit has been issued shall be marked in accordance with subsection 7-113(e).

(h) If a permittee fails to place a mooring in the designated location during the mooring permit period, the permit will not be renewed the following year. Exceptions can be arranged through the harbormaster.

(i) A private mooring left unoccupied by the permitted vessel during the permit period may not be renewed if there is a waiting list.

(j) A private mooring may transfer to an immediate family member (brother, sister, mother, father, spouse, children or grandchildren) upon written notice to the harbormaster which shall include the name and address change. Such transfers shall be strictly limited to a one time basis to those individuals holding a valid permit on the date that the CRMC approves the Town of North Kingstown Harbor Management Plan and Harbor Ordinances. No immediate family member to whom a private mooring has been transferred shall then be allowed to transfer that private mooring under any circumstance. Thereafter, all private moorings that are forfeited by or not renewed by a holder of a valid mooring permit shall be made available to individuals on the waiting list.

(k) If a corporation is dissolved, its mooring permit will be revoked.

(l) The harbormaster may revoke any mooring permit for violation of any section of this article or for refusal to comply with any order of the division issued pursuant to this article. Twenty days' written notice must be provided via certified mail sent to the permittee at the address shown in the application.

(m) The division will ensure that copies of this article, current rules and regulations for application and renewal of mooring permits, as well as current waiting lists, are available at the town hall (telephone operator's room), the town library and the police station (records desk). This information will be available to the public during normal working hours.

Sec. 7-109. Unauthorized use of moorings.

No person shall cause a vessel to be secured to the mooring of another without first having
received permission to do so from the permittee or the permittee's agent and the harbormaster. 
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-110. Removal and relocation of moorings, vessels and structures. 
(a) The harbormaster may remove or relocate or cause the removal or relocation of the following:

(1) Any mooring within the public waters for which a permit is not in effect or which is situated in a location other than that specified in the permit or which is in violation of any order of the division concerning the location or relocation of the mooring.

(2) Any unpermitted vessel secured to the town wharf without notification and permission of the harbormaster or any vessel secured to the town transient dock in excess of six hours during the period of July 1 to October 30 or in excess of 12 hours during the period of November 30 to June 30. Exceptions may be granted if the owner/operator of such vessel has notified the harbormaster of a bona fide casualty to the vessel that prevents it from getting underway and subsequently receives permission from the harbormaster to remain at the dock.

(3) Any vessel anchored too close to or otherwise endangering another vessel on a mooring, anchored in or obstructing a channel or thoroughfare, secured to the mooring of another in violation of section 7-109 or secured to a mooring the harbormaster has determined to remove or relocate in accordance with this section.

(b) The harbormaster, in accordance with this section, shall have the authority to remove or cause to remove any wrecked, derelict, sunken or abandoned vessels or docks; any abandoned hulk, barge or pilings; or any unlawful or unauthorized structure or thing that is deposited or found adrift in the public waters or washed ashore within the jurisdiction of the town.

(c) The division shall give notice of the intent to remove or relocate to any person known as the owner of such vessel or known to have any interest therein or as having or exercising any control over the vessel as master, agent, insurer or otherwise or, for any other unlawful or unauthorized obstruction, to the person who either alone or with others built, deposited or caused the obstruction or who is known as owning, maintaining or using the structure in whole or in part.

(1) The notice shall be in writing and shall order the removal of such vessel or other obstruction within 72 hours of the date of such notice or such extension of time as may be granted by the division.

(2) It shall be deemed sufficient notice to all owners and other persons if the notice is served upon any one or more of such owners and persons by delivering the notice in hand; by leaving it at the usual place of business, residence or abode; or by duly mailing it to the last known post office address of the owner or other person on whom such notice is to be served.

(d) If such vessel or other obstruction is not removed within the time specified by such notice and in a manner and to a place satisfactory to the division or if no such owner
or other person is known to the division upon whom such notice can be served, the harbormaster may proceed to remove such vessel or other obstruction or to complete the removal thereof or to cause the removal to be done in such a manner and to such a place as the harbormaster, in conjunction with the director of public works, the director of public safety and the town manager, shall deem to be in the best interest of the public health, safety and welfare.

(e) The owner or any person having any interest in any vessel, mooring or other structure removed or relocated in accordance with this section shall be liable to pay the cost of such removal or relocation, together with the cost of storage following the removal or relocation, and these charges and expenses, until paid, shall constitute a lien on the vessel, mooring or other structure in favor of the town.

(f) Failure to comply with such notice shall result in the imposition of the penalties provided for in section 7-3, and each day the failure to comply continues shall be considered a separate violation.

(Ord. No. 95-2, § 1, 3-13-1995; Ord. No. 03-01, § 5, 2-10-03)

Sec. 7-111. Enforcement of liens.

(a) A lien acquired by the town on any vessel, mooring, mooring component or other object by virtue of this article may be enforced by the harbormaster through sale of such vessel, mooring, mooring component or other property in accordance with the maritime law of the United States, if applicable, or otherwise in accordance with the procedures set forth in G.L. 1956, tit. 34, ch. 35 and any amendment thereto.

(b) If the vessel, mooring or other structure upon which a lien has been acquired is determined to be of no value or only worth scrap value, the division may dispose of the vessel, mooring or other structure in any manner that it deems best.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-112. Appeals.

Any person aggrieved by any decision of the harbormaster made under this article may appeal to the town council or any appeals board designated by the council within 20 days of notification of the decision. Such appeal shall be taken by filing a written notice of appeal with the town clerk.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-113. Minimum mooring tackle requirements.

(a) Anchors. Only standard type mushroom anchors, with shanks, are authorized for all mooring areas. Shallow water (inverted) mushrooms are authorized only for shallow moorings as defined in subsection 7-1(b), and then only for vessels 20 feet or less in length in Fishing Cove and Mill Cove. In Wickford Harbor, shallow water (inverted) mushroom anchors are permitted only in the catboat area and for shallow moorings along Pleasant Street and must be at least twice the minimum weight as specified in subsection (b) of this section. Anchor types other than mushrooms may be authorized by the harbor division on a case-by-case basis, depending upon the particular circumstances; however, in each case this authorization must be in writing. The harbor division will maintain records of any mooring anchor deviations authorized in accordance with this section.
(b) **Ground tackle sizes for Wickford Harbor and Allen Harbor.** The mooring tackle specifications listed in this subsection are minimums for issuing mooring permits for private moorings. Use of at least one size larger for all components is strongly encouraged for greater safety. Commercial and yacht club moorings shall consist of components large enough, as specified in this subsection, for any vessel assigned to the moorings. The minimum mooring tackle specifications are as follows:

**TABLE 1. MINIMUM MOORING SPECIFICATIONS**
FOR WICKFORD AND ALLEN HARBORS

<table>
<thead>
<tr>
<th>Boat Length (feet)</th>
<th>Mushroom Anchor (pounds)</th>
<th>Bottom Chain (inches)</th>
<th>Top Chain (inches)</th>
<th>Pennant (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 16</td>
<td>75</td>
<td>1/2</td>
<td>3/8</td>
<td>1/2</td>
</tr>
<tr>
<td>Over 16 to 19</td>
<td>150</td>
<td>1/2</td>
<td>3/8</td>
<td>1/2</td>
</tr>
<tr>
<td>Over 19 to 22</td>
<td>200</td>
<td>1/2</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>Over 22 to 25</td>
<td>250</td>
<td>5/8</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>Over 25 to 30</td>
<td>300</td>
<td>5/8</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>Over 30 to 35</td>
<td>400</td>
<td>3/4</td>
<td>1/2</td>
<td>5/8</td>
</tr>
<tr>
<td>Over 35 to 40</td>
<td>500</td>
<td>3/4</td>
<td>1/2</td>
<td>3/4</td>
</tr>
<tr>
<td>Over 40 to 50</td>
<td>600</td>
<td>3/4</td>
<td>1/2</td>
<td>1</td>
</tr>
<tr>
<td>Over 50 to 65</td>
<td>800</td>
<td>1</td>
<td>1/2</td>
<td>1 1/4</td>
</tr>
</tbody>
</table>

(c) **Ground tackle lengths.** Ground tackle lengths shall be as follows:

(1) In Wickford Harbor complex and Allen Harbor, the total length of both the heavy chain and the light chain shall be determined as follows: Take the water depth (in feet at mean high water) at the mooring location and add five feet for storm surge. Multiply the result by two to get the total chain length. A minimum of 70 percent of this length shall be the heavy chain, with the remaining 30 percent being the light chain specified in subsection (b) of this section. Use of all heavy chain as specified in subsection (b) of this section is encouraged.

(2) Pennant length shall be determined as follows: Take the distance from the chock to the water line, multiply this by three, and add the distance from the chock to the bow cleat. The result is the authorized pennant length. On some vessels it may be necessary for the harbor division to authorize a multiplier of four times the distance from the chock to the water line. Shorter scope than that specified in this subsection compromises safety and is not authorized.

(3) Use of greater scope (longer chain and pennant) increases holding power and is encouraged wherever space permits. However, use of increased scope also increases the space a given vessel occupies and may result in dangerous overlaps in vessel swing circles. The harbormaster is authorized to determine if excessive scope is being used on moorings. If the determination is made that a mooring has excessive scope, the permittee shall be so notified and directed to reduce scope. Failure or refusal of the permittee to reduce scope may be cause for permit revocation.
(d) **Shackles and chains.** For three-eighths-inch top chain, 7/16-inch shackles shall be used. For one-half-inch top chain, five-eighths-inch shackles shall be used. All shackles shall be properly seized with safety wire or electrical ties. Shackles and chains are to be forged, not cast.

(e) **Marking of mooring floats.** All mooring floats shall display the permit number in black numbers no less than three inches high. The owner's name or the vessel's name are optional on the float or stake, but do not eliminate the requirement for the permit number. All mooring floats shall also have a smooth-surfaced area located above the water line with dimensions no less than three inches high by four inches wide for placement of the annual mooring registration sticker. All commercial, yacht club and town moorings must have the anchor weight marked on the float in black numbers and letters no less than two inches high.

(f) **Display of permit number.** Any mooring not properly displaying a mooring permit number and a current mooring permit sticker will be considered an unpermitted mooring. Unpermitted moorings and any vessels attached thereto will be removed in accordance with this chapter.

(g) **Winter stakes.** For safety of navigation and to facilitate off-season identification of moorings, winter stakes shall be required to float near vertically, and at least one foot of the stake must be showing above the water at all times. A minimum of the top 12 inches of the stake shall be painted white. Permit numbers no less than two inches high shall be painted in black on this white background. Mooring permit stickers are not to be placed on winter stakes. Winter stakes, as well as the stakes' associated mooring tackle, not meeting these requirements may be removed or caused to be removed by the harbormaster. Winter stakes cannot be set before September 15, and must be removed no later than June 15.

(h) **Mooring pennants.** Mooring pennants shall be of nylon, Dacron or other material approved by the division and of the minimum size specified in subsection (b) of this section. Larger diameter line is encouraged, if chock and cleat size permit. Double pennants are encouraged, particularly during heavy weather. Adequate chaffing gear should be used on all pennants.

(i) **Additional rules and regulations.** Additional rules and regulations including colors, sizes and marking of mooring floats, pickup floats and winter stakes will be developed and promulgated by the harbor division.

(j) **Minimum mooring specifications for Narragansett Bay.** The minimum mooring specifications for Narragansett Bay are as follows:

1. The total minimum length of chain, both bottom and top, shall be determined as follows: the depth of water at mean high tide, plus five feet for storm surge, times three.

2. Block anchors shall be of concrete or granite. Approximate shape shall be square both top and bottom, with tapered sides (trapezoidal). Maximum block height shall be two feet. Block shall not be allowed to become a hazard. Link shall be of material not less than one inch in diameter, one inch chainlink or equivalent. Link shall be securely imbedded in block and thoroughly secured by a crisscross pattern of not less than one-half inch reinforcing rod. Link for granite
blocks shall be secured on the underside by welding to a heavy steel plate. All shackles must be one size larger than the chain. All shackles must be properly seized with wire or electrical ties. All shackles shall be forged, not cast.

### TABLE 2. MINIMUM MOORING SPECIFICATIONS FOR NARRAGANSETT BAY

<table>
<thead>
<tr>
<th>Boat Length (feet)</th>
<th>Mushroom Anchor (pounds)</th>
<th>Block Anchor (pounds)</th>
<th>Bottom Chain (inches)</th>
<th>Top Chain (inches)</th>
<th>Pennant (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 16</td>
<td>150</td>
<td>500</td>
<td>1/2</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>16 to 19</td>
<td>200</td>
<td>1,000</td>
<td>1/2</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>19 to 22</td>
<td>250</td>
<td>1,500</td>
<td>1/2</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>22 to 25</td>
<td>300</td>
<td>1,500</td>
<td>5/8</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>25 to 30</td>
<td>400</td>
<td>2,000</td>
<td>3/4</td>
<td>1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>30 to 35</td>
<td>500</td>
<td>2,000</td>
<td>3/4</td>
<td>5/8</td>
<td>5/8</td>
</tr>
<tr>
<td>35 to 40</td>
<td>600</td>
<td>4,000 (2-2,000)</td>
<td>3/4</td>
<td>5/8</td>
<td>3/4</td>
</tr>
<tr>
<td>40 to 50</td>
<td>800</td>
<td>5,000 (3-2,000)</td>
<td>1</td>
<td>3/4</td>
<td>1</td>
</tr>
<tr>
<td>50 to 60</td>
<td>1,000</td>
<td>6,000 (3-2,000)</td>
<td>1</td>
<td>3/4</td>
<td>1 1/4</td>
</tr>
</tbody>
</table>

(k) Pilings. Pilings used for mooring vessels shall be permitted in the same manner as single point moorings.
(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-114. Mooring inspections.

(a) It is the responsibility of the mooring permittees to maintain mooring tackle in a safe condition. Any chain, shackle, swivel or other component that has become bent or worn by more than 25 percent of the minimum requirements set forth in subsection 7-113(b) for the vessel being placed on the mooring must be replaced.

(b) Annual inspection of mooring tackle is strongly encouraged. Mooring tackle shall be inspected every three years by a mooring service provider approved by the harbor division. Self-inspections are not allowed. A copy of the inspection is required to be provided to the division. The harbor commission will establish the schedule for the initial inspections. The inspection shall be made by raising the mooring. The purpose of this inspection is to determine compliance with the mooring standards of section 7-113. Moorings not inspected in accordance with this section may be removed at the direction of the division and the mooring space reallocated in accordance with this article.

(c) The harbormaster may inspect or have inspected any mooring at any time to determine compliance with this article. If noncompliance with section 7-113 is discovered, the division shall notify the permittee of this fact and of the provisions of this section within five working days, and may remove or direct the removal of any vessel on the mooring until such noncompliance is corrected. The permittee then has 30 days from receipt of notification to correct the violation and to file a reinspection report with the division. Failure of the permittee to correct the violation within the allocated time shall be cause
for the mooring to be deemed an unpermitted mooring. The harbormaster may then revoke the permit and remove the mooring in accordance with section 7-110.

(d) If the size of a permitted vessel on a mooring is being increased, prior approval of the division is required, and a new mooring inspection may be required by the division.

(e) The inspector shall provide the permittee with a copy of each inspection report within ten days of the inspection.

(f) Any change to the mooring tackle configuration by or at the direction of the permittee shall be reported, in writing, to the division. The division may require that the mooring be reinspected as a result of the change in configuration.

(g) Mooring inspections are the responsibility of the permittee. The costs associated with performing the inspections, as well as the cost of replacing mooring tackle components in order to meet the requirements of this section, shall be the responsibility of the permittee and shall be paid directly to the inspector or contractor, as appropriate.

(h) If a vessel drags a mooring, the owner shall notify the harbormaster. Failure to comply with this requirement may result in revocation of the mooring permit. The division shall maintain records of these dragged moorings, including the assigned location of the mooring, vessel size and type, weather conditions and details of the mooring tackle involved. The division may require that the mooring be inspected.

(i) The date of the next required mooring inspection, as determined by completed inspection forms on file with the division, will be indicated on the annual mooring permit renewal form. Permittees are responsible for providing the division with a copy of the most recently completed inspection form. Lack of a current inspection form on file with the division will be cause for nonrenewal of mooring permits. A separate inspection form is required for each mooring permit. A copy of the most recent inspection form shall be kept on file by the division.

(j) The harbormaster may promulgate additional rules and regulations, as required, addressing mooring inspections.

(Ord. No. 95-2, § 1, 3-13-1995; Ord. No. 03-01, § 6, 2-10-03)

Sec. 7-115. Rafting on moorings.

Vessels are permitted to raft on any mooring for a period not to exceed 48 hours, provided that the rafted vessels do not endanger any other moored vessels in the vicinity and that they do not intrude into any channel or thoroughfare. Rafted vessels must be manned at all times. Rafting is not permitted when small craft advisories or other severe weather warnings are in effect, and rafted vessels must separate when these conditions are announced.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-116. Harbor management commission.

(a) Created. A harbor management commission shall be created to be the local advisory body authorized to recommend policy for the public waters and harbor areas of the town, consistent with the harbor management plan. The harbor management commission shall adopt rules of procedure and operation for its meetings and is authorized to:
(1) Recommend to the town council the adoption of rules, regulations, fees, penalties and other amendments to the harbor management plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of its ordinances.

(2) Recommend additional duties and responsibilities for the harbor division, as detailed in the harbor management plan.

(3) Review and suggest revisions as necessary to the harbor management plan and its subsequent ordinances for town council and coastal resources management council approval. The harbor management plan and its ordinances shall be reviewed at least once every five years.

(b) Composition. The commission shall consist of seven members, with recommended representation from each of the following groups:
   (1) Recreational boating community;
   (2) Commercial fishing industry;
   (3) Marina and/or boatyard operators;
   (4) Environmental/conservation groups;
   (5) Public access interests;
   (6) Waterfront property owner; and
   (7) One citizen at large.

(c) Appointments. Members shall be appointed by the town council for terms consisting of two years. The appointments shall be staggered.

(d) Vacancies. Vacancies shall be filled as necessary and in accordance with the initial appointment.

(e) Absences. Any member absent more than two consecutive meetings, without good cause, would be considered as a resignation from the commission. An affected member would be afforded an appeal to the remaining commission members, and a majority vote would be required to reverse the action.

(f) Officers; meetings. A chairperson, vice-chairperson and secretary shall be elected by the members of the commission. The commission shall meet monthly, and all meetings shall conform to open meeting laws. Any additional meetings shall be called by the chairperson or at the request of at least four members of the commission. The secretary shall keep minutes of all meetings and shall file such minutes with the town clerk.

(g) Powers and duties. The commission shall be the local advisory body to the town council, authorized to recommend policy for the coastal waters and harbor areas of the town consistent with the harbor management plan and any subsequent ordinances. The commission shall adopt rules of procedure and operation for its meetings and is authorized to:
   (1) Recommend to the town council the adoption of rules, regulations, fees, penalties and other amendments to the harbor management plan and its subsequent ordinances that may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of its ordinances.
   (2) Recommend additional duties and responsibilities for the harbor division.
(3) Review and revise as necessary the harbor management plan and its subsequent ordinances for town council and coastal resource management council approval. The harbor management plan and its ordinances shall be reviewed and revised at least once every five years.

(h) *Ex-officio members.* Ex-officio members shall be as follows:

(1) The harbormaster shall be a nonvoting, ex-officio member of the commission.

(2) To enable the commission to coordinate issues of mutual concern between adjacent coastal municipalities, there may be one nonvoting, ex-officio member from the harbor commissions of Warwick, Narragansett, South Kingstown and Jamestown.

(3) The town council may appoint other ex-officio members.

(Ord. No. 95-2, § 1, 3-13-1995)

**Cross references:** Boards, commissions and committees, § 2-216 et seq.

Sec. 7-117. Funding of harbor management activities.

A harbor management budget line item shall be established under the administrative guidance and control of the town finance department, accountable to the town manager and town council. The revenues and expenses of the harbor management shall be identified in the town budget.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-118. Coordination of harbor management authorities memorandum of agreement.

The memorandum of agreement for coordination of harbor management activities shall be as follows:

Memorandum of Agreement by and between the Towns of North Kingstown, Narragansett, South Kingstown, Jamestown, and the City of Warwick, Rhode Island.

Whereas, the Towns of North Kingstown, Narragansett, South Kingstown, Jamestown and the City of Warwick, R.I. have mutually determined that coordination of harbor management, harbormaster, and enforcement activities within the areas of the Narragansett Bay-West Passage, and the Narrow River would be mutually advantageous and would be consistent with the goals and objectives of the North Kingstown Harbor Management Plan; and,

Whereas, coordination of harbor management, harbormaster, and police patrol enforcement capabilities between the Towns of North Kingstown, South Kingstown, Narragansett, Jamestown and the City of Warwick currently do not formally exist; and,

Whereas, each town's harbor management, harbormaster, and police patrol enforcement activities at times currently overlap and/or result in areas of Narragansett Bay-West Passage and the Narrow River not being patrolled; and,

Whereas, concerns over boating and recreational uses safety are increasing as the number of recreational uses increases in the Narragansett Bay-West Passage and Narrow River.

Now, therefore, the Towns of North Kingstown, South Kingstown, Jamestown and the City of Warwick, Rhode Island, do hereby mutually agree to coordinate harbor management, harbormaster and enforcement activities within the Narragansett Bay-West Passage, and Narrow River areas according to the following stipulations:
STIPULATIONS

1. The harbormasters and police patrols of each town or city and such persons' respective designates shall have mutual harbor management jurisdiction as provided in each town's harbor management plan, and then only in the areas of common jurisdiction as outlined in stipulation 2 (below). The harbormasters are authorized to enforce all elements of each of the town's (city) harbor management plans.

2. The common jurisdiction areas between Narragansett, South Kingstown and North Kingstown will be the Narrow River and Narragansett Bay-West Passage; Jamestown and North Kingstown will be Narragansett Bay-West Passage; the City of Warwick and North Kingstown will be the Potowomut River and Narragansett Bay-West Passage.

3. Enforcement action occurring within the areas of common jurisdiction will be enforceable by each town's harbormaster and police patrols and shall be governed by the ordinance of the town where the enforcement action occurred.

4. Any monies levied under the provisions of either harbor management plan and/or its respective ordinance by either town shall be deposited in a joint harbor management fund dedicated to the continued and future management of the common jurisdiction area or divided into equal parts between the communities' harbor management programs of this agreement.

5. Activities of mutual concern, such as moorings placements, sailing regattas and marine parades, shall be coordinated through each town's harbor management program and the harbormasters and police patrols of each community.

6. Upon notification and coordination between each town's harbormaster or police patrol, each harbormaster and police patrol is authorized to place, redesignate, move any mooring or structure which creates a safety hazard, is determined to be illegal, encroaches upon a federal navigation channel, or has been determined to be in violation of either of the community's harbor management programs.

7. The harbor management commission for the respective communities shall be responsible for the implementation of this memorandum of agreement for the coordination of harbor management authorities.

This Memorandum of Agreement for the Coordination of Harbor Management Authorities will become effective upon the signing of this document.

Town of North Kingstown
President, North Kingstown Town Council

Town of South Kingstown
President, South Kingstown Town Council

Town of Narragansett
President, Narragansett Town Council

Town of Jamestown
President, Jamestown Town Council
Sec. 7-128. Liability.

Persons using the coastal waters and harbor areas of the town shall assume all risk of personal injury and damage or loss to such persons' property. The town assumes no risk on account of accident, fire, theft, vandalism or acts of God.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-129. Severability.

If any provision of this chapter is held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

(Ord. No. 95-2, § 1, 3-13-1995)

Sec. 7-130. Compliance with state and federal regulations.

The rules and regulations set forth in this chapter shall be subordinate to all existing federal and state statutes and regulations and are not intended to preempt or conflict with any other valid laws.

(Ord. No. 95-2, § 1, 3-13-1995)