

Section 210.1 Coastal Beaches

A. Definitions

1. Coastal beaches include expanses of unconsolidated, usually unvegetated sediment commonly subject to wave action, but may also include a vegetative beach berm. Beaches extend from mean low water landward to an upland rise, usually the base of a dune, headland bluff, or coastal protection structure, pilings or foundation.

B. Findings

1. Beaches are dynamic, flexible features. The character of a beach is determined primarily by the particle size of the sediment and by the amount of wave and current action. Beaches are formed by sediment that is carried by waves and longshore currents from eroding headlands, from up current beaches in the longshore system, and from the subtidal shoreface portion of the shoreline. It is often difficult to establish the source of sediment for an individual beach, but shoreline protection facilities such as bulkheads, seawalls, groins, or jetties can alter significantly the volume supplied by suppressing the source or altering the transport of sediment along the shore. Such structures can retard erosion at one site while increasing erosion rates on an adjoining property. Beaches alter their volume and shape in response to regional weather patterns. During stormy periods, large waves erode the beach and foredune zone and deposit sediment offshore on the subtidal shoreface as bars or platforms. These bars function to dissipate wave energy and thus retard erosion of the intertidal beach. Sediment is transported from the shoreface back to the beach during periods of fair-weather by small waves and a broad berm is deposited. There are usually fewer storms in the summer than the other three seasons, thus the beach (berm) has more volume at that time; however, the passage of hurricanes may interrupt this trend. Longshore currents generated in the surf zone by waves striking the beach at an angle transport sediment in the direction of the open angle. Coastal protection structures that protrude onto the berm may interrupt the transport of sediment along the beach, resulting in deposition on the up current side and increased erosion down current of the structure.

2. All beaches associated with barriers along the ocean shore and several isolated beaches within the Bay are important recreational resources that are used by some 100,000 residents and tens of thousands of out-of-state tourists on hot summer days.

C. Policies

1. The Council's goals are (a) to preserve the qualities of, and public access to those beaches which are an important recreational resource (adjacent to Type 1 and 2 waters); (b) to prevent activities that will significantly disrupt longshore and/or onshore-offshore beach processes, thereby creating an erosion or flooding hazard; and, (c) to prevent construction in high hazard areas; and (d) to protect the scenic and ecologic value of beaches.

2. Alterations to beaches adjacent to Type 1 and Type 2 waters are prohibited except where the primary purpose of the project is to preserve or enhance the area as a natural habitat for native plants and wildlife. In no case shall structural shoreline protection facilities be used to preserve or enhance these areas as a natural habitat or to protect the shoreline feature.

3. Alterations to beaches adjacent to Type 3, 4, 5, and 6 waters may be permitted if: (a) the alteration is undertaken to accommodate a designated priority use for the abutting water area; (b) the applicant has examined all reasonable alternatives and the Council has determined that the selected alternative is the most reasonable; (c) only the minimum alteration necessary to support the designated priority use is made; (d) there is no change in the usage of the property; (e) there is no change in the footprint of existing structures; and (f) the construction will meet all current and applicable policies, standards, and requirements of the RICRMP.

4. Vehicular use of beaches, where not otherwise prohibited or restricted by property owners or by private or public management programs, is permitted only under the following conditions:

(a) Motorcycles, minibikes, snowmobiles, all-terrain motorized cycles and tricycles are prohibited except for authorized management-related vehicles; and

(b) A Coastal Resources Management Council annually renewable use permit is required for all vehicles. Such permits may be obtained for a fee subject to the following requirements and conditions. In the event these requirements and conditions are not met, the use permit shall be subject to revocation by the Council or its agents.

- (1) Vehicles shall have all documentation and registration necessary for operation on the public highways of this state.
- (2) All permit applicants shall exhibit proof of current liability insurance coverage.
- (3) All persons operating said vehicles shall have valid operator licenses.
- (4) Maximum speed on all beaches shall not exceed 10 mph. Maximum speed on beaches shall not exceed 5 mph when approaching pedestrians.
- (5) Ruts or holes caused by vehicles shall be filled and debris removed.
- (6) Headlights shall be used by all vehicles while in motion between sunset and sunrise.
- (7) Riding on or driving from any position outside the vehicles is prohibited.
- (8) Vehicles are prohibited on swimming beaches during the period they are protected by lifeguards and in operation.
- (9) Vehicles shall be at all times subject to town ordinances and all regulations restricting the use of private, state and federal properties.
- (10) Vehicles are prohibited from entering areas which have been closed through signage and/or roped-off for the protection of beach nesting bird species including Federally-protected Piping Plover and State listed Least Tern. Such closures may occur on a temporary basis from April through August and are established on an as-needed basis by the US Fish and Wildlife Service based on nesting activity in the area. Information regarding such closures may be obtained by calling the US Fish and Wildlife Service at (401) 364-9124 or the CRMC at (401) 783-3370. Vehicles are also prohibited from entering areas closed through signage and/or roped-off to promote dune restoration, invasive species control and dune or beach re-vegetation efforts.

5. The Council requires, for the operator's safety and benefit, that every vehicle operated on a beach carry the following equipment (in good working order):

- (a) shovel (heavy-duty or military entrenching tool);
- (b) tow rope or chain (15 feet, load strength of 1,800 lbs., chain size 5/16");
- (c) jack and support stand (minimum 18" x 18" x 5/8", plywood);
- (d) street legal tires (4-ply tread, 2-ply sidewalls) - snow or mud tires are not recommended;
- (e) spare tire;
- (f) low-pressure tire gauge (0-20 lbs.);
- (g) first aid kit;

- (h) fire extinguisher;
- (i) appropriate emergency signal devices and/or two way radio; and
- (j) flashlight.

D. Prohibitions

1. The construction of new structures other than accessways, walkover structures, and beach facilities, are prohibited in setback areas.
2. The use of plastic snow-fencing is prohibited due to the hazards presented to fish, marine mammals, and other wildlife in the aftermath of a storm event.
3. Alterations to beaches adjacent to Type 1 and Type 2 waters are prohibited except where the primary purpose of the project is to preserve or enhance the area as a natural habitat for native plants and wildlife.