

Roberta DiMezza

From: Benjamin Weber <noreply@adv.actionnetwork.org>
Sent: Tuesday, March 12, 2024 6:28 AM
To: House Judiciary Committee
Subject: Support Shoreline Access Bills H-7645/S-2641, H-7750/S-2634, H-7376/S-2185

Follow Up Flag: Follow up
Flag Status: Completed

RI House Judiciary Committee,

To all who should be concerned,

I respectfully request the following to be made entered into on the official record as public comment for the House Judiciary Meeting. My name is Benjamin Weber. I am a lifelong resident of Westerly, RI. One of the most beautiful places to live in the North East with its tranquil and pristine beaches and coastline. My family has lived in the area for seven generations (200 years). Historically, Westerly was developed as a thriving touristic town that capitalized on the revenue generated by people who came from all over the world to enjoy. Presently, access to the coastline is under siege and becoming privatized at an alarming rate which would virtually abolish tourism and threaten the survival of the quaint little town and small state of Rhode Island. Who would want to visit the place where they are denied access? The first settlers in Rhode Island understood this and were smart enough to guarantee such rights in the Charter and Constitution. It is imperative to remember where we came from. Public Access derived from the Laws of Justinian which stipulates "By the law of nature these things are common to mankind... The tide and submerged lands were unique: it was thus impossible to hold private ownership over the air, rivers, sea and the seashore; they were dedicated to the use of the Public, and the State was to hold them 'in trust' [Public Trust Doctrine] for the people. Thus, common property could be owned by no one, affording ALL citizens access to it".

English Common Law further codified that "Navigable Waters are held in public trust... That government (the sovereign) cannot own but has an affirmative duty to administer, protect, manage and conserve fish and wildlife; and further, government cannot turn that responsibility over to another. Therefore, government cannot relinquish its obligations to a popular vote to establish administrative management, protection, and conservation practices for renewable

wildlife and marine resources.” The original 13 US colonies adopted the Public Trust Doctrine as fundamental law. The ocean and the seashore is a natural resource to which ALL mankind has an unalienable right to utilize and enjoy, as to life, liberty and pursuit of happiness (Bill of Rights). It is alarming how far from this we (the people) have allowed this to evolve for decades through strategic legal maneuvers by quasi municipal agencies (such as Fire Districts) with the sole purpose of privatization under the guise of conservation.

Let me take this opportunity to remind all of you that you are obligated by position and oath to uphold the Constitution and the rights of ALL people. The RI Constitution states that “The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore.” Sadly, it seems that all focus has been reverted on such and the issue compounded into one that lacks any rational logic or common sense. With all due respect, to equate sitting on the shore with criminal activity is ludicrous. By and large, no one can or has ever been able to own the ocean or the seashore (beach) by common law. There can never be a taking of something that can never be owned! Therefore, private interests (property) traditionally ends at the vegetation line. The Ibbison case, which established the “mean high tide line” makes no logical sense and goes against the constitution because it has pushed the public off the shore and into the ocean. Quasi-municipal associations have been granted powers to “police beaches” which is a direct violation of the public trust doctrine. This insanity has to stop and all those who continue to allow it are culpable. I urge everyone to understand that all men (and women) are created equal and stand up for the rights of ALL people. This commission has the unique opportunity to turn this all around and affirm that the peoples rights are upheld by the agencies responsible for protecting and conserving them. As a final thought, I leave you with the fact that greed and ignorance will forever be the demise of our species.

Rights of Way (ROWs) are the Public’s only legal means to get to the Shore to practice their Constitutionally protected and inalienable rights. As well as that by which protects private property owners from trespassers. There has been a Centuries old practice of unjust privatization of the Shoreline via discriminatory and exclusionary “NO PARKING” restrictions, Illegal ROW blockage, improper ROW/Road abandonment and false or misleading claims of “private beach” rights by a majority of Realtors and Ocean front property owners that seek to abolish ROWs all together in order to prevent access to the Shore by the Public.

I am writing to ask you to support this package of shoreline access bills.

(2024-S 2641, 2024-H 7645) would require a municipality, when abandoning a road, to vote on whether or not to preserve an easement for walking or other types of recreation. Under current Rhode Island law the only option for a municipality that does not wish to maintain a road is to abandon it totally to the abutting private property owners.

(2024-S 2634, 2024-H 7750) would allow CRMC to protect historical footpaths used for shoreline access through official designation.

(2024-S 2185, 2024-H 7376) would educate new buyers of oceanfront property on Rhode Island shoreline access law and require disclosure of any permits or conditions of public access tied to the property, in order to avoid surprises that might come up. A recent dispute over public access of a seawall shows that this disclosure is currently lacking.

Sincerely,
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