



# **TOWN OF PORTSMOUTH HARBOR MANAGEMENT PLAN**

*November, 2019*

**PORTSMOUTH HARBOR COMMISSION  
PORTSMOUTH PLANNING DEPARTMENT**

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## 1.0 - INTRODUCTION

This updated Portsmouth Harbor Management Plan (HMP) replaces and fully supersedes the Town's 1993 Plan. This update was begun by the newly-reconvened Portsmouth Harbor Commission soon after their appointment in October, 2005. Commission members participating in the plan update, both past and current include:

Robert Anson – Past Chairman	Abby Brown - Chair
Lester Bloom	Dave Anderson
Robert Drake	Denis Batcheller
David Garceau	Mike Daly
Frank McNeilly – Vice Chairman	Dick Erwin – Past Chairman
Karen Ptak	Dave Garceau
Patricia Rossi	Tom Grieb – Past Chairman
Ron Molleur	

In addition, the following elected officials and town staff were instrumental in the completion of the plan:

- Gary Crosby – Town Planner
- Jacob Silva – Past Portsmouth Harbormaster
- Scott Travers - Past Portsmouth Harbormaster
- Steve Burns – Portsmouth Harbormaster
- Dave Gleason – Past Town Councilor, past liaison to the Harbor Commission
- Liz Pedro – Past Town Councilor, past liaison to Harbor Commission
- Thomas Lee – Portsmouth Police Chief
- Keith Hamilton – Town Councilor – liaison to Harbor Commission

The Harbor Commission worked closely with the Town Planning Department and held monthly meetings to prepare this update. A draft of the plan was submitted to the Coastal Resource Management Council (CRMC) for checklist review in June, 2013. Editing and corrections continued until the draft, along with a draft of an updated Harbormaster Ordinance, was submitted for administrative approval in June, 2019. Upon CRMC administrative approval the draft plan and ordinance were presented to the Town Council for a public hearing and final

adoption in August, 2019. The Town Council approved the plan on November 12, 2019. The final plan was approved by CRMC on XXXXX, 2020.

### ***1.1 – PLAN PURPOSE***

Plans are guides to future action. This Harbor Management Plan is just such a document. Its purpose is twofold; (1) to establish a set of goals, objectives, and policies for the management of Portsmouth’s harbors and coastal waters, and (2) to provide a basis for revision and updating of the Portsmouth Harbormaster Ordinance, the legal enforcement mechanism of our harbor management strategies (See **Section 6.0, Appendix 6** for our current, unrevised ordinance). Created consistent with CRMC guidelines, the HMP follows a well-established planning process by:

- identifying the coastal and harbor resources of the Town;
- identifying the existing and potential issues associated with those resources;
- establishing goals, objectives and policies for the public and private use of those resources;
- setting forth an implementation approach for achieving those goals, objectives, and policies.

### ***1.2 - PLAN OBJECTIVES***

1. To provide a comprehensive evaluation of the activities occurring within the coastal waters of the Town of Portsmouth;
2. To provide a guideline for the management of existing and future activities on and in the coastal waters of the Town;
3. To provide recommendations concerning the shoreside compatibility with the activities occurring on the waters and vice a versa;
4. To establish appropriate ordinances and/or regulations, consistent with applicable local, state and federal regulatory requirements, that implement portions of the plan;

5. To serve as a frame of reference for local and state decision-makers concerning waterfront development and coastal water programs or projects; and
6. To ensure that the primary responsibility for management and control of the coastal waters of the Town be delegated to the Town.

### ***1.3 – PLAN AUTHORITY***

While the United States Coast Guard has primary authority over navigational aids and marine boating safety in State and Federal waters, Title 46 of the Rhode Island General Laws confers upon the Portsmouth Town Council certain powers to regulate public waters in its jurisdiction. RIGL § 46-4-6.13 (see **Appendix 9**) gives the Town Council of Portsmouth the authority to regulate the size, type, location, and use of all anchorages and moorings within the public waters of the Town’s jurisdiction. It also allows the Town to impose penalties for the violation of ordinances promulgated to carry out these regulations.

The Town of Portsmouth hereby assumes management authority for the purposes of this plan consistent with the powers, duties and authority granted under RIGL § 46-4-6.13 over the following waters:

#### **a. Harbor Waters**

The waters of the three harbors – Potters Cove, Blue Bill Cove and Coggeshall Cove. See **Map 1** for the general location of these harbors and **Appendix 8** for a table giving lat/long for the boundaries of these harbors.

#### **b. Coastal Waters**

All waters bordering the town from shore to a distance of five hundred (500) feet seaward not included in the designation “Harbor Waters.”

In addition to the above delegation of powers, Title 46 allows for the creation of the Coastal Resources Management Commission (CRMC) for the purpose of ensuring coordination and consistency of planning and regulation between State and Federal agencies and the local municipalities. CRMC’s Coastal Resources Management Program (the “Red Book”) defines municipal harbor management regulations to include all rules and/or regulations that apply to the use of the tidal waters within the jurisdiction of the Town. CRMC requires municipalities preparing to implement harbor management plans and/or programs relating to activities in

tidal waters to apply for a determination of consistency with the Coastal Resources Management Program to assure conformance between such plans and/or programs and the Coastal Rhode Island Coastal Resources Management Program Resources Management Program, the Guidelines for the Development of Municipal Harbor Management Plans and the General Laws of the State of Rhode Island.

Finally, all municipalities must apply to the Rhode Island Department of Environmental Management (RIDEM) for a water quality certification (WQC) for those elements of a Harbor Management Plan (HMP) which will likely affect water quality in the municipal harbor (Rule 13.A.3.b.6 RI Water Quality Regulations). The main focus of DEM’s review is: delineation of marina and mooring field boundaries, measures to address sewage from vessels, measures to minimize the discharge of pollutants and resource/habitat/shellfish harvesting impacts. See **Appendix 2** for RIDEM guidance on receiving Water Quality Certification for the draft plan. See **Appendix 1** RIDEM’s Water Quality Certificate for this plan.

See **Section 3.2** for reference to all applicable State laws regarding no-discharge and the Portsmouth Harbormaster’s enforcement authority over the discharge of sewage from vessels associated with mooring fields and municipal marinas.

### ***1.4 – PLAN REQUIREMENTS***

All municipal harbor management plans must:

1. Contain a detailed analysis of the current uses of the municipal harbor and water areas (the Resource Inventory);
2. Include a comprehensive analysis of the major issues affecting a municipality and the means to address them (Issue Identification);
3. Develop a comprehensive management scheme for implementing the goals and policies of the harbor management plan (the Ordinance and Implementation Element); and
4. Include the parameters or physical boundaries of the local harbor water.

## **2.0 - HARBOR DESCRIPTION AND RESOURCE INVENTORY**

### ***2.1 - PHYSICAL SETTING***

#### **2.1.1 – Our Island Community**

The town of Portsmouth is an island community of approximately 23.3 square miles of land area, wholly within Rhode Island’s dominant natural feature, Narragansett Bay. The bulk of the town occupies approximately 17.1 square miles at the northern end of Aquidneck Island, the largest island in the bay. The remainder of Portsmouth is comprised of a variety of islands, large and small, only two of which (Prudence Island and Hog Island) have seasonal or year-round residents.

The waters of Narragansett Bay surrounding Portsmouth consist of the Sakonnet River to the east of Aquidneck Island, Mt. Hope Bay to the north, East Passage located between Prudence and Aquidneck Islands and to the west of Hog Island, and West Passage to the south and west of Prudence Island. All totaled the Town of Portsmouth has over 49 miles of coastline, all within the confines of Narragansett Bay. See **Section 5.0, Map 3** for the general location of the islands and coastal waters described above.

#### **2.1.2 - Water Depths**

The water depths in Narragansett Bay, Mount Hope Bay, and the Sakonnet River can be found on NOAA charts 13221, 13223, 13224, and 13226. Depths vary from extremely shallow areas of 2 – 3 feet to depths of nearly 60 feet in parts of the basin, areas north of the railroad bridge, and in the vicinity of Dyer Island, near Melville. See **Section 5.0, Map 3** for water depths in Portsmouth’s coastal waters.

#### **2.1.3 - RIDEM Water Quality Classifications**

RIDEM assigns a water quality classification to the waters of Rhode Island based on public health, recreation, fish and wildlife ecosystems, and economic and social development considerations. Physical parameters for defining water quality include total fecal coliform, acidity, taste, odor, color, turbidity and dissolved oxygen (DO) concentrations. These parameters establish minimal physical and chemical standards which in turn lead to allowable uses within each water classification. It should be noted that these standards are based on

water quality goals of the particular area for the future, and may not reflect actual conditions of the water at the present time.

RIDEM characterizes water classifications as SA and SB. The SC classification is no longer used. For RIDEM water classifications for waters surrounding Portsmouth, see **Section 5.0, Map 2**. These classifications are:

**SA\*** These waters are designated for shellfish harvesting for direct human consumption, primary and secondary contact recreational activities, and fish and wildlife habitat. They shall be suitable for aquacultural uses, navigation and industrial cooling. These waters shall have good aesthetic value.

**SB\*** - These waters are designated for primary and secondary contact recreational activities; shellfish harvesting for controlled relay and depuration; and fish and wildlife habitat. They shall be suitable for aquacultural uses, navigation, and industrial cooling. These waters shall have good aesthetic value.

**SB1\*** - These waters are designated for primary and secondary contact recreational activities and fish and wildlife habitat. They shall be suitable for aquacultural uses, navigation, and industrial cooling. These waters shall have good aesthetic value. Primary contact recreational activities may be impacted due to pathogens from approved wastewater discharges. However all Class SB criteria must be met.

\* Certain Class SA, SB and SB1 waterbody segments may have partial use designations assigned to them.

#### **2.1.4 - FEMA Flood Zones**

Current FEMA flood maps (last revision July, 1998) indicate that all the lands adjacent to the coastal waters of the Town of Portsmouth are designated as in the V-zone. In addition, at the northern tip of Aquidneck Island, nearly all of Island Park and a good deal of Common Fence Point are in the 100-year flood zone (A zone). Flood hazard areas for the Town of Portsmouth are shown on **Section 5.0, Map 4**.

### **2.1.5 - Hazards to Navigation**

Known hazards to navigation in Portsmouth waters are noted on NOAA charts 13221, 13223, 13224, and 13226.

### **2.1.6 - Dredged Channels & Fairways**

A Federally-maintained channel dredged to a depth of 40 feet and approximately 600 feet in width runs up East Passage between Prudence Island and Aquidneck Island from just south of the Prudence Island Light, northward along the west of Hog Island, and continuing north to the turn below Field Point in Providence.

Fairways for use by vessels also exist within the waters of the Town. Access from the main shipping channel to the commercial wharves and docks along the Portsmouth waterfront has been an historic practice. Due to the nature of the tides, currents and wind conditions it is necessary to ensure that these fairways remain available for the safe ingress and egress of vessels requiring the services of commercial facilities, boat ramps and marinas. Fairways in Portsmouth are located at:

- New England Boat Works
- Hinckley Yacht Services
- Brewers Sakonnet Marina – North Yard
- Brewers Sakonnet Marina – South Yard
- Pirate Cove Marina
- Stonebridge Marina
- McCorrie Point
- Blue Bill Cove boat ramp
- Carnegie Abbey Yacht Club
- Weaver's Cove boat ramp
- South end T-Wharf Prudence Island
- South end Boat Ramp Prudence Island
- Stone Dock Boat Ramp, west side Prudence Island
- Sand Point Dock Prudence Island
- Homestead Ferry landing Prudence Island

- Homestead Boat Ramp Prudence Island
- Potters Cove Dock Prudence Island
- Potters Cove Boat Ramp Prudence Island

See **Section 5.0, Maps 1,2 & 5** for the location of the above fairways in Portsmouth coastal waters.

## ***2.2 - CRMC WATER USE CLASSIFICATIONS***

The RI Coastal Resources Management Council (CRMC) has established six water use classifications for the coastal waters of the State. These classifications link characteristics of the shoreline, shoreside development, and RIDEM water quality classifications to determine the types of waterside activities that are permitted in each classification. For CRMC water use classifications in Portsmouth see **Section 5.0, Map 1**. Except where otherwise noted, the water use classifications along any shoreline reach and between any two boundary line designations run parallel to the general coastal trend and extend 500 feet seaward from the mean high water mark. The waters in the Town of Portsmouth include CRMC water types 1, 2, 3, 4 and 6 as follows:

**Type 1** waters abut shorelines in a natural undisturbed condition and are generally classified as conservation areas, with the goal of preserving and protecting these waters from adverse uses and activities.

Fishing, swimming, shellfishing, aquaculture, wildlife areas, conservation uses, and low intensity recreational uses are allowable uses in Type 1 waters. Maintenance and improvement dredging, recreational mooring areas, commercial operations other than fishing and/or aquaculture, structural shoreline protection facilities, residential boating facilities, marinas, and launching ramps are all prohibited uses in **Type 1** waters.

In classifying **Type 1** waters, CRMC's goal is to preserve and protect these 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.

**Type 1** waters in Portsmouth include:

- Waters along the shoreline of Prudence Island (except those listed below as **Type 2**);
- Waters along west side of Hog Island (from fifty feet north of the marsh on the southeast side of the island, south, west, and then north to the north tip to the island);
- Waters surrounding Gould Island in the Sakonnet River;
- The Sakonnet River south of Robin Road to the Middletown Town Line;
- Waters surrounding Hope Island;
- Waters surrounding Dyer Island.
- Waters surrounding Patience Island.

**Type 2** waters are adjacent to mostly residential areas. Low intensity uses such as docks are allowed. This classification of waters encourages high scenic value and water quality, as well as the preservation of natural habitats.

Fishing, swimming, aquaculture, conservation areas, non-commercial recreational mooring areas, maintenance of existing navigational channels, transient anchorage areas, residential boating facilities, and launching ramps are allowable uses in **Type 2** waters. Commercial mooring areas, improvement dredging, and marinas are prohibited uses in **Type 2** waters.

In classifying **Type 2** waters, CRMC's goal is to maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these waters, while providing for low-intensity uses that will not detract from these values.

**Type 2** waters in Portsmouth include:

- The waters inside Potter's Cove on Prudence Island;
- Waters along the east side of Prudence Island (from the outlet of Mill Creek south to the State Park line);
- Waters along the east side of Prudence Island (from a point north of Prudence Park southward to the outlet of a small stream north of Crow's Swamp);
- Waters along the east side of Hog Island (from the north tip of the island south to a point 50 feet north of marsh);

- Waters along the northern tip of Aquidneck Island (from the Weyerhauser pier north around Common Fence Point and then south to the north side of Brewer's Marina);
- Waters inside The Cove (Blue Bill Cove);
- Waters along the Sakonnet River (south from the abutments of the Old Stone Bridge to Robin Road).

**Type 3** waters are generally dominated by commercial facilities that support recreational boating such as marinas, boatyards and associated businesses. The highest priority uses of **Type 3** waters and adjoining land areas within the CRMC jurisdiction are (a) marinas, mooring areas, public launch ramps and other facilities that support recreational boating and enhance public access to tidal waters; and (b) boatyards and other businesses that service recreational boaters.

**Type 3** waters in Portsmouth include:

- The East Passage Yachting Center on the west side of Aquidneck Island;
- The Sakonnet River (southward from the north side of Brewer's Marina to the old Stone Bridge abutments).

**Type 4** waters include large expanses of open waters of Narragansett Bay and Rhode Island Sound. This classification finds waters that support commercial traffic, recreational and commercial fishing, while also preserving quality fish and wildlife habitat. **Type 4** waters may also be found adjacent to waterfronts that may support multiple-use water dependent activities.

In classifying **Type 4** waters, CRMC's goal is to maintain a balance among the diverse activities that must coexist in these 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.

**Type 4** waters in Portsmouth include:

- The Aquidneck Island shoreline in East Passage (from fifty feet south of the southernmost pier at Melville southward to the Middletown line);

- All waters of Narragansett Bay within the jurisdiction and beyond other CRMC designations not so listed.

**Type 5** waters include commercial and recreational harbors. Berthing, mooring, servicing of recreational crafts, commercial fishing vessels or ferries, water-dependent, water-enhanced commerce, maintenance of navigational channels and removal of obstructions to navigation are allowable uses in **Type 5** waters.

There are no **Type 5** waters in Portsmouth.

**Type 6** waters include industrial waterfronts and commercial navigation channels. These areas are usually extensively altered in order to accommodate the above water-dependent and water-enhanced uses.

The highest priority uses of **Type 6** waters and adjacent lands under CRMC jurisdiction are: (a) berthing, loading and unloading, and the 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.

**Type 6** waters in Portsmouth include:

- Waters along the west side of Aquidneck Island (from the entrance to East Passage Yachting Center southward to the southernmost pier at Melville);
- The federally-dredged channel from south of Sandy Point on Prudence Island northward to Providence.

### ***2.3 - CURRENT USES INVENTORY***

See Section 5.0, **Map 5**.

### 2.3.1 - Harbor Structures

#### Marinas/Boatyards

There are six private and commercial marinas operating in two distinct areas of Portsmouth, three on the western shore of Aquidneck Island and three in The Basin.

**Table 1. Marinas and Number of Slips in Portsmouth**

Marina	Phone	Slips
New England Boat Works	683.6110	360
Hinckley Yacht Services	683.7100	100
Pirate Cove	683.3030	84
Brewer Sakonnet North & South	683.3551	320
Carnegie Abbey Yacht Club	682.1622	40
Stone Bridge	683.1011	40
	<b>Total</b>	<b>944</b>

#### Commercial Fishing Facilities

There are no official commercial fishing facilities in the town of Portsmouth. Small scale commercial fishermen dock their boats at area marinas and boatyards.

#### Docks/Wharves

Municipally-owned docks are found in Portsmouth at the Portsmouth Glen Manor House adjacent to Elmhurst Elementary school and at Sandy Point on Prudence Island. CRMC maintains a list of all privately owned docks, wharves and piers in Town.

#### Boardwalks

There are currently no boardwalks in Portsmouth.

**Boat Ramps / Launch Sites**

- Stone Bridge
- Cedar Island in Blue Bill Cove (off Rt. 24) – To be removed
- Town Boat Ramp at Weaver Cove
- Carnegie Abbey Yacht Club
- Prudence Island - south near T-wharf
- Prudence Island - north of Homestead Dock
- Prudence Island - Potters Cove

**Pumpout Facilities**

There are four pumpout facilities located in Portsmouth and nine more listed here that are in close proximity to Portsmouth waters. Because Portsmouth includes multiple islands, some pumpout facilities in other municipalities are more convenient than those found on Aquidneck Island.

**Table 2 - Pumpout Facilities in Portsmouth and Nearby Towns**

Location	Municipality
Brewer Sakonnet Marina 401-683-3551	Portsmouth
Pirates Cove Marina 401-683-3030	Portsmouth
New England Boat Works 401-683-4000	Portsmouth
Hunt Yachts 401-324-4201	Portsmouth
Standish Boat Yard 401-624-4075	Tiverton
Town of Bristol 401-253-1700	Bristol (Pump out Boat)
Rockwell Town Pier 401-253-1700	Bristol
Bristol Marine	Bristol

401-253-2200	(Pump out Boat)
Greenwich Wharf Marina 401-737-2233	Warwick
Bay Marina 401-739-6435	Warwick
Brewer Greenwich Bay N. Yard 401-884-1810	Warwick
Harbor Light Marina 401-738-0852	Warwick
Warwick Cove Marina 401-737-2446	Warwick

### 2.3.2 - Federal Navigation Areas

#### Channels

Federally-maintained channel dredging of an approximately 600 foot-wide deep-water channel, running from deep water in Narragansett Bay just south of Prudence Island Light to the turn below Field Point at Providence was completed in January 1976. In Portsmouth waters, the center of this dredged channel runs parallel to and is approximately 1000 feet off the east shore of Prudence Island.

#### Turning Basins

There are no Federal turning basins in Portsmouth waters.

#### Anchorage

Portsmouth has Federal anchorages in the East Passage north of Coggshall Point (Anchorage 13) and at the south end of Prudence Island (anchorage B-1). See NOAA chart 13221.

#### Special Anchorage Areas

Portsmouth has no special anchorage areas.

### **2.3.3 - Moorings and Mooring Areas**

A database of private and commercial moorings in Portsmouth waters is maintained by the Harbormaster's office. The database contains the geographic coordinates of each mooring, contact information for each mooring owner, a description and registration number of the vessel assigned to the mooring, the date the mooring was set and last inspected, and the capacity of the mooring, as well as other data specific to each mooring.

Unlike other Narragansett Bay communities such as Bristol or Wickford where mooring fields are concentrated in and around harbors, Portsmouth's 21 designated mooring fields are spaced out along the coastline. All are managed by Portsmouth Harbormaster and his/her assistants. The general location of each of these mooring fields is shown on **Section 5.0, Maps 1 – 5**, with more detailed views of each mooring field at a larger scale on the following pages.

Mooring fields in Portsmouth have been placed such that they do not obstruct designated shellfish management areas, traditional fishing grounds, public recreational areas and conservation areas and do not have a significant adverse effect on fish/shellfish resources, wetlands, submerged aquatic vegetation or other aquatic habitat areas.

The following **Tables 3-5** provide the Latitude/Longitude of the four corners of each mooring field (See **Appendix 3** for these coordinates in Rhode Island State Plain Feet), the area, average depth and mooring capacity of each field and a summary of the number and type of moorings in each field as of the 2018 boating season, respectively. In addition to these designated areas, all riparian (waterfront) owners are allowed to maintain moorings in the waters adjacent to their property.

In the 2018 boating season, the harbormaster database indicated there were 752 private moorings (558 resident, 142 non-resident, 52 guest) and 58 commercial moorings\* registered in the Town of Portsmouth. A complete listing of Portsmouth mooring data can be obtained from the Portsmouth Harbormaster.

\*Commercial mooring holders include:

- Pirates Cove Marina
- Brewers Sakonnet Marinas – North & South
- New England Boatworks
- Carnegie Abbey Association

**Table 3 – Summary of Portsmouth Mooring Fields**

FIELD	RESIDENTIAL	NON-RESIDENTIAL	COMMERCIAL	GUEST	TOTAL
A	14	0	0	0	14
B	29	1	0	0	30
BBC1	13	7	0	1	40
BBC2	19	7	0	2	9
C	28	3	0	0	31
D	10	0	0	0	10
E	26	1	0	2	29
EPI	85	6	0	20	111
F	34	2	0	3	39
G	28	1	0	5	34
H	18	0	47	1	66
HI	67	1	0	12	80
I	48	1	0	3	52
IPC	17	101	0	6	124
J	21	3	0	2	26
K	11	0	0	0	11
L	10	0	0	1	11
M	0	0	5	0	5
N	5	2	0	0	7
OPC	68	6	0	0	74
WPI	7	0	0	0	7
TOTAL	558	142	52	58	810

**Table 4 – Summary of Portsmouth Mooring Fields - II**

FIELD	AVERAGE DEPTH (feet)	APPROXIMATE AREA (acres)	ESTIMATED MOORING CAPACITY	GENERAL LOCATION
A	12	25.8	28	near Black Point
B	15	27.1	23	near Sandy Point
BBC1	4	13.7	40	Blue Bill cove
BBC2	4	3.2	9	Blue Bill Cove
C	9	14.0	19	near McCorrie Point
D	10	13.4	17	off Bayside Avenue
E	12	31.1	33	at foot of Lawrence Drive
EPI	52	138.2	111	east side of Prudence Island
F	10	72.9	92	at foot of Power Street
G	5	28.3	62	south of Island Park
H	25	103.0	49	in Tiverton Basin
HI	7	44.5	73	Hog Island
I	14	47.8	44	east side of Common Fence Pt.
IPC	10	85.4	124	inner Potters Cove
J	10	80.1	101	west side of Common Fence Pt.
K	14	35.4	33	off Bristol Ferry area
L	14	72.6	67	off Arnolds Point
M	25	49.4	23	at foot of Corey's Lane
N	20	53.7	34	Weaver Cove (in East Passage)
OPC	12	36.7	74	outer Potters Cove
WPI	26	39.3	18	west side of Prudence Island

**Table 5 – Mooring Field Corners**

FIELD	MOORING FIELD CORNERS							
	NE		SE		NW		SW	
	Lat.	Long.	Lat.	Long.	Lat.	Long.	Lat.	Long.
A	41.535	-71.232	41.532	-71.226	41.534	-71.233	41.531	-71.227
B	41.561	-71.234	41.555	-71.232	41.561	-71.236	41.555	-71.234
BBC1	41.631	-71.221	41.630	-71.221	41.633	-71.226	41.632	-71.227
BBC2	41.630	-71.227	41.629	-71.227	41.630	-71.229	41.629	-71.229
C	41.581	-71.237	41.578	-71.234	41.581	-71.238	41.578	-71.238
D	41.586	-71.241	41.583	-71.239	41.585	-71.242	41.582	-71.240
E	41.595	-71.241	41.587	-71.240	41.595	-71.243	41.588	-71.242
EPI	41.628	-71.311	41.596	-71.306	41.627	-71.312	41.597	-71.308
F	41.619	-71.238	41.600	-71.240	41.620	-71.239	41.601	-71.242
G	41.623	-71.220	41.623	-71.217	41.621	-71.235	41.620	-71.235
H	41.646	-71.216	41.626	-71.216	41.646	-71.217	41.626	-71.220
HI	41.646	-71.281	41.640	-71.274	41.650	-71.281	41.640	-71.275
I	41.655	-71.220	41.646	-71.215	41.655	-71.220	41.646	-71.217
IPC	41.642	-71.336	--	--	--	--	41.637	-71.338
J	41.656	-71.220	41.640	-71.234	41.657	-71.221	41.641	-71.235
K	41.640	-71.246	41.639	-71.246	41.637	-71.256	41.636	-71.256
L	41.627	-71.263	41.614	-71.273	41.628	-71.265	41.615	-71.275
M	41.613	-71.273	41.601	-71.277	41.613	-71.274	41.602	-71.279
N	41.581	-71.285	41.571	-71.294	41.582	-71.287	41.573	-71.295
OPC	41.639	-71.337	41.635	-71.328	41.638	-71.338	41.633	-71.328
WPI	41.610	-71.330	41.602	-71.334	41.611	-71.331	41.602	-71.336

Unless otherwise noted on the maps in **Section 5.0**, all mooring fields extend from 50 feet to 500 feet from the shore. The precise geographic coordinates noted above and in **Appendix 3** may not reflect this.

### **2.3.4 - Other Use Areas**

#### **Swimming Areas**

Sandy Point Beach at the east end of Sandy Point Road is the only town-managed public beach in Portsmouth. Facilities include a life guard staffed swimming area well marked by a line of floats.

#### **Public Beaches**

Sandy Point Beach (noted above) and Teddy's Beach at the stone bridge in Island Park are designated public beaches. Teddy's Beach is not maintained by the Town other than the occasional trash pick-up. The beaches along Park Avenue in Island Park, at McCorrie Point, and at Sandy Point on Prudence Island are also popular though un-official public beaches.

#### **Windsurfing Areas**

Holding no official designation, Carr Point on the west side of Aquidneck Island, Sandy Point Beach and McCorrie Point are popular windsurfing spots when conditions permit.

### **2.3.5 - Shoreline Zoning Districts**

The Portsmouth waterfront, as part of the overall land use scheme for the Town, is divided into a number of zoning districts as defined in the Town's Zoning Ordinance. Zoning Districts with shoreline frontage include all Residential (R), HI (Heavy Industry), LI (Light Industry), OS (open space), WD (waterfront district) and C (commercial). As can be seen on **Section 5.0, Map 6**, the overwhelming majority of shorefront zoning is Residential.

## ***2.4 - Natural Resource Areas***

### **2.4.1 - Environmentally Sensitive Areas**

#### **Natural Estuarine Sanctuary**

The Narragansett Bay National Estuarine Research Reserve is located in the geographic center of Narragansett Bay and within the boundaries of Portsmouth. The sanctuary is composed of 1,035 acres of land on Prudence, Patience, and Hope Islands and 1,591 acres of water adjoining the islands out to the 18-foot MLW.

**Official Conservation Areas**

- Gould Island (owned by Audubon Society of RI);
- Musselbed Shoal Barrier Beach;
- Barrier beaches on Common Fence Point bounded by Common Fence Blvd, Kennedy Field and the "Skating Pond";
- Town Pond and associated wetlands.

**Unofficial Conservation Areas**

- The shoreline and tidal areas of Common Fence Point;
- The fossil band in the shale vein on the west shore of Aquidneck Island.

**2.4.2 - Recreational and Commercial Fishing Areas****Anadromous Fish Runs**

There are no anadromous fish runs in town waters.

**Spawning Areas**

There are no known spawning areas in town waters.

**Shellfish Beds**

Shellfishing in Portsmouth's waters has been and in some cases still is productive. Though slowing over time, commercial clamming and lobstering remain active. Scalloping has become nonexistent since Hurricane Carol. The oyster population which was wiped out after the 1938 hurricane shows some signs of comeback. Blue shell crabs were abundant in all Portsmouth waters but presently may be found only in Blue Bill Cove in Island Park. Town Pond has been dredged out by the Army Corp of Engineers and there is high hope of restoring shellfish beds in these rehabilitated tidal waters. Shellfishing for human consumption is permanently closed by RIDEM in two locations in Portsmouth coastal waters due to the threat of contamination. See **Section 5.0, Map 7.**

**Traditional Fishing Grounds**

Commercial Fishing Areas - All the waters of Narragansett Bay, Mount Hope Bay and the Sakonnet River surrounding Portsmouth have traditionally supported some type of commercial fishing and shellfishing activities. The most prosperous commercial fishing enterprise over the

years has been the taking of menhaden to be processed into fishmeal and used as lobster trap bait. Occasional fishing for menhaden continues, but shellfishing has become the most prominent fishery in Town waters.

**Recreational Fishing Areas** - All the waters of Narragansett Bay, Mount Hope Bay and the Sakonnet River have traditionally supported recreational fishing activities from both shore and by boat. Some popular recreational fishing areas are the Stone Bridge, the Railroad Bridge, Sandy Point Beach, McCorrie Point, Musselbed Shoals and the Blue Bill Cove.

### **2.4.3 - Biological Habitats**

#### **Submerged Aquatic Vegetation**

Eelgrass (*Zostera Marina L.*) has been identified along the shoreline of Prudence Island near the T-wharf and along the northwest shoreline. A small area exists on the west side of Aquineck Island in Portsmouth north of East Passage Yachting Center.

#### **Intertidal Flats**

Small scale intertidal flats exist in several areas of Blue Bill Cove.

#### **Tidal Wetlands**

Town Pond is the only major tidal wetlands in Portsmouth. A tidally influenced open water salt pond and salt marsh area prior to the early 1950s, Town Pond was designated a dredge spoils storage area by the Army Corp of Engineers and quite dramatically filled in at that time. A major 2007-08 Army Corp rehabilitation project dredged out Town Pond and re-opened the area to tidal influence. The newly restored 23 acre salt pond is now providing habitat for coastal fish and wildlife, such as shellfish, flounder and other finfish, herons, egrets, and waterfowl, and restoring the productivity and ecological value of the area.

### **2.4.4 - Shoreline Access Points**

There are more than 70 rights-of-way to the shore in Portsmouth including 17 designated by CRMC. The general locations of these variously-used ROW's can be found on **Section 5.0, Map 5**. A completed database listing of detailed information regarding these important access points can be found in **Appendix 4**. See **Section 3.1** below for a more thorough discussion of the topic.

## ***2.5 - Future Growth Projections***

The Town of Portsmouth is a community rapidly gaining recognition as a commuter location to cities as far away as Boston. With a long tradition of waterfront-related activities, and some undeveloped interior land, Portsmouth is seen as a community that can support growth in the future. It is an easy drive to the beaches of Newport and south coastal Massachusetts as well as Cape Cod. It is close to the industrial community of Fall River, and is only a 30 minute drive from Providence.

The regional planning entity, The Aquidneck Island Planning Commission, in their multi-year West Side Master Plan, identifies four trends that will characterize future shoreline development in Portsmouth.

- A slow, stable population count;
- Smaller household size, more households;
- Rising income, older population;
- Conversion of seasonal homes, changes in community character.

US Census data indicates a population growth of approximately 1.4 percent for the decade 2000-2010, and a projected growth of only 3.7% percent for 2-decade period of 2010-2030. This contrasts with pre-1990 growth rates of 18+ percent per decade. This leveling off of pre-1990 growth rates indicates that Portsmouth should not have the growth pressure predicted for other Rhode Island communities.

However, this slowing population growth rate is accompanied by the trend toward smaller households. Smaller households do not necessarily mean fewer households. Simply put, this slow-growing population is occupying more homes, apartments, and condominiums than ever before. Portsmouth continues to see demand for high-end housing for second homes, retirees, commuters to the Boston job market, and seasonal residents.

The third trend identified above, an older wealthier Portsmouth population, is demanding larger, more expensive homes. This trend also indicates a potential for higher participation in waterborne or water-related activities. It can be expected that there will be an increased demand for boat ramps, moorings, and general waterfront access including parking.

### **3.0 - ISSUES, POLICIES, AND RECOMMENDED ACTIONS**

Consistent with CRMC regulations and guidelines, the Portsmouth Harbor Commission has identified and updated a number of current issues of concern to the citizens of the Town of Portsmouth regarding Portsmouth's harbors and waters. Using public input techniques such as a community survey, public workshops and technical advisory input from Town officials, the Harbor Commission has identified the following issues to be addressed in this updated Portsmouth Harbor Management Plan:

- Public Access to the Shore – CRMC required
- Water Quality – CRMC required
- Mooring Management – CRMC required
- Storm Preparedness – CRMC required
- Parking
- Commercial Fishing
- Fairways
- Jurisdictional Coordination
- Boating Safety
- The Portsmouth Harbor Commission
- The Mooring Appeals Committee
- Harbor Management Financing

Note: CRMC requires the first four issues to be identified and addressed within all municipal harbor management plans. Plan requirements for each of these four issues are listed below in each applicable section.

Addressing each of these issues in turn and keeping public input squarely in mind, the Harbor Commission developed appropriate policies and a list of recommended actions to implement each policy. All action items are compiled and prioritized in Section 4.0, Plan Implementation.

### ***3.1 - PUBLIC ACCESS***

#### **Plan Requirements:**

Harbor Management Plans shall include public access provisions that:

- (a) Inventory and catalogue the condition of all CRMC designated rights-of-way in the community, and identify potential rights-of-way for designation by the CRMC;
- (b) Establish goals, policies and recommended actions designed to preserve, protect and enhance the existing public rights-of-way to the tidal waters of the town;
- (c) Design a maintenance program to be implemented by the community to improve and maintain all municipally owned rights-of-way;
- (d) Develop a prioritized list of CRMC designated rights-of-way that are municipally owned which could be improved by either public or private entities and identify appropriate site improvements required.

#### **Background:**

Public access to the shore is guaranteed under provisions of the Rhode Island Constitution, Article I, Section 17, which provides for basic rights in relation to the shore. The Article states that:

"The people shall continue to enjoy and freely exercise all the rights of fishing and privileges of the shore, to which they have been heretofore entitled under the charter and usages of the 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..."

At a minimum, the area below the Mean High Water (MHW) line is open to public access. Public access to the shore is guaranteed in order that the citizens of the state have access to the shore and waters in general, and are not prevented from reaching the waters during periods of low tide. In Rhode Island, the state holds all water, land, and submerged lands below the mean high

water mark in trust for the public. The Coastal Resources Management Council has been authorized by the state legislature to manage this public resource. In Rhode Island, public access to the shore is provided by designated rights-of-way which are the primary physical means by which the public reaches the shoreline and water areas.

Public Access is a general term used to describe the way the public legally reaches and enjoys the coastal areas and shoreline of the State which are held in public trust. Public access includes:

**Physical access:** the ability to reach the shoreline from upland areas via perpendicular access points such as rights-of-way, boat launching ramps, and fishing piers; and the ability to pass and repass horizontally along the shoreline as guaranteed by the Rhode Island State Constitution.

Visual access: the provision of unobstructed views of the coast and shoreline areas. Examples of visual access include; viewing platforms, observatories, scenic drives, and innovative architectural designs that provide unobstructed views.

**Interpretive access:** the provision of signage, plaques, etc., or the use of innovative techniques which serve to educate the public about the historical, ecological, or cultural significance of a site or the industrial/commercial utilization of public trust resources. Interpretive access may also include other methods which impart a sense of public ownership and understanding of public trust resources.

**Issues:**

Concern exists for the preservation and expansion of public access to the shore. Major concerns identified by the Commission are (1) traditional public access to long sections of the Narragansett Bay shoreline are being displaced by commercial and residential development, (2) existing public access points throughout the Town are slowly being encroached upon and taken over by adjacent private property owners and (3) misuse of rights-of-way is on the increase. With regard to the first concern, current and future development on the west side of Aquidneck Island is giving rise to concern that adequate public access will be overlooked in the planning and permitting of these waterfront development sites. Secondly, the Town has seen encroachment of several existing public access sites that are not properly maintained and/or marked, and thus have been taken over by adjacent property owners. Lastly, misuse of public

rights-of-way in the form of trash, noise, parking issues, and overnight use has called for increased enforcement and the development of new schemes for protection of not only the rights-of-ways themselves but adjacent property owners.

**Policy:**

The Town of Portsmouth recognizes public access to the shore is guaranteed under provisions of the Rhode Island State Constitution and is vital to the social and economic well-being of its citizens. It is the policy of the Town of Portsmouth to be steadfast in its land development review procedures with regard to public access to the shore, to maintain an aggressive approach to keeping existing public access points open, clean and safe for the public, and to expand its efforts to identify and develop new access points to the shore for the benefit of its citizens.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission, on behalf of the Town, will:

**PA-1:** Maintain a map and database list of shoreline access points in the Town of Portsmouth, available in the Town Clerk's Office, the Town Library and on Prudence Island at the Prudence Island Improvement Association.

**PA-2:** Develop a program whereby all shoreline access points to the shore as detailed in **Appendix 4** are inspected on an annual basis by members of the Harbor Commission. A record of any necessary safety, accessibility or maintenance work shall be forwarded to both the Portsmouth DPW Director and to CRMC by September 30 of each year. Portsmouth DPW shall perform all needed maintenance work at the DPW Director's discretion. (Note: the Town is responsible for maintenance of all CRMC-designated ROWs.)

**PA-3:** Develop and carry out an on-going program to identify potential new shoreline access points for official CRMC Right-of-Way designation and be the lead agency in driving the application process forward on behalf of the Town. At minimum, municipal "paper" roads, dedicated easements and drainage outfalls at the shore should be investigated for this purpose.

**PA-4:** Work with the Portsmouth Planning Department to identify State, Federal or private grant opportunities to upgrade, improve and maintain public shoreline access points in Portsmouth.

**PA-5:** Work with the Town Administrator to identify opportunities to acquire private land and/or development rights along the waterfront for the purpose of increasing public access.

**PA-6:** Work with the Portsmouth Planning Department to perform a comprehensive review of the Portsmouth Zoning Ordinance and Subdivision Regulations in order to ensure that, to the greatest possible extent, adequate and legally defensible public access to the shoreline is incorporated into any and all future waterfront development.

**PA-7:** Work with the town administration to encourage the existing marina operators of Aquidneck Island to provide transient dockage space and dinghy storage for Prudence and Hog Island residents as a public service to the community.

**PA-8:** Coordinate with the Town Council, RIDEM, and RIDOT to establish jurisdictions and regulations to enable Stone Bridge to be used as an officially recognized public amenity.

### ***3.2 - WATER QUALITY***

#### **Plan Requirements:**

Harbor management plans shall include water quality provisions that:

(a) Develop programs for minimizing the introduction of pollutants, such as harmful cleaners and solvents and anti-fouling paints, into tidal waters of the municipality from recreational boats and shoreside activities;

(b) Ensure sufficient facilities exist for the safe and sanitary disposal of organic vessel-generated waste. This should be accomplished by having a comprehensive marina pumpout installation and maintenance plan that takes into account docked and moored vessels;

(c) Develop programs to provide for the disposal of waste oil, plastics, trash, paint, varnish, and other inorganic materials at municipal facilities convenient to recreational boaters; and

(d) Encourage operation and maintenance measures for marinas;

(e) Where significant shallow-water habitat is identified, restrict boating activities as necessary to decrease turbidity and physical destruction of such habitat.

**Issue:**

In public discussion, water quality in Narragansett Bay, Mount Hope Bay, the Sakonnet River and the adjoining tidal areas within the Town of Portsmouth is a frequently mentioned concern by many Portsmouth residents. When asked, many consider it the most important long-term problem that we face as a community. It is widely recognized that beach users and boaters of all types are dependent on good water quality for their well-being. For many years the residents of Portsmouth have been aware of the impacts of non-point source pollution, including the permanent closure of two large shellfish beds (see **Map 7**) and have been taking steps in coordination with RIDEM to reduce pollution in storm drain discharges in order to reopen these shellfish bed in the future.

**Applicable State Laws / Harbormaster Authority:**

**§ 46-12-39 Discharge of sewage from boats.** – (a) It shall be unlawful to discharge any sewage from a boat into the waters of the state unless discharged via a marine toilet which is either a marine sanitation device-type I, or a marine sanitation device-type II, in proper working condition.

(b) It shall be unlawful to discharge any sewage from a boat into the waters of the state in an area which has been declared to be a no discharge zone.

(c) It shall be unlawful to operate or moor in the waters of the state, a boat which is equipped with a marine toilet which is not a type approved pursuant to the Clean Water Act, 33 U.S.C. § 1251 et seq., and that is in proper working condition.

(d) It shall be unlawful to operate or moor in the waters of the state in an area declared to be a no discharge zone, a boat which is equipped with a marine toilet which is not properly sealed to prevent discharge of sewage into the water.

(e) No discharge zones shall be identified by the Rhode Island Department of Environmental Management. DEM shall utilize criteria established under the Federal Water Pollution Control Act of 1972 (Water Quality Act), 33 U.S.C. § 1251 et seq., and 40 CFR 140.4 in identifying such areas, and shall be the sole agency of the state in seeking federal designation of such areas; it shall seek the advice and comment of the Coastal Resources Management Council (CRMC). Municipalities of the state may nominate areas for designation as no discharge zones only as an element of a Harbor Management Plan (HMP) approved by the CRMC in accordance with established regulation.

**§ 46-12-22 Access of enforcement officers to premises.** – The Attorney General, the director of DEM, and their agents, while in the performance of their duties, may at all reasonable times enter any premises, buildings, plant, or equipment, or other places belonging to, or controlled by, any person who is believed to be discharging to the waters or who is believed to be discharging to a publicly owned treatment works, and inspect the same or any part thereof, have access to and copy any records required to be maintained, inspect any monitoring equipment or monitoring method which is required, and have access to and sample any discharges. Any person obstructing, hindering, or in any way causing to be obstructed or hindered the Director of DEM, the Attorney General, or any of their agents in the performance of his or her duties, or who shall refuse to permit the director, the attorney general, or any of their agents entrance into any premises, buildings, plant, or equipment, or other places belonging to or controlled by the person, in the performance of his or her duties as such, shall be subject to the civil and criminal penalties set forth in §§ 46-12-13 and 46-12-14.

**§ 46-12-41 Enforcement.** – (a) The Department of Environmental Management, Harbormasters, assistant harbormasters, police officers authorized to make arrests, and employees of the Department of Environmental Management authorized to enforce the provisions of Chapter 22 of this Title shall have the authority to enforce the provisions of § 46-12-39 and § 46-12-39.1. In the exercise of enforcing the provisions of § 46-12-39 they shall have the authority to stop and board any vessel subject to this Chapter.

(b) Harbormasters and assistant harbormasters are authorized to make periodic color dye flush tests of boats subject to § 46-12-39.1, and may check such boats moored in their jurisdictions for no discharge certificate decals, as required pursuant to § 46-12-39.1.

(c) Municipalities of the state may deny a mooring permit to any boat not in compliance with § 46-12-39.1.

**Water Quality Certification Issues:**

Newly proposed mooring fields for this HMP have significantly reduced the mooring field areas in SA class waters. Prior this, the entire coastline of Portsmouth was designated as various mooring fields, rather than the discreet and separate mooring fields described herein. Mooring field surface area in SA waters adjacent to Aquidneck Island have been reduced approximately 40%. As of 2018, a total of 561 moorings are located in SA waters. The moorings in SA waters will now be contained within the following mooring fields: A – G, BBC-1 & BBC-2, HI, J – M, EPI & WPI, and OPC.

**No Grey Water Discharge in Town Designated Mooring Fields:**

In reviewing this HMP for Water Quality Certification, the Rhode Island Department of Environmental Management has identified a conflict between the designated use of shellfish harvesting for human consumption in SA waters and the activity of grey water discharge from boats in designated mooring fields in these same waters. The issue of concern is the potential health impacts on the safe consumption of shellfish from these waters due to grey water and illegal sewage discharges from vessels. Grey water contains significant levels of bacteria (and perhaps phosphates) and very few boats have the ability to collect grey water. Shellfish harvesting (including permitted aquaculture activity) must be restricted during the boating season and water quality classification must be downgraded from SA to SAb as a result. Note: Inner Potters Cove is designated SAb waters and is subject to seasonal closure. Downgrading existing SA waters to SAb in order to permit a mooring field expected to result in overnight use requires a use attainability analysis and must be approved by Federal EPA. The standards established in the Clean Water Act for EPA approval are very stringent and such a request would likely be unsuccessful.

DEM has identified Blue Bill Cove as an area of concern where the Town has proposed mooring fields in SA waters that have the potential for grey water discharge impacts, so-called “destination mooring fields.” Proposed mooring fields in Blue Bill Cove are designated as BBC-1

and BBC-2. All other mooring fields proposed in SA waters by the Town (see **Section 2.3.3**), so-called “parking lot” mooring fields, were found acceptable by DEM as it was concluded there was low potential for grey water discharge. DEM also concluded riparian moorings in all the Town’s waters would fall into the “parking lot” category as overnight activity occurs at the residence rather than on the moored vessel out front.

In order to maintain Water Quality Certification for this HMP and to ensure there are no adverse effects on water quality in certain designated SA waters under Portsmouth’s jurisdiction, the Town will establish and enforce a no grey water discharge from boats whose owners hold mooring permits for mooring fields BBC-1 and BBC-2 in Blue Bill Cove. As a result, mooring fields BBC-1 and BBC-2, although expected to result in overnight use, can be established in SA waters.

**Discussion of Pump-out facility to Boat Ratio:**

Portsmouth has 810 registered moorings and 944 slips in marinas for a total of 1754 boats. Table 2 in Section 2.3.1 shows four land based pump-out facilities in Portsmouth, one in Tiverton, one in Bristol and two mobile pump-outs based in Bristol. Because Portsmouth is comprised of several islands (Aquidneck, Prudence, Patience, Hope, Hog, Dyer, Gould) it has the most coastline of any town in Rhode Island. Portsmouth waters border many towns, including Tiverton, Middletown, Bristol and East Greenwich. Many of the inhabitants of the islands of Prudence and Hog often travel by boat primarily to other towns such as Bristol because of the close proximity of marine facilities and infrastructure. Because of the sprawling nature of the Portsmouth coastline and wide distribution of moorings, Portsmouth boaters do not only use pump-outs in Portsmouth, but often use closer and more convenient pump-outs in other towns.

**Policies:**

The Town of Portsmouth recognizes the unique and precious resources inherent in the quality of its coastal waters and is committed to regulating all boating and waterfront development activities with the overall goal of maintaining high water quality standards for the health and well-being of its citizens.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission, on behalf of the Town, will:

**WQ-1:** Support the adoption of the State-mandated Phase II Storm Water Management Plan and Portsmouth Storm Water Discharge Control Ordinance and assist in their implementation where possible.

**WQ-2:** Support the implementation of the 2015 On-Site Wastewater Management Plan, the amended Wastewater Management District Ordinance and the State's 2007 Cesspool Phase-out Act where possible.

**WQ-3:** Work with the Portsmouth Planning Department to perform a comprehensive review of the Portsmouth Zoning Ordinance and Subdivision Regulations to ensure that, to the greatest possible extent, any and all future shoreline development will not degrade existing coastal water quality, will not adversely affect the circulation and flushing patterns of tidal waters, or diminish the value of the tidal waters and shoreline features for use as habitat by fish, shellfish, wildlife and wildfowl.

**WQ-4:** Develop a map and database of marine wastewater pumpout facilities in the Town of Portsmouth, available in the Town Clerk's office. Produce a handout for boaters that describe pumpout rules and regulations and the locations of all pumpout facilities in the Town of Portsmouth. This handout should outline RIDEM's "no-discharge" policies and Rhode Island Resource Recovery's inorganic hazardous waste programs as well.

**WQ-5:** Work with the RIDEM and CRMC to develop a comprehensive marine wastewater pumpout installation and operation and maintenance plan for current and future marinas in the Town of Portsmouth. This plan should not only account for vessels docked in our local marinas, but promote the presence of mobile pumpout vessels to service moored vessels as well.

**WQ-6:** In coordination with recommended actions MM-5 and MM-6, identify any significant shallow-water marine habitats and amend the Harbormaster Ordinance to restrict boating activities as necessary to decrease water turbidity and physical destruction of such habitats.

**WQ-7:** Inventory local marina operators with regard to their provisions for the disposal the disposal of waste oil, plastics, trash, paint, varnish, and other inorganic materials and encourage them to take advantage of CRMC's Operations and Maintenance Certification Program which can reduce their CRMC regulatory requirements.

**WQ-8:** Develop a policy to track boats equipped with Marine Sanitation Devices (MSDS) in Portsmouth. Investigate possibility of adding a question to the mooring permit application.

**WQ-9:** Assess mooring fields in SA waters each year to confirm that the use of moorings is consistent with policy that mooring fields in SA waters have little potential for overnight use or grey water discharge.

**WQ-10:** Monitor the mooring permit process and mooring database for compliance with regulations prohibiting the discharge of grey water by boats whose owners hold mooring permits in mooring fields BBC-1 and BBC-2.

**WQ-11:** Recommend the Harbormaster Ordinance be amended to restrict boats and boating activity from areas where critical shallow water habitats are located.

**Special Water Quality Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth in the designated special areas of water quality concern, the Harbor Commission, on behalf of the Town, will:

**SA waters located between OPC and IPC (i.e. the Potters Cove Wedge (PCW))**

**WQ-PCW-1:** Adjust mooring field boundaries to remove this area from both the Inner Potter's Cove mooring field and the Outer Potter's Cove mooring field. The Wedge area will not be part of a Town-designated mooring field. See detailed mooring maps in **Section 2.3.3**.

**WQ-PCW-2:** Work with the Harbormaster to move all non-riparian moorings in this area to a designated mooring field in a phased approach based on the permit renewal registration cycle. Recognizing this removal of non-riparian moorings will be accomplished over time, all non-

riparian mooring holders temporarily remaining in this area will immediately be notified by direct mail that there is to be no overnight use of their moored vessel.

**WQ-PCW-3:** Recommend the Harbormaster Ordinance be amended to include provisions for water quality violations, including fines and/or other legal proceedings.

### **Outer Potter's Cove (OPC)**

**WQ-OPC-1:** Adjust the mooring field boundaries to coincide with the detailed mooring maps in **Section 2.3.3.**

### **Blue Bill Cove (BBC)**

**WQ-BBC-1:** Establish new mooring field boundaries, BBC1 & BBC2. See detailed mooring maps in **Section 2.3.3.**

**WQ-BBC-2:** Immediately notify by direct mail all existing non-riparian mooring holders in mooring fields BBC-1 and BBC-2 that in order to renew their mooring permits, their vessel will have to be refitted to capture all grey water discharge and the vessel must be inspected by the Portsmouth Harbormaster or his/her designee to certify such modification has been made.

**WQ-BBC-3:** Modify the mooring permit application for mooring fields BBC-1 and BBC-2 to include a contractual statement that grey water discharge is prohibited within these mooring fields and for a valid permit to be issued all vessels will have to be refitted to capture all grey water discharge and the vessel must be inspected by the Portsmouth Harbormaster or his/her designee to certify such modification has been made.

**WQ-BBC-4:** Recommend the Harbormaster Ordinance be amended to include provisions for Boat standards violations, including fines and/or other legal proceedings.

## ***3.3 - MOORINGS MANAGEMENT***

### **Plan Requirements:**

Harbor management plans shall include mooring management provisions that:

(a). Develop a resident-to-non-resident mooring allocation policy of no greater than three resident mooring permits to one non-resident mooring permit (3:1), unless the mooring field is within a federal navigation project, then mooring allocations shall meet the Army Corps of Engineers requirement of "open to all on a fair and equitable basis";

(b) Include the locations of all mooring areas. Coordinates of at least the corner points of each mooring field must be recorded using the Rhode Island State Plane Coordinate System (RISPCS) of 1983 as defined above. A chart or map stamped and signed by a registered professional engineer, land surveyor, or architect showing the detailed features of all mooring areas shall be submitted to CRMC on a site plan at a scale of 1"= 40' or larger. Navigational channels, fairways and any pertinent set back limits must be shown and keyed to the RISPCS grid. In addition, the following data must be provided for all mooring areas:

- Mooring areas must be shown on a map with each area's respective coordinates.
- The total area of each mooring area using acres, square feet, or square meters; and
- Estimated yearly boat count of vessels greater than 25 feet in length.

(c) Moor all vessels within designated mooring areas, except for riparian moorings. Moorings assigned to riparian property owners will not be included in the total mooring count for designated mooring areas;

(d) 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. Mooring areas shall be set back at least three times the U.S. Army Corps of Engineers' authorized project depth from federal navigation projects (e.g., navigation channels and anchorage areas);

(e) Ensure mooring areas and/or moorings dedicated to private commercial uses are not sited in federally maintained project areas;

(f) Ensure that tides and currents aid in the flushing of all new and significantly expanding mooring areas;

(g) Ensure that all new and significantly expanding mooring areas do not cause significant adverse effects on water quality;

(h) Prohibit swimming and water-skiing in all designated channels, fairways, and mooring areas;

(i) Establish procedures for the administration and allocation of mooring spaces by implementing a permit system for use by all commercial and private mooring holders. Boat owners desiring a mooring shall be required to obtain a permit from the appropriate authority. In the event that all available mooring areas are filled, a waiting list for mooring permit applicants shall be developed by the municipality. The permit system, application process, and waiting list procedures shall be detailed in the Harbor Ordinance section of the harbor management plan.

(j) Do not site mooring areas 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;

(k) Do not site mooring areas where they may cause significant adverse effects on fish and shell fish resources, wetlands, submerged aquatic vegetation, or other important aquatic habitat areas; and

(l) Ensure that mooring fields are serviced by adequate and accessible marine pumpout facilities and dump stations which are maintained in operational condition.

**Issue:**

Portsmouth has a large and varied shoreline and it is well understood that issues in Blue Bill cove or Potters cove are very different from those in the Sakonnet River, East Passage or Mount Hope Bay. Similarly, the needs of the residents of Prudence Island and Hog Island are unique and require special attention. It is clear, specific policies must be implemented for each area and a one-size-fits-all strategy will not work.

Concern exists for the determination of the appropriate location and numbers of moorings to be allowed within Portsmouth coastal waters and the overall impact of the increasing numbers of recreational boats in general. Specific issues of concern are:

- Growth and marina development on the west side of Aquidneck Island;
- Managing the expansion of mooring areas to accommodate the boating public, keeping in mind possible adverse water quality impacts caused by such expansion;
- The density of moorings in Potters Cove on Prudence Island;
- Long and short-term anchoring in Blue Bill cove;
- Grey water discharge from boats moored within Blue Bill Cove;
- Number and density of moorings in a mooring field as related to shoreside access and parking;
- The costs and time required to administer the mooring permitting and enforcement process;
- The validity of CRMC's 3:1 resident to non-resident mooring allocation regulation given the unique character of Prudence Island;
- The need for more sheltered moorings in Potters Cove for full-time Prudence Island residents;
- Determining an appropriate and fair mooring fee schedule;
- Prudence Island and Hog Island issues:
- Fee schedule for guest moorings for Prudence Island and Hog Island residents;
- Multiple residents at one address with multiple moorings.

**Policy:**

The Town of Portsmouth recognizes the social and economic benefits of the mooring of private and commercial vessels in its waters. It is the policy of the Town of Portsmouth to manage its mooring areas and boating activities consistent with the CRMC guidelines listed above, water quality goals inherent in the RIDEM Water Quality Classification system and in a manner which promotes the safety and economic well-being of its citizens.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission, on behalf of the Town, will:

**MM-1:** Maintain a current map and database of moorings by type and by mooring field within the Town of Portsmouth's waters, available in the Town Clerk's office.

**MM-2:** Coordinate with the Portsmouth Harbormaster to ensure that a mooring census is submitted to CRMC on an annual basis on or before June 30 of each year;

**MM-3:** Coordinate with the Town Finance Office and the Town Administrator in March of each year to provide the Town Council with an annual revision of the mooring fee schedule based on last boating season's revenue and mooring management costs and on the next boating season's projected maintenance and improvement costs;

**MM-4:** Working with the Portsmouth Planning Department and the Portsmouth Harbormaster, undertake a complete review of the current Harbormaster Ordinance (2001) and propose amendments for its update and revision in order to ensure consistency with all CRMC mooring management requirements and policies, all RIDEM water quality goals and the provisions of this plan. Amendments shall include provisions for the enforcement, including fines and/or other legal proceedings.

**MM-5:** Undertake a complete review of mooring field placement in the Town of Portsmouth to ensure consistency with CRMC policies and guidelines and RIDEM water quality goals and to ensure each mooring field has adequate public access from public property;

**MM-6:** Working with the Portsmouth Harbormaster, undertake an inspection of all fairways listed in Section 2.1.6 above to confirm proper alignment, depth, and markings. Make recommendations to the Portsmouth Town Council if any deficiencies are noted.

**MM-7:** Recognizing the unique character and challenges of the area, work with the Portsmouth Town Council, CRMC and RIDEM to develop and implement a Special Harbor Management Plan for Potters Cove on Prudence Island;

**MM-8:** Work with the Portsmouth Harbormaster to implement an inspection program to certify that vessels whose owners hold or wish to hold permits for moorings in mooring fields BBC-1 and BBC-2 in Blue Bill Cove are refitted to capture all grey water discharge.

### ***3.4 - STORM PREPAREDNESS***

#### **Plan Requirements:**

Harbor management plans shall include storm preparedness provisions that:

- (a) Assess the type and degree of risk that harbor and shoreline users face from natural hazards;
- (b) Develop strategies that prepare for, respond to, and recover from natural disasters;
- (c) Identify long term mitigation projects that will reduce damage from natural disasters; and
- (d) Describe specific steps for coordinated implementation.

#### **Issue:**

With increased boating activity in Portsmouth's waters comes increased concern that these boating activities are vulnerable to storm damage from hurricanes, tropical storms, and nor'easters. While past practices in preparing for and responding to such natural hazards have served the community well in times of crisis, there is a strong need to develop a more coordinated strategy. The Harbor Commission, in coordination with the Town Planning Department, the local EMA Director, and the Portsmouth Harbormaster has developed a draft Harbor Hazard Mitigation Plan (see **Appendix 7**) as an element of the Harbor Management Plan and will work with these entities to refine and implement the element as needed.

#### **Policy:**

It is the policy of the Town of Portsmouth to maintain an ongoing, coordinated effort involving the Town's citizens and local and State emergency management officials to anticipate, prepare for and respond to storm events damaging to life and property along the shoreline and in the waters of Portsmouth.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Town will:

**SP-1:** Adopt a Harbor Hazard Mitigation Plan (See **Appendix 7**) as an element of the Harbor Management Plan and direct the Harbor Commission to coordinate with the Portsmouth Harbormaster and the Portsmouth Emergency Management Director to update the element as needed.

**SP-2:** Direct all parties and departments named in the implementation section of the Harbor Hazard Mitigation element of the Harbor Management Plan to carry out their mitigation projects in a timely fashion and report to the Harbor Commission as needed.

### ***3.5 - PUBLIC PARKING***

**Issue:**

Many of the more than 50 public right-of-ways to the shore in Portsmouth, including many of the 17 CRMC-designated ROW's, have little or no public parking associated with them. Parking is generally on nearby streets or private property and often raises the concern of the neighbors. The issue needs to be investigated in order to achieve a better balance between the property rights of the surrounding home-owners and the free use of public rights of way to the shore.

**Policy:**

It is the policy of the Town of Portsmouth that every reasonable effort shall be made to provide adequate vehicle parking at all State and locally-designated public rights-of-way in the Town, where possible.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission, on behalf of the Town, will:

**PP-1:** Coincident with recommended action PA-2 in Section 3.1 above, members of the Harbor Commission will investigate and make recommendation to the Portsmouth DPW and/or the Portsmouth Town Council of any opportunities to expand the availability of off-street parking in the vicinity of any and all public rights-of-way in Town.

### ***3.6 - COMMERCIAL FISHING***

**Issue:**

Development of water enhanced uses such as private marinas on the west side of Portsmouth is causing concern for the preservation of facilities to support commercial fishing. In addition, a specific issue exists off the shores of Prudence Island between Sand Point and Homestead where the high density of divers fishing for shellfish block resident's access to moorings.

**Policy:**

It is the policy of the town of Portsmouth to preserve commercial fishing as a viable, traditional economic activity that is a valuable water-dependent use within the town. The town shall support water dependent uses over water enhanced uses when considering waterfront user conflicts.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission, on behalf of the Town, will:

**CF-1:** Study the possibilities of obtaining federal or state funds for the acquisition of land to provide adequate shoreside facilities, such as launching ramps, for the commercial fishing industry in the town.

**CF-2:** Encourage the installation of a floating pier at Stone Bridge alongside the boat ramp to reduce trespassing at the adjacent marina and to assist commercial fisherman access.

**CF-3:** Carefully monitor shellfishing conducted by divers off of Prudence Island between Sand Point and Homestead. Diving should be conducted there with due regard for boat traffic and shall not cause a hazard to navigation. Divers must be aware of boats requiring access to the moorings.

### ***3.7 - FAIRWAYS***

**Issue:**

Due to the multi-use nature of the waters of the Town of Portsmouth, and particularly as a result of the increasing congestion of boating activities of all types in the Basin, there is a significant demand for the town to establish and designate local navigation fairways to help protect the safety of the citizens and visitors to the town and their personal property.

**Policy:**

It is the policy of the Town of Portsmouth that safe and well-marked navigation fairways for vessel ingress and egress to the docks, moorings and launch ramps of Portsmouth shall be provided. See **Section 2.1.6**.

**Recommended Actions:**

See recommended action **MM-1** in Section 3.3 above.

### ***3.8 - JURISDICTIONAL COORDINATION***

**Issue:**

Due the increased activity in the waters of the Sakonnet River and Mount Hope Bay, the careful attention and coordination of the Harbormasters of Portsmouth, Bristol and Tiverton, as well as RIDEM Department of Fish and Wildlife, is necessary in order to ensure the safety of the public in areas where jurisdiction may, at times, be confusing.

**Policies:**

It is the policy of the Town of Portsmouth to work cooperatively with State agencies and neighboring communities to ensure the on and off the water safety and well-being of its citizens.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth:

**JC-1:** The Portsmouth Harbormaster will convene a workshop/seminar of the Portsmouth, Bristol, and Tiverton Harbormasters, representatives of RIDEM Department of Fish and Wildlife,

and emergency managers from all three communities to coordinate and discuss issues of mutual interest.

**JC-2:** The Harbor Commission will make available one each ex-officio, non-voting membership on the Commission to representatives of Bristol and Tiverton, RIDEM, and the US Navy; and endeavor to secure like positions on equivalent boards of each of these entities.

### ***3.9 - BOATING SAFETY***

**Issue:**

The congestion of boats in the Basin, the increasing number of water-skiers and jet skiers in the Cove and the increasing diversity of uses occurring on the waters of Portsmouth, requires a more intense commitment on the part of the Portsmouth Harbormaster to ensure the safety of both the commercial and recreational boating public.

**Policy:**

It is the policy of the Town of Portsmouth to ensure that a safe boating environment exists for all citizens and visitors to the waters of our Town.

**Recommended Actions:**

In order to implement the above stated policy on behalf of the citizens of Portsmouth, the Harbor Commission and the Portsmouth Harbormaster, on behalf of the Town, will:

**BS-1:** Work to develop a safe boating program for the citizens of Portsmouth. This program should include, but not be limited to, printed handout materials, public workshops, and on-the-water instruction in boating safety and emergency response techniques.

**BS-2:** In conjunction with recommended action MM-6 in Section 3.3 above, the Portsmouth Harbormaster will inspect and make sure all fairways, public swimming areas, and all no-wake zones in the Town's waters are properly identified with marking buoys.

### ***3.10 - PORTSMOUTH HARBOR COMMISSION***

**Issue:**

A CRMC requirement that the Town updates its 1993 Harbor Management Plan, recent intensifying waterfront issues, and increased demand for moorings requires a re-activation of the long-dormant Portsmouth Coastal Commission with a new name, new members and a new mission. A new Portsmouth Harbor Commission can provide a resource to the Town in implementing the updated Harbor Management Plan and to the Harbormaster in updating and implementing a revised Harbormaster Ordinance.

**Policy:**

It is the policy of the Town of Portsmouth to maintain an active citizen-staffed Harbor Commission to implement the Portsmouth Harbor Management Plan, to advise the Town Council on waterfront and coastal waters issues within the Town.

**Recommended Actions:**

In order to implement the above stated policy, the Town will:

**PHC-1:** Establish a permanent Portsmouth Harbor Commission, the body of which shall consist of 9 to 12 members of staggered terms, appointed by the Town Council after qualification review.

**PHC-2:** Task the Harbor Commission with updating the Portsmouth Harbor Management Plan for CRMC and Town Council approval and the on-going implementation of said plan.

**PHC-3:** Task the Harbor Commission to, upon approval of the Harbor Management Plan, work with the Town Solicitor, the Town Planner and the Portsmouth Harbormaster to update and amend the Portsmouth Harbormaster Ordinance, as needed.

### ***3.11 - MOORING ASSIGNMENT APPEALS COMMITTEE***

**Issue:**

CRMC regulations require the Town of Portsmouth to amend some of its mooring policies in the updating of its Harbor Management Plan. These policy changes may cause some dispute between citizens and the Harbormaster with regard to mooring placement. The long-inactive

Mooring Assignment Appeals Committee needs to be refreshed and made ready to hear any future disputes.

**Policy:**

It is the policy of the Town of Portsmouth to have the Mooring Assignment Appeals Committee a functioning, active body whose sole purpose is to resolve mooring disputes in a timely manner.

**Recommended Actions:**

In order to implement the above stated policy, the Town will:

**MAAC-1:** Continue to maintain the Mooring Assignment Appeals Committee in its present configuration. Conduct an update of the committee by-laws and procedures.

### ***3.12 - HARBOR MANAGEMENT FINANCING***

**Issue:**

For many years Portsmouth has designated a Portsmouth Police officer to server double duty as the Portsmouth Harbormaster. All budgetary burdens of the Harbormaster's office were maintained as part of the police budget. When there was less activity on the waters of the Town, this was a reasonable scenario. Conditions have changed however and the involvement of the Harbormaster in boating safety offenses, criminal offenses and social and legal issues related to the water have grown dramatically in the last few years.

**Policy:**

It is the policy of the Town of Portsmouth to provide sufficient and dedicated funding for the purposes of managing the coastal waters of the Town of Portsmouth and the activities of the Portsmouth Harbormasters office.

**Recommended Actions:**

In order to implement the above stated policy, the Town will:

**HMF-1:** Amend the Portsmouth Harbormaster Ordinance to create a Harbor Management Fund for the purpose of receiving and expending monies for harbor and coastal waters management. All revenues generated by mooring permit fees and all fines levied under authority of this ordinance shall be deposited into this fund.

**HMF-2:** Review on an annual basis the need to compensate the harbormaster and assistant harbormaster, establish term limits for all assistants and determine allocation of man power, equipment, resources and assets devoted to harbor management regulation and enforcement.

## **4.0 - PLAN IMPLEMENTATION**

See **Section 6.0 Appendix 5** for the Implementation Plan details for both the Harbor Management Plan and the Harbor Hazard Mitigation Plan.

## **5.0 - MAPS**

1. Resource Areas Map
2. DEM Water Quality Designations
3. Physical setting
4. Coastal Hazards
5. Current use Inventory
6. Portsmouth Official Zoning Map
7. Permanent Closure to Shellfishing Areas

## **6.0 - APPENDICES**

1. RIDEM Water Quality Certificate – December 17, 2018
2. RIDEM Water Quality Certification Guidance – March, 2016
3. State Plane Feet Coordinates for Mooring Field Corners
4. Shoreline Access Database
5. HMP Implementation Plan
6. Portsmouth Harbormaster Ordinance – 2001
7. Harbor Hazard Mitigation Plan
8. Portsmouth Coastal Waters Jurisdictional Boundaries – Table of Coordinates
9. R.I.G.L. §46-4-6.13 – Harbors and Harbor Lines