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Town of Westerly Harbor Management Plan 2016

Review copy for 5/17/18 Town Council special meeting



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1 INTRODUCTION

2
3 The Westerly Harbor Plan is formulated in order to regulate the Town's coastal water
4 resource uses with a long range vision for controlled growth and development of harbor
5 and shoreline areas.

6
7 The legislative authorities are from the state, including the Rhode Island Coastal
8 Resources Management Council and the Department of Environmental Management. In
9 1971 The General Assembly (RIGL 46-23) gave jurisdiction to CRMC to manage tidal
10 waters below the high tide which are held in trust for the public, including the Special
11 Area Management Plan (SAM) for the coastal ponds. The approval of municipal Harbor
12 Management regulations and plans is stated under Section 300.15 of CRMC.

13
14 The Department of Environmental Management (DEM) has primary responsibility for
15 implementing requirements of the Federal Clean Water Act, to protect and improve water
16 quality standards.

17
18 The DEM Division of Fish and Wildlife manages fin and shell fisheries within the state
19 for propagation, transplanting and protecting shellfish.

20
21 Chapter 4 of Title 46 of the General Laws of Rhode Island (Harbors and Harborlines)
22 grants certain regulations by municipalities for public waters in their jurisdiction.

23
24 Activities can be controlled by Ordinance and an appointed Harbormaster.

25
26 Federal authority comes from the U.S. Army Corps of Engineers, requiring permits for all
27 work subject to the ebb and flow of the tide, and regulation of navigation.

28
29 The role of the Harbor Management Plan (HMP) is to gather information, decide on
30 issues, and implement the Ordinance. Required elements as per CRMC are:

- 31
32 1. Public Access
33 2. Water Quality
34 3. Mooring Management
35 4. Storm Preparedness
36 5. Any additional issues that a municipality wishes to address may also be
37 included in the HMP.

38
39 The Plan must coordinate with the Comprehensive Plan (landside plan) of Westerly, and
40 be approved by the Westerly Town Council and Coastal Resources Management Council.

41
42 Success for the Plan should also include cooperation with the Pawcatuck, Connecticut
43 Harbor Plan for the river which is now in progress.

1 WESTERLY HMC MISSION STATEMENT

2
3 Three bodies of water act as boundaries to Westerly's coastal areas: the Pawcatuck River,
4 which separates Westerly, Rhode Island from Pawcatuck, Connecticut; the Atlantic
5 Ocean, which forms Westerly's shoreline boundary to the south and west; and
6 Quonochontaug Pond to the east, shared by the Town of Westerly and the Town of
7 Charlestown. There are also several salt ponds within Westerly's boundaries. All of these
8 bodies of water define and accent the overall character of Westerly and are sought after
9 as destinations by scores of visitors during the summer months.

10
11 The Westerly Harbor Management Planning Committee has been tasked with creating
12 a Harbor Management Plan for these significant town resources. This plan must meet the
13 acceptance criteria mandated by the Rhode Island Coastal Resources Management
14 Council (CRMC) as it will become a state-approved Harbor Management Plan. The plan
15 intends:

- 16
17 1. To encourage the responsible use of all of Westerly's waters and shoreline
18 resources.
19 2. To provide for management and balance in the equitable distribution of
20 commercial, transient and private moorings.
21 3. To preserve, maintain and expand public access to the water and waterfront in
22 order to maximize the ability of residents and visitors to enjoy all coastal and
23 marine resources.
24 4. To work with appropriate agencies in order to improve water quality.
25 5. To preserve CRMC water types; to provide for recreational and commercial
26 interests while protecting open space, scenic vistas and wildlife habitats, wherever
27 practicable.
28 6. To promote boating safety by monitoring and controlling speed limits, no-wake
29 zones and noise factors while designating various zone activities and intensities.
30 7. To work hand-in-hand with all marine, harbor and environmental agencies at the
31 local, state and federal levels, including coastal management programs of the
32 towns of Stonington and Charlestown.
33 8. To address storm preparedness with the Town of Westerly, in order to establish or
34 maintain policies that reduce damage from storms, especially for mooring-holders
35 and all shoreline users.
36 9. To establish management review and dispute settlement procedures—such as
37 appeals and fair-hearings—for relevant Harbor Management Committee policies
38 and practices.
39

1 PHYSICAL DESCRIPTION

2
3 Westerly is mostly surrounded by water.

4
5 Starting on the East at the Charlestown line one and one quarter miles of barrier beach
6 separate the Atlantic Ocean from Quonochontaug Pond culminating in a rocky peninsula
7 at Weekapaug. A breach way one half mile east of the Town line in Charlestown provides
8 access from the pond to the Atlantic Ocean.
9

10 From Weekapaug another five and three quarter miles of barrier beach extends all the
11 way to Watch Hill Point. A breach way at Weekapaug provides access to Winnapaug
12 pond which runs behind the Eastern half of the beach. Further west behind the beach is
13 landlocked Maschaug Pond.
14

15 From Watch Hill Point a third barrier beach runs a mile and a half to Napatree Point and
16 on its North or inshore side forms the Southern boundary of Little Narragansett Bay. The
17 waters from Watch Hill Point to Napatree and between the shore and a range of reefs
18 several hundred yards offshore are a major entrance from the ocean to Fishers Island
19 Sound and beyond it to Long Island Sound. The tides run strong in Watch Hill Passage
20 making the reef a favorite fishing spot.
21

22 Little Narragansett Bay is bounded on the West by the remnants of Sandy Point. Before
23 the 1938 hurricane Sandy Point was an extension of Napatree and ran all the way North
24 to the Connecticut shore where the Federal channel entered the Bay. Over the years the
25 breach between Napatree and Sandy Point widened, Sandy Point separated into two (as
26 shown in the picture above), then three smaller Islands and in the winter of 2007/8 the
27 two southernmost islands disappeared and now (2009) only the northernmost remains.
28

29 There is now a mile of open water between Sandy Point and Napatree. Eroding sand
30 from both ends has migrated into the Bay developing extensive shoals. A natural channel
31 lies near the Southern (Napatree) shoal. It is privately marked in the summer and
32 extensively used by small boats entering and leaving the Bay.
33

34 Little Narragansett Bay is bounded on the North by the Connecticut shore and on the East
35 by the Rhode Island shore starting at Watch Hill Cove at the South, Foster Cove, Potter
36 Cove, and Colonel Willie Cove to the North to the Pawcatuck River entrance. The tides
37 run strong in Watch Hill Passage making the reef a favorite fishing spot and a boon for
38 Westerly's commercial fishing fleet.
39
40

41 The Pawcatuck River, deriving its name from the Native American term, Paquatuck,
42 meaning "clear, open or shallow tidal river", forms part of the border between Rhode
43 Island and Connecticut. The River and its watershed span an area of 317 square miles –
44 260 in Rhode Island and 57 in Connecticut, stretches 23 miles North to South and 20
45 miles East to West and discharges 40,500 cubic feet per minute of fresh water into the
46 estuary between Westerly and Pawcatuck Connecticut.

Harbor Boundaries

For the purpose of this Harbor Management Plan, the Harbor District consists of the waters of the Atlantic Ocean and Fishers Island Sound, as measured 500 feet from the shore, all of Quonochontaug Pond East to the Charlestown town line, all of Winnapaug Pond, the Rhode Island portion of Little Narragansett Bay to the Connecticut border and the Rhode Island side of the Pawcatuck River to the head of navigation in downtown Westerly.

Water Depths

Water depths in Quonochontaug Pond are estimated to be between five and nine feet although there are holes up to sixteen. Winnapaug Pond is estimated to be three to five feet with one hole of fourteen. Water depths in Little Narragansett Bay and the Pawcatuck River are shown on NOAA chart 13214. NOAA chart 13215 illustrates the southern shoreline from Watch Hill Point to Point Judith. There are no depths recorded on this chart for Winnapaug and Quonochontaug Ponds. The Federal channel is dredged to six feet at the Bay entrance at Sandy Point, seven feet to Pawcatuck Point decreasing to 4.1 feet in downtown Westerly. The Southerly extension to Watch Hill Cove is dredged to 9 feet. The informal “Cut”, between Napatree Point and Sandy Point is generally five feet but three or four going over the bar on the Fishers Island Sound side.

Water Use Designations





Priority Uses

DEM, Division of Water Resources, has established surface water quality standards for the various harbors, inlets and waterways of the state. CRMC classifies the types of activities that can be conducted in the waters and on the adjacent lands.

DEM's four surface water quality classifications for seawater are described below:

Class 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.

Class 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.

Class 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

Class SC - These waters are designated for 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.

The DEM surface water quality standards for the tidal waters in Westerly follow:

Tidal Pawcatuck River from Route 1 highway bridge to Pawcatuck Rock: **SB1**

Tidal Pawcatuck River from Pawcatuck Rock to a line from Rhodes Point, RI to Pawcatuck Point, CT. Westerly – **SB**

Little Narragansett Bay west of a line extending from Pawcatuck Point in Connecticut to Rhodes Point in Rhode Island, excluding the area described below: **SA**

Little Narragansett Bay including Watch Hill Cove, southeast of a line from the northernmost extension of land that forms Napatree Point to the westernmost point of land on the south side of the mouth of Fosters Cove: **SA{b}**

There are six water types defined by the CRMC. These are linked to the characteristics of the shoreline, as the activities on the adjacent waterfront are the primary factors determining the quality and uses of specific water sites.

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

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

1 Type 1 areas - Napatree Point, Sandy Point, the southern coastline, and a small northeast
2 portion of Winnapaug Pond.

3
4 Priority uses include: Fishing, swimming, wildlife areas, conservation uses, and low
5 intensity recreational activities.

6
7 Type 2

8 Low Intensity Use Areas: The Council's goal is to maintain and, where possible, restore
9 the high scenic value, water quality, and natural habitat values of these areas, while
10 providing for low-intensity uses that will not detract from these values. This category
11 includes water in areas with high scenic values that support low-intensity recreational and
12 residential uses. These waters include seasonal mooring areas where good water quality
13 and fish and wildlife habitat are maintained.

14
15 Type 2 areas – Little Narragansett Bay, the Pawcatuck River up to Pier 65 Marina, The
16 majority of Winnapaug Pond and Quonochontaug Pond.

17
18 Priority uses include: Fishing, swimming, conservation areas, maintenance of existing
19 navigational channels, transient anchorage areas, residential boating facilities, launching
20 ramps.

21
22 Type 3

23 High Intensity Recreational Boating Areas: The Council's goal is to preserve, protect, and
24 where possible, enhance Type 3 areas for high-intensity boating and the services that
25 support this activity. This category includes intensely utilized water areas where
26 recreational boating activities dominate and where the adjacent shorelines are developed
27 as marinas, boatyards, and associated water-enhanced and water-dependent businesses.

28
29 Type 3 area – The Pawcatuck River from Pier 65 to the Stillman Avenue bridge is the
30 only area designated as Type 3.

31
32 Priority uses for Type 3 Waters include: public launching ramps, boatyards, marinas,

33
34 Type 4

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

40
41 Type 4 areas – The designated channel from the Connecticut border up the Pawcatuck
42 River is designated as Type 4.

43
44 Priority uses include: Recreational fishing, boating, water-dependent commercial,
45 industrial, and/or high-intensity recreational activities.

1 Type 5

2 Commercial and Recreational Harbors: The Council's goals are to maintain a balance
3 among diverse port-related activities, including recreational boating, commercial fishing,
4 restaurants, and other water-enhanced businesses; to promote the efficient use of space;
5 and to protect the scenic characteristics that make these areas valuable to tourism. These
6 waters are adjacent to waterfront areas that support a variety of tourist, recreational, and
7 commercial activities.

8
9 Type 5 areas – The only Type 5 area in the Town of Westerly is Watch Hill Cove.

10
11 Priority uses include: Berthing, mooring, servicing of recreational crafts, commercial
12 fishing vessels or ferries, water-dependent, water-enhanced commerce, maintenance of
13 navigational channels and removal of obstructions to navigation.

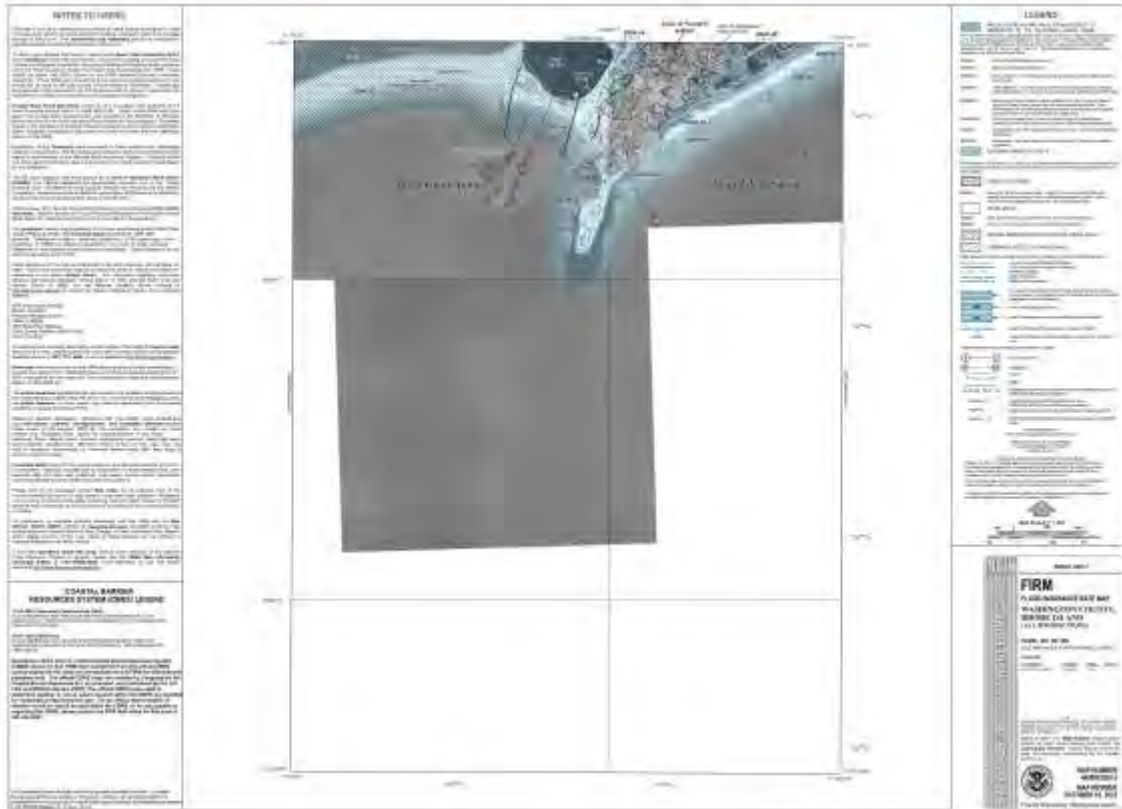
14
15 Type 6

16 There are no Type 6 designated areas in the Town of Westerly

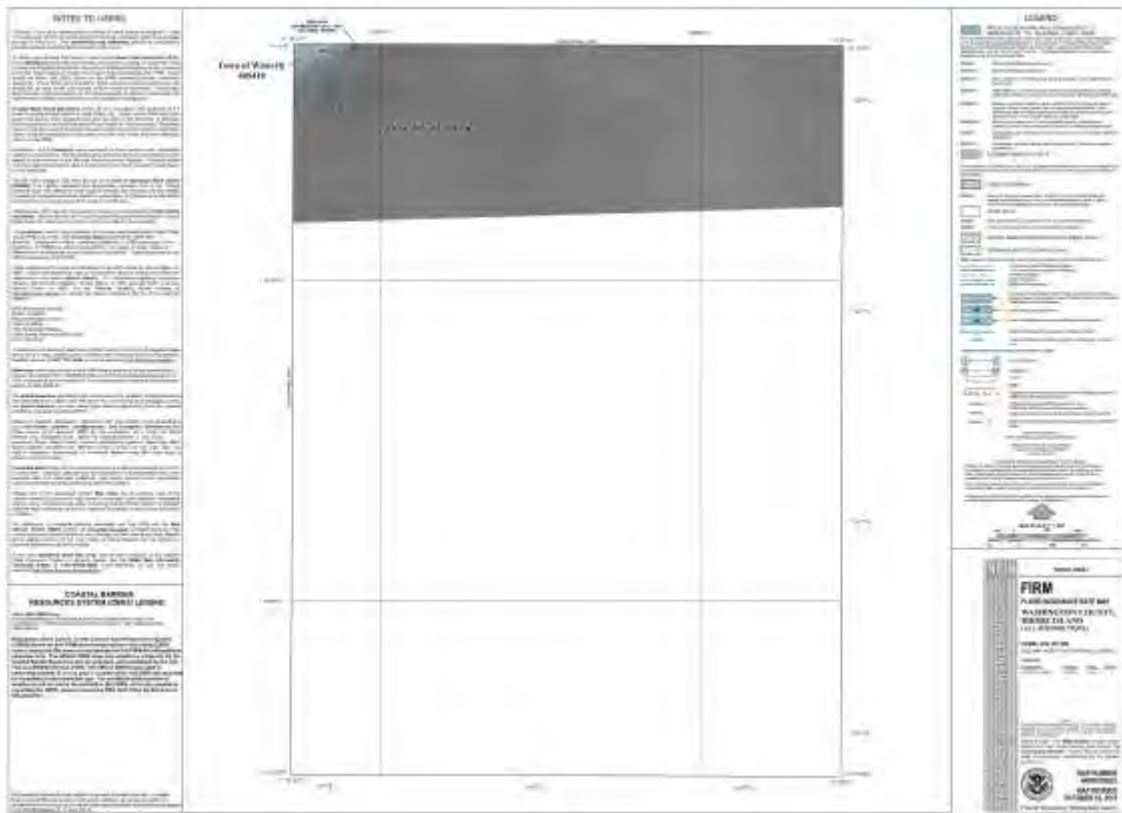
17
18 FEMA Flood Plain Maps

- 19
20 1. Sandy Point
21 2. Napatree Point – Western End
22 3. Napatree Point – Eastern End to Winnapaug Pond
23 4. Block Island Sound
24 5. Quonochontaug Pond West
25 6. Quonochontaug Pond East
26 7. Quonochontaug Pond - Breachway
27 8. Pawcatuck River – South
28 9. Pawcatuck River – Mid
29 10. Pawcatuck River - South

30
31
32
33 Flood Plain Maps FEMA V-Zones

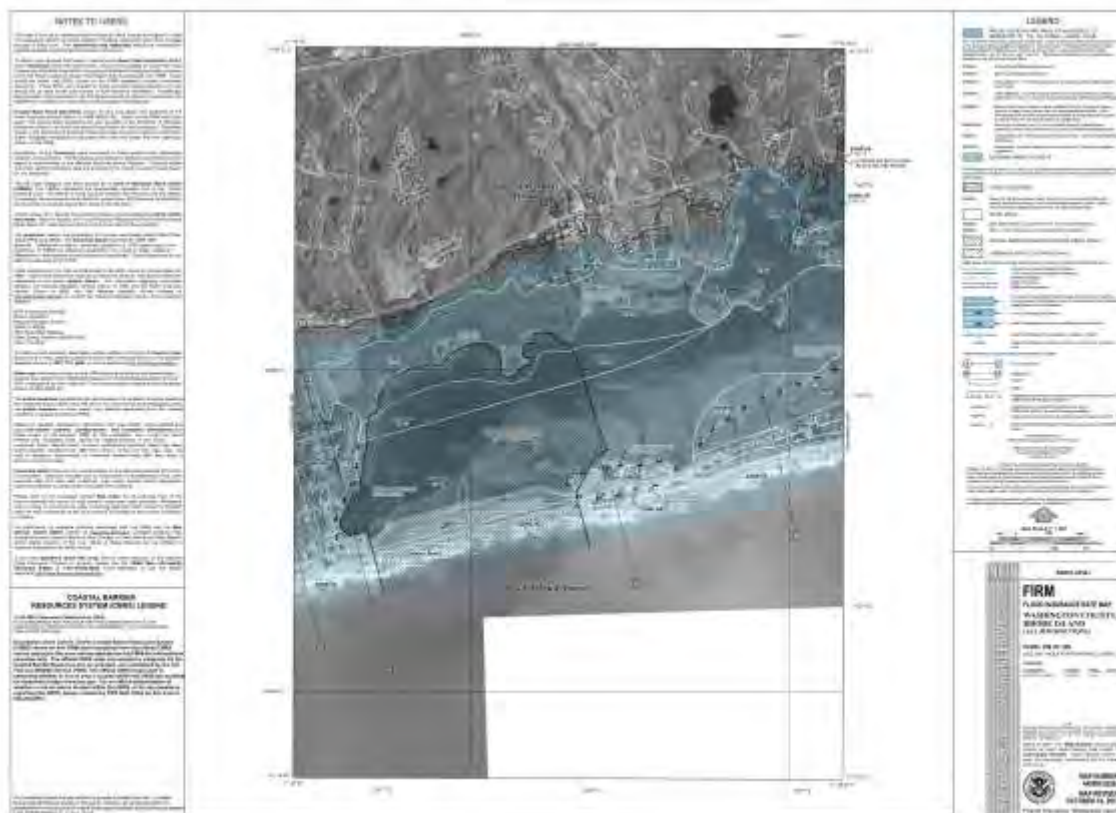


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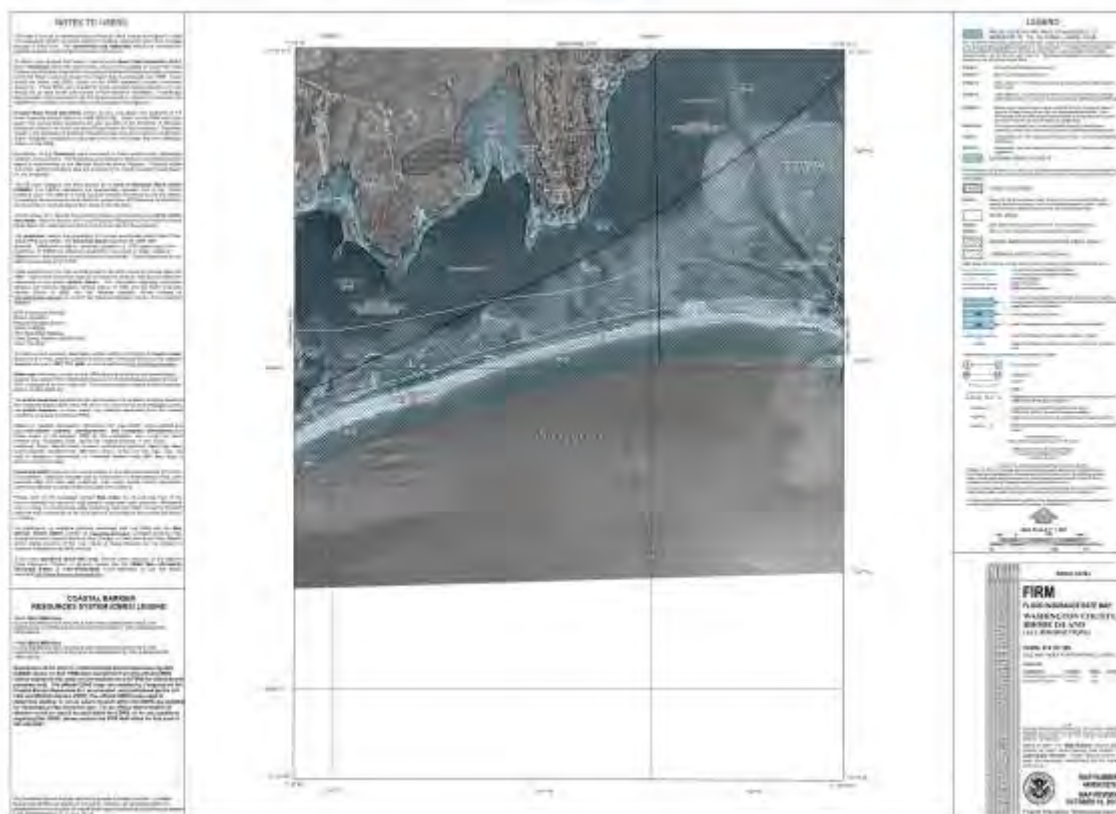


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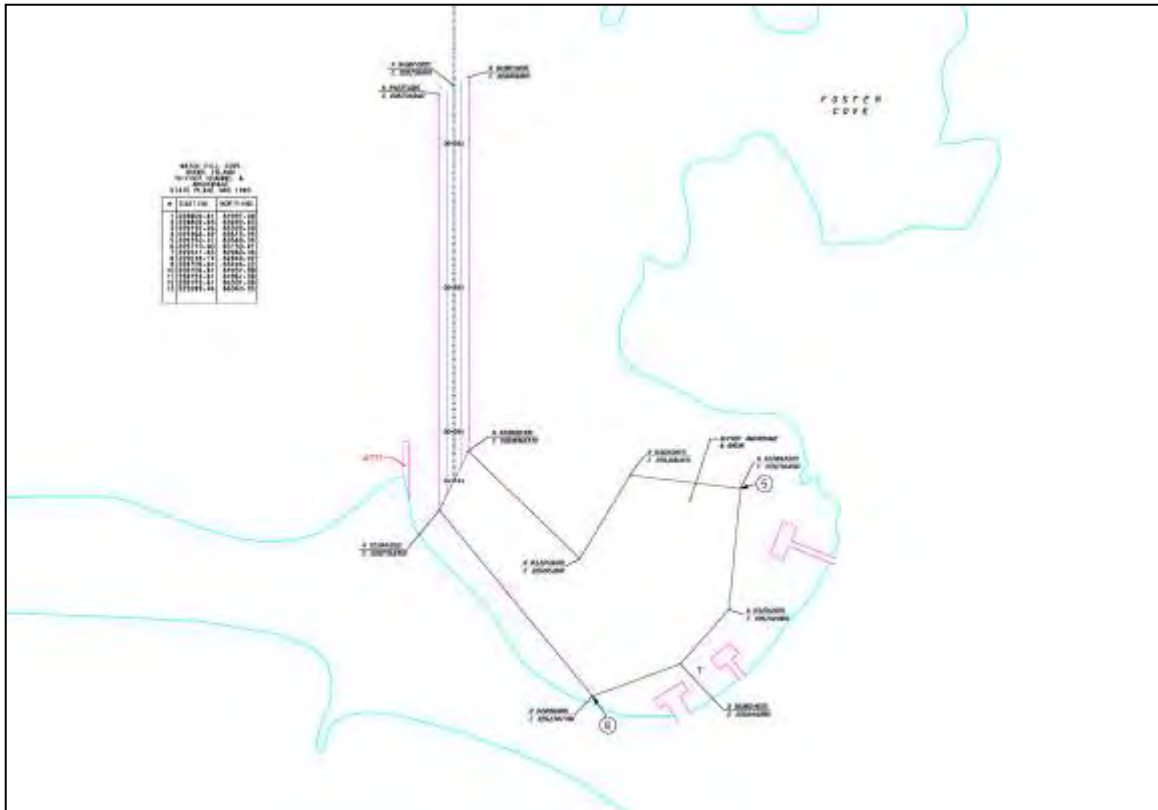
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1 Federally Maintained channels and Dredged Areas

3 A Federally maintained channel starts at the entrance to Little Narragansett Bay at the
4 Northern end of Sandy Point, continues along the Connecticut shore then Northeast up
5 the Pawcatuck River to Westerly sometimes in Connecticut waters, sometimes in Rhode
6 Island and sometimes in both: a branch leads South into Watch Hill Harbor. Most of
7 Watch Hill Cove is a federally dredged area.

9 Army Corps of Engineers Map of the Federal Navigation Project at Watch Hill Cove



1 Fairways

2 A natural fairway runs east/west through the shoals between Napatree Point and Sandy
3 Point and thence to the Federal channel at Osbrook (officially Pawcatuck) Point.

15 ISSUES

7 The continual movement of sand from Napatree and Sandy Point into Little Narragansett
8 Bay is reducing the area of the Bay with water deep enough for boating, which includes
9 sailboat racing, ski boating, sail boarding, fishing as well as anchoring at the same time
20 as the demand for these activities is growing.

1 The ever increasing recreational use of Little Narragansett Bay has impacted the natural
2 habitat of many species. See the Natural Resources section of this plan for a complete
3 description.

4
5 Little Narragansett Bay and the Pawcatuck River lie within the political jurisdiction of
6 two states and Towns; Stonington, Connecticut and Westerly, Rhode Island.

7
8 The Federal channel around the North end of Napatree Point and along the Connecticut
9 shore is subject to repeated shoaling while the natural "Fisherman's Cut" between
10 Napatree and Sandy Point stays open. Most of the small boat traffic from the Pawcatuck
11 River to Fishers Island Sound, including powerboats up to around forty feet, uses the
12 "Cut". The Federal channel is used mainly by deep draft sailboats, and larger powerboats
13 plus small boats from the coves along the Connecticut shore.

14 15 RECOMMENDATIONS

16
17 The Westerly Harbor Management Plan should be coordinated with the Harbor
18 Management plan of Pawcatuck, Connecticut.

19
20 The Town of Westerly should establish a fairway from Fishers Island Sound North of the
21 private markers through the "Fisherman's Cut", South of Dennison Rock N24, and to the
22 Federal channel buoy C23 at the mouth of the Pawcatuck River.

23
24 The Town should urge the Corps of Engineers to study the feasibility of dredging the
25 "Cut" and making it the Federal channel into Little Narragansett Bay. Several (at least
26 two) local agencies responding to a 2008 Corps of Engineers dredging Survey have made
27 that recommendation.

28 29 HISTORY

30
31 Because the Town of Westerly is situated in close proximity to the Atlantic Ocean, with
32 its large stretches of beaches, the Pawcatuck River, and the coastal ponds, it is only
33 natural that the local Indian tribes were attracted to these waters where wildlife was
34 abundant.

35
36 The first Europeans to visit the shores of Westerly were Dutch traders in search of furs,
37 but they did not build any trading houses. It has been documented that the Pawcatuck
38 River was discovered about 1614 by Captain Block, a Dutch navigator and explorer who
39 went as far as Pawcatuck Rock where formerly salt and fresh water met until the channel
40 was dug and the water became brackish further upstream. There is evidence that the
41 Pawcatuck once emptied into the ocean near Watch Hill Point instead of its present
42 direction toward Stonington Borough. It was changed in the beginning of this century by
43 storms and waves on the sandy coastline.

44
45 Traditional reports have stated that John Babcock came from Newport with his wife
46 Mary and became the first white settlers in Westerly as they traveled up Mastuxet Brook

1 and established a forest retreat. Their son James was the first white child born within the
2 town's limits. (Westerly and Its Witnesses, page 40).

3
4 During the time of European contact and settlement, Westerly's watershed area was
5 inhabited by the Niantic, Pequot and Narragansett tribes. By the second half of the 17th
6 century the Indians were trading with Europeans and selling land to them. In 1660 a
7 company of Newport colonists purchased Misquamicut, which encompassed the present
8 towns of Westerly, Charlestown, Hopkinton, and Richmond. The Connecticut Pequots
9 had been subdued by Captain John Mason, Massachusetts gave up their claim to the land,
10 and the Pawcatuck River became the dividing line between Rhode Island and
11 Connecticut.

12
13 The Indians who inhabited both sides of the river were drawn to the extensive natural
14 resources for their subsistence, and hunted for the abundant wildlife; waterfowl, fish, and
15 shellfish which were concentrated along the river and bay. Their uses of the waters and
16 wildlife did not significantly alter the characteristics of the watershed. Their heritage is
17 evident today in many of Westerly's names—Sosoia, Ninigret, Mastuxet, Aquidneck,
18 Manatuck, Misquamicut, etc. and as they occupied the land around the ponds -
19 Winnapaug, Weekapaug, and Quonochontaug. Westerly's waters today are known for
20 similar uses such as sport fishing, swimming, duck hunting, as well as recreational
21 boating.

22
23 Until about 1860, it was impossible to bring a vessel loaded with freight up the river
24 beyond Pawcatuck Rock. Cargoes were transferred to flat bottomed scows, called
25 "lighters" and hauled or sailed to the wharves near Margin Street. Eventually funds were
26 privately raised to dredge a channel. From the 1600s to the 19th century, the shipbuilding
27 industry was extensive in this vicinity including steamboats, whalers, brigs and barks,
28 many of which sailed the world for years at a time. In addition to shipbuilding, other
29 businesses grew on the location of three large wharves. They included stores such as
30 groceries, hardware, marine supplies, a tannery, and the trade of gin, rum, and molasses
31 drawn from the bung in the cellars of their buildings. A bung factory may have existed
32 nearby, including Margin Street, and the area was given the name "Bungtown". It is
33 interesting that eelgrass was landed by cargo as bedding for oxen in the quarries. The ox
34 teams were also used to haul large timbers down to the river to lay the keels and build the
35 ships. As the times changed, the Industrial Revolution shifted the focus to factories and
36 dams along the river in the 1800s. (On the Banks of the Pawcatuck).

37
38 In the last few decades, industrial activities have somewhat declined and the river now is
39 mostly residential, with several marinas, and many moorings, docks and slips. Although
40 the commercial fishing fleet still exists, the beauty of the river and the bay has attracted
41 residential development and increased recreational boating. There are numerous marinas
42 on the two sides of the river, a dockominium, and many private docks, as well as the
43 Westerly Yacht Club and the Watch Hill Yacht Club. In addition to the larger power
44 boats and sailboats there are a number of smaller crafts; kayaks, canoes, sculls, and
45 personal watercraft. The Bay is used extensively in the summer for recreational boating

1 and mooring and anchoring areas as well as the gateway to the ocean through the channel
2 and 'the cut'.
3

4 Quonochontaug and Winnapaug ponds have included important resources for inhabitants
5 from Colonial times to the present. The Indians established camps and villages along the
6 shoreline where fish and shellfish were abundant,. There has been archaeological
7 evidence of Indian use of the salt ponds dating back 4000 years. The salt ponds were an
8 important place of early contact between Europeans and the Niantic and Narragansett
9 Indians. Agriculture and fishing were prevalent activities in the 19th century until
10 urbanization began to dominate. Eventually rapidly developing residential areas occurred
11 as people discovered the area.
12

13 Uses of Westerly's waters including the coastal salt ponds have included recreational
14 and commercial fishing and shell fishing, aquaculture, recreational boating, swimming,
15 duck hunting, windsurfing, waterskiing, and recreational boating.
16

17 References - Pawcatuck River Harbor Plan, Charlestown Harbor Plan, Westerly and It's
18 Witnesses, On the Banks
19

20

WATER QUALITY

THE WATER QUALITY OF WESTERLY, RHODE ISLAND'S PAWCATUCK RIVER ESTUARY, LITTLE NARRAGANSETT BAY, AND THE COASTAL SALT PONDS WINNAPAUG AND QUONOHONTAUG

The Pawcatuck River Estuary

Description. The Pawcatuck River (PR) drains 317 square miles of watershed, much of it in western Rhode Island. The river runs through the Town of Westerly and extends 5 miles to the mouth of Little Narragansett Bay. In this stretch, the PR becomes an estuary whereby the fresh water of the river mixes with the salt water of Little Narragansett Bay (LNB). At high tide, water in the middle reaches of the PR are brackish; and at low tide the river runs fresh for much of its reach from Westerly to Watch Hill.

Many water quality studies have been conducted on the Pawcatuck River Estuary (PRE); beginning in the 1800s and extending to the present. For this report we will define “water quality” as any dissolved or suspended constituent that affects the aquatic health of the water body. Thus, water temperature, dissolved oxygen, salinity, bacteria, and nutrients are all recognized as important constituents of water quality.

History. In the 1800s, many textile mills were sited on the Pawcatuck River and many dams were constructed to power the mills. These mills discharged “pollution” that damaged the water quality of the river. Construction of wastewater treatment plants in Stonington and Westerly contributed bacteria and nutrients that degraded the water quality of the river. Improved water quality conditions in the river and estuary began when the textile industry collapsed, reducing the volume of wastewater entering the river. Planned control and abatement of pollutant discharges began after the Clean Water Act was passed in 1972. With adoption of this act, standards for wastewater discharge from industrial and municipal plants were instituted and water quality improved.

What effect does water quality have on water bodies, such as the Pawcatuck River Estuary, Little Narragansett Bay, and the Coastal Salt Ponds? For the PRE, the input of fecal coliform bacteria from wastewater treatment facilities and stormwater overflow cause the pollution of shellfish that live in the bottom sediment. Since 1947, both the PRE and LNB have been closed to the recreational harvesting of shellfish. In addition, excess input of nutrients, notably nitrogen, cause excess production of algal blooms, deficits in the dissolved oxygen content of estuarine waters, and the eventual cause of “fish kills”, both finfish and shellfish.

Water Quality Findings. Recently (2008-2010)), the Salt Ponds Coalition (SPC) in conjunction with Save The Bay has been conducting monthly water-quality surveys of the PRE and LNB. There are two wastewater treatment facilities in the freshwater portion of the PRE below Westerly, RI. Even with advanced wastewater treatment, the nitrate levels are more than 10 times above normal background levels of unpolluted water bodies. High nitrate concentrations fertilize high levels of phytoplankton that subsequently consume dissolved oxygen. Very high fecal coliform levels in river waters

1 below these facilities far exceed the standards for safe harvesting of shellfish and contact
2 recreation. Thus, even with modern pollution abatement techniques that appear to be
3 applied to wastewater treatment and storm water runoff, the freshwater portion of the
4 Pawcatuck River Estuary is still polluted to the extent that human use of this aquatic
5 resource is severely limited. As a result of its water monitoring program, Save The Bay
6 and SPC have determined the Aquatic Health of two stations in the Pawcatuck River
7 (WWTFN and WWTFS); north and south of Westerly's Sewage Treatment Facility.
8 There are five estimates of the aquatic health index (AHI) for each station determined for
9 the 2008-2010 sampling years. The first is dissolved oxygen (DO) which uses the lowest
10 20% DO saturation values during the summer months. Next is Secchi disk transparency
11 which determines the clarity of the water column (does light reach the bottom?).
12 Chlorophyll values, an estimate of the mass of phytoplankton in the surface water, are the
13 third parameter used. Finally, various measures of the algae nutrient nitrogen are used to
14 estimate the nutrient fertilization potential of the water column. These five parameters are
15 assigned a numerical value: good aquatic health is greater than 65, fair + is 50-65, fair- is
16 35-50, and poor aquatic health is less than 35.

17
18 For the period 2008-2010, the WWTFN station had an aquatic health index (AHI) of 37,
19 barely above the poor classification. The WWTFS station averaged 24, a decidedly poor
20 aquatic health condition. There is one station sampled at the mouth of the PRE and this is
21 noted as a Pawcatuck River Estuary station. The average AHI for this station is 46, a fair-
22 aquatic health condition.

23
24 *Water Quality Classification.* The main stem of the Pawcatuck River, from the WWTFN
25 station to the mouth of the river, has a Rhode Island Department of Environmental
26 Management water-quality classification of category 5; that is impaired or threatened for
27 one or more designated uses by a pollutant(s) and requires a TMDL. RIDEM has issued a
28 TMDL for the Pawcatuck River in the summer of 2010. The estuarine portion of the
29 PRE, as represented by a station located at the mouth, appears to possess much better
30 water quality than the two river stations. There are essentially no dissolved oxygen
31 deficits in the bottom water; nutrient concentrations are near background levels for
32 "normal" waters; and the bacteria are much lower, although still above the "shellfish"
33 standard but well below the level for contact recreation. Thus, one wonders why RIDEM
34 uses a category 5 water-quality classification for this portion of the Pawcatuck River. It
35 might be more appropriate to classify these waters as Category 2; attaining some of the
36 designated uses.

37
38 *Programs to Minimize Water Pollution.* The Town of Westerly, R.I. Comprehensive
39 Plan, adopted in 2010 by the Westerly Town Council, has established a Pawcatuck River
40 corridor overlay district that restricts any increase in zoning density adjacent to the
41 Pawcatuck River and Estuary. This corridor extends from the fresh Pawcatuck River,
42 upstream from the Westerly Municipal well field, down to the northern edge of Watch
43 Hill Cove.

44
45 The Town of Westerly, RI has instituted ordinances that implement a Phase II Storm
46 Water Management Plan. The Town's zoning ordinance code includes an Erosion and

1 Sedimentation ordinance, which requires installation and maintenance of control
2 measures and best management practices (BMPs) to control erosion and sedimentation
3 for land development and subdivision activities. In addition, the Town has enacted Bio
4 retention and Storm water Management ordinance. This ordinance requires the
5 construction of Bio retention areas in order to reduce volume and velocity of storm water
6 runoff and increase pollutant filtering.

7
8 Several years ago, Save The Bay identified point source input locations along the
9 Pawcatuck River. This inventory will help the Town of Westerly to manage its Storm
10 water Management Plan.

11
12 In 2010, RI Department of Environmental Management Office of Water Resources
13 released its final report on the Total Maximum Daily Load Analysis for the Pawcatuck
14 River and Little Narragansett Bay Waters. This analysis was based on bacteria
15 measurements made over several years. These waters are included on Rhode Island's
16 2008 303(d) List of Impaired Waters and do not support their designated uses associated
17 with the fecal coliform and/or enterococci bacteria. These uses include primary recreation
18 for all waters and shellfish harvesting for those waters classified as SA. Class SA waters
19 are designated for shellfish harvesting for direct human consumption, and primary and
20 secondary contact recreational activities.

21
22 *Organic Waste Disposal Plan.*

23
24 The Town of Westerly presently maintains two pump-out boats that are shared with the
25 Town of Stonington, CT. In addition, the Avondale Boat Yard and Westerly Yacht club
26 maintain pump-out stations on the Rhode Island side Pawcatuck River. Norwest Marina
27 maintains a pump-out station on the Connecticut side of the Pawcatuck River.

28
29 *Inorganic Waste Disposal Plan – Consistent with the Town Charter the Town will:*

30
31 A. Minimize increases in stormwater runoff from any development in order to reduce
32 flooding, siltation, increases in stream temperature and stream bank erosion and maintain
33 the integrity of stream channels

34
35 B. Minimize increases in nonpoint source pollution caused by stormwater runoff from
36 development which would otherwise degrade local water quality.

37
38 C. Reduce stormwater runoff rates, soil erosion and nonpoint source pollution, wherever
39 possible, through stormwater management controls and to ensure that these management
40 controls are properly maintained and pose no threat to public safety

41
42 D. Provide and manage trash barrels/recycling containers at Municipal waterfront
43 property for the collection of trash from boating and other waterfront activities.

44
45 *Encourage Marina OMP Measures.*

1 The Town will encourage operation and maintenance measures for the marinas located
2 in Town waters. The Harbormaster will continuously examine the marinas conditions.

3
4 *Restrict Boats at Shallow Water Habitat.* Buoys marking the navigable channel are well
5 sited and clearly visible in the Pawcatuck River and Estuary. Additional buoys must be
6 installed to restrict boat traffic near shallow water habitats that provide ecological
7 benefits, i.e. shellfish beds, submerged aquatic vegetation and spawning areas.

8
9 *Recommendations.* It is recommended that the Town of Westerly upgrade its Wastewater
10 Treatment Facility so that the treated sewage effluent contains the minimum content of
11 DIN (nitrate and ammonia) needed for the production of algae blooms. Also, the sewage
12 treatment facility needs to remove more biologically-active solids from its effluent. These
13 materials form the substrate for bacterial growth that is harmful to shellfish and human
14 contact.

15 16 Little Narragansett Bay

17 *Description.* Little Narragansett Bay (LNB), at the southern end of the Pawcatuck River
18 watershed, is shallow and provides protected waters for recreational boaters and a barrier
19 beach at Napatree Point and Sandy Point that is used extensively by summer beach-goers.

20
21 The entire watershed area of the Pawcatuck River that drains into Little Narragansett Bay
22 is 317 square miles. The surface area of LNB is 3.7 square miles. Thus, the Pawcatuck
23 River chemistry has a tremendous influence on that of the Bay. The average water depth
24 in LNB is 6.5 feet (2.0 meters).

25
26 *Water Quality Findings.* Save The Bay has established two monitoring stations in LNB;
27 one adjacent to Sandy Point and one southeast of Barn Island. Water quality indices
28 (AHI), derived by the Salt Ponds Coalition (SPC) for the Sandy Point site vary from 49 to
29 65 for the years 2008-2010, with an average of 55 for the three years. This average AHI
30 indicates that the Sandy Point area of LNB has fair+ aquatic health. At the Barn Island
31 site, the average AHI for the period 2008-2010 is 73, a value that indicates good aquatic
32 health. At both sites, nitrate averages about 30 micrograms per liter; a value
33 representative of “normal” conditions in Long Island Sound estuaries.

34
35 Fecal coliform bacteria counts are high at the Sandy Point site and the bacterium
36 Enterococci spiked at levels unhealthy for contact recreation in the middle of the summer.
37 The barrier beach at Sandy Point, like the beach at Napatree Point, is inhabited by a
38 multitude of beach-goers during the summer months. However, in recent years (2010) the
39 fecal coliform counts have declined. The Barn Island site has very low fecal coliform
40 bacteria counts but there is a very large spike in Enterococci bacteria on occasion. One
41 might conclude from the 2008-2010 water quality monitoring data that while Little
42 Narragansett Bay appears to have reasonably good water quality with respect to dissolved
43 oxygen and nutrients, the periodically-high bacteria counts indicate that human pressures
44 exert a somewhat negative influence upon the Bay with respect to water use (taking of
45 shellfish and contact recreation). Due to the contamination of LNB waters with bacteria
46 (see above), much of the Bay has become prohibited to the harvest of shellfish.

1 Eelgrass is an important element of many bays that make up the coastal ecosystem of
2 Long Island Sound. Eelgrass provides important nursery habitat to finfish and shellfish.
3 Eelgrass is also an important food source for a variety of waterfowl that migrate within
4 the Atlantic flyway. Finally, eelgrass assists in removing nutrients from the water
5 column. Unfortunately, eelgrass has largely disappeared from Little Narragansett Bay. As
6 late as the mid-1990s, LNB was cited as containing some of the most lush beds of
7 eelgrass in the Long Island Sound ecosystem. Today, eelgrass has a very restricted
8 distribution in the Bay. The reasons for this drastic decline in the abundance of eelgrass
9 in LNB are not well understood. Coastal development, increased nutrient (nitrogen)
10 additions to coastal waters, and blooms of nuisance algae have probably played a role in
11 the loss of eelgrass. Recent reports by the United States Fish and Wildlife Service
12 provide some hope that eelgrass beds may be returning to LNB. In 2006, there were 283
13 acres of eelgrass; in 2009, there were 343 acres of eelgrass.

14
15 There is one area, in waters off Napatree Point that apparently has no eelgrass. In the map
16 provided by Save The Bay for the year 2012, there is no eelgrass present along the
17 northeast shoreline off Napatree Point. In the summer these waters, located south of the
18 mouth of the Pawcatuck River, are occupied on any given day, by at least 50 boats that
19 are anchored into the bottom sediment. Often strong winds from the south affect this area.
20 This anchoring, by itself, destroys the eelgrass; and dragging of anchors on windy days
21 causes further destruction of these eelgrass beds.

22



Submerged Aquatic Vegetation
highlighted in light blue.

26
27 *Water Quality Classification.* There are two small areas in LNB that RIDEM assigns a
28 Category 5 water-quality classification. These represent 1.1 square miles of surface area
29 while the Bay has a surface area of 3.7 square miles. Based on the above AHI data for
30 two water-quality sampling stations in LNB, it is proposed that the remainder of the Bay
31 be classed a Category 2.

32
33 *Organic Waste Disposal Plan.* The Town of Westerly presently maintains two pump-out
34 boats that are shared with the Town of Stonington, CT.

1 *Inorganic Waste Disposal Plan.* There is no inorganic waste disposal plan for Little
2 Narragansett Bay. The Watch Hill Fire District provides trash receptacles at the east
3 entrance of Napatree Point.

4
5 *Encourage Marina OMP Measures.* There are no facilities located within Little
6 Narragansett Bay.

7
8 *Restrict Boats at Shallow Water Habitat.* Buoys marking the navigable channel are well
9 sited and clearly visible in Little Narragansett Bay.

10
11 *Recommendations.* The Westerly Harbor Management Commission recommends that the
12 Rhode Island Department of Environmental Management be strongly urged to post signs
13 that note that those areas with high fecal coliform bacteria counts in LNB are closed to
14 recreational harvesting of shellfish.

15
16 Westerly's Coastal Salt Ponds- Winnapaug Pond

17 *Description.* Winnapaug Pond, formally known as Brightman Pond, is located at the
18 western end of a chain of major coastal salt ponds along the southeastern shore of Rhode
19 Island. Winnapaug Pond is shallow (mean depth at high tide about 4.5 feet) with many
20 sand bars. The pond is particularly shallow at the eastern end and along the south shore.
21 At low tide, substantial sand bars are visible at the eastern end of the pond. The south
22 shore is rimmed with salt marsh while the north shore is occupied by single-family
23 housing. The pond is connected to Block Island Sound by a breachway located at
24 Weekapaug. The area of the pond's watershed is about 4 square miles while the surface
25 area of the pond is 0.7 square miles. Winnapaug Pond has a low watershed area to pond
26 surface area ratio of 6:1 and receives most of its freshwater input from groundwater.

27
28 *Water Quality Findings.* The Salt Ponds Coalition (SPC) has been monitoring the water
29 quality of Winnapaug Pond since 2006. While water temperatures approach 25 degrees C
30 in the summer, the dissolved oxygen remains high, generally above 5 mg/L. Because of
31 the shallow depth of the pond and the prevailing southeast winds, aeration of the pond
32 waters is sufficient to maintain these dissolved-oxygen concentrations. Chlorophyll
33 concentrations average 5 parts per billion with a variation of 3 to 7 parts per billion.
34 These chlorophyll concentrations classify Winnapaug Pond as mesotrophic, indicative of
35 moderate algae growth.

36
37 In the main part of the pond, fecal coliform bacteria counts average 11 MPN/100ml with
38 a variation between 3 and 19 MPN/100ml. The average fecal coliform count is below the
39 shellfish standard of 14 MPN/100ml designated by the State Of Rhode Island's
40 Department of Environmental Management.. However, the sampling site in Golf Course
41 Cove that extends north of the main part of the pond at the eastern end had an average
42 fecal coliform count of 19 MPN/100ml, above the shellfish standard.

43
44 The Aquatic Health Indices (AHI) for Winnapaug Pond for the years 2006, 2007, 2008,
45 and 2010 indicate that the health of the pond may be improving. In 2006, the aquatic
46 health was poor with low dissolved oxygen and too much nitrogen. In 2007, the aquatic

1 health was upgraded to fair- due to the fact that there were higher dissolved oxygen
2 concentrations than in 2006. In 2008, the aquatic health was on the borderline between
3 poor and fair- due to low dissolved oxygen and too much organic nitrogen. In 2010, the
4 aquatic health of Winnapaug Pond was upgraded to nearly good with an AHI score of 62.
5 There are four environmental parameters used to construct the aquatic health index (AHI)
6 for each station determined for the 2006-2010 sampling years. The first is dissolved
7 oxygen (DO) which uses the lowest 20% DO saturation values during the summer
8 months. Chlorophyll values, an estimate of the mass of phytoplankton in the surface
9 water, is the second parameter used. Finally, various measures of the algae nutrient
10 nitrogen are used to estimate the nutrient fertilization potential of the water column.
11 These four parameters are assigned a numerical value: good aquatic health is greater than
12 65, fair + is 50-65, fair- is 35-50, and poor aquatic health is less than 35.

13
14 *Water Quality Classification.* Rhode Island Department of Environmental Management
15 has given Winnapaug Pond an SA classification that means pond waters are suitable for
16 bathing and contact recreation, shellfish harvesting for human consumption, and fish and
17 wildlife habitat. However, fecal coliform bacteria monitoring by the Salt Ponds Coalition
18 of waters in Golf Course Cove, located north of the main pond at the eastern end, average
19 19 MPN/100ml. The fecal coliform count exceeds Rhode Island's threshold of 14
20 MPN/100ml for safe consumption of harvested shellfish. The average fecal coliform
21 count for the main part of Winnapaug Pond is 11 MPN/100ml, a value that allows the
22 existence of an extensive aquaculture facility along the south shore.

23
24 *Programs to Minimize Water Pollution.* While there are no specific programs operative in
25 Winnapaug Pond to minimize water pollution, the extensive aquaculture facility that
26 grows oysters and clams may exert some control on water pollution. It is well known that
27 shellfish filter large amounts of water during their life cycle and thus can reduce the
28 quantity of organic nitrogen in the water column. This reduction of particulate organic
29 matter may cause less utilization of dissolved oxygen that reacts with the organic detritus.

30
31 *Organic Waste Disposal Plan.* There is no pump-out boat or other pump-out facility in
32 Winnapaug Pond.

33
34 *Inorganic Waste Disposal Plan.* None.

35
36 *Encourage Marina OMP Measures.* There are no facilities on Winnapaug Pond.

37
38 *Restrict Boats at Shallow Water Habitat.* There are no official channel markers in
39 Winnapaug Pond. There are privately owned and maintained navigation markers. The
40 Town will set markers to delineate Shallow Water Habitat.

41
42 *Recommendations.* Several years ago, the Town of Westerly installed a water line that
43 drains the older, low-lying areas of Misquamicut when flooding occurs in the Westerly
44 area. This water drain line is extended along Atlantic Avenue to near halfway along the
45 south shore of Winnapaug Pond. There, it flows into a collection basin where waters are
46 centrifuged for suspended sediment and the effluent discharged into the pond. There is no

1 treatment of this effluent to remove nutrients, organics, and metals. It is recommended
2 that the Town of Westerly put a constructed wetland adjacent to the holding basin so that
3 plants can filter and absorb dissolved and particulate contaminants before the effluent
4 water reaches the waters of Winnapaug Pond.

5
6 Westerly Coastal Salt Ponds- Western Quonochontaug Pond

7 *Description.* Not all of Quonochontaug Pond, the salt pond that lies directly east of
8 Winnapaug Pond, is situated in the Town of Westerly. The eastern basin of the pond is
9 within the jurisdiction of the Town of Charlestown. This area includes the breachway
10 between the pond and Block Island Sound as well as the only public access to
11 Quonochontaug Pond. The major part of the pond lies within the jurisdiction of the Town
12 of Westerly and includes the Narrows, the western basin, the extreme western basin, and
13 the Weekapaug Yacht Basin.

14
15 The average depth of Quonochontaug Pond is 6 feet but there are extensive areas adjacent
16 to the south shore that reach 13 feet. The watershed area is 4.2 square miles and the
17 surface area of the pond is nearly 1.2 square miles. Groundwater inputs to the pond are
18 twice as large as surface-water inputs.

19
20 The western and extreme western basins of Quonochontaug suffer from some oxygen
21 depletion because the water residence times in these areas are several fold longer than
22 that of the eastern basin that is influenced by the breachway to Block Island Sound. On
23 any flood tidal cycle, all the oxygenated water from the breachway does not reach these
24 basins; and, on the return ebb cycle, some of this water, especially in the farthest shallow
25 areas, does not return to the breachway. Thus, some fraction of the water column
26 stagnates in the western and extreme western basins and dissolved oxygen is consumed
27 by respiration and reaction with dead organic matter.

28
29 *Water Quality Findings.* The Salt Ponds Coalition (SPC) has conducted extensive water-
30 quality and nutrient monitoring in Quonochontaug Pond, beginning in May 2006. For the
31 entire pond, SPC samples 5 stations, both surface and bottom waters. For the western and
32 extreme western basins, SPC samples three deep-water stations. In the summertime, June
33 to September, the dissolved oxygen of bottom waters is nearly 1 mG/L lower, on average,
34 than surface waters. Occasionally, bottom waters go hypoxic in the summer (less than 2.5
35 mG/L dissolved oxygen). Summertime chlorophyll concentrations in Quonochontaug
36 Pond average 3.9 ppb, a value that indicates that the pond is of moderate status with
37 respect to eutrophication (nutrient enrichment).

The following table presents the average aquatic health index (AHI) for the three stations in the western and extreme western basins of Quonochontaug Pond.

<u>Year</u>	<u>Av. AHI</u>	<u>Factors</u>
2006	Fair+	Low summer DO, high DIN
2007	Fair+	Low summer DO, high DIN
2008	Fair+ to Good	Some low summer DO
2009	Good	No Problem Factors
2010	Fair+	Low summer DO

A glance at the table shows that the aquatic health of the western basins of Quonochontaug Pond is mostly Fair+ for the years 2006 to 2010. It looked as though the aquatic health was improving slightly between the years 2007 (Fair+) and 2008 and 2009 (good). However, the drastic floods in the spring of 2010 contributed large quantities of inorganic nitrogen to the pond which fueled more algal growth and caused the pond water quality to decline to Fair+. In any case, Quonochontaug Pond has the best aquatic health of all the major salt ponds in coastal Rhode Island.

Water Quality Classification. Rhode Island Department of Environmental Management has classified Quonochontaug Pond as SA. That means pond waters are suitable for bathing and contact recreation, shellfish harvesting for human consumption, and fish and wildlife habitat. Fecal coliform bacteria monitoring by the Salt Ponds Coalition ranks these waters as excellent with an average bacteria count of 5 ± 4 MPN/100ml. This is the lowest average concentration of fecal coliform bacteria for all the coastal salt ponds.

Programs to Minimize Water Pollution. There are no specific programs to minimize water pollution in Quonochontaug Pond.

Organic Waste Disposal Plan. There are no pump-out facilities on Quonochontaug Pond.

Inorganic Waste Disposal Plan. None.

Encourage Marina OMP Measures. There are no facilities on Quonochontaug Pond.

Restrict Boats at Shallow Water Habitat. There are no official channel markers in Quonochontaug Pond except at the Breach way which is located in the Town of Charlestown. All markers within the Ponds are privately owned and maintained.

Recommendations. None

1 **REFERENCE DATA**

2
3 The references for the 2006 and 2009 Eelgrass studies of Little Narragansett Bay by the
4 U. S. Fish and Wildlife Service are as follows:

5
6 Tiner, R., H. Bergquist, T. Halavik, and A. MacLachlan, 2006 Eelgrass Survey for
7 Eastern Long Island Sound, Connecticut and New York. U. S. Fish and Wildlife Service,
8 National Wetlands Inventory Program, Northeast Region, Hadley, MA. National
9 Wetlands Inventory Report. 24 pp. plus Appendix.

10
11 Tiner, R., K. McGuckin, M. Fields, N. Fuhrman, T. Halavik, and A. MacLachlin. 2010,
12 2009 Eelgrass Survey for Eastern Long Island Sound, Connecticut and New York. U. S.
13 Fish and Wildlife Service, National Wetlands Inventory Program, Northeast Region,
14 Hadley, MA. National Wetlands Inventory Report. 15 pp. plus Appendix.

1 NATURAL RESOURCES

2
3 Westerly has some of the most important natural resources in the state. Its waters include
4 the Pawcatuck River, Little Narragansett Bay, the Atlantic Ocean, and the ponds—
5 Quonochontaug, Winnapaug and Maschaug. Westerly has many areas dedicated for the
6 use of the public, including all Westerly residents. Our rights- of- way, beaches, which
7 include the extensive state beach, river byway, state launch, and large area for transient
8 anchorage are all accessible to the public and tourist industry. The waters are utilized
9 mostly for recreational boating and swimming, recreational and commercial fishing, shell
10 fishing and aquaculture, where there is acceptable water quality. These waters
11 also support a small fleet of mostly artisanal fisherman that harvest the town and state's
12 bountiful fish stocks.

13
14 The waters of the state in Westerly contain additional access through marinas, boatyards,
15 yacht clubs, and shorefront businesses and hotels. Watch Hill harbor and Quonochontaug
16 Pond are important attractions for boating and activities such as sailboat racing.
17 The river is a conduit for transportation between Westerly and the bay and ocean, and
18 combines low-intensity activities such as small boat use, as well as larger high speed
19 power boats. During the summer, it is very heavily traveled. Mooring fields are placed
20 dependent upon water quality and attendant facilities.

21
22 As written in Westerly's mission statement, the Harbor Management Plan shall be
23 developed to address these significant town resources, meeting the acceptance of
24 CRMC criteria and the Westerly Town Council approval. The Plan shall define the use of
25 Westerly's waters with a balance between citizens' use of the waters, recreational boating
26 and protection of the environment.

27
28 A summary of the policy of CRMC ("Red Book")- Title 46 Chapter 23-1

29
30 (a), General Laws of Rhode Island- marks out a path which citizens should follow....
31 "Poorly planned development of this basic natural environment has potential of damaging
32 or destroying the state's coastal resources and the policy of the state is to preserve,
33 protect, develop, and, where possible, restore the coastal resources of the state for this
34 and succeeding generations through comprehensive management for maximum benefit
35 for society. Preservation and restoration of ecological systems shall be the primary
36 guiding principal upon which environmental alteration of coastal resources will be
37 measured, judged, and regulated.

38
39 (b) The implementation of these policies is necessary in order to secure the rights of the
40 people of Rhode Island to the use and enjoyment of the natural resources of the state with
41 due regard for the preservation of their values, and in order to allow the general assembly
42 to fulfill its duty to provide for the conservation of the air, land, water, plant, animal,
43 mineral, and other natural resources of the state, and to adopt all means necessary and
44 proper by law to protect the natural environment of the people of the state by providing
45 adequate resource planning for the control and regulation of the use of the natural

resources of the state and for the preservation, regeneration, and restoration of the natural environment of State.

Westerly's Natural Resources are greatly dependent on the state of the water quality. The river and sections of the bay have been closed to shell fishing since 1947 as the water did not comply with water standards set by the Department of Health. As a result of the failed standard, R.I.'s classification of the tidal Pawcatuck Basin is a "No Discharge Zone", which prohibits shellfish harvesting and prevents most waters from safe swimming.

A detailed account is discussed in the Water Quality Section.

LITTLE NARRAGANSETT BAY AND THE PAWCATUCK RIVER

I. INTRODUCTION

Before the improvement of roads, Little Narragansett Bay and the Pawcatuck River provided a water transportation route to the town of Westerly. These waters were also a source of fishing for the Native American population and the earliest European settlements. Since the 18th century, various industries developed along the shoreline. The Pawcatuck River became a major center for boat building, including whaling vessels, and later, steamboats. Today, these bodies of water provide an important resource for water activities such as boating, swimming, and fishing.

II. FINDINGS

In order to coordinate policies between Connecticut and Rhode Island for the Pawcatuck River, a document was developed in 1992-- The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan. Its goal was to gather information, to describe the status of the resources of the estuary and its watershed, and to recommend management strategies for its use and protection.

This area contains a wide variety of natural habitats which serve as the foundation for the estuarine ecosystem and a basis for highly productive and diverse wildlife populations. They include open water, sheltered coves, shallows and salt marshes on both sides of the river. The submerged aquatic vegetation such as eelgrass and seaweeds are providers of food sources and breeding grounds for fish and waterfowl. Wetlands are located in the river from south of the Stillmanville Bridge to Little Narragansett Bay. Some are extensive, such as Colonel Willie's Cove, and some are smaller fringe marshes. Eelgrass and other submerged aquatic vegetation are found in the bay and ponds. Many species of fish and birds, some threatened or endangered, are described in the Napatree Point Conservation area in the Beaches section.

THE PONDS

I. INTRODUCTION

The Westerly portion of Quonochontaug Pond has water depths which are varied with large shoal areas in many portions of the pond. Eelgrass beds and shellfish flats are found

1 at the Western end where clamming is very popular. Over the years, many wildlife
2 species have been diminished, including some populations of scallops, oysters, flounder,
3 eels, blue crabs, and horseshoe crabs. Eelgrass beds have been identified by the Coalition
4 and a map will be found in the appendix.

5
6 Winnapaug Pond contains a permitted aquaculture business and both ponds have breach
7 ways to the ocean. The salt ponds are detailed in the Water Quality section.

8 9 II. FINDINGS—also addressed in the Water Quality section-

10
11 The ponds and environs are subject to the CRMC Salt Ponds Region Special Area
12 Management Plan (SAMP), with the primary focus to protect and restore water quality.
13 Undisturbed zones along the perimeter of salt ponds and associated wetlands are
14 important to protect the coastal environment. The benefits of vegetated buffers include
15 erosion control, checking pollutant flows, protecting wildlife, and preserving scenic
16 qualities.

17
18 The salt pond region includes a great diversity of habitats, such as barriers, salt water and
19 brackish ponds and salt and fresh water wetlands. These natural resources result in an
20 extremely important ecosystem for maintaining wildlife.

21
22 Wetlands are among the most productive ecosystems on the earth and the viability of the
23 salt pond region depends on careful stewardship by human populations. Since failing
24 septic systems and cesspools can be a major source of pollution, new systems are being
25 required, such as denitrification plants.

26
27 Quonochontaug and Winnapaug Ponds and their surrounding low lands have a history of
28 being susceptible to storm-surge flooding. In the hurricanes of 1938 and 1954, surge
29 heights caused a great deal of destruction and erosion. Hurricane preparedness is
30 especially important in this area. (According to SAMP): Ch 3-d, Ch 5- p18, Ch6- p11).

31
32 The CRMC SAMP established specific land use classifications for differing densities in
33 municipal zoning areas. The Plan also addressed the pressures to develop building lots
34 near wetlands and made recommendations to towns for re-zoning. As a result, a large
35 section of land surrounding Quonochontaug Pond is 2 acre zoning. The classifications are
36 described in the Water Quality section and Appendix

37 38 **Wildlife and Conservation areas:**

39
40 I. Napatree Point- a barrier beach extending westward from Watch Hill Cove lies
41 between Little Narragansett Bay and Fishers Island Sound. Approximately 90% is owned
42 by the Watch Hill Fire District, the remainder owned by a combination of the Watch Hill
43 Conservancy, the State of Rhode Island, the Town of Westerly, and a few private owners.
44 70 acres are currently in conservation, and are managed as a wildlife refuge and
45 recreation area by the Watch Hill Fire District, the Watch Hill Conservancy in
46 conjunction with the U.S. Fish and Wildlife Service, R. I. CRMC and DEM. Many

1 studies have been done by several organizations including the National Heritage
2 Foundation and the Audubon Society of R.I. as well as the R.I. Natural History Survey.
3 The 1992 Interstate Management Plan identifies specific sites at Napatree Point, Sandy
4 Point, and Little Narragansett Bay to be considered “critical”, such as areas where
5 endangered or threatened species are known to spawn, rest, reproduce, or feed their
6 young.

8 In addition to Napatree Point, Little Narragansett Bay and Sandy Point are cited as
9 abundant bird population nesting and shellfish spawning areas and have been identified
10 by the 1991 U.S. Fish and Wildlife Northeast Coastal Areas Study as “Significant Coastal
11 Habitats” for wildlife conservation.

13 Proper management of the recreational offshore uses of Napatree Point, and of the barrier
14 system itself is essential to achieving protection of these areas. The public is invited to
15 enjoy these areas for swimming, walking, sunbathing, boating etc., while adhering to
16 regulations regarding the protection of the endangered and threatened species. The piping
17 plover is federally threatened, the roseate tern is federally endangered, and least tern is
18 state threatened. Ospreys and American oystercatchers are both “species of concern.”

20 Recommendations are coordinated by the Watch Hill Fire District and the Watch Hill
21 Conservancy acting with CRMC, DEM, and the U.S. Fish and Wildlife Service. Some
22 areas may be marked and posted, designating preferred beaching areas for vessels during
23 nesting seasons.

25 Posted regulations for the Napatree Point Conservation Area include provisions of the
26 Westerly Code of Ordinances, as well as regulations for the protection of dunes,
27 vegetation and animal species. Those relating to the piping plover are established by the
28 U.S. Fish and Wildlife Service. Other agencies active in the protection of Napatree Point
29 are CRMC and DEM. Signage may be developed indicating areas most suitable for
30 beaching of boats, based on the location of paths across the dunes, and , seasonally, on
31 nesting areas.

33 The U.S. Fish and Wildlife Service has adopted a recovery plan for the Atlantic Coast
34 piping plover population as described in the Threatened Species, Beaches section.

36 **II. Little Narragansett Bay- Transient Anchorage Area.**

38 **RECOMMENDATIONS**

- 40 a. Education for the public- signage for the conservation area of Napatree beach and
41 Sandy Point.
- 43 b. Protect shallows, wetlands, eelgrass beds, dunes and beach nesting areas.
- 45 c. Establish setbacks and buffer zones where appropriate, allowing for seasonal changes.

1 These shall be mapped and established by CRMC in conjunction with U.S. Fish and
2 Wildlife.

3
4 d. Prohibit boats and activities in the “lagoon” area, with the exception of small kayaks
5 and similarly powered vessels.

6
7 e. Prohibit activities which disturb wildlife such as water skiing, jet skiing and kite
8 boarding during nesting seasons around sensitive areas as determined by CRMC in
9 conjunction with U.S. Fish and Wildlife.

10 11 **Additional Conservation Areas**

12
13 The East Beach is monitored by the East Beach Association to help in
14 accommodating public use of the beach and maintaining conservation of the nesting
15 piping plovers. They have one of the highest piping plover populations in R.I.

16
17 Weekapaug and Shelter Harbor Beach environment and pond are monitored by the Salt
18 Ponds Coalition and the Quonochontaug Beach Conservation Commission. The Salt
19 Pond Coalition is the oldest continuously operating volunteer marine water-quality
20 program in the nation. The Coalition has performed many water quality studies and
21 mapping of eelgrass and shellfish beds. The ponds and environs are under the
22 jurisdiction of the CRMC SAMP. See Appendix.

23 24 **Biological Habitats**

25
26 Westerly contains many wetlands, in coves and inlets, as well as fringe marshes located
27 in the Pawcatuck River, the bay and the ponds. Submerged aquatic vegetation for wildlife
28 feeding and spawning is found in Little Narragansett Bay, the river, and the ponds.
29 Eelgrass beds in Little Narragansett Bay had been declining for several years, and scallop
30 populations have been nonexistent.

31
32 However, a 2010 National Wetlands Inventory of the bay has shown an increase in the
33 total areas of eelgrass beds, presently a total of 343 acres. Mapping has been done by the
34 U.S. Fish and Wildlife Service, Save the Bay and the Salt Ponds Coalition. According to
35 the USFWS there are no federally designated critical habitat areas in the Town of
36 Westerly.

37
38 **Intertidal flats and shellfish beds** are found in the ponds and at Napatree Point, notably
39 in the “lagoon” area. The main issue affecting the harvest of shellfish is water quality.

40
41 **Swimming and surfing** are basically limited to the Atlantic Ocean waters and some
42 pond areas.

1 **Anadromous fish runs** have been established in the Northern Stillmanville area of the
2 river. Smelt, alewives, shad, and salmon have been species of concern since the 1970s.
3 Efforts toward their restoration have been ongoing by U.S. Fish and Wildlife.

4
5 **Tidal Wetlands** in the Pawcatuck River under CRMC jurisdiction are located on a
6 shellfish map in the appendix.

7
8 **Recreational Fishing** is popular in Spring and Fall in the area where there may be
9 bluefish, smelt, alewife, menhaden, and herring, although flounder, shad, and salmon are
10 basically nonexistent. Oysters, quahogs, other clam species, and scallops also are not
11 historically abundant due to contaminants. The river and bay as well as breach ways from
12 the ponds give access to the Atlantic Ocean where bass, bluefish, and other fish are
13 sought after. There are chartered fishing vessels, but no commercial fishing fleets as such.

14
15 Westerly's uniquely important natural resources have been extensively studied,
16 described, and managed in order to move toward the essential proper combination of
17 conservation and the citizen's use of the waters of the state.

18
19 **Commercial Fishing** – There are no commercial fishing facilities in the Town of
20 Westerly, but the small artisanal fleet would greatly benefit from a commercial municipal
21 site.

22 **Shellfish Beds and Spawning Areas** – Despite the decline in historically abundant
23 shellfish populations, the RI Shellfish Management Plan shows that recreational
24 shellfishing occurs on shellfish beds in both Winnapaug and Quonochontaug Ponds re are
25 shellfish beds and spawning areas in the Town of Westerly.

26 **Special Considerations Regarding Commercial Fishing**

27 Even before Westerly's humble beginnings as a trading post, capturing fish to feed the
28 native population was a high priority. As the first settlers began to populate the shores
29 along the Pawcatuck River and Little Narragansett Bay, harvesting shellfish, fish, and
30 seaweed were of the utmost importance to the local community. Local names and
31 symbols represent the importance of the fisheries, for instance Misquamicut was named
32 after the Native American word for "red fish" or salmon, and the town's seal displays
33 three salmon about to be scooped up in a fisherman's net. Since then, fish has continued
34 to be a staple to permanent residents of Westerly and tourists alike. Many a commercial
35 fisherman has left the shores on the Rhode Island side or the Pawcatuck side of the river
36 to bring back the bounty of protein from Block Island and Long Island Sound waters.
37 Avondale and Watch Hill were once hubs for nets, pots, and vessels all geared toward
38 feeding the town and surrounding areas. Aquaculture, albeit less formal than the current
39 trends, has also had a presence on both sides of the river and in the salt ponds along the
40 coast. At one point most of the docks up and down the river along with the shores of the
41 salt ponds were commercial in nature. Merchants, fisherman, steamers, and trade ships
42 were known to frequent the yards and wharfs or the Pawcatuck and service the town.

1 Since then, the majority of boats and yards along the river are recreational and havens for
2 small yachts and family cruisers. With the exception of a couple of boatyards that will
3 allow artisanal fisherman to berth next to recreational vessels, there is no longer a
4 plausible place for Westerly's commercial fisherman to bring back the amazing resources
5 that we have along our shores. Most boater neighbors have difficulties with commercial
6 fisherman's hours, the bulk of their business, and on occasion the odiferous nature of
7 their livelihood. Most commercial fisherman have difficulties with the logistics of selling
8 their catch, finding ice, fuel, and a slip that is conducive to the daily business of
9 providing fish to the local population.

10 The Westerly commercial fishing fleet continues to use traditional fishing methods
11 including eel pots, hand lines, pots, weirs, fykes, and all sorts of nets have all been used
12 since the beginning of the town's origins from Bradford to the Connecticut border.
13 Remnants of Native American fish traps and weirs still remain in the river today. But the
14 modern lobster fleet that used to leave from the docks on the northwest side of Colonel
15 Willie Cove, has been replaced by multimillion dollar homes with docks; their legacy
16 nonetheless remains.

17 Even though Westerly's commercial fishing fleet may not currently have a permanent
18 home they still harvest fish from local waters in the hopes of feeding their local
19 community. According to records from the most prominent fish buyer in town, currently
20 36 fisherman consider Westerly to be their home port and their fish product has a value of
21 close to one half a million dollars. Using Cornell University's formula for fish caught vs.
22 dollars equated to the local economy, that means that Westerly's fisherman account for
23 up to \$1.5 million dollars of the local economy, and that's without having a place to call
24 home. The hardly noticeable, hardworking commercial guys go mostly unseen and
25 definitely unappreciated. The fleet for the most part is artisanal in nature, stealth by
26 current situation, and trailer-able by necessity.

27 **The Problem**

28 Daily, in season, boats leave from the launches and ramps of Westerly and Pawcatuck to
29 catch local species and provide fish for local and distant customers, alike. All of the
30 viable salt ponds in Westerly currently harbor aquaculture businesses and/or commercial
31 fisherman, but there is no mention in the plan and no commercial docks or areas to access
32 the farms and ponds. The economic boon to the town and residents is in jeopardy if these
33 fisherman and aqua-culturists are given no mentions or accommodations to maintain and
34 hopefully grow their businesses. Although 36 boats call Westerly their home port there is
35 little to no mention of their current practices, economic value, or challenging situation in
36 the plan. Since Westerly's first beginnings commercial fishing has been an integral part
37 of its culture and history. In more recent times the struggle to keep a sustainable
38 presence in the Westerly area has become more difficult and challenging. Due to the
39 unique requirements of the industry, many local fishermen are forced to travel to Point
40 Judith or across state lines to do their business. The mostly artisanal fleet is shrinking
41 and finding the logistics and lack of infrastructure in the town to be one of their most
42 formidable challenges. Not only does the Westerly HMP need to include commercial
43 fisherman and aquaculture, the fisherman need a place or places to call home that are

receptive to the unique nature of the commercial business of supplying Westerly with the freshest and most amazing fish product as possible.

Final Thoughts

Over the course of Westerly's history, commercial fishing has been an integral part of its culture. Until recently, Westerly's mostly artisanal fleet has existed to not only provide fish for the community but also to support the livelihoods of many of its citizens.

More recently however the fleet has been negatively impacted by restrictive state and federal legislations, the gentrification and privatizing of waterfront properties, and the lack of infrastructure in the town to maintain a sustainable commercial fishing fleet.

With the dwindling availability of dockage, increased distances required find feasible retailers and wholesalers, and the lack of commercial or municipal facilities, Westerly's fleet is stressed and encumbered. If the fleet is forced to leave Westerly, or dissolved entirely, Westerly will lose a local source of fresh affordable fish, a part of its local cultural integrity, and the economic benefits associated with the 36 boats and fisherman that use the areas resources daily.

In the current atmosphere of local, sustainable food sourcing, "green" practices including "hook to plate" and fuel conservation efforts, as well as, the resurgence of the artisanal fisherman, local commercial fishing may be poised to make a comeback. Westerly would do well to create and establish language in its Harbor Management Plan that would not only accommodate the current fleet but more importantly encourage and support its growth. With farm raised shellfish locally on the rise and the culture around the fisheries turning toward a more local, sustainable, artisanal type fishery, the economic benefits to Westerly could be exponential if it were to embrace this part of its history, culture, and economy, that until recently has been mostly overlooked.

Commercial Fishing Recommendations

- Create a Tax Exempt status for Westerly's artisanal commercial fishing fleet and aquaculture businesses.

- Update the CRMC data to more accurately reflect the current uses of all of Westerly's salt ponds and waterways including commercial fishing.

- Include language in the Westerly Harbor Management Plan that incorporates commercial fishing's historical and cultural relevance to the Town of Westerly.

- Write language into the WHMP that encourages the development of areas in all of Westerly's bodies of water that accommodate the business of providing of fish and shellfish for local use.

- Create a Town Commercial Municipal Facility that would allow for development of a more substantial fleet presence.

- Encourage Westerly's fisherman and aquaculture communities to sell locally and improve their economic impact for all of Westerly's citizens.

THE BEACHES

I. INTRODUCTION

The Town of Westerly is blessed with an abundance of beautiful beaches, both public and private, that are accessible to local residents, private home owners, and the public. The Town owns two beaches off Atlantic Avenue, the State has a large beach also along Atlantic Avenue, and the beaches in all shoreline Fire Districts have provided enjoyment for its citizens and the public, and have brought many tourists to the area. The beaches and environs have provided excellent habitats for wildlife species, some of them threatened and requiring preservation management. Below is a summary of the beaches with associated regulations.

II. FINDINGS

A. WATCH HILL BEACHES

1. WATCH HILL BEACH

There is a beach with bathhouses owned by the Watch Hill Fire District located next to the carousel. The public is welcome but there is a fee for guests who are not in the Fire District. There is no on-street parking but there are private lots nearby.

2. EAST BEACH CONSERVATION AREA

This beautiful beach stretches from the Watch Hill Lighthouse all the way to the Misquamicut area. Cottage owners' land extends to the mean high tide mark on the beach. There is a public right of way from Bluff Avenue along a foot path that leads to the beach just east of the Watch Hill Lighthouse, with beautiful views of the summer homes, rocky cliff faces, and Block Island. There are no amenities or lifeguards. Paid parking is available in Watch Hill. At the road ending off Manatuck and Everett Avenues there are well marked paths that also provide easy access to the beach but there is no parking. The East Beach Association is composed of community members who help in accommodating the public use of the beach while maintaining conservation and litter control. As a consequence of their efforts, the East Beach contains one of the highest piping plover populations in Rhode Island. Litter control has become a problem with overflow from the receptacles.

3. NAPATREE POINT CONSERVATION AREA

At the southwestern tip of Rhode Island, Napatree Point is a long sandy barrier beach, extending west from Watch Hill Cove, terminating as a rocky outcrop known as a tombolo, separating the bay from the ocean. It offers a mile-long walk along the water's edge on the ocean and bay side. There are beautiful views from the high dunes and designated trails.

In 1899 the military built Fort Mansfield, and houses, hotels, wharves, and seawalls were constructed, all destroyed in the 1938 hurricane. Storms and hurricanes have continued to impact its configuration as it was once joined to Sandy Point extending to Connecticut and was located further in the ocean than at present. Approximately 90% of the Napatree property is owned by the Watch Hill Fire District, the remainder owned by a combination of the Watch Hill Conservancy, the State of Rhode Island, the Town of Westerly and a few private owners. About 70 acres of the land are currently in conservation, and are managed by the Watch Hill Fire District, the Watch Hill Conservancy, and the U.S. Fish and Wildlife Service as a wildlife refuge.

This area is one of the most important migratory shorebird stopover points on the East Coast and provides a foraging area for wading birds and year-round habitat for a variety of species. There are spectacular hawk, songbird, and monarch butterfly flights in autumn. The area also offers excellent fishing from the rocky shore near the ruined fort at the far end of the point. Napatree Point is accessible from two paved parking lots on Bay Street. Trash receptacles are available. The public is welcome to walk, swim, surf, sunbathe, fish, and enjoy this beautiful stretch of beach, bay and ocean.

Two studies by Rhode Island Natural History Survey, a non-profit organization, were completed in 2005 and 2010, and provide objective information about the condition of Napatree Point regarding recreational resources, wildlife, and migratory and nesting bird species. Their findings included the fact that dune and dune vegetation provide windbreak, shelter and food for wildlife. Over time, the public and free running dogs have created pathways crossing the dunes segmenting the habitats. Fourteen species have been identified by the State or Federal Government as rare, threatened, or endangered. These include the roseate tern, the least tern, and the federally "threatened" Piping Plover. The Piping Plover has been protected under many treaty and resource protection acts as well as Section 9 of the Endangered Species Act, which prohibits any person from harming or killing listed wildlife.

1 B. MISQUAMICUT BEACHES

2
3 1. COMMERCIAL BEACHES

4
5 There are approximately 17 commercial beaches stretching from the west end of Atlantic
6 Avenue to the Weekapaug Breachway that the public can access. They include five hotel
7 beaches, nine parking lots with beaches, two trailer/RV parks also with beaches, and one
8 private beach club.
9

10 2. MISQUAMICUT FIRE DISTRICT BEACHES

11
12 There are three Misquamicut Fire District beaches along Atlantic Avenue. Two of these
13 beaches have parking and restricted lots. These beaches are restricted to the residents of
14 the Fire District and their guests.
15

16 3. MISQUAMICUT STATE BEACH (Indian word meaning “red salmon”)
17 257 Atlantic Avenue
18

19 This beach runs the a significant length along Atlantic Avenue on the south side and is
20 Rhode Island’s largest state beach, with 3600 feet of frontage on the Atlantic Ocean. The
21 beach is part of 102 acres of state-owned land that also borders Winnapaug Pond.
22 Lifeguards are on duty all season and the beach has areas for body and board surfing,
23 hiking, walking, and swimming. The large pavilion is accessible to people with
24 disabilities, has an observation tower, rest rooms, showers, first aid, picnic
25 tables/benches, concessions, refreshments and trash receptacles. The beach is extremely
26 full during the summer and there is a fee for parking. The parking lot is open from
27 Memorial Day to Labor Day.
28

29 5. WESTERLY’S NEW TOWN BEACH
30

31 Located on both sides of Atlantic Avenue, in close proximity to Misquamicut State
32 Beach, this 3.12-acre town-owned property contains almost 300 feet of beach frontage
33 and is open to the general public. Changing rooms are available. This stretch of beach is
34 popular with surfers, who are encouraged to visit during summer evenings and off-season
35 to minimize conflicts with other beachgoers and sunbathers. Parking is available for a
36 fee, as are concessions, toilets and trash receptacles.
37

38 6. WESTERLY TOWN BEACH
39

40 Located south of Atlantic Avenue, this town-owned beach consists of approximately 10
41 acres with 550 feet of ocean frontage. The beach pavilion has showers, bathrooms,
42 lifeguards, first aid, and a food concession stand. The beach is restricted to Westerly
43 residents and their guests. Parking for the beach is available at two parking lots with a
44 total of 400 spaces. Handicapped bathrooms and parking are available. From the
45 bathhouse, there is a nice view of Winnapaug Pond to the north. There is a fee for

1 stickers for Westerly residents or taxpayers. Handicap access, picnic tables/benches,
2 hiking, walking, and trash receptacles are available.

4 C. WEEKAPAUG BEACHES

6 1. QUONOHONTAUG CONSERVATION AREA

7 Quonochontaug Beach is one of the few remaining undeveloped, privately owned barrier
8 beaches in Rhode Island. The Quonochontaug Beach Conservation Commission
9 (QBCC), an umbrella organization of the Nopes Island Conservation Association,
10 Weekapaug Fire District, Shelter Harbor Fire District, Weekapaug Foundation for
11 Conservation, Washington Trust Bank, and Shady Harbor Fire District, manages the area.
12 Swimming areas with lifeguards are restricted to property owners and require a pass. The
13 QBCC presently allows fishermen and the public to park at private parking lots during
14 specified times, which are discussed below, and to gain pedestrian access to the beach
15 and pond via well-marked trails off the sand trail that runs from the eastern end of Spray
16 Rock Road to the Quonochontaug Breachway. Only private property owners are allowed
17 to drive motor vehicles on the sand trail from June 15th to September 15th, and at no time
18 are vehicles allowed on the beach face, sand dunes or vegetated areas. Over the past few
19 years, the CRMC has restricted vehicular traffic on the sand trail for short periods of time
20 (several days to weeks) from April 15th to September 15th when Piping Plovers are
21 nesting near the sand trail. No parking is allowed along the sand trail. A pamphlet of
22 regulations and guidelines for use of the site is available from the QBCC.

24 Parking at the private parking lots for those persons wishing to fish, shellfish or nature
25 walk are permitted during the following periods:

27 Summer (06/16 – 09/14) Daytime: 7:00am to 6:00pm. No parking is permitted without a
28 resident's car parking sticker or permit.

30 Evening and Nighttime: 6:00pm to 7:00am. Short-term parking for fishermen and the
31 public is permitted, with no overnight parking.

33 During this season temporary parking will be permitted for the public in the specified
34 parking areas at any time for fishing, shell fishing, and nature walking, with no overnight
35 parking.

37 Additionally, there are approximately ten parking spaces just west of the sand trail which
38 are available to the public anytime.

III. ISSUES

A. THREATENED SPECIES

With the increase in population and settlements along the shore, there has been a conflict between humans and coastal shorebirds' habitats. The migration of shorebirds requires them to "refuel" at coastal sites typically separated by hundreds or thousands of miles. As human populations grow, many essential coastal sites and nesting places are threatened with loss of key habitats causing species to decline and become endangered.

Of special importance to all the beaches is the protection and rehabilitation of Piping Plovers which have established breeding grounds there. The U. S. Fish and Wildlife Service has adopted a recovery plan with the goal of removing the Atlantic Coast piping plover population from the list of Endangered and Threatened Wildlife species by (1) achieving well distributed increases in numbers and productivity of breeding pairs, and (2) providing for long-term protection of breeding and wintering plovers and their habitats.

In addition, the Rhode Island Natural History Survey identified fifty-two species, including 14 which have been designated as rare, threatened, or endangered by the state or the federal government. Three of these are the roseate tern (federally endangered), piping plover (federally threatened), and the least tern (state threatened). Dunes and dune vegetation protection are essential for assistance in helping the survival of these species.

B. SAFETY

Where the beaches have no lifeguards, signs may be needed with warnings about big surf and dangerous currents. There needs to be special areas designated for surfers. Vehicles on the beach in the off season can create danger for pedestrians and those who are just sitting on the beach. Vehicles are not allowed at any time without a DEM issued permit. Though Town ordinance allows dogs on the public beaches during specified hours of the day, unless the owners religiously pick up droppings, bathers will be endangered. Litter that is taken in by visitors must be taken out. Care must be taken to respect property owner's land. Care must also be taken to protect nesting birds and threatened species from both pedestrians and pets. Rights of ways should be acknowledged and kept cleared.

IV. RECOMMENDATIONS

- A. Provide education for pedestrians and boaters about endangered species.
- B. Protect shallows, wetlands, eelgrass areas and dunes
- C. Maintain signs for public education regarding litter and Town ordinances.
- D. Put up signs with safety rules regarding high surf and currents, no lifeguards
- E. Establish dune restoration for all barrier beaches.

1 SHORELINE PUBLIC ACCESS

2
3 **ALL RIGHTS OF WAY MUST BE PROVEN TO BE PUBLIC OR PRIVATE**

4
5 I. INTRODUCTION

6
7 An initial study by the Harbor Management Planning Commission in 2006 revealed
8 approximately (35) public access points designated by the Town of Westerly and/or the
9 Rhode Island Coastal Resources Management Council (CRMC) in the town of Westerly.

10
11 This identification process was difficult as some of these public access points had never
12 been officially listed, acknowledged or legally clarified by the town. Some have been
13 legally challenged by abutting property owners over the years; some have been used for
14 years but never officially established or posted; some have been known for years but
15 never officially used; some have been used frequently and never questioned, etc.

16
17 For the above reasons, the list included in the initial study is supplemented by a section
18 entitled 'Prospective Future Sites and Site Ideas', a list of potential public access-points
19 (or access ideas) that will be held until further research proves them either valid or
20 invalid for public use. In other words, this is a list that should grow and become more
21 firmly established as the Harbor Management Planning Commission of Westerly
22 continues in its ongoing mission to 'preserve, maintain and expand public access to the
23 water and the waterfront. (REFERENCE: 1992 Pawcatuck River Estuary and Little
24 Narragansett Bay Study, done jointly by the RI CRMC and CT Department of
25 Environmental Protection, p. 183 section 620.1 Protecting and Increasing Access, A.
26 General Public Access Policies.: "1. The state and local governments should protect and
27 increase public access, both physical and visual, to the Pawcatuck River Estuary and
28 Little Narragansett Bay through adoption and adherence to common policies and
29 standards, protection and development of existing sites, or sites where there exists an
30 easement running to the public, and requiring the dedication of access where appropriate
31 as a condition of new development and redevelopment.)

32
33 Currently, for instance, there is talk in the town of Westerly about possible additions and
34 improvements to public access. A public river-walk, beginning along the Pawcatuck
35 River near the downtown area, has been discussed by numerous agencies and councils
36 (Westerly Land Trust, The Economic Planning Committee, etc.), including the Harbor
37 Management Planning Commission, and this idea has been generally accepted as a
38 desirable goal for the town. Though no specific plans have yet been presented, the idea is
39 a positive one and will be reviewed by the Harbor Management Planning Commission as
40 a desired addition to public access when an official proposal emerges.

41
42 There has also been some discussion about improved use of the waterways for
43 transportation and/or recreational purposes, especially public transportation. Adding
44 public dock space to the rivers, ponds, bays and/or coves of the Westerly area should be
45 viewed as a desired goal as well, since Westerly has not utilized its waterways for public
46 transport since the early 1900's.

1 In general, known access-points will be outlined here—29 designated sites of various
2 types and descriptions in 2009. Where issues and questions remain, those sites will be
3 listed as ‘Prospective Future Sites and Site Ideas’ at the end of the section.
4

5 2. FINDINGS 6

7 *Note: All directions (north/south/east/west) referred to in this section are ‘by the
8 compass’.
9

10 RIGHTS OF WAY TO THE SHORE (referenced from Westerly ROW book and 2004 RI 11 CRMC Public Access manual) 12

13 Site #1--Avondale Road- (State designated ROW #A14). Located next to the Lotterville
14 Marina, this ROW is approximately 25-feet wide, covering 3776 square feet, and is
15 bordered on its north side by a stone wall marking the boundary with the Frank Hall Boat
16 Yard. There is a stone wharf and a launching ramp, both in need of repair. The site is
17 posted. It appears to have been set up as a launching ramp, but the terrain at entry needs
18 attention and upgrading. The exact size and dimensions of this parcel should be identified
19 for possible upgrading. No parking nearby.
20

21 Site #2 & 2A- Water’s Edge Road (Town-designated—previously Meadow lane.)
22 Located at the end of Pawcatuck Avenue, running north/south, this 40 foot wide ROW
23 runs the entire length of Waters Edge Road, ending on the north side at Foster Cove and
24 on the south side at Watch Hill Cove. Not posted; no sign at either end. The Foster Cove
25 end contains a stone marker, presently obscured by overgrowth, used in determining the
26 Connecticut-Rhode Island border. Access, though once marked with stone marker on
27 Foster Cove side, has been blocked by fencing. On the south side, at Watch Hill Cove,
28 there is a water-entry ramp, apparently for boat-launching, not well maintained. This
29 ROW is used, though infrequently.
30

31 Site #3- Fort Road (Access along Fort Road shoreline). Located off Bay Street, running
32 along Watch Hill Cove adjacent to shops and cabanas, the pedestrian easement leads to
33 Napatree Point, running along the seawall as a shoreline path and leading through a
34 posted-gate to Napatree Beach. This ROW is heavily used in the summertime,
35 moderately used in the off-season.
36

37 Site #4- Bluff Avenue, Watch Hill- (*Both Town and State-designated as CRMC ROW #A-*
38 *2*) Located at the top of Larkin Road as it becomes Bluff Avenue. This ROW is pictured
39 and described as a 40-foot wide road that leads to the beach. Now a pathway bordered by
40 evergreens and beach rose bushes, about 10-feet wide at the Bluff Avenue entry,
41 narrowing to 2-3 feet as it winds down toward the beach. A town sign is posted at the
42 entry-point. No state shoreline access marker is present, though it has been marked in the
43 past. **This ROW should be kept clear and upgraded; it is heavily used in summer,*
44 *moderately used off-season.*
45

1 Site #5- Everett Avenue, Watch Hill- (Town-designated) Located just north of the Ocean
2 House, this ROW is a path 30 feet wide and 260 feet long. There are private homes on
3 both sides of the right-of-way. There is a sign posted at the right-of-way itself,
4 designating this as a beach entry point, but no sign at the entry to Everett Avenue. This
5 access-point is heavily used in the summer season and has been utilized as a vehicular
6 beach-entry point by fishermen during the off-season.

7
8 Site #6- Niantic Avenue, Watch Hill (one-way street/ town-designated)- This is a wide
9 path leading from this one-way street. The right-of-way covers 35, 520 square feet,
10 according to the town list, but there are no linear dimensions listed. This right-of-way is
11 posted with a town sign. It is heavily used in the summer season.

12
13 Site #7- Manatuck Avenue, Watch Hill—(*State-designated ROW—CRMC #A-3*). Located
14 at the beach-end of Manatuck Avenue, this is a wide sandy path leading to the
15 beachfront. It is posted with a RI CRMC right-of-way sign. It is heavily used during the
16 summer months as a beach-access and used as a vehicular entry-point during the off
17 season.

18
19 Site #8- Atlantic Avenue, Misquamicut- (Town-designated) This right-of-way is located
20 at the very end of Atlantic Avenue, going west. It is, technically, the hurricane-eroded
21 extension of Atlantic Avenue that once led to several summer cottages. There is a town
22 sign posted, and a chained-and-posted entry-point. It has been historically utilized as a
23 pedestrian and vehicular right-of-way, used heavily by the public both during the summer
24 and in the off-season.

25
26 Site #9- Atlantic Ave, Misquamicut- (*Town-designated*). Located on the western end of
27 Atlantic Avenue near pole #154, this is a ten-foot wide path to the shore, marked by a
28 town ROW sign. It is bordered by a wooden fence and a thick growth of beach roses.
29 There are private homes on both sides. This ROW is used moderately in the summer
30 months as a beach-entrance.

31
32 Site #10- Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-13*)
33 Located near pole #91 near Atlantic Beach Park on the north side of the State Beach,
34 between two buildings (Windjammer Lounge and a 3-story residential condominium).
35 This right-of-way appears to coincide with a private parking-lot entrance. It is marked
36 with a state shoreline access sign and appears to be utilized at least moderately in the
37 summer season. It has also been used as a vehicular entry-point in the off-season.

38
39 Site #11 Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-11*)
40 Located near pole #72 on the east end of Atlantic Avenue, this right-of-way is marked
41 and posted with a sign. It is well-marked and heavily-used in the summer season.

42
43 Site #12 Atlantic Avenue, Misquamicut—(Town-designated, State-designated, RI CRMC
44 #A-6)- Located on the east end of Atlantic Avenue near pole #54, this right-of-way is a
45 long sandy path to the beachfront. It is marked with a CRMC access sign and bordered

1 with a snow-fence. This right-of-way has been used historically. It is used moderately in
2 the summer season.

3
4 Site #13 Atlantic Avenue, Misquamicut—(Town-designated, State-designated, RI CRMC
5 #A-7) Located on the east end of Atlantic Avenue (near pole #46), this right-of-way is
6 clearly posted with signs and appears to be used regularly in the summer season. It is a
7 long sandy path bordered by a wood-framed, chain link fence.

8
9 With the help of CRMC personnel (Kevin Cute & Janet Freedman) several additional
10 state-designated ROW's, previously not mentioned, were reviewed. These are included
11 below. These ROW's may or may not be accessible, but they have been designated by the
12 state as legitimate ROW's. In some cases, accessibility may be possible, however, and
13 every effort should be made to clear them and open them to pedestrians.

14
15 Site #A-12, state-designated ---This ROW is located between telephone poles #19-20,
16 and street numbers 601-611, at the Weekapaug end of Atlantic Avenue. The site is not
17 passable. Starting from Atlantic Avenue, the ROW crosses Phragmites marsh, thick
18 brush, a sand dune and a boulder revetment. The boulder revetment encroaches on the
19 'beach' to the east as depicted on a Westerly Plat map of 1909. The revetment impedes
20 lateral access along the shore at high tide.

21
22 Site #A-8, state-designated---Moving from site A-12 along Atlantic Avenue toward
23 Watch Hill, this ROW is located between telephone poles #29-30, and street numbers
24 563-567. The ROW is not passable at present. Starting from Atlantic Avenue, it crosses
25 thick brush and a boulder revetment. The boulder revetment along this section of
26 shoreline is approximately at the 'foot of bank', possibly encroaching on the 'beach' in
27 places.

28
29 Site #A10, state-designated---This ROW is located between telephone poles #39-40, and
30 street numbers 523-529, at the Weekapaug end of Atlantic Avenue. There is a walkway
31 (private?) leading to the beach that is connected to a ground-level deck, adjacent to 529
32 Atlantic Avenue.

33 If the exact dimensions and location of this ROW can be determined, reopening it to
34 public use should not be difficult.

35
36 Site #A-9, state-designated—This ROW passes through the Westerly Town Beach
37 between telephone poles #80-81. Pedestrian access through this town-owned shorefront
38 property is permitted.

39
40 Site #16A—West Beach Road, Charlestown—This ROW was not included in the initial
41 list as it is located in Charlestown. It does, however, provide public water and boat access
42 to Quonochontaug Pond, a portion of which is located in the Town of Westerly and a
43 portion in Charlestown. This RI state access area has a boat-launch ramp and ample
44 parking. It is located at the end of West Beach Road, adjacent to the Quonochontaug
45 breach way in Charlestown.

1 WEEKAPAUG AREA—

2
3 Site #14 Atlantic Avenue, Misquamicut/ Weekapaug Bridge—(*State-designated (DEM)*
4 *fishing area*) Located on both sides of the Weekapaug Bridge, these state-designated
5 parking areas for fishing, allow fishermen and pedestrians access to the Breachway and
6 the shoreline. From the west side parking area, a vehicle-path leads along the Breachway
7 to the shore. This is used in the off-season as a vehicular access for fishermen; it is used
8 in the summer season as a pedestrian right-of-way to the Breachway and the shore.

9
10 Site #15 Spray Rock Road overlook, Weekapaug (sea-walled scenic overlook and
11 shoreline access.) Located at a scenic bend in Spray Rock Road, this parking area (time-
12 limited in summer) has been used as a scenic overlook and shoreline access for fishermen
13 and surfers for many years. Parking in the off-season is not time-limited.

14
15 Site #16 Spray Rock Road, Weekapaug (*State-designated pedestrian and vehicular*
16 *ROW*) Located at the north end of Spray Rock Road, abutting the Weekapaug Yacht
17 Club, this gravel-to-sand road leads to the Quonochontaug breach-way (4X4 vehicles
18 only on sand road to breach-way). By an agreement reached in Superior Court in 1997
19 (CA# 94-321/ dated 2-26-97) this roadway (with limited public parking near the
20 entrance) is available to all residents as a pedestrian access-path and to property owners
21 and other authorized vehicles (such as fishermen with permits) who wish to reach the
22 shoreline or the Quonochontaug breach-way in Charlestown. Harbor Management
23 members, town officials and concerned groups (such as fishermen) must continue to
24 maintain and improve both pedestrian and vehicular right-of-way access to this
25 Westerly/Charlestown shoreline area.

26
27 PUBLIC BEACH ACCESS

28
29 Site #17- Misquamicut State Beach, Atlantic Avenue. (RI Department of Environmental
30 Management (DEM))—Located on the west end/south side of Atlantic Avenue, this is
31 Rhode Island's largest state-owned beach with 3600 feet of frontage on the Atlantic
32 Ocean. The parking lot and facilities (bathrooms, changing rooms, snack bars) are open
33 for the summer season (Memorial Day to Labor Day) for an entrance fee; in the off
34 season there is no charge for parking. Pedestrian access always welcome. The beach is
35 part of 102 acres of state-owned land that also borders Winnapaug Pond.

36
37 Site #18- New Westerly Town Beach (Wuskenau), Atlantic Avenue, Misquamicut—
38 Located just to the east of the State Beach, with parking on both north and south sides of
39 Atlantic Avenue, this new town beach has almost 300 feet of beach frontage and is open
40 to the general public for a fee. Facilities (bathrooms, showers, changing rooms,
41 concessions) available. Lifeguards on duty during summer season.

42
43 Site #19 Westerly Town Beach, Atlantic Avenue, Misquamicut—Located on the south
44 side of Atlantic Avenue, also east of the State beach, abutting an RV park, this 10-acre
45 beachfront property has 550 feet of ocean frontage. Attendance is restricted to permitted
46 Westerly taxpayers. Two parking lots available, on north and south sides of Atlantic

1 Avenue, 400 total parking spaces. The beach pavilion has facilities (showers, bathrooms,
2 concessions). Lifeguards on duty during the summer season.

3 4 BOATING, FISHING AND SCENIC ACCESS

5
6 Site #20- Main Street Boat Launch, Westerly—(*State-owned*) Located on the Pawcatuck
7 River, near Westerly's Town center on Main Street between Union and School Streets,
8 this concrete boat launch is in excellent condition and has ample parking for vehicles and
9 trailers. No fee.

10
11 Site #21- Viking Marina, Margin Street, Westerly—(privately owned) Located off
12 Margin Street on the tidal portion of the Pawcatuck River, this is a privately owned
13 marina with one small boat ramp available for public use for a fee. The ramp is 10 feet
14 wide. Public parking is located one-half mile away.

15
16 Site #22- Margin Street Launch, Westerly—(town-managed) Located on the right as you
17 pull into the Westerly Marina, the Margin Street Launch is a town boat ramp, restricted to
18 use by town residents. Parking is available on site for 15 to 20 cars with trailers. No fee
19 for Westerly residents. (*the boat launching ramp should be upgraded.)

20
21 Site #23- River Bend Cemetery, Scenic access—Located on Beach Street (Rte 1A). This
22 beautiful old cemetery does not offer ideal access to the river (though it does have an old
23 boat launch area) but there are great scenic views and interesting, ornate gravestones.
24 Excellent for birders. Park on interior roads only.

25
26 Site #24- Frank Hall Boatyard, Avondale (privately-owned)--Located on India Point
27 Road on the Pawcatuck River in Avondale. Dockage and parking for a fee.

28
29 Site #25- Lotteryville Marina, Avondale (privately-owned)—Located on Avondale Road
30 on the Pawcatuck River, this very old marina has a boat ramp available to nonmembers
31 during the week for a fee. Parking is limited on week-ends.

32
33 Site #26 – Avondale Boat Yard, 47 Avondale Road (privately owned)

34
35 Site #27- Watch Hill Boatyard, Watch Hill (privately-owned)—Located on Pasadena
36 Avenue at Colonel Willie's Cove (Pawcatuck River), this site offers public access: boat
37 ramp, moorings, transient docking and parking, for a fee. Parking sometimes difficult in
38 summer on week-ends.

39
40 Site #28- Watch Hill Dock, Watch Hill—Located off Bay Street in Watch Hill village,
41 this Watch Hill Fire District dock (run by the Frank Hall Boatyard) is available for pick-
42 up, drop-off and temporary tie-up of small watercraft. A waterfront park with benches is
43 nearby. Public parking nearby is time-limited.

44
45 Site #29- Watch Hill Lighthouse, Watch Hill—Located on Larkin Road/ Bluff Avenue,
46 pedestrians (handicapped or seniors in vehicles) may access this granite lighthouse, built

1 in 1856, to fish from the seawall or experience the beautiful views of the coastline.
2 Lighthouse museum open two half-days/week. No parking available, though there is
3 parking within walking distance used heavily by fishermen in the off-season.
4

5 3. ISSUES 6

7 **Some access-points are overgrown, partially obstructed, or without proper*
8 *identification and care:*
9

10 Site #2—Waters Edge South. The launching ramp is ill-maintained and the right-of-way
11 has been narrowed by growth on one side and large rocks on the other. Lack of nearby
12 parking will limit the use of this site but it should be fine for kayaks and small boats.
13

14 Site 2A---Waters Edge North. The present fence is fine as a travel barrier. But, the site is
15 not maintained. Undergrowth blocks access to the riverbank and completely obscures the
16 state-line marker.
17

18 Site #4/ Bluff Avenue—A narrowing pathway, with some large rocks, make it difficult
19 and possibly dangerous to pass, especially when carrying beach chairs, coolers, surf-
20 boards and/or other items.
21

22 **Some access points have unrealized potential for access:*
23

24 Site #1—Avondale Road—There may be space enough for parking and if the wharf and
25 ramp were upgraded this could be a public boat launch site (for small boats) much closer
26 to Little Narragansett Bay than the state boat launch area in downtown Westerly.
27

28 Prospective site #1---Meadowlark Drive—This undeveloped town road leads to the
29 Pawcatuck River and what appears to be an old launching ramp. By itself, it has limited
30 potential but it is adjacent to the town-owned sewer plant, where there may be under-
31 utilized land. This land could be developed for parking and other uses, if the town agrees.
32

33 Prospective site #2—Avondale Road—This land may be mostly wetlands but could be
34 developed as a visual access site, for bird-watching, etc., and possibly some walking
35 access. It is presently owned by the Westerly Land Trust and is marked as a Right of Way
36 (R/W) on the Town plat maps.
37

38 Prospective sites (and ideas) to salt ponds —There is no public boat access to the salt
39 ponds (Winnapaug, Quonochontaug, etc.). The entire shoreline should be studied for such
40 locations.
41

42 **Some public access points have been lost or diminished by 'privatization':*
43

44 Examples: there are two town-designated sites in Misquamicut, one entering Winnapaug
45 Pond and one located, supposedly, just west of Winnapaug Road on Atlantic Avenue.
46 Apparently, these sites have simply been blocked or obscured. There is also a site in

1 Watch Hill, off Wapan and Arraquat Roads, that the town ROW book identifies as a
2 public access point, but, after a close inspection, there is no apparent sign of it; this site
3 has either mistakenly identified or has been erased by privatization.

4
5 **Some public access-points have been used but never officially listed:*

6
7 Examples of such sights are Snowberry Lane, Salt Pond Way, Egret Lane. These sites,
8 and others listed in the Prospective Sites section, lead to Winnapaug salt pond and are
9 therefore potential public access-points.

10 11 4. POLICIES

- 12
- 13 • All ROWs must be proven to be public or private
- 14
- 15 • The Town shall not allow any future ‘privatization’ of existing public access
- 16 points.
- 17 • The Town will actively support efforts to maintain and protect all public access
- 18 points to the shore.
- 19 • Where necessary, the town will support the physical improvements of the
- 20 shoreline access areas on a priority basis to ensure safe and easy access.
- 21 • The Town will support and encourage the efforts of the Planning Board in the
- 22 creation of new access points for all new waterfront development.
- 23 • The Town will support the participation of citizens and community organizations
- 24 in the physical restoration, upgrading and maintenance of rights of way. (As it did
- 25 by officially enacting the CRMC’s Adopt-An-Accessway program in 2008).
- 26 • The Town will examine possibilities for the acquisition, through donation or
- 27 purchase of lands adjacent to access points, for open space and recreation as funds
- 28 become available, including acquisition for public dock space wherever feasible.
- 29 • The Town should not abandon or ignore any public shoreline access points.
- 30 • The Town should continually explore the potential for additional public shoreline
- 31 access points, including municipal paper streets (streets shown on maps),
- 32 dedicated easements,, buried cables, washed-out town roads, etc.
- 33

34 5. RECOMMENDATIONS

35
36 PA1- The Harbor Commission should continue its efforts to determine which public
37 access points need improvements. These areas should be prioritized and targeted for
38 improvements to ensure safe access to the shore. The Harbor Commission should work
39 with all appropriate town agencies (Town Council, Planning and Zoning Boards, Town
40 Administration, Economic Planning Committee, etc.) to seek funds for improvements.

41 *Action Agents: Harbor Commission, Town Council, Town Administrators,*
42 *Harbormaster, all related committees and councils.*

43 *Time Frame: Ongoing*
44
45
46

The town should improve the following sites:

Site #1—Avondale Road—the ramp should be improved, the stone wharf upgraded or replaced with a floating dock. The site should be surveyed and measured, cleared and, if possible, partly surfaced for parking, the remainder landscaped.

Prospective Site #1—Meadowlark Drive---The Commission should find out if the land surrounding the sewer plant is reserved for expansion or upgrade. If it is not, the Town should develop a plan for a launching ramp here, possibly a public dock. The entrance would be from Meadowlark Drive, parking could be on what is now sewer department property. The site could be landscaped to separate it from the sewer plant and the neighbors.

Prospective site #2---Avondale Road—The Commission is exploring possible access here, with the Westerly Land Trust, the current owner, who may have similar public access interests.

Prospective site (idea) #6 Salt Pond Way, et al—Winnapaug Pond—The town should establish and develop a small-boat launching area into Winnapaug Pond, at one or both of the town-owned parking lots opposite the town beaches on Atlantic Avenue. Although the water is too shallow for deep-keel launching, small boats such as kayaks, canoes, sailfish, etc., could easily access this pond. A path to the pond, a minimal launch ramp, a small floating dock and signage is all that is needed here.

PA2- The Harbor Commission should coordinate with Town Administrators on a plan for long-term maintenance of rights-of- way, including: regular site checks, regular trash removal, periodic mowing and/or removal of obstructions and/or landscape improvements.

Such programs as the CRMC-sponsored Adopt-An-Accessway program, which will provide oversight to rights-of-way in town, especially those that lead to beaches, should be continued and supported. Also, where needed, signs to identify each right-of-way should be erected and illegal ‘no parking’ signs should be removed.

Action Agents: Harbor Commission, Town Administrators, Harbormaster, Adopt-An-Accessway participants (East Beach Association, Conservation Groups, RI Mobile Sports fishermen, Save the Bay, etc.) and other related community agencies.

Time Frame: Ongoing

The town should improve the following sites if feasible:

Site #4—Bluff Avenue—Rocks creating blockage in the path should be removed, the accessible path widened and made more easily traversable.

Site #2—Waters Edge South—The ramp should be upgraded and the brush and rocks removed to clear the full authorized width. It should be possible for cars to turn around without encroaching, or entering, neighboring properties.

1 Site #2A—Waters Edge North—The site should be cleared and landscaped with grass or
2 gravel. The site should be developed to provide visual access to Foster Cove, Little
3 Narragansett Bay and the Pawcatuck River, and pedestrian access to the state boundary
4 marker. A sign describing the marker should be erected .
5

6 PA3- Waterfront development should not restrict or diminish public access. The Town
7 shall require that new or expanded developments provide some form of public access
8 (such as boardwalks, walls or walkways) to compensate fully for any interference with or
9 loss of access.

10 *Action Agents: Town Council, Town Administrators, Planning and Zoning*
11 *Boards, other related agencies.*

12 *Time Frame: Ongoing*
13

14 PA4- The Town should begin planning for a public dock. There is no public dock in
15 Westerly at this time. The Town should seek out appropriate and feasible locations for a
16 public dock.

17 *Action Agents: Harbor Commission, Town Planner, Planning Board, Harbor*
18 *Master, Town Administrators, appropriate fire districts or boards.*

19 *Time Frame: Ongoing*
20

21 PA5- Inventory paper streets (map reviews), dedicated easements, and buried utilities as
22 they may provide opportunities for potential new public access points.

23 *Action Agents: Harbor Commission, Town Council, Administrators, Dept. of*
24 *Public Works.*

25 *Time Frame: Ongoing*
26

27 PA6- Continue to identify shoreline public access points for potential to be designated as
28 such by RI CRMC.

29 *Action Agents: Harbor Commission, Town Council, CRMC sub-Committee.*

30 *Time Frame: Ongoing.*
31

32 PA7—Submit all town-designated access points to RI Coastal Resources Management
33 Council for state review and designation.
34
35

36 6. PROSPECTIVE FUTURE SITES AND SITE IDEAS: 37

38 Prospective site #1/ Meadowlark Drive—(town-designated)-Located at the river-end of
39 Meadow Lark Drive, this site could easily be included in the above site list without much
40 research, but there are some questions about its borders, abutting owners, etc. The site,
41 once fully listed, is a good site for possible public use, public dock, parking lot, etc. It has
42 been ignored as an access point for several years. The Harbor Commission should
43 determine whether the land surrounding the sewer plant is reserved for expansion or
44 upgrade. If not, the Town should develop a plan for a launching ramp here, possibly a
45 public dock. The entrance would be from Meadowlark Drive, parking could be on what is

1 now sewer department property. The site could be landscaped to separate it from the
2 sewer plant and the neighbors.
3

4 Prospective site #2-- Avondale Road- (Town-designated) Located between Champlin
5 Drive and Watch Hill Road, bordering Colonel Willie Cove, this ROW is a small
6 peninsula of land (owned by the Westerly Land Trust). There is currently no sign. As
7 noted in the town ROW book, there is land for parking nearby, but this is also
8 unidentified at present. In a residential neighborhood, the ROW is noted on town plat
9 maps. Though used minimally at present, this could be utilized as a wildlife-viewing site,
10 but its true boundaries would first have to be accurately determined and the cooperation
11 of the Westerly Land Trust enlisted.
12

13 Prospective Site #3- Winnapaug Road, Misquamicut—(Town-designated—*research*
14 *needed*) Located near the intersection of Atlantic Avenue and Winnapaug Road, near the
15 Sea Shell Motel, this ROW leads to Winnapaug Pond and it is difficult to locate. It is
16 described in the town's list as being 'so close to a major recreation facility, no
17 development or further action is recommended at this time.'
18

19 Prospective Site #4/ Atlantic Avenue, Misquamicut—(Town-designated—*research*
20 *needed*) Town lists this as 'located just west of the intersection of Winnapaug Road and
21 Atlantic Avenue.' It could not be located. Further study is necessary.
22

23 Prospective Site #5/ Salt Pond Way—(town road? town-designated? *research needed*)
24 Located off Cove Road in Weekapaug, this pond entrance appears to be a public
25 launching area abutting the shore end of a town road, but there is a sign posted stating it
26 is '*not a public launch*'. There is no group of individual identified on the sign. More
27 study is needed to clarify this shoreline access-point. (It could be that because this area is
28 at the end of a town road, public access to the pond (public trust) is automatically
29 assigned, but abutting property owners do not want a public launch here.)
30

31 Prospective Site #6/ Winnapaug Road, Misquamicut—(Town-designated—*research*
32 *needed*) Located near the intersection of Atlantic Avenue and Winnapaug Road, near the
33 Sea Shell Motel, this ROW leads to Winnapaug Pond and it is difficult to locate. It is
34 described in the town's list as being 'so close to a major recreation facility, no
35 development or further action is recommended at this time.'
36

37 Prospective Site (idea) #7--A public river-walk, beginning along the Pawcatuck River
38 near the downtown area, has been discussed by numerous agencies and councils
39 (Westerly Land Trust, The Economic Planning Committee, etc.), including the Harbor
40 Management Planning Commission, and this idea has been generally accepted as a
41 desirable goal for the town. Though no specific plans have yet been presented, the idea
42 should be reviewed by the Harbor Management Planning Commission and other groups
43 as a desired addition to public access. An actual proposal should then be made, outlining
44 location, dimension specifics, work plans, timelines, etc.
45

1 Prospective Site (idea) #8—Improvements in the use of the main waterways for
2 transportation and/or recreational purposes, especially public transportation. Adding
3 public dock space to the rivers, bays and/or coves of the Westerly area should be viewed
4 as a desired goal as well, since Westerly has not utilized its waterways for public
5 transport since the early 1900's. The Town should review the feasibility of constructing
6 public docks on Town owned or acquired properties.

7
8 Prospective Site (idea) #9---Improvements in the use of the salt ponds for small boat-
9 launching and small boat access. There are several points, including pond-side areas
10 behind the Town and State beaches that should be investigated for this purpose.

11
12 Prospective Site (idea) #10---Several potential public access sites on the Winnapaug salt
13 pond should be investigated for access as well. These include: Snowberry Lane; Egret
14 Lane; et al.

15
16 Prospective Site (idea) #11—Westerly Town plat 86/ lots 56 & 61. This is town-owned
17 riverfront property on Margin Street (upriver from the Town sewer plant) that should be
18 considered as a potential town dock site. It is mentioned in the Comprehensive Plan.

19
20 The Town will engage CRMC in the investigation of all potential ROW listed as
21 Prospective Future Sites.

22

HARBOR FACILITIES AND BOAT RAMPS

Harbor Facilities consist of public, private, and commercial marinas, yacht clubs boatyards docks and boat ramps.

1. FINDINGS

Publicly Owned Structures

The State owns a launch ramp and pier on Main Street in Downtown Westerly. There is parking for approximately 40 cars with trailers.

Privately Owned Structures.

Shelter Harbor Fire District

Shelter Harbor Fire District has 75 private moorings at Groves dock on the Northern shore of Quonochontaug Pond just west of the Charlestown line. There are no slips, two docks and a swimming dock. There is a private boat ramp that accommodates boats up to 26 feet. The facility is accessed by a dredged channel. There is no fuel available and no pump-out facility. There are twenty parking spaces for Shelter Harbor residents only.

Weekapaug Yacht Club

Weekapaug Yacht Club is located on the Southwestern shore of Quonochontaug Pond. There are no docks or slips available to the public. There is a private launch ramp. Boats up to 24 feet can be launched at this ramp. This facility is accessed by dredged waters; minimum approach depth is approximately 5 feet. There is no fuel available. There is no pump-out facility here or anywhere on the pond. On site there are 20 parking spaces for Yacht Club Members. The Weekapaug Yacht Club seasonally maintains its' own aids to navigation. There are 73 moorings for vessels between 10 and 22 feet, some are privately owned and some are owned by the Yacht Club.

Weekapaug Fire District

Weekapaug Fire District has 28 slips on the East side of the breech way into Winnapaug Pond. There are no moorings. There is a boat launch for vessels up to 24 feet for use by Fire District members. There is a defined Marina Perimeter. There is neither fuel available nor pump-out facility. There are parking spaces for 28 to 30 cars.

The Watch Hill Fire District Docks

The Watch Hill Fire District docks are located in Watch Hill Harbor on the eastern most edge of Little Narragansett Bay. Comprised of three sets of docks; The Watch Hill Dock, The Plympton Dock and the Maxon Dock, the Watch Hill Fire District Docks are leased out and operated as a public docking facility. There are approximately 16 seasonal slips and 6 transient slips which are open to the public on a first come, first served basis. In addition, there is a dinghy float which provides free public access to the shoreline.

The facility has a Defined Marina Perimeter. There is no gas or diesel fuel available. The Watch Hill Docks are serviced by the Westerly Pump-out Boat. Parking for the Watch Hill Docks is located at the northern edge of the harbor. This is a designated parking lot which accommodates approximately 25 cars.

Watch Hill Yacht Club

The Watch Hill Yacht Club is a private yacht club located at the south eastern edge of Little Narragansett Bay. The Watch Hill Yacht Club has one slip for the WHYC launch and a float approximately 140 long for the temporary dockage of small boats. The lower level of the clubhouse deck provides temporary docking space for four vessels. Roughly 14 small boats are dry stacked on a moored floating dock at the facility as well. The Watch Hill Yacht club has a Defined Marina Perimeter and is accessed through a dredged channel. There is no fuel available. Boats at the Watch Hill Yacht Club are serviced by the Westerly Pump-out Boat. Parking is located in a designated lot south of the Club. This lot has a 46 car capacity. In addition, there is a remote lot located on Larkin Road that accommodates approximately 18 cars and 5 boat trailers.

The Yacht Club owns and controls a dinghy dock used by the Junior Sailing association, a string mooring capable of holding five small boats (17 feet or under), five visitors moorings in the outer harbor West of the North South entrance channel, four moorings East of the channel and six moorings in Watch Hill Cove. There are approximately 100 private moorings in Watch Hill Harbor, most of them owned by Yacht Club members.

Watch Hill Boat Yard

Watch Hill Boat yard is located at 21 Pasadena Avenue and is accessed through a marked channel into Col Willie Cove at R4 at the mouth of the Pawcatuck River. It is a full service marina with onsite land storage during the winter months. There are 81 slips on four separate docks. It includes a boat launch ramp. Neither gas nor diesel is available. There is a Defined Marina Perimeter with 27 moorings. There are parking spots for 92 cars. Watch Hill Boat Yard is serviced by the Westerly Pump-out Boats.

Avondale Boat Yard

Avondale Boat Yard is located at marker C7, on the Pawcatuck River. Avondale Boat Yard is a full service marina with onsite land storage during the winter months. There are 96 slips. There is no boat launch available at this facility. Avondale Boat Yard does have

1 a Defined Marina Perimeter. Both gas and diesel fuels are available as is a MSD pump-
2 out facility. Parking is undesignated; exact parking numbers change seasonally with the
3 onsite storage of boats. There are currently 3 moorings with permits issued for a total of
4 10.

5 6 **Lotteryville Marina**

7
8 Lotteryville Marina is a marina located between C7 and C8 on the Pawcatuck River.
9 There are 3 docks with a total of 75 slips at this facility. In addition, there are 15
10 outhauls. There is a launch ramp which can accommodate vessels up to 30 feet.
11 Lotteryville Marina does have a Defined Marina Perimeter. There is no fuel available at
12 this facility. Parking is on site and totals 75 spaces. The Westerly Pump-out Boat
13 services boats at this marina. Lotteryville Marina has a total of 20 moorings which can
14 accommodate vessels up to 40 feet.

15 16 **Frank Hall Boat Yard**

17
18 Frank Hall Boat Yard is a full service marina located at N8 on the Pawcatuck River.
19 There are 2 dock structures with a total of 110 slips. There are 17 moorings with a permit
20 total of 18. There is a 35 ton Marine Travelift at this facility. There is no launch ramp.
21 Frank Hall Boat Yard has a Defined Marina Perimeter. There is no fuel available. Vessels
22 at this site are serviced by the Westerly Pump-out Boat. There is a maximum of 130
23 parking spaces which are undesignated and change seasonally with the onsite storage of
24 boats.

25 26 **Gray's Boat Yard**

27
28 Gray's Boat Yard is located at 91 Watch Hill Road Gray's Boat Yard has a total of 78
29 slips over 5 docks. The facility has a boat launching ramp which can accommodate boats
30 up to 33 feet. The launching ramp is for use by the boat yard and its customers only. The
31 marina has a Defined Marina Perimeter. There is no fuel available at this site. The
32 Westerly Pump-out Boat services this marina. There are 52 parking places on site. Gray's
33 Boat Yard seasonally maintains aids to navigation. There are 3 moorings which can moor
34 vessels from 19' to 32'.

35 36 **Westerly Yacht Club**

37
38 Westerly Yacht Club is located on the Pawcatuck River just above the narrows at
39 Pawcatuck Rock and just below where the River widens dramatically into Thompson
40 Cove. It has seven finger docks aggregating 251 boat slips and 21 moorings offshore just
41 east of the Federal channel. It has its own pump-out facility open to the public. There is
42 fuel available.

43 44 **Westerly Marina**

Westerly Marina is located at 41 Margin Street in the Town of Westerly on the Pawcatuck River. There are 50 slips on two separate docks. There is a public launch ramp for residents of Westerly; capacity unknown. There is no fuel available. The Westerly Pump-out boat services this location. There are 100 undesignated parking spaces. There are no moorings. A defined Marina Perimeter application is in process.

Pier 65 Marina

Pier 65 Marina has 15 slips, no moorings. It has a Travelift. No fuel is available. The Westerly Pump-out boat services the facility. There is limited parking.

Viking Marina

Viking Marina is located at 19 Margin Street, the most Northern marina in Westerly on the Pawcatuck River. The site has 50 slips on one floating dock, no moorings. There is a 25 Ton Straddle Lift, a boat launch ramp, and onsite land storage during the winter. There is no fuel available. The Westerly Pump-out boat services the facility. There are sixty parking spaces.

Commercial Fishing Facilities - There are no commercial fishing facilities in the Town of Westerly

Boardwalks - There are no Boardwalks in the Town of Westerly

Swimming Areas - There are no formally designated swimming areas in the Town of Westerly. There are areas that have been buoyed off by some of the beaches that delineate areas of which boaters must avoid.

Windsurfing - There are no official areas that are exclusive to windsurfing. Historically, windsurfing has been enjoyed in several areas off of Misquamicut Beach, Watch Hill Beach, Napatree Point and Winnapaug Pond to name a few.

Turning Basins – There are no Turning Basins in the Town of Westerly.

Special Anchorage Areas – Watch Hill Cove and Thompson Cove are designated Special Anchorage Areas.

Municipal Shoreline Zoning District – There are no Municipal Shoreline Zoning Districts in the Town of Westerly.

SUMMARY OF DOCKS, SLIPS AND MOORINGS IN THE TOWN OF WESTERLY

LOCATION	DOCKS	SLIPS	MOORINGS
PRIVATE DOCKS (CRMC LIST)			
Individual			

Winnapaug Pond	55		
Weekapaug	29		42
Quonochontaug	2		
Shelter Harbor	27		
Pawcatuck River	90		
Colonel Willie Cove	15		19
Fisher Island Sound	1		
Other			
Shelter Harbor Fire District	2		75
Weekapaug Yacht Club			73
Weekapaug Fire District		28	
Watch Hill Fire District		22	
Watch Hill Yacht Club	3		73
Watch Hill Cove- privately owned			48
Watch Hill Boat Yard		81	27
Avondale Boat Yard		96	3
Frank Hall Boat Yard		110	18
Gray's Boat Yard		78	3
Westerly Yacht Club		251	21
Westerly Marina		50	
Pier 65		15	
Viking Boat Yard		50	
Watch Hill – Breakwater West			6
TOTAL	224	781	336

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TRANSIENT ANCHORAGE

I. PRIVILEGES AND RESTRICTIONS:

Transient anchorage is a privilege given to all boaters through the public trust doctrine. All open waters are under the ultimate control of State and the Federal Governments. All boaters have the right to safely anchor in areas that are not protected or restricted by these governments and their appropriate agencies (Army Corps of Engineers, Coastal Resources Management, Departments of Environmental Management, etc.) for reasons of safety, water quality and/or environmental protection. Such restrictions may be assigned either permanently or temporarily for a wide variety of reasons, some of which are identified in the sections that follow:

- a.) Boaters may anchor in coastal areas of local waters except in federal navigation channels, navigation fairways, government protected shellfish transplant beds (aquaculture), legal mooring fields, legally identified swimming areas, right-of-way ingress and egress areas, boat-launching areas and other locations as may be identified by appropriate government agencies.
- b.) No vessel anchored under such conditions shall be left unattended in the nighttime hours between sunset and sunrise. Owners and/or operators of such vessels may go ashore, but must be available to tend to the vessel in the event of heavy weather.
- c.) It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels and other protected areas or structures as identified in the above section a.)

There are at least two areas used for transient anchorage near the shores of the Town of Westerly: 1. Little Narragansett Bay, north of Napatree Point 2.) Little Narragansett Bay on the northeastern side of Sandy Point. These are very popular anchorage areas in the summertime. Anchoring in these areas falls within the public trust doctrine laws, as long as transient users follow the rules outlined above.

- a.) Little Narragansett Bay, just north of Napatree Point, has been a highly-used anchorage area for many years. On busy week-ends, as many as 200 boats could anchor here. It is, therefore, imperative that all state and federal guidelines are followed, and all enforceable local laws are obeyed.
- b.) Sandy Point has also been a highly popular anchorage area that accommodates many boats on a busy summer week-end. It is imperative that this area be

1 monitored closely, that state and federal guidelines for use are followed *and all*
2 *enforceable laws obeyed.*

3
4 It is not the intent or purpose of this Harbor Plan to eliminate or discourage the use of
5 these areas by boaters. But, it is the purpose of this Harbor Plan to clearly outline the
6 laws and rules that should be followed in order to insure the continued and future use of
7 these areas by visiting boaters. Most of those rules have been identified in the sections
8 above. The Westerly Harbor Commission will meet with all appropriate agents of state
9 and federal governments whenever necessary in order to coordinate efforts and insure
10 that these highly popular anchorage areas remain open for continued use.

11 12 PUMP-OUT BOATS AND STATIONS

13
14 To protect against the dumping of human waste into our local waters, the town of
15 Westerly has employed the use of pump-out boats and pump-out stations. A pump-out
16 station on the Pawcatuck River at the Westerly Yacht Club may be used by anyone, free
17 of charge. Avondale Boat Yard has a pump-out station, there is a fee. At least one pump-
18 out boat circulates through the river and harbors (*May thru October*) on busy days. More
19 boats will be added according to state requirements. (VHF marine channel 8). *It is*
20 *against state law to dump any kind of pollutant into public waters, except by permit.*
21 *Violators will be fined.* The Harbor Commission would like to establish more free and
22 accessible pump-out stations.

23 24 CONSERVATION AREAS

25
26 Currently, the Rhode Island Department of Environmental Management is monitoring
27 (by Memorandum of Understanding—MOU) two privately-owned conservation areas,
28 one on Napatree Point (on lots owned by WHFD and WH Conservancy) and the other on
29 Sandy Point , also owned by a private organization (*Avalonia Corp.*). These areas have
30 been declared important to the survival of several ‘threatened’ species, including the
31 piping plover and the least tern. These projects, while on-going because of the enlistment
32 of official (*US Fish & Wildlife*) services by private agencies, will not, in any major way,
33 impact shoreline and water rights, as long as citizens use waterways and public anchorage
34 areas responsibly.

35 36 FUTURE RESTRICTIONS

37
38 All future restrictions to these waters must be approved by state and/or federal agencies.
39 The imposition of any major restrictions on these open waters are appropriate only when
40 it can be clearly shown that such restrictions are necessary to protect the environment
41 (*and/or to ensure*) the health and safety of (*citizens*).

MOORING MANAGEMENT

FINDINGS

There are approximately 440 moorings in the Town of Westerly; several in the Western half of Quonochontaug Pond, a few in Winnapaug Pond, and the majority are located along the Rhode Island side of the Pawcatuck River including Little Narragansett Bay.

None are publicly owned.

IDENTIFIED MOORING AREAS



There are eight identified mooring areas in the Town of Westerly. Details of the individual fields is as follows:

A. Quonochontaug Pond

The Westerly portion of the Quonochontaug Pond is completely surrounded by private property which includes Weekapaug, Shelter Harbor, and the Haversham areas. The only public access is from the Charlestown end of the pond adjacent to the Quonochontaug Breach Way, on West Beach Road.

There are 27 riparian/non-riparian moorings in the Westerly half of Quonochontaug Pond. Additional review is needed to determine the total riparian and non-riparian moorings in this area.



B. Weekapaug Cove

There are 73 moorings at the Weekapaug Yacht Club which is located at the southwestern end of the Pond. All the moorings are currently owned by the Club, or its members, who come from the five Fire Districts surrounding the Quonochontaug Pond. The Club has a volunteer Harbormaster, has mooring standards and inspection requirements. The Club assigns vacant moorings.



C. Shelter Harbor

There are 103 moorings operated by the Shelter Harbor Fire District at Groves's Dock and Point Dock which are located on eastern and northern shores just west of the Charlestown line. All the moorings in this area are currently owned by residents of the Shelter Harbor Fire District. The Fire District has a volunteer harbormaster.



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D. Winnapaug Pond and the channel leading to the Weekapaug Breachway

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6

There are no mooring fields in Winnapaug Pond. There are a number of moorings located in this area which are all Littoral moorings. The number of moorings has not been

7

8

documented to date.

E. Pawcatuck River

Along the Rhode Island side of the Pawcatuck River there are 64 Commercial moorings with defined marina perimeters; 3 at Avondale Boat Yard, 20 at Lotteryville Marina, 17 at Frank Hall Boat Yard, 3 at Gray's Boat Yard, and 21 (though not verified) at the Westerly Yacht Club.

There are 27 littoral moorings along the Pawcatuck River on the Westerly side.

There are also marinas and individual moorings along the Connecticut side of the River.

F. Colonel Willie Cove

Colonel Willie Cove is a multi-use cove. Much of the cove is utilized by Watch Hill Boat Yard, which has 27 moorings within the guidelines of their Marina Perimeter Permit. There are 15 riparian docks located at the north side of the cove. There are approximately 23 privately owned moorings in this area, the majority of which are owned by residents of Champlin Drive. There is a homeowner's association which owns two lots and a deeded private road on this cove which allows residents access to this area. Additional information is needed to determine the number of riparian and non-riparian moorings.



A. Thompsons Cove which includes the Westerly Yacht Club

B. Mastuxet Cove

1 **C. Potter's Cove**

2
3 **D. Babcock Cove**

4
5 **E. One Unnamed Cove**

6
7 **I. Little Narragansett Bay**

8
9 Napatree Point which forms the southern boundary of Little Narragansett Bay is made up
10 of lots which are privately owned. The Watch Hill Fire District and the Watch Hill
11 Conservancy own the majority of these lots. There are seven privately owned lots, one
12 owned by the State of Rhode Island, and one by the Town of Westerly. This area is
13 accessible by foot from Watch Hill or by boat.

14
15 There are five WHYC transient moorings just west of the Watch Hill entrance channel,
16 there are currently approximately 5 privately owned moorings just South and West of
17 them and 4 littoral moorings off of private property midway out Napatree Point. There
18 are 3 privately owned moorings west near the "Lagoon". These are the only moorings in
19 Little Narragansett Bay.

20
21
22 **A. Watch Hill Cove**

23
24 There are 120 moorings in the Watch Hill Cove area which includes the Cove itself as
25 well as the areas immediately adjacent to the Federal entrance channel. The channel and
26 the southern two thirds of Watch Hill Harbor is designated a Federal Navigation Area (It
27 was dredged by the Corps of Engineers in the late 1940s). There are approximately 80
28 privately owned moorings in the dredged area.

29
30 Most of the land around the harbor is owned by the Watch Hill Fire District, the balance
31 is owned by private citizens. Most of the moorings in this area are owned by Watch Hill
32 Yacht Club members, some by the Club itself including five reserved for transients.

33
34 The Watch Hill Yacht Club maintains a data base for all of the moorings in the harbor.
35 The Yacht Club enforces a schedule of minimum mooring standards and requires
36 scheduled inspections.

37
38 There is a public boat launch on the north side of the cove. It is located at the south end
39 of Water's Edge Road.



B. Foster Cove

There are five littoral moorings.

ISSUES

Moorings and mooring fields along one side of the Pawcatuck River may effect siting on the other as well as the Federal Navigation channel.

There are no consistent standards on mooring weights or inspection requirements between the several yacht clubs and marinas, nor for the private moorings. Many of the private moorings are unregistered, and of uncertain size and inspection status.

When dredged the southern two thirds of Watch Hill Harbor was intended as a special anchorage area. Over the years it has become populated with personal moorings. Federal Anchorage areas must, by definition, be accessible to all the citizens of the United States on an equal and equitable basis (U.S. ACE, 1990). As this area has historically been used as a mooring area the use is inconsistent with its Federal Anchorage designation.

A transient mooring field in Little Narragansett Bay would inevitably take away space from other uses of the bay for recreation and for public anchoring of boats which is how this area has historically been used.

1 The mooring areas within the Town of Westerly are at or close to capacity. The turnover
2 of existing moorings in some areas is insufficient to satisfy the demand.

3
4 There have been problems in the past with unregistered moorings being illegally placed,
5 as well as, abandoned moorings. Both actions negatively impact the availability of
6 mooring space and the efficient and equitable allocation of moorings.

7
8 The Watch Hill Yacht Club, The Weekapaug Yacht Club, the Shelter Harbor Fire
9 District, the Avondale Recreational Boating Club and the Haversham Neighborhood
10 Group have successfully provided the management and administration of the moorings in
11 their mooring areas in the past, and in doing so have provided access, which is otherwise
12 difficult, to their moorings.

13
14 There are no CRMC approved mooring areas in the Town of Westerly.

15 16 **Recommendations**

17
18 The Westerly Harbor Commission will identify and seek CRMC approval of mooring
19 fields in the Town of Westerly.

20
21 All mooring fields shall be available to residents and non-residents per CRMC's "no
22 greater than 3:1" resident to non-resident mooring allocation policy. All mooring fields
23 shall be available to residents and non-residents through a mooring permit issued by the
24 Town of Westerly.

25
26 Mooring and mooring field siting along the Pawcatuck River should be coordinated with
27 the Stonington Harbor Commission and managed to keep the Federal channel open.

28
29 The Town of Westerly should seek the deauthorization of the federal navigation project
30 at Watch Hill Cove.

31
32 The Town needs to enforce that all moorings be located within the defined mooring area
33 perimeters set forth, with the exception of littoral moorings.

34
35
36
37 All moorings must be permitted by the town .

38
39 Mooring fees should be based on the costs of the services provided.

40
41 All newly proposed mooring fields or proposed changes to existing CRMC approved
42 mooring fields should be sited to ensure that tides and currents aid in flushing the
43 mooring area, avoid adverse effects on water quality, and not significantly to effect
44 finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic
45 habitat, as per appropriate State regulations.

1 The Town should maintain, and continue to update, the mooring field mapping, database,
2 and GIS coordinates of all moorings and of permanent structures such as docks.

3
4 The Harbormaster should be provided with the necessary ordinances, staff, and resources
5 to manage the mooring fields including: keeping an accurate count, the precise location,
6 and waiting list for moorings, as described in the Harbor Ordinance Mooring Assignment
7 section.

8
9 The number of the mooring must be stenciled or somehow affixed to the mooring ball so
10 it is clearly visible above the water.

11
12 The harbormaster may approve informal variances to mooring tackle specifications,
13 other than those minimum standards described herein, for specific cases if such
14 specifications are inappropriate for the area in which a mooring will be located. The
15 harbormaster must file such variance with the harbor commission.

16
17 The Harbor Commission may amend or add to these Mooring Standards on
18 recommendation of the Harbormaster.

19
20 Minimum mooring standards must be established for all moorings. A proposed set of
21 standards is suggested below:

22
23
24
25
26 MINIMUM MOORING STANDARDS FOR THE TOWN OF WESTERLY

Boat Length	Anchor Weight	Bottom	Top Chain	Chain	Pennant	Size
Winnepaug and Quonochontaug Ponds and the Pawcatuck River above N "4"						
Up to 12 feet	50	3/8"		5/16"		1/2"
Up to 14 feet	75	3/8"		5/16"		1/2"
Up to 17 feet	100	3/8"		3/8"		1/2"
Up to 20 feet	150	1/2"		3/8"		1/2"
Up to 24 feet	200	1/2"		1/2"		5/8"
Up to 29 feet	300	5/8"		1/2"		5/8"
Up to 39 feet	500	3/4"		5/8"	5/8"	3/4"
Up to 49 feet	1000	3/4"		5/8"	3/4"	1"
Little Narragansett Bay, Watch Hill Cove, Foster and Potter Coves & Colonel Willie Cove						
Up to 20 feet	200	5/8"		1/2"	1/2"	5/8"
Up to 24 feet	300	3/4"		1/2"	5/8"	3/4"
Up to 29 feet	500	3/4"		1/2"	5/8"	3/4"
Up to 34 feet	800	3/4"		1/2"	3/4"	1"
Up to 39 feet	1000	1"		5/8"	1"	
Up to 54 feet	2000	1"		5/8"	1 1/4"	

51
52 * Mushroom or Pyramid. Any other anchor must be approved by the Harbor Commission.

53
54 # Bottom chain length must equal one and one half times the mean high water depth. Top chain length must equal the water
55 depth. Pennant length must be two and one half times the height of the bow chocks above the water plus the distance to the cleat or
56 mooring bit.
57

1 \$ Double pennants or bridles are recommended

2
3 A swivel is required between heavy chain and light chain. No other swivels are to be used. All shackles and swivels must be safety
4 wired and be one size bigger than the chain to which they attach. Chafing gear is required on all pennants

5
6
7 **POLICIES**

8
9 There will be equitable and efficient allocation of available mooring space to residents
10 and non-residents, consistent respectively, with the CRMC guidelines of no greater than
11 3:1 resident to non-resident mooring allocation policy.

12
13 The Federal Anchorage area must be accessible to all US Citizens on an equal and
14 equitable basis. Recommendation: De-authorize Watch Hill Cove and bring usage
15 consistent with CRMC's no greater than 3:1 resident to non-resident mooring allocation
16 policy.

17
18 Moorings must be located within the defined perimeters of designated mooring fields
19 with the exception of littoral moorings.

20
21 Mooring areas must be established so, not to interfere with the free and unobstructed use
22 of channels, fairways or shore side facilities within the harbor. Public mooring areas shall
23 provide a 50 foot setback from all residential docks, piers, floats, public launching ramps,
24 federal navigation channels, fairways and anchorages. Setback limits from littoral
25 moorings and shoreline public rights-of-way shall be sufficient to allow for ingress and
26 egress and to prevent interference with the exercise of private or public rights in these
27 areas.

28
29 There will be no moorings in Federal Navigation areas. (The Commission will request
30 De-authorization of Watch Hill Cove).

31
32 No mooring field will be expanded unless it is ensured that tides and currents can aid in
33 the flushing of the mooring area.

34
35 No mooring field will be expanded unless water quality can be ensured.

36
37 No swimming and water skiing allowed in designated channels, fairways and mooring
38 areas.

39
40 Mooring areas will not be sited in areas where they may substantially interfere with
41 access to designated shellfish management areas, traditional fishing grounds and defined
42 by the CRMC, public recreational areas, and conservation areas.

43
44 Mooring areas will not be sited where they may cause significant adverse effects on fish
45 and shell fish resources, wetlands, submerged aquatic vegetation, or other important
46 aquatic habitat areas.

47 Mooring areas will be sited to ensure adequate and accessible marine pump-out facilities
48 and dump stations which are maintained and operational.

1 **LIMIT OF MOORING TRANSFERS**

2
3 No private mooring permit shall be sold, assigned or otherwise transferred by a
4 permit holder except with the approval of the Harbormaster and the Harbor
5 Commission.
6

7 i. At such time as an existing mooring becomes available for sale, the
8 owner shall notify the Harbormaster. The Harbormaster shall
9 assign the space to the person next on the waiting list whose boat
10 fits the mooring. The mooring owner may then sell the mooring
11 gear in its location to this person; or, remove the mooring within
12 ten days at the mooring owner's expense or if this occurs during
13 the winter by May 31.
14

15 ii. Notwithstanding the above provision, a mooring permit may be
16 transferred to an immediate family member of legal age (parent,
17 sibling, spouse, or child). The mooring owner must notify the
18 Harbormaster in writing by April 30 of the year in which the
19 transfer will take place and the Harbor Commission will review
20 and approve or disapprove the transfer by May 30. The transferee
21 shall be granted a five-year grace period to moor their vessel under
22 the transferred mooring permit provided it is renewed on an annual
23 basis during this time. Upon the termination of this period or the
24 failure of the transferee to renew the permit at any time during this
25 period, the mooring space occupied by the transferee shall be made
26 available to the next eligible individual on the waiting list. The
27 transferee shall be prohibited from subsequently transferring the
28 mooring permit under any circumstance to any other individual.
29

30 iii. No existing private mooring may transfer to a commercial mooring
31 without prior authorization from the Harbormaster.
32

33 All requests for relocation of existing permitted moorings in Public Mooring
34 Areas must be submitted to the Harbormaster. Information for such a request
35 must meet the requirements listed for a mooring permit application, show
36 proof of a valid mooring permit issued for the previous or current year and
37 clearly state the reasons for a mooring relocation. The Harbormaster will
38 approve or deny the request based upon availability of space and the type and
39 size characteristics of the vessel involved.
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1 **MOORING MANAGEMENT**

2
3 There are few outhauls located in the Town of Westerly. Outhauls are subjected to the
4 application process as outlined in the Harbor Ordinance.

5
6 **IMPLEMENTATION** – By the Town pending the adoption of the Westerly Harbor
7 Ordinance.

8
9 **MANAGEMENT OF HARBOR ACTIVITIES**

10
11 1. FINDINGS

12
13 Westerly currently has the Police Chief operating as Harbormaster but with limited
14 authority without an enabling Harbor Ordinance. The town has a 15' Hard Bottom
15 Inflatable with a 40 hp Yamaha. This boat has previously been used for patrol in the
16 ponds, but has not been used for the last three seasons. A second Hard Bottom Inflatable
17 is 22 feet with a 225 hp Mercury (?). This boat has been in use, but not recently. There is
18 no budget for Harbor Management expenses, nor any revenue source to fund them

19
20 The Town Council has appointed a Harbor Management Commission to draft a Harbor
21 Management Plan and Ordinance.

22
23 Harbor activities take place in three non-contiguous bodies of water. The getting from
24 any one site to either of the others by boat involves traversing several miles of Atlantic
25 Ocean and navigating a breech way that requires local knowledge.

26
27 The Harbormaster is currently the Chief of Police. The Harbor Patrol was last manned by
28 the School Resource Officers of the Westerly Police Department. The Harbormaster and
29 the Harbor Patrol will play an important role in harbor management activities, including:
30 enforcement of the Harbor Ordinance; mooring management including managing
31 disputes and placement of moorings; contributing to public safety and emergency
32 response; and, control of wrecks and debris.

33
34 2. RECOMMENDATIONS

35
36 (a) Per RIGL 46-4-6.17 the Harbormaster will be an employee of the Town, not
37 necessarily the Chief of Police. He/she will be empowered to act for the Town Council
38 and the Harbor Commission to enforce the Policies of the Town and the Harbor
39 Ordinance. Specific duties include, but are not necessarily limited to:

- 40
41 1) Administering designated mooring areas.
42 2) Issuing permits for all moorings.
43 3) Keeping records of the location, size, and ownership of all moorings.
44 4) Managing such Assistant Harbormasters as the Council may appoint
45 5) Preparing and making available a current waiting list for mooring permits.

- 1 6) Enforcing any ordinance or provision of the Harbor Management Plan, the
2 Harbor Ordinance or any state boating laws as applicable.
3 7) Enforcing regulations in the Special Anchorage Area.
4 8) The Harbormaster will be an ex officio, nonvoting member of the Harbor
5 Commission.
6

7 (b) Assistant Harbormasters will be volunteers recommended by the Harbor
8 Commission and appointed by the Town Council to assist in the administration of harbor
9 matters in specific areas. When a vacancy arises, areas with an Assistant Harbormaster
10 shall nominate a qualified individual to serve as the Assistant Harbormaster for their area.
11 Initially, it is the recommendation of the Harbor Commission that individuals who
12 currently are acting in an unofficial capacity, be officially appointed, as they are probably
13 the most knowledgeable people within their specific areas. The Assistant Harbormasters
14 or the entities that they represent must own a boat to insure proper enforcement of the
15 Harbor Ordinance.

16 (c) The Harbor Patrol will be employed by the Town on a per diem basis. The Harbor
17 Patrol will function to assist in enforcement of the Harbor Ordinance under the
18 supervision of the Harbormaster. Differing from past practice, the Harbor Patrol would
19 operate on a specified schedule throughout the boating season.

20 (d) There will be a permanent Harbor Commission of seven members selected from
21 the community and appointed by the Town Council - 2 year staggered terms.
22

23 1) The Harbor Commission will continually review activities in the harbor and
24 develop and recommend additional policies, rules and regulations for the Harbor
25 Management Plan subject to the Town Council approval and CRMC review as
26 appropriate.
27

28 2) The Harbor Commission will assist in the management of the harbor through
29 close coordination with the harbormaster and act as Board of Appeals to hear complaints
30 from individuals aggrieved by enforcement of implementation of the Harbor
31 Management Plan

32 3) Maintaining mooring and enforcing standards.

33 4) Approval of Inspection Contractors
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1 PROPOSED BUDGET: - This was originally cost in 12/08 and was based on the current
2 pay of the Town Pump-out boat attendants and fuel prices. Current costs would have to
3 be reevaluated.

4
5 Harbor Master \$10,000 annually
6 Harbor Patrol 22' \$20,000 annually approximate 1200 hours per year
7 22' HBI \$ 4,200 fuel
8 \$ 1,500 maintenance
9 Harbor Patrol 15' \$ 4,500 annually approximate 300 hours per year
10 15' HBI \$ 1,000 fuel
11 \$ 500 maintenance

12
13 \$ 41700

14 +10% Capital Expense \$ 4170

15
16 Estimated Expense \$45,870

17 Estimated Income \$45,000 approximately 450 moorings @ \$100/yr

18
19 Fees to be collected and managed by the Town Clerks Office.

STORM PREPAREDNESS

Storm Preparedness

1. Findings

Westerly has been impacted by several types of natural hazards over the years. These hazards include hurricanes, tropical storms, thunder storms, river flooding, and nor'easters, sudden freezes, and winter ice. The most active time for these storms (other than nor'easters and winter ice) is during the boating season. While hurricanes, tropical storms, nor'easters and winter ice typically have several days warning, thunder storms and their damaging winds and lightning can come in a matter of hours.

The identified natural hazards can have damaging effects in the boating community, but to greater degrees. Hurricanes and tropical storms have winds that are in excess of 40 knots and can be in the area for 24hrs. They also have a surge upwards of 18 feet depending on the category of the storm. This surge is usually in and out with a single tide cycle. Nor'easters have strong winds and may last for several days with above normal tides for several tide cycles. Thunder storms are of short duration but their rapid onset and the possibility of downbursts and lightning strikes make these the most difficult to plan for.

In the mooring areas boats are in close proximity to each other so that even one boat either dragging its mooring or parting its line would cause havoc in the mooring field. In the anchorage boats that are improperly anchored or too many rafted together would also have the potential for heavy damage.

Storm surge could have a devastating effect on boats on moorings and at anchor as it decreases the scope and thus the holding power. This surge would also put a much greater strain on piers, pilings, floats and waterfront facilities and structures.

All of Westerly's waters are susceptible to these hazards as they lie in flood zones and velocity zones. Given the uses of the waterways and adjacent properties planning, mitigation, response, and recovery policies are imperative.

2. Risks

The surge and flooding from storms can cause great damage. The height of the water causes decreased scope on boats on moorings or at anchor. The effect of the surge on boats at fixed piers and pilings is on the lines that are set for the normal tide range and thus the lines and cleats are put under great strain. In addition to the height there is an increased flow causing more drag on the boats and structures. As the surge increases the damage increases tenfold. A surge of six feet at time of high tide may over-top the barrier beaches and cause debris to enter the flow. This height will also cause flooding in the marinas, boat yards, and yacht clubs. Most floating piers will remain with their associated pilings but the leverage may cause some to fail. Fixed piers will most likely have their electrical boxes under water. In the storage facilities boats on stands and blocks will most

likely stay in place but there are always loose blocking, dumpsters, and other items that will add to the floating debris. As the height increases floating piers may over-top their pilings and join the debris field.

Wind is another major factor in these storms. As the speed increases, the drag on boats and facilities increases multi-fold. As the duration of the wind increases things like covers, sails, canvas surrounds, and other like items begin to fail. Open face buildings used for storage and work building with large openings will also fail.

Ice from a storm can weigh heavily on standing and running rigging as well as outriggers and deck gear to the point of capsize. A flash freeze can cause damage to exposed waterlines on the wharfs, piers, and floats. A hard freeze can cause damage to all facilities on the water including floats, piles, seawalls, mooring floats, winter stakes and boats.

3. Preparedness, Response, Recovery, Mitigation

The Harbormaster will be responsible for the coordination of harbor activities related to preparedness, response, recovery, and mitigation. This will be done in coordination of the Dir. of Public Safety, Dir. Of Emergency Management, and other department heads. Preparedness, response and recovery – The harbormaster will implement the following preparedness and response plan 96 hours prior to a severe storm event or as necessary for unpredictable events.

Preparedness - The following is a guideline for preparedness assuming the threat is a tropical cyclone. This Emergency Action Plan (EAP) can be altered for use in other natural hazard scenarios.

Level 3 – 96 hours

1. Keep track of time & expenses throughout **entire event**
2. If it is a tropical cyclone (tropical storm or hurricane), begin tracking and monitoring weather reports and releases from the National Weather Service (NWS) at 0500, 1100, 1700, and 2300 hours (forecast/advisory & discussion).
3. Contact any services under contract for after event deployment
4. Ensure that staff have their own houses in order and personal “go packs” are ready
5. Monitor harbor traffic as it increases during marina/boaters preparedness
6. Keep fuel tanks full and spare batteries charged
7. Inventory and update first aid and other onboard supplies (vessels, vehicles, & headquarters)
8. Contact local marinas for status reports and relay to boaters
9. Maintain radio watch
10. Alert boating community, encourage early action to safe harbor, setting storm lines, or hauling.
11. Open Cimalore field lot for trailed boat storage
12. Alert remaining marine interests to impending storm event

13. Advise USCG (United States Coast Guard) MSO (Marine Safety Office) Pvd. (Providence) of the situation
14. Monitor activity on Pawcatuck River
15. Document waterfront with photographs & video
16. Establish communications with the Westerly EOC (Emergency Operations Center)

Level 2 – 48 Hours

1. Continue action items of Level 3
2. Contact mooring owners who are not in compliance with preparedness plan
3. Assist waterfront community with special request if possible
4. Continue to monitor river traffic and document (photograph)
5. Haul Town of Westerly (Town) pump-out boats and confirm when patrol boat will be hauled
6. Confirm assistants have own house in order and confirm emergency work schedule
7. Remove Town storage boxes from flood plain
8. Establish line of communications with Town Department of Public Works (DPW), Police Department (PD), Dunn's Corners Fire Department (DCFD), Misquamicut Fire Department (MFD), Watch Hill Fire Department (WHFD), & Westerly Fire Department (WFD) through the Westerly EOC (if open)
9. Update boating community to hazardous conditions as required
10. Curtail regular business activities
11. Begin increased patrols of waterways to ensure proper precautions are being taken
12. Update USCG MSO Pvd. as required
13. Document those insisting on remaining with boat during storm

Level 1 – 24 hours

1. Final patrol of area documenting preparations of marine interests
2. Fuel and haul patrol boats
3. Survey & document shoreline marine interests from shore
4. Lay in "comfort" supplies in office
5. Update USCG MSO Pvd. as required
6. Continue level 3 & 2 activities as required
7. Check NWS Taunton weather products for local updates along with National Hurricane Center (NHC) storm products
8. Have all personnel hunker down as winds approach 40kn

Response – The Town of Westerly will not deploy watercraft during any major weather event. The harbormaster will forward calls for assistance to the USCG Point Judith if east of Watch Hill and to USCG New London if to the west. The Harbormaster and staff will make a record of all calls so that they can be addressed when conditions allow re-entry. The Harbormaster shall stay in communications with the Westerly EOC and shall monitor marine frequencies.

Recovery – Once the area can be safely re-entered the harbormaster shall re-establish the office as an operational unit. This will include, but not be limited to, re-launching the unit's boats, take immediate action to locate and provide aid to survivors, take any and all actions to minimize further risk to life and property, reopen the waterfront for recovery efforts.

To accomplish these goals the following action list is to be followed when possible.
Saving a life is the number one priority.

Immediate 24 hours

1. Assess readiness of the unit and correct any deficiencies
2. Complete a rapid assessment of damage and report this to the EOC for possible assistance & forward report to USCG MSO Pvd. Document with photographs and video when practical
3. Contact pre-established contracted services if required
4. Initiate safety/security watches where necessary
5. Alert maritime community to unsafe conditions

Midterm day 2 through 14

1. Complete a comprehensive inventory of damage and document with photographs and video and forward to the EOC and USCG MSO Pvd.
2. Prioritize damaged areas for cleanup
3. Assist emergency situations as appropriate
4. Notify appropriate parties of damage to their property
5. Provide USCG MSO Pvd. with updates as required
6. Assist in moving floating debris staging areas
7. Assist Town, State and Federal agencies as required
8. Maintain communications with EOC

Long term days 15 through 90

1. Assemble staff for after action report for submission to Dir. Of Public Safety and Harbor Commission
2. Review mitigation list and prioritize items for inclusion in recovery actions
3. Complete a survey of damages to ensure all damage is documented
4. Request Harbor Commission have an open meeting to address concerns of the maritime community
5. Review actions taken before, during, and after the storm and adjust EAPs as required
6. Update Hazard Mitigation Plan

Mitigation – There are actions that can be taken on a long term basis that can reduce the effects of natural hazards. Other actions are short term and are taken as the hazard is approaching. While many mitigation actions are the same for most hazards, some are

hazard specific. There are three primary groups involved in mitigation, marina facilities, individuals, and government.

Marina facilities – This group includes all marina facilities as defined by the Coastal Resource Management Council (CRMC) such as boat yards, marinas, yacht clubs, associations, and fire districts with water facilities. These facilities will have 90 days from the passage of this document to provide the Harbormaster with a hazard mitigation plan. These plans will be updated on an annual basis. The Harbormaster will coordinate a meeting with facility personnel so the plans will be consistent with Town policies. These plans shall include, but not be limited to, the following:

1. Name, address, telephone number and e-mail address of facility
2. Primary and secondary contact person with telephone number, cellular telephone number and e-mail address
3. VHF channel that is monitored
4. List of facility staff that will be active during preparation, response, and recovery
5. List of hazardous materials stored on site. This information can be extracted from the facilities Environmental Operations and Maintenance Plan
6. Inventory of equipment that may be used in recovery
7. Debris disposal plan
8. List of preparation, response and recovery activities and timing

Boaters – Mooring owners will be required to submit a storm preparedness plan. The Harbormaster shall create a preparedness questionnaire that is to be sent out with the mooring permit application or renewal and must be completed for the permit to be approved. The Harbormaster shall develop and/or acquire informational pamphlets about preparedness and distribute these to all boaters by various means.

Boat owners are encouraged to leave their boat during a major weather event. THE TOWN WILL NOT DEPLOY WATERCRAFT DURING A MAJOR WEATHER EVENT.

The Town has developed mooring standards that maximize safety during normal weather conditions. With impending hazardous weather the mooring owner must decide to either vacate the mooring or take adequate steps to insure the boat will stay with its mooring. These steps would include, but not be limited to, improving the connections between the mooring chain and pennant, extending the scope, installing chafe gear, remove/secure sails and canvas, secure deck gear, clean out scuppers & deck drains, make sure batteries are charged and bilge pumps are in working order.

Boaters who keep their boat in a slip and do not haul, should double up the lines and add slack to account for the higher tides and/or surge, installing chafe gear, remove/secure sails and canvas, secure deck gear, clean out scuppers & deck drains, make sure batteries are charged and bilge pumps are in working order.

Boaters at anchor should consider a multi-point anchoring system along with all the actions of those boats at moorings.

1 **Waterfront property** - Waterfront property owners and those in flood zones along the
2 river are expected to take the necessary precautions to protect their property to insure as
3 best as possible that they do not add to the debris field with unsecured items from their
4 property.
5

6 **Government** – The Harbormaster shall assist through educational materials, and other
7 means, in preparing the waterfront community for a major weather event. The
8 Harbormaster shall assist other Town agencies in getting the shoreline interests of the
9 Town in order.
10

11 **Long term mitigation projects**

12
13 The Harbormaster shall assist the Town Planner in forming long term mitigation actions
14 consistent with the “Natural Hazard Risk Assessment & Mitigation Strategy” that is
15 currently at FEMA for review. These actions include:
16

- 17 1. Debris management – identifying areas to stage river, harbor, and beach debris for
18 removal to proper facility. In some cases this may require specialized equipment
19 that can grab debris from the water.
- 20 2. Seawalls, river walls & jetty – inspect structure on routine basis and repair as
21 needed. Identify grants that may pay for major repair/replacement projects.
- 22 3. Barrier beaches and shorefront – replenish dunes, plant vegetation, remove
23 impervious surfaces, plan to plug walk-overs prior to storm Identify grants for
24 funding and conservation groups for manpower for planting projects.
25

26 Other mitigation activities for the Harbormaster
27

- 28 1. Maintain contact lists of marinas (etcetera), waterfront businesses, neighboring
29 harbormasters, USCG, towing & salvage companies, and environmental response
30 companies.
- 31 2. Develop methods to increase scope within mooring field without losing
32 maximization of the field.
- 33 3. Conduct a hurricane workshop prior to June to assess the Storm Preparedness plan
34 of the Town and familiarize participants with the plan and what is expected by the
35 Town and participants.
- 36 4. Set up meetings with local yacht clubs and associations to discuss storm
37 preparedness and boating safety. Have printed materials available and
38 demonstrative exhibits that show the effects of weathered chain, chaffed lines,
39 and other pertinent preventable failures.
40
41
42
43
44

1 WESTERLY HARBOR MANAGEMENT PLAN- ORDINANCE

2
3 Chapter 86 Boats and Waterways, of the Code of the Town of Westerly is amended as
4 follows:

5
6 The purpose of this amendment is to implement the Town Harbor Management
7 Plan, consistent with the Town Comprehensive Plan, RI CRMC guidelines, State DEM
8 requirements and Federal COE Regulations and to;

- 9
10 a. Manage the waters, docks, moorings and waterfront facilities.
11 b. Maintain and improve shoreline public access.
12 c. Maintain water quality
13 d. Prepare for storms.
14

15 Definitions

16
17 The following words, terms, and phrases, when used in this chapter, shall have the
18 meaning ascribed to them in this section, except when the context clearly indicates a
19 different meaning:
20

21 ***Anchoring*** - To secure a vessel temporarily to the bottom by dropping an anchor from a
22 vessel.

23 ***Artisanal fisherman*** - a small scale commercial fisherman harvesting for subsistence or
24 local, small markets, generally using traditional fishing techniques, single handed, and
25 under 30' boats. They are considered vital for sustainable livelihoods and food security.

26 ***Boat launching ramp*** - Any man made or natural facility used for the launching or
27 retrieval of boats.

28 ***Channel*** - Any water area reserved for unobstructed movement of vessels.

29 ***Commercial Fisherman*** - An active full time fisherman with a current commercial
30 license and a working commercial vessel.

31 ***Commercial mooring*** – Means the rental, lease, management, maintenance and/or
32 operation for financial compensation or for purposes other than private use.

33 ***Cut*** - The passage from Little Narragansett Bay to Fishers Island Sound. The Cut is
34 specifically defined as that area between the Westernmost and Easternmost of the
35 Fishermen's buoys off the shoals north of Napatree and two hundred feet north of them.
36 These buoys are located differently each year as the shoals shift; the location of The Cut
37 shifts accordingly.

38 ***Fairway*** - Any locally designated and/or maintained water areas reserved for the
39 unobstructed movement of vessels.

40 ***Harbor Commission*** - The body established to carry out the provisions of this plan and
41 the management of the harbor.

42 ***Harbormaster*** – The person identified within the Harbor Management Plan to assist in
43 the implementation of the Harbor Management Plan.

44 ***Headway Speed*** - The slowest speed at which a watercraft can be operated and maintain
45 steerageway.

1 ***Littoral (or Riparian) mooring*** - A mooring immediately adjacent to coastal waterfront
2 property and owned by a coastal waterfront property owner.

3 ***Marina*** -Any dock, pier, wharf, float, or combination of such facilities, that services five
4 or more recreational boats as a commercial enterprise or in association with a Yacht
5 Club, Fire District or Neighborhood Association.

6 ***Marina Mooring Field*** - Any mooring area managed by a marina that has applied for and
7 received a permit with a defined marina perimeter from CRMC.

8 ***Mean high water (MHW)*** - The average height of the high waters over an 18.6 year
9 period.

10 ***Moor*** – To permanently secure a vessel to the submerged land of a water body by use of
11 mooring tackle.

12 ***Mooring Space*** – The location where a vessel is secured to the submerged land of a
13 waterway by mooring tackle.

14 ***Mooring Area*** – Any designated area managed by a commercial enterprise, a club, city or
15 town where five or more recreational vessels are moored.

16 ***Mooring tackle*** - All hardware used to secure a vessel at a mooring.

17 ***Motorboat*** - Any vessel propelled in whole or in part by mechanical means, either
18 inboard or outboard and using a motor powered by gasoline, diesel fuel, naphtha,
19 kerosene, steam, fuel oil or electricity.

20 ***Nonresident*** - Any individual, business or corporation which does not meet the
21 definition of resident.

22 ***Operator*** - A person who operates or has charge of the navigation or use of a watercraft.

23 ***Outhaul*** – A single-point anchoring device, for the purpose of securing a boat in tidal
24 waters and retrieving it from shore.

25 ***Personal Watercraft*** - A vessel which uses an inboard motor powering an water jet
26 pump as its primary source of motive power and which be operated by a person sitting,
27 standing, or kneeling on the vessel rather than the conventional method of sitting or
28 standing in the vessel.

29 ***Public Mooring Area*** – Mooring areas managed by municipal or state agencies. Public
30 mooring areas shall be delineated in approved harbor management plans and are subject
31 to the requirements contained in Section 300.15 of the RICRMP.

32 ***Private mooring*** - A mooring registered and occupied by the boat Owner. Private
33 moorings are not to be used to generate financial or other compensation by permit holder.

34 ***Qualified inspector*** - Any person or business approved by the Harbor Commission as
35 inspector of mooring tackle. (He must be insured)

36 ***Recreational boating facility*** - Marinas, launching ramps, residential boating facilities,
37 recreational wharves, piers, slips, floats or floating docks and recreational mooring areas.

38 ***Resident*** - Any person who owns real property in the Town of Westerly, or who is a
39 qualified voter in the Town of Westerly.

40 ***Riparian*** - See littoral

41 ***Vessel*** -Every description of watercraft used or capable of being used as a method of
42 transportation on water. (Specifically excluded by this definition are floating homes)

43

1 **Waterways** -All navigable lakes, rivers, streams, ponds or other bodies of water located
2 within or partly within the boundaries of the Town including the coastal waters;
3

- 4 a) One mile from the Atlantic beaches from the Charlestown line to Sandy
5 point.
- 6 b) Quonochontaug pond west of the Charlestown line.
- 7 c) Winnapaug Pond
- 8 d) Three miles from Sandy point and Napatree Point into Fishers Island
9 Sound or to the New York or Connecticut state lines including the
10 fairway from Fishers Island Sound to Little Narragansett Bay.
- 11 e) The Rhode Island side of Little Narragansett Bay and the Pawcatuck River
12 from the head of navigation in downtown Westerly around Pawcatuck
13 Point to the Connecticut border at Sandy Point.
14
15

1 **Proximity of watercraft to bathing areas**

2
3 No motorboat or other watercraft, while being operated upon waters within the Town,
4 shall pass closer than a reasonable distance, with regard to the safety of bathers, to a
5 public bathing area on the shores of the waters of the Town.
6

7
8 **Reckless or negligent operation of watercraft**

9
10 No motorboat or other watercraft shall be operated in a reckless or negligent fashion upon
11 the waters within the Town either as to speed or conduct of operations.
12

13
14 **Caution in proximity to other vessels.**

15
16 Motorboat or other watercraft operators shall use due and reasonable care in passing
17 close to or near other vessels and shall slow to a reasonable and safe speed when passing
18 rowboats, canoes, sailboats or other vessels not propelled by mechanical means.
19

20 **Special Events**

21
22 The harbormaster shall be notified in writing of certain special events, such as swimming
23 races, regattas, marine parades, or other marine and maritime activities that may from
24 time to time be held on or in the coastal waters and harbor areas under the jurisdiction of
25 the Town.
26

27 No person shall operate an motorboat in an motorboat race in the waters within the Town
28 unless the motorboat race is approved by the Town Council.
29

30
31 **Compliance with directions of enforcement officers**

32
33 Motorboat operators shall obey lawful directions given to them by the Harbormaster or
34 by any police officer or constable of the Town in enforcement of the provisions of this
35 chapter and shall immediately upon being instructed by any police officer, constable or
36 harbor master of the Town, comply with such lawful directions.
37

38
39
40 **Restrictions on Chapman's (Burden's) Pond**

1 No motorboat having a rated horsepower exceeding five shall be operated or used on that
2 certain body of water located in said Town known either as Chapman's Pond or Burden's
3 Pond.

4 5 **Power of Harbormaster in Town Waters** 6

7 The Harbormaster in concert with the Harbor Commission shall have full power and
8 authority to enforce regulations and give directions regarding the anchorage, station,
9 management and control of all vessels within the waters of the Town.

10 11 12 **Violations and penalties** 13

14 Any person in charge of any vessel who shall neglect or refuse to obey the directions of
15 the harbor master in matters within his/her authority to direct, and every person who shall
16 resist or oppose the Harbormaster in the execution of his/her duty, or shall violate any of
17 the provisions of this chapter shall be punished as provided in Chapter 1, Article II,
18 General Penalty.

19 20 **Anchoring according to directions** 21

22 The Harbormaster will have the authority to provide anchoring direction to any vessel
23 entering Town Waters.
24

25 26 **Removal of improperly anchored vessels,** 27 **Towing and moving of vessels**

28 All vessels not anchored according to the direction of the Harbormaster shall, after
29 notice and a reasonable grace period, be forthwith moved by the crew under his/her
30 direction, and if any such vessel has not sufficient crew to move the same, such vessel
31 shall be moved by the Harbormaster, and the expense thereof shall be paid by the owner
32 or master of such vessel, and may be recovered by the Harbormaster of such owner or
33 master, by an action in the name of the Town before any court of competent jurisdiction.
34

35 **Rafting** 36

37 Vessels may raft on a single mooring or anchor when such activity does not interfere with
38 the proper functioning or safety of adjacent single moorings or vessel anchorages and
39 according to the limits, number and/or length, set by the mooring owner or anchored boat
40 owner.

1 **Awaiting tide for free passage by deep draft vessels**
2

3 Every vessel drawing more than seven feet of water and approaching the harbor at any
4 other time than at high tide shall anchor outside the channel until the tide shall warrant a
5 free passage.
6

7
8 **Anchoring, mooring and beaching in Kitchen Area of**
9 **Napatree Point**
10

11 No vessel of any description shall be anchored, moored beached nor discharge
12 passengers in the tidal cove or lagoon at the western end of Napatree Point west of 72
13 degrees 52.64 minutes. Only vessels powered by oar or paddle shall be permitted to
14 navigate in said waters.
15

16
17 **Vessel Speed zones**
18

19 The Town hereby designates the following vessel speed zones, to be established and
20 marked immediately by Town Council petition to the State Department of Environmental
21 Management, Division of Enforcement.
22

- 23 1) Operators of powered craft shall not operate their vessels, ships, boats, jet skis,
24 personal watercraft or the like at a speed greater than five miles per hour or at no
25 wake at headway speed where circumstances require, whichever is slower, from
26 the entrance to the Weekapaug Breachway at its intersection with the Weekapaug
27 Bridge and continuing down the Breachway past its intersection with Winnapaug
28 Pond until a line from the southwestern-most point of Lot #5 of Assessor's Plat
29 #142 in a line bisecting Winnapaug Pond due south until it meets Lot #15 of
30 Assessor's Plat #156.
31
32 2) No person shall operate any motorboat or vessel or personal watercraft in
33 Winnapaug Pond west of the speed zone identified in § 86-18 herein in excess of
34 30 miles per hour at any period during the hours from sunrise to sunset.
35
36 3) *Mooring fields.* Vessel speed shall not exceed five miles per hour or headway
37 speed, nor create wake in any mooring field, as established and described in the
38 harbor management plan.
39
40 4) *Dock areas.* Vessel speed shall not exceed five miles per hour or headway speed,
41 nor create significant wake in any dock areas, as established and described in the
42 Harbor Management Plan.

1 Any individual who violates this section shall be subject to a fine as follows:

- 2 a) For speeds within excess of 10 miles of the limit: \$25.
- 3 b) For speeds greater than 10 miles over the limit and up to 15 miles over the limit:
- 4 \$50.
- 5 c) For speeds greater than 15 miles over the limit and up to 20 miles over the limit:
- 6 \$75.
- 7 d) For speeds greater than 20 miles over the limit and up to 25 miles over the limit:
- 8 \$100.
- 9 e) For any violation exceeding 25 miles per hour over the limit: Additional \$5 per
- 10 mile.

11 **Regulation of personal watercraft**

- 12 A. A person may not operate a personal watercraft at any time between the hours
- 13 from 1/2 hour after sunset to 1/2 hour before sunrise.
- 14 B. A personal watercraft must at all times be operated in a reasonable and prudent
- 15 manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or
- 16 property, including but not limited to weaving through congested vessel traffic or
- 17 jumping the wake of another vessel unreasonably, shall constitute reckless
- 18 operation of a vessel and is prohibited.
- 19 C. All personal watercraft operators must have taken and passed the DEM safety
- 20 boating course or must fulfill the Personal Watercraft laws of the state in which
- 21 the PWC is registered.
- 22 D. It is unlawful for the owner of any personal watercraft or any person having
- 23 charge over or control of a personal watercraft to authorize or knowingly permit
- 24 the same to be operated by a person in violation of this section unless the
- 25 provisions of Subsection C are met.
- 26 E. A person may not operate a personal watercraft within 200 feet of swimmers,
- 27 divers, shore, or moored vessels, except at headway speed.
- 28 F. Personal watercraft, when launched from shore or returning to shore must proceed
- 29 directly to the area where operation is allowed in a direction and course as
- 30 perpendicular to the shore as possible and at a speed not in excess of headway
- 31 speed.
- 32 G. No person shall operate a personal watercraft unless he or she and any passenger
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

1 are wearing a personal flotation device which is approved by the United States
2 Coast Guard.

3
4 H. No person shall operate any personal watercraft unless it is numbered in
5 accordance with RIGL 46-22-4.

6
7 I. A person operating a personal watercraft equipped by the manufacturer with a
8 lanyard-type engine cutoff switch must attach such lanyard to his/her or her
9 person, clothing, or personal flotation device as appropriate for the specific vessel.

10
11
12 **Operation of personal watercraft on Quonochontaug Pond**
13 **prohibited**
14

15 No personal watercraft shall be operated or used on that certain body of water located in
16 the Town of Westerly known as Quonochontaug Pond.

17
18 **Obedience to Harbormaster and Police**
19

20 Boat operators shall obey lawful directions given to them by the Harbormaster, his/her
21 assistants or by any police officer employed by the Westerly Police Department in
22 enforcement of the provisions of this chapter, as well as all boating laws as are covered
23 under the provisions of the Federal Safe Boating Act of 1971 and such amendments as
24 shall have been made thereto. Such boat operators immediately upon being instructed by
25 the Harbormaster or a police officer employed by the Westerly Police Department, by
26 voice or such sound device as may be used, shall heave to, to allow boarding by such
27 officer and shall comply with the lawful direction of such officer. Checking of all
28 required safety equipment, as well as proper registrations of vessels under power, shall be
29 considered a lawful direction of said officers. Any person in violation of this section shall
30 be subject to the fine identified in the violation schedule contained within this chapter.

31
32
33 **Water skis and surfboards**
34

35 Waterskiing is prohibited in all designated channels, fairways and mooring areas.

36
37 a. No person shall operate a vessel on any waters of this Town for towing a person
38 or persons on water skis, or a surfboard, or similar device unless there is in the
39 vessel a person at least 12 years of age, in addition to the operator, in a position to
40 observe the progress of the person or persons being towed. There shall be aboard

- 1 the vessel, in addition to those required for the persons aboard the vessel, at least
2 one life preserver, life belt, or ring buoy for the person or persons being towed.
- 3 b. No person shall operate a vessel on any waters of the Town towing a person or
4 persons on water skis, a surfboard, or similar device, nor shall any person engage
5 in water skiing, surfboarding, or similar activity at any time between the hours
6 from 1/2 after sunset 1/2 before sunrise.
- 7 c. No person shall operate or manipulate any vessel, tow rope, or other device by
8 which the direction or location of water skis, a surfboard, or similar device may
9 be affected or controlled in such a way as to cause the water skis, surfboard, or
10 similar device, or any person thereon to collide with or strike against any object or
11 person.
- 12 d. Any person in violation of this section shall be subject to the fine identified in the
13 violation schedule contained in this chapter.
14
15

16 **Sanitation and waste disposal**

17

18 The owners or operators of all vessels operated, moored or anchored within the
19 waters under the jurisdiction of the Harbormaster shall not permit acts contrary to the
20 public health or sanitary regulations, including such laws, ordinances, rules and
21 regulations as shall be promulgated by the federal, state or local body in authority.

- 22 a. No rubbish, cans, debris, garbage, raw sewage, dead fish or other offal shall be
23 discharged upon or into the waters under the jurisdiction of the harbor master.
- 24 b. No petroleum products, paint or varnish shall be dumped or pumped onto or into
25 the waters of the Town.
- 26 c. No Discharge signs or buoys shall be placed at the Fishers Island Sound
27 entrances to Little Narragansett Bay.
- 28 d. Any person in violation of this section shall be subject to the fine identified in the
29 violation schedule contained within this chapter.
30
31

32 The Town shall ensure that that all pumpouts, whether land-based or on a vessel, are
33 maintained, accessible, and operational at all times.
34

35 **Derelict boats, motors and structures**

36

- 37 a. No derelict boats, motors or piers, wharves or docks shall be allowed in or upon
38 the Town's waters or shores.
- 39 b. The Harbormaster may take custody and control of abandoned vessels, structures
40 and moorings located in the coastal waters and harbor areas of the Town and
41 remove, store or otherwise dispose of such vessel, structure or mooring at the

1 expense and sole risk of the owner of the abandoned vessel or structure.
2 Reasonable notice of such removal, storage, or disposal shall be publicly
3 advertised.

- 4 c. The Harbormaster shall assume all of the duties and powers of the commissioner
5 of wrecks and shipwrecked goods as detailed in the G.L. 1956, § 46-10-1 et seq.
6 d. Any person in violation of this section shall be subject to the fine identified in the
7 violation schedule contained within this chapter.
8

9 **Swimming Prohibitions**

- 10
11 a. No person shall swim in the Breachway of the Winnapaug Pond, said area defined
12 as being the southernmost extension of said such Breachway into the sea and
13 thence running north to its intersection with the Weekapaug Bridge; thereafter,
14 running further north inland from said bridge to a point identified by the
15 conclusion of the Breachway wall to the west and the beginning of private homes
16 to the east or in the Breachway of Quonochontaug Pond, or in any other
17 Breachway within the jurisdiction of the Town.
18 b. Recreational swimming is prohibited in all navigation fairways, public dock areas,
19 mooring fields and launching areas.
20 c. Any person in violation of this section shall be subject to the fine identified in the
21 violation schedule contained within this chapter.
22

23 **Excessive noise**

- 24
25
26 a. No operator or vessel owner shall cause or allow excessive noise in the operation
27 of a vessel, nor shall such owner or operator allow excessive noise aboard such
28 vessel when anchored or moored. Unmuffled sound from engines, outboards or
29 other machinery, persistently loud ringing or unnecessary use of emergency or
30 other noise making devices is not permitted, except by permission of the
31 Harbormaster.
32 b. Any person in violation of this section shall be subject to the fine identified in the
33 violation schedule contained within this chapter.
34

35 **Obstructing passage of vessels**

- 36
37
38
39 a. No warps, lines or fishing gear shall be in or passed across any channel, fairway
40 or dock so as to obstruct vessels passing along the same. Stakes shall not be

- 1 driven to be used for mooring any vessel or boat, or for tying up any fish, lobster
2 or bait can unless in the judgment of the harbor master their use would not be an
3 obstruction.
- 4 b. Mooring shall not be located so that vessels or boats when lying to the same shall
5 block any channel or approach to any channel, or obstruct the approach to piers,
6 docks or other moorings in the vicinity.
- 7 c. The placement of fish nets is prohibited in all navigation fairways and mooring
8 fields.
- 9 d. Any person in violation of this section shall be subject to the fine identified in the
10 violation schedule contained within this chapter.
- 11 e. No person or persons shall obstruct any channel, fairway or dock so as to obstruct
12 vessels passing along same.
- 13 f. No warp or line shall be passed across the channel or fairway and no boat shall be
14 anchored in the channel or fairway so as to obstruct vessels passing along the
15 same.

16 **Rights-of-way to the water**

- 17
- 18
- 19 a. No person shall block, barricade or in any way impede the public use of or access
20 to designated public right-of-way to the water as defined by the RI CRMC or the
21 Town of Westerly.
- 22 b. No person shall store a vessel, vehicle or structure on a designated public right-of-
23 way to the water as defined by the CRMC or the Town of Westerly.
- 24 c. Any person in violation of this section shall be subject to the fine in the violation
25 schedule contained within this chapter.

26 **Jumping off of bridges**

- 27
- 28
- 29 a. No person shall jump off of any bridge traversing any waterway within the Town
30 of Westerly.
- 31 b. Any person in violation of this section shall be subject to the fine identified in the
32 violation schedule contained within this chapter.
- 33
- 34

35 **Boats used floating residences and/or businesses; pollution** 36 **control requirements**

- 37
- 38 a. All people who use motor boats or sailboats as residences and/or businesses shall
39 contact the harbormaster within 72 hours of mooring to ensure compliance with

- 1 harbor regulations regarding pollution as outlined in this chapter. The owners or
2 operators of all vessels operated, moored, or anchored within the waters and the
3 jurisdiction of the harbormaster shall not permit acts contrary to the public health
4 or sanitary regulations including such laws, ordinances, rules, and regulations as
5 shall be promulgated by federal, state or local authority.
- 6 b. Any person in violation of this section shall be subject to the fine identified in the
7 violation schedule contained within this chapter.

9 **Required equipment**

- 10
- 11 a. Every vessel entering the water and harbor areas of the Town of Westerly shall be
12 equipped as required by Title 46-22 (Regulation of Boats) of the General Laws of
13 Rhode Island, as amended, and all similar federal laws, rules and regulations.
14 Consistent with Title 46-22 (Regulation of Boats) of the General Laws of Rhode
15 Island, as amended, the harbormaster shall have the authority to enforce all
16 provisions of Title 46-22.
- 17 b. Any person in violation of this section shall be subject to the fine identified in the
18 violation schedule contained within this chapter.

21 **Navigation fairway**

22

23 The following navigation fairways are established; the parameters to be forwarded to the
24 Coastal Resources Management Council for the U.S. Coast Guard establishment:

- 25 a. From Fishers Island Sound through the privately marked Cut between Napatree
26 Point and Sandy Point, South of Nun D in Little Narragansett Bay, and thence to
27 the entrance to the Pawcatuck river at G23.
- 28 b. From N22 off Pawcatuck Point to R2 and C1 at the entrance to Watch Hill Cove.

31 **Transient anchoring and anchorages**

- 32
- 33 a. A vessel may anchor overnight on its own anchor in the two transient
34 anchorage areas in Little Narragansett Bay defined below. No vessel
35 anchored under such conditions shall be left unattended between ½ after
36 sunset and ½ hour before sunrise. Owners and/or operators of such vessels
37 may go ashore, but must be available to tend the vessel in the event of heavy
38 weather. It shall be the vessel owner's and/or operator's responsibility to
39 remain clear of all moored vessels, and other structures. Vessels staying more
40 than seven nights must get specific approval from the Harbormaster. No
41 permanent live aboards are allowed.
- 42 b. Transient anchorages. The following areas are established for use as transient
43 anchorage:

(1) Little Narragansett Bay North of Napatree Point but not further north than a line running from the inner exit of the privately marked channel of The Cut from Fishers Island Sound toward the Northern boundary of Foster Cove and between North South lines at 72 degrees 52.600' and 500 feet West of R2 at the entrance to Watch Hill Harbor. (Note this description is made from eyeballing the nautical chart and Google Earth. It should be confirmed by on the water survey and the corner points marked by buoys.-**draw chart- hold**

(2) Little Narragansett Bay on the inner (Eastern or Northern) side of Sandy point South of the Connecticut border and East to a North South line through G13 – **hold for charting**

Moorings

1) Permits

b. CRMC will work with the town to determine on a case-by-case basis whether existing moorings will be allowed to remain within the unauthorized mooring fields they've previously occupied. Existing unauthorized mooring fields for which access is not provided for any and all qualified mooring permit applicants - resident or non-resident - will not be approved by the CRMC and any moorings that previously occupied such mooring fields shall be subject to removal. No private mooring shall be located, or maintained, in the coastal waters and harbor areas of Westerly until a permit has been issued for the use of such moorings by the Harbormaster.

c. To be eligible for a private mooring permit, an applicant must have an ownership interest in the boat for which the mooring permit is being sought, or be a commercial mooring operator. Only one person may apply for and hold the mooring permit.

Mooring Permit application Requirements - Applications for mooring permits shall contain such information as requested by the Harbormaster and /or the Harbor Commission, and in the least, the following information:

For private mooring permits:

- i. Name, address, telephone number (home and office), and e-mail address (if applicable) of owner;
- ii. Vessel name, active registration number or documentation Number, hull identification number (HIN), length (ft.), type, and color of the boat to be on the mooring;
- iii. Emergency contact name and telephone;
- iv. Mooring type and weight
- v. Appropriate application fee;

- vi. Number of sleeping berths, if any, and type of marine sanitation device;
- vii. Proof of Liability Insurance of vessel occupying mooring
- viii. Mooring field or mooring location.

For Littoral mooring permits:

- i. Name, address, telephone number (home and office), and e-mail address (if applicable) of owner;
- ii. Emergency contact name and telephone;
- iii. Mooring type and weight
- iv. Appropriate application fee;
- v. Mooring location (distance offshore and relation to property line).
- vi. If the owners boat will occupy the mooring for most of the season, the Vessel name, active registration number or documentation Number, hull identification number (HIN), length (ft.), type, and color of the boat number of sleeping berths, if any, and type of marine sanitation device;
- vii. Proof of Liability Insurance of vessel occupying mooring

For Commercial Permits:

- i. Name of Business or Organization, Manager's name, Address and Business Telephone and emergency telephone contact
- ii. Number of Moorings requested.
- iii. Mooring type and weight
- iv. Mooring Field(s) in which moorings will be located.

Or a copy of their CRMC permit provided it contains the above information.

- c. The Harbormaster with the approval of the Harbor Commission may, from time to time, amend the mooring permit information requirements.
- d. Permits for Private moorings in Public mooring fields may be renewed annually or when the mooring changes hands or when the permit holder wants to put a different boat on the mooring. Littoral/Riparian and Commercial mooring permits shall be renewed every third year or when the Littoral permit holder transfers the adjacent upland riparian property.
 - a. The Harbormaster shall mail forms for the renewal of permits by February 15 of the year to those persons who held valid mooring permits on December 31 of the previous year, to the address listed on their last mooring permit. It is the responsibility of the mooring owner to notify the Harbormaster of any change of address
 - b. A second notice will be sent on or about March 1.

- c. A renewal application, accompanied by the appropriate fee, must be submitted by March 15 of any calendar year to the office of the Harbormaster.
- d. If a mooring permit holder has not received a renewal application, it is their responsibility to contact the Harbormaster's office.
- e. Upon receipt of the complete renewal application and fee, and provided the mooring meets all the requirements of this ordinance the Harbormaster will issue a permit by April 30.
- f. Private moorings must be occupied and commercial moorings commissioned by July 1.
- g. All winter stakes shall be removed from the water by June 1 of each year, and may not be placed back in the water until October 1 of each year.
- g. Failure to renew an existing private mooring permit in accordance with the provisions of these regulations shall result in the permitted owner's abandonment of all his/her privileges in the previously permitted mooring space. The Harbormaster shall send a certified letter of intent to remove the mooring tackle, which if not responded to within 10 days shall result in the removal of the mooring tackle from said space. Upon the written request of the Harbormaster the permit holder shall remove the mooring tackle from the mooring space. If the permit holder does not remove the mooring tackle within 30 days of the written request, or by April 30 the Harbormaster, with the approval of the Harbor Commission may remove the now abandoned mooring tackle at the permit holder's expense.
- h. The rate charged for all mooring permits shall be in accordance with the fee schedule in the Town Code.

2) Assignment – Items (a-d) refer to Public Mooring Areas

- a. **Available spaces** - As of May 1 of each year, the Harbormaster, with the approval of the Harbor Commission, shall determine the number of mooring spaces in the Public Mooring Areas available for mooring placement. The available mooring permits shall be offered first to those persons whose names appear next on the waiting list whose boat fits the mooring.
- b. **Waiting list** - The Harbormaster, with the approval of the Harbor Commission, shall maintain a waiting list of all applications for private and commercial mooring permits in the Public Mooring Areas. The list shall be established by lottery and added chronologically to the already existing waiting list held by the Harbormaster prior to the passage of this ordinance. The Harbormaster is to keep the waiting list up to date and make it available for public review at all times. The waiting list shall show the names of the persons desiring the mooring space, the date of application, the area in which

1 such space is desired; and, the size of the boat for which the mooring space
2 has been requested.

- 3
- 4 **c. Lottery** -Upon CRMC approval of this Ordinance, the Harbormaster will
5 cease to place new applications on the waiting list in order of receipt.
6 Applications submitted after the approval date will be collected until April 30
7 of the next boating season. On April 30 a public drawing will be conducted by
8 the Harbor Commission. The names from the drawing will be added to the
9 waiting list in the order in which they were drawn. Applicants will be
10 identified as either residents or non-residents and mooring spaces will be
11 distributed on a no greater than 3:1 basis (three residents for every one non-
12 resident). The lottery will be held on an “as needed” basis.
- 13
- 14
- 15 **d. Preference to Westerly residents** - In the assignment of mooring space to
16 new applicants Westerly residents shall be given priority over nonresidents.
17 However, a nonresident shall not lose priority to a resident more than three
18 times before such nonresident is given first priority to an appropriate mooring
19 space.
- 20
- 21 **e. Littoral/Riparian moorings associated with waterfront properties** -
22 Moorings used in conjunction with waterfront property may be placed in the
23 coastal waters immediately adjacent to the upland residential waterfront
24 property with the exception of shellfish transplant areas.
- 25
- 26 **i.** The mooring permit holder must comply with all mooring permit
27 application requirements and receive a mooring permit from the town
28 as described herein, and the mooring must meet all mooring tackle
29 standards and inspections as set forth in this chapter and any
30 applicable regulations before such placement will be permitted.
- 31
- 32 **ii.** A waterfront owner may apply for a total of four riparian moorings for
33 that waterfront property, providing that the vessels remain within the
34 seaward extension of the lateral lot lines of the riparian property.
- 35
- 36 **f. Private Mooring permit holders in a Public Field** who plan to put a larger boat
37 on their mooring must file an application form with the Harbormaster to
38 receive his/her authorization.
- 39
- 40 **iv.** No private mooring permit shall be sold under any circumstance,
41 and no mooring permit may be assigned or otherwise transferred
42 by a permit holder except with the approval of the Harbormaster
43 and the Harbor Commission. At such time as an existing mooring
44 becomes available for sale, the owner shall notify the
45 Harbormaster. The Harbormaster shall assign the space to the
46 person next on the waiting list whose boat fits the mooring. The

mooring owner may then sell the mooring gear in its location to this person; or, remove the mooring within ten days at the mooring owner's expense or if this occurs during the winter by May 31.

v.

vi. Notwithstanding the above provision, a mooring permit may be transferred to an immediate family member of legal age (parent, sibling, spouse, or child). The mooring owner must notify the Harbormaster in writing by April 30 of the year in which the transfer will take place and the Harbor Commission will review and approve or disapprove the transfer by May 30. The transferee shall be granted a five-year grace period to moor their vessel under the transferred mooring permit provided it is renewed on an annual basis during this time. Upon the termination of this period or the failure of the transferee to renew the permit at any time during this period, the mooring space occupied by the transferee shall be made available to the next eligible individual on the waiting list. The transferee shall be prohibited from subsequently transferring the mooring permit under any circumstance to any other individual.

vii.

viii. No existing private mooring may transfer to a commercial mooring without prior authorization from the Harbormaster.

h. All requests for relocation of existing permitted moorings in Public Mooring Areas must be submitted to the Harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, show proof of a valid mooring permit issued for the previous or current year and clearly state the reasons for a mooring relocation. The Harbormaster will approve or deny the request based upon availability of space and the type and size characteristics of the vessel involved.

i. **Occupancy of mooring.** - Littoral mooring holders are exempt from this section.

a. No vessel shall occupy a mooring other than the one for which it has been permitted. The Harbormaster, with the approval of the Harbor Commission shall have the authority to move or cause to be moved any vessel violating the provisions of this section, at the expense and risk of the vessel owner seven days after notice to the mooring owner.

A properly permitted mooring owner who is contemplating an absence from his/her mooring for an entire season may apply in writing to the Harbormaster by January 15 for permission. If granted the Harbormaster will assign the mooring to the next individual on the waiting list with a vessel capable of being safely secured to the mooring tackle and the mooring owner shall be responsible for the maintenance of the mooring tackle throughout the boating

1 season. On written request of the mooring owner the Harbormaster may
2 extend this assignment for subsequent seasons.

3 b. The Harbormaster, on request by the mooring owner, may allow
4 temporary guest use of a mooring for a period not greater than fourteen
5 days.

6
7 c. Any private or commercial mooring (located within a designated
8 mooring field) which is not used by July 1 of any year shall be
9 considered abandoned and must be removed by its owner from the
10 mooring area. This period may be extended if extenuating
11 circumstances are presented to the Harbormaster on a timely basis. If
12 the owner fails to remove the mooring the Harbormaster with the
13 approval of the Harbor Commission may remove the mooring and the
14 owner will be billed for the cost of the mooring removal.

15
16 j. Any permit holder shall be deemed to have forfeited his/her mooring space by
17 reason of any one of the following:

18
19 i. Removal of mooring and mooring tackle and notification to the
20 harbormaster that the mooring has been forfeited;

21
22 ii. Failure to respond to the Harbormaster's notice that (1) the mooring
23 does not comply with the mooring tackle standard's set forth in this
24 chapter and all applicable regulations, or (2) that the mooring has been
25 displaced or moved from its permitted location without approval.

26
27 iii. Failure to display the mooring number on the mooring buoy.

28
29 iv. Failure to resurface, repair or replace mooring tackle which has failed
30 inspection within 14 days after being advised to do so by the
31 Harbormaster by registered mail.

32
33
34 **Removal of mooring hardware for a forfeited mooring shall be at the owner's**
35 **expense. If a boat is tied to the mooring, the boat will also be removed and stored**
36 **at the owner's expense.**

37 38 **3) Mooring Standards**

39
40 The Harbor Commission will establish mooring standards. See appendix ()

41 42 **4) Mooring Inspections**

43
44 a. Every permit holder shall be required to maintain his/her mooring in safe
45 condition. Any chain, shackle, swivel or other tackle which has become
46 warped or worn by one-quarter its normal diameter shall be replaced. Failure

1 to maintain a safe mooring shall be cause for revocation of the mooring
2 permit. The harbormaster or his/her designee may inspect any moorings at any
3 time to determine compliance with this section.
4

5 b. All moorings shall be inspected annually to include the pennant(s), float,
6 shackles, and swivels to the point of intersection of the light and heavy chain.
7 Every third year the inspection shall be made by either raising the entire
8 mooring above water to examine the anchor, bottom chain and shackles or by
9 diver underwater inspection of those pieces. Mooring inspections shall be
10 performed by a qualified inspector. Such inspection shall determine
11 compliance with the mooring and mooring tackle standards. Any mooring or
12 component of a mooring reported not in compliance with the mooring
13 regulations shall be replaced within 14 days of such notice. All costs of any
14 mooring inspection required under the provisions of this article shall be the
15 responsibility of the mooring owner. No boat may be placed on the mooring
16 until it has passed inspection.
17

18 c. The Harbor Commission will designate one or more mooring inspectors.
19 Mooring inspectors must be familiar with the minimum mooring and mooring
20 tackle specifications of this article. Mooring inspectors must have equipment
21 capable of lifting the heaviest anchor in the fields they service and must have
22 access to a licensed diver.

23
24 d. The Harbormaster shall make available an application form which potential
25 mooring inspectors must complete. The application shall be filed with the
26 Harbor Commission with the appropriate fee. Qualified mooring inspectors
27 must reapply by October 31 of every third year.
28

29 e. The Harbor Commission shall keep a list of all qualified mooring inspectors and
30 shall make this list available to all mooring permit holders.
31

32 **5) Mooring placement and siting**

33

34 a. The Harbormaster, with the approval of the Harbor Commission, may direct
35 the placement or movement of moorings within mooring field boundaries. He
36 may reassign existing moorings to different spaces, to improve safety, or to
37 provide additional spaces. He may consider new mooring techniques to
38 achieve these objectives.
39

40 b. Mooring field siting standards. All designated mooring fields sited within the
41 coastal waters and harbor areas of the town shall be setback a minimum
42 distance:
43

44 i. Fifty (50) feet from all residential or commercial docks, piers, floats
45 and public launching ramps.

- ii. Fifty (50) feet from the adjacent shore. Mooring areas shall be set back at least three times the U.S. Army Corps of Engineers authorized project depth from federal navigational projects (e.g., navigation channels and anchorage areas)
- iii. Any new and significantly expanded mooring fields shall be sited to ensure that tides and currents aid in flushing the mooring area, to avoid adverse effects on water quality, so as to not substantially interfere with designated shellfish management areas, traditional fishing grounds, public recreational areas and conservation areas, and so as to not significantly affect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.
- iv. Any new or significantly expanded mooring fields shall be located in accordance with all policies of the town's harbor management plan, the policies and requirements of the Rhode Island Coastal Resources Management Council's guidelines for the development of municipal harbor management plans, and the CRMC's management procedures for siting mooring fields.
- v. Moorings areas shall be adequately serviced and pump-out stations/boats shall be accessible.
- vi. The following waters of the town are designated as mooring fields. Any revisions to the size, and/or location of these mooring field designations shall require the approval of the Harbor Commission, Town Council, and CRMC before the revisions may take effect.
 - 1) Marina Mooring Areas with CRMC permits and defined marina perimeters:

Mooring Field A	Westerly Yacht Club
Mooring Field B	Gray's Marina
Mooring Field C	Frank Hall Boat Yard
Mooring Field D	Avondale Boat Yard
Mooring Field E	Lotteryville Marina
Mooring Field G	Watch Hill Boat Yard
 - 2) Public Mooring Areas

Mooring Field H	Watch Hill Harbor
Mooring Field I	Weekapaug Cove
Mooring Field J	Groves Dock/Shelter Harbor
Mooring Field K	Colonel Willie Cove
Mooring Field L	Watch Hill West of Breakwater (Napatree)

- 1 c. Any entity owning more than five commercial moorings must have direct
2 waterfront access and be able to provide sanitary facilities and adequate
3 parking as prescribed by the Coastal Resource Management Program.
4

5 **6) Records and Numbering**

6

- 7 a. The harbormaster shall keep a detailed record of all private moorings and their
8 location. The records shall include the owner's name, home and business
9 address, telephone number(s), permit number and mooring number, the date
10 the mooring was placed, last mooring inspection date, and all vessel data.
11
- 12 b. Each mooring, once permitted, shall be assigned a mooring number by the
13 harbormaster. The number will be displayed in contrasting color on each
14 mooring buoy in block letters at least three inches in height and on a tag
15 stapled to the top chain. Winter stakes shall be numbered with the same
16 number as the mooring.
17
- 18 c. Commercial mooring permit holders must submit to the harbormaster
19 annually by April 30 a breakdown by mooring with the following information:
20
- 21 (1) Vessel name, registration number, length, draft, type and color;
 - 22 (2) Name and phone number of boat owner;
 - 23 (3) Number of sleeping berths, if any, and type of MSD, if any;
 - 24 (4) Mooring number and actual mooring weight.
25

26 For moorings that are rented after April 1, the commercial mooring permit holder
27 must notify the harbormaster within thirty days of assigning the rental and supply the
28 information requested above.
29

30 The Harbormaster has legal authority to enforce the CRMC requirement that all
31 moorings and their associated vessels at all times remain within the defined mooring
32 area perimeter within which they're located with the exception of littoral moorings.
33

34 **OUTHAULS**

35

36 Outhauls shall be managed consistent with CRMC regulations.
37

38 Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a
39 municipality to administer an annual permit for such provided said municipality has a Council
40 approved

41 and active harbor management plan and ordinance which contains the following:

- 42 a. municipal documentation that demonstrates that
 - 43 i. except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront
44 property owner; and,
 - 45 ii. up to two (2) outhauls may be allowed per waterfront property; and,
 - 46 iii. outhauls are not permitted on properties which contain a recreational boating facility; and,
 - 47 iv. procedures have been adopted to ensure that permits are issued only consistent with the

RICRMP, including the provisions of 300.18; and,
v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and,
vi. from November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed; and,
vii. outhauls may be “grandfathered” in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such “grandfathering” is extinguished whenever a recreational boating facility is approved at the location.

STORM PREPAREDNESS

- a. The Town shall develop a storm preparedness detailing actions to be taken
 - 72 hours before
 - 48 hours before
 - 24 hours before
 - And 24 hours after a Major storm
- b. Every individual Marina, Boat Yard, dock operator, Yacht Club or waterfront businesses shall develop a storm preparedness plan.
- c. Every individual mooring owner will develop a storm preparedness plan for his/her boat. This plan may be to move to a specific preselected safer location, to pull the boat from the water at a designated boatyard, or to take specific precautions to stay on the mooring such as; double lines, chafing gear, reduce windage, turn bilge pumps on, etc,
- d. Shorefront home owners shall develop a storm preparedness plan including identification of the nearest Rhode Island designated evacuation route.
- e. Transient boaters in designated anchorage areas must evacuate and move to a safer harbor on issuance of a NOAA storm Warning.

Section 86-38

Harbor management uniform violation schedule.

Notwithstanding any other provision in this chapter, the harbor master or any officer is authorized to issue a uniform summons for the various offenses in accordance with the following violation schedule and uniform summons.

Editor’s Note: A copy of the uniform summons is on file in the Clerk’s office. In addition to the following violation schedule, a uniform summons may be issued for any violation of state statute or municipal ordinance in accordance with the penalties ascribed to those violations:

Westerly Police Department Harbor Management

Violation Schedule		
	Section of Code/Type of Offense	Fine
§ <u>86-2</u>	Proximity of watercraft to bathing areas	\$50.00
§ <u>86-3</u>	Reckless or negligent operation/speed limit	\$100.00
§§ <u>86-3</u> , <u>86-19H</u>	Reckless operation	\$100.00
§ <u>86-4</u>	Caution in proximity to other vessels	\$50.00
§ <u>86-10</u>	Anchoring according to directions	\$50.00
§ <u>86-18</u>	Speeds within Weekapaug Breachway (no-wake zone)	\$50.00
§ <u>86-19B</u>	Prohibited maneuvers	\$50.00
§ <u>86-19C</u>	Operator under 16, unsupervised, unqualified	\$50.00
§ <u>86-19D</u>	Allowing person under 16 to operate	\$50.00
§ <u>86-19E</u>	Operation in restricted area	\$50.00
§ <u>86-19F</u>	Operation from shore restrictions	\$50.00
§ <u>86-19G</u>	Personal floatation device to be worn	\$50.00
§ <u>86-19J</u>	Engine cutoff switch required	\$50.00
§ <u>86-20</u>	Quonochontaug Pond restriction	\$50.00
§ <u>86-21</u>	Obedience to harbor master and police	\$100.00
§ <u>86-22</u>	Water skis and surfboards	\$50.00
§ <u>86-23</u>	Sanitation and waste disposal	\$100.00
§ <u>86-24</u>	Derelict boats, motors and structures	\$50.00
§ <u>86-25</u>	Swimming in Breachway prohibited	\$50.00
§ <u>86-26</u>	Excessive noise	\$50.00
§ <u>86-27</u>	Prohibited use of Town floats and docks	\$50.00
§ <u>86-28</u>	Obstructing passage of vessels	\$50.00
§ <u>86-29</u>	Rights-of-way to the water	\$50.00
§ <u>86-30</u>	Jumping off of bridges	\$50.00
§ <u>86-31</u>	Pollution control requirements	\$100.00
§ <u>86-32</u>	Required equipment	\$50.00
§ <u>86-33</u>	Speeding in Winnapaug Pond	Per section of Code

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2
3
4
5