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### **M e m o r a n d u m**

TO: Kevin Cute  
FR: John Longo, Deputy Legal Council  
RE: Riparian Rights  
Date: May 20, 2019

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This document is to provide you with the guidance you requested for addressing certain issues associated with riparian rights.

In general, and consistent with the State Constitution and state statutes, the CRMC recognizes that owners of properties contiguous to tidal waters of the State have certain riparian rights to access the shore and water.

Riparian rights 'run with the land,' not the land owner so owners can generally not swap or trade them.

The nature and extent of the riparian rights associated with a property vary depending on the property and riparian rights do not automatically guarantee the property may have a mooring. For example:

- a) If access to the water from a property is practically impossible (i.e. Mohegan Bluffs, New Shoreham), the riparian rights for that property cannot be "transferred" to another location where access is possible.
- b) Riparian rights are generally limited to the area in the seaward extension of the property's lateral lot lines.
- c) The water enclosed by the seaward extension of the lateral lot lines may not be sufficient to support certain "access" structures (i.e. a dock, mooring, or outhaul).
- d) Since a mooring associated with a property must confine any moored vessel to the water enclosed by the seaward extension of the property's lateral lot lines, every riparian rights holder is not guaranteed to be allowed a mooring and some may be denied a mooring.
- e) Insufficient water depth, the presence of navigational hazards and other factors also mean every riparian rights holder is not guaranteed to be allowed a mooring and some may be denied a mooring.
- f) The characteristics of each property, its shoreline and the contiguous waters means it might be appropriate to consider options other than moorings for access (i.e. launching a kayak from the shore of a riparian property can be a legitimate exercise of riparian rights).