The Future of Excess Navy Lands: A Case Study of the Quonset Point-Davisville, Rhode Island Coastal Fringe

Thomas E. Bigford

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THE FUTURE OF EXCESS NAVY LANDS:
A CASE STUDY OF THE QUONSET POINT - DAVISVILLE,
RHODE ISLAND COASTAL FRINGE

By:
Thomas E. Bigford

A Major Paper Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Marine Affairs

University of Rhode Island
1977
A  PROVIDENCE & SUBURBS
B  QUONSET PT. - DAVISVILLE
C  NORTH KINGSTOWN (TOWN LINE)
D  NARRAGANSETT BAY
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INTRODUCTION

With spiraling costs in government, the American taxpayer and the Office of Management and Budget have encountered continuing problems in spending. One outcome of such economic hardships, emphasized in this period of peacetime, has been significant budgetary cutbacks in the Department of Defense. Translated through the political hierarchy, these cuts eventually resulted in the closing of many military bases.

Regardless of the geographical location, each excessed base posed problems to the respective area and state. Problems arose concerning immediate socio-economic hardships in the region, changes in ownership of the land, and most obviously, future uses of the property.

This subject is addressed herein through a case study of the Naval Air Station and the Construction Battalion Center at Quonset Point and Davisville, Rhode Island.
History of the Lands

On April 17, 1973 the United States Department of Defense announced a termination of facilities at the Naval Air Station at Quonset Point. Several months later a similar notice was posted concerning the base at Davisville. These announcements preceded the actual closings and cutbacks by about one year. Repercussions were massive and immediate. Estimates were that up to 6000 jobs would be lost, 17000 military personnel and their families would move, and numerous secondary effects would hamper economic development and stability in the region.

One of the most obvious physical blemishes left by the Navy was the abandoned lands. The Naval Air Station and the Davisville Construction Battalion Center comprise 3256 acres of coastal lowlands. The region is clearly visible from nearby highways and the adjoining Narragansett Bay. Entirely enclosed within the town of North Kingstown, the Navy lands amount to about one sixth of the total town land area.

At present, the Navy lands are still federal property, leased to the state of Rhode Island under a "protect and maintain" agreement with the federal government. However, assuming that the property is transferred to the state, plans must be prepared for the development and/or conservation of the lands. This manuscript confronts the problems of management of the immediate coastal fringe at the Quonset Point-Davisville location. Associated problems addressed include the arguments over ownership, land use choices, the legal regime, and possible solutions.
Location

Quonset Point and Davisville lie within the town of North Kingstown in the heart of Rhode Island. The location of the Navy lands in the middle of the state accentuates its importance in present and future planning. The proximity to the urbanized north, the demand for waterfront acreage and the push for increased employment all emphasize the importance of Quonset Point and Davisville.

The town of North Kingstown is a rapidly growing community located on the western passage of Narragansett Bay, approximately 20 miles south of Providence (Figure 1). The 43.25 square miles of land is home for 27,673 people, according to the 1970 census. Due primarily to the military influences, the town exhibited the fastest growth rate (87%) of any town in the county between 1950 and 1970, reaching a maximum population density of 640 per square mile. Town lands are predominantly forest and urban, including varying degrees of residential areas (Table 1).

North Kingstown is actually composed of eight villages, each possessing a certain degree of individuality plus economic and community development. These villages (Wickford, Saunderstown, Allenton, Belleville, Lafayette, Quidnesset, Davisville and Slocum) each specialize in certain types of industrial and neighborhood structure. Quonset Point, although not considered a village proper, resembles nearby Davisville in its specificity and importance. Prior to the 1973 - 1974 slow-down period, when the lands were declared excess by the Navy and surplus by
Figure 1. General map of Rhode Island and the excessed Navy lands at Quonset Point and Davisville. Note the location of the lands with respect to the state and the remainder of the community of North Kingstown, plus Narragansett Bay.
TABLE 1. Land types and acreage in the North Kingstown area as determined from remote sensing photography at a 1:24000 scale. From MacConnell (1974).

<table>
<thead>
<tr>
<th>General Land Type</th>
<th>Acreage</th>
<th>Percent of Total</th>
<th>Predominant types and acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest</td>
<td>12,703</td>
<td>45.90</td>
<td>Woodlands (12,703)</td>
</tr>
<tr>
<td>Urban lands</td>
<td>7,902</td>
<td>28.56</td>
<td>Light residential (2,556)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Urban open areas (2,242)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dense residential (1,473)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Transportation (1,191)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Commercial (298)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Industry (151)</td>
</tr>
<tr>
<td>Agriculture and open lands</td>
<td>4,849</td>
<td>17.52</td>
<td>Tilled crops (2,370)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abandoned lands (1,288)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pasture (754)</td>
</tr>
<tr>
<td>Wetland</td>
<td>1,322</td>
<td>4.78</td>
<td>Open water (536)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Freshwater shallows (407)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Freshwater deeps (244)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saltwaters (135)</td>
</tr>
<tr>
<td>Outdoor recreation</td>
<td>595</td>
<td>2.15</td>
<td>Participation recreation (383)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Spectator recreation (112)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Water based (100)</td>
</tr>
<tr>
<td>Mining and waste disposal</td>
<td>302</td>
<td>1.09</td>
<td>Mining (244)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Waste disposal (58)</td>
</tr>
</tbody>
</table>

**TOTALS**                         | 27,673  | 100.00          |                                                       |
the General Services Administration of the federal government, Quonset Point was exemplified by the air field, support structures, and limited residential and recreational acreage in the southern portion of the lands; Davisville housed the construction facilities, several ocean piers, and warehouses.

The Quonset Point-Davisville site is located in the northeast sector of North Kingstown (Figure 1). Included on the federal lands are many industrial facilities, federal holdings, and transportation avenues via airplane, vessel, automobile, or railroad. The coastal orientation of the properties is shown through port facilities, ocean overlooks, wetlands, ponds, nearshore shellfisheries, and approximately 10 miles of coastline to the north, east, and south.²

Quonset Point and Davisville vary significantly from neighboring lands in terms of both land types and uses. Past industrialization and building have left the base area well-graded and stripped.⁷ Forests remain only on the periphery, as near the 18-hole golf course in the southern portion of Quonset Point. This portion of the base represents one of the few regions of natural vegetation and rock outcroppings on the Navy lands. Soils are predominantly “borrow and fill” and highly compacted. The immediate coastal fringe is bounded by concrete sea walls along the south and east edge of the airfield and by the dock and wharves in Davisville. Several wetlands are present in the northern sector near Allen Harbor; parts of these wetlands have been filled by the Navy in the past 25 years.
To summarize, the base land of 3256 acres includes 823 acres that is being retained by the Navy for rapid mobilization purposes and 2433 acres of truely excess lands. However, existing "benchmark" operations will remain intact on an additional 1326 acres, including such facilities as the airport. The remaining 1107 acres are available for planning and development (Table 2). The geographical placement of these key activities is shown in Figure 2.

Table 2. Breakdown of lands on the Quonset Point-Davisville complex according to use. (From Rhode Island Department of Economic Development, Quonset Point-Davisville Meeting V, 1977).

<table>
<thead>
<tr>
<th>TOTAL ACREAGE</th>
<th>3256</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAVY RETAINED</td>
<td>823</td>
</tr>
<tr>
<td>REMAINDER</td>
<td>2433</td>
</tr>
</tbody>
</table>

Continuing "benchmark" land uses:

1) Airport 650
2) Golf course 166
3) Electric Boat 150
4) National Guard 45
5) Housing 300
6) Sewage Disposal Plant 15

1326 1326

POTENTIAL DEVELOPMENT 1107
Figure 2. Existing land uses on the Quonset Point and Davisville lands. Numbers on the map refer to the following categories of land uses:

1) Navy retained for future mobilizations
2) Warehouse area; also for possible mobilization
3) Naval Air Station; general service airport
4) Quonset Point golf course
5) Possible sewage station locations
6) National Guard offices and housing
7) Electric Boat Division of General Dynamics
8) Davisville Road
9) Roger Williams Way
10) Residential
EXISTING LAND USES
General Problems

Quonset Point and Davisville generate many problems. Examples are employment, economic implications and the entire field of land use and management. Will the future bring industrial development or recreation and conservation uses? Who will govern such decisions?

As presently organized, the state of Rhode Island has only guardianship duties. North Kingstown will continue to consider the Quonset Point - Davisville area in its community plans in anticipation of a transfer of ownership to the state level. This transfer of title will be delayed at least until the end of 1978 when the environmental impact statement for the base is completed, and may be postponed further pending possible litigation over the return of the lands to Rhode Island under a 1939 agreement with the federal government. Under this agreement lands claimed by the United States during wartime must revert to the state if and when they are declared excess. Federal-state-local interests in the Navy lands extend the jurisdiction and ownership problems to include the land use debates. Who will assume managing control?
DIFFERENT VIEWPOINTS

The eventual uses of the excess Navy lands at Quonset Point and Davisville are dependent upon the final recipient of ownership and/or development rights. Federal, state, local and private (i.e. commercial) interests each have slightly differing intentions. Regardless of the trustee or owner, the thin strip of coastal property must be well-planned, managed and developed.

One theme prevalent throughout any discussion of land use and development is money. Taxpayers resist additional burdens on their incomes; in Santa Barbara County, California, a public opinion survey revealed that 73% of the poll thought the environment was worthy of serious concern while another 18% were less seriously concerned but nonetheless worried about the environment. Despite this concern, the same population sample also reflected a general reluctance to help finance cures to the environmental problems. Bear in mind that these opinions are from a coastal region closely resembling the North Kingstown area in its dependence upon the ocean.

The following paragraphs relate the various concerns expressed by local, state and federal parties with respect to the entire Navy land problem at Quonset Point and Davisville.
North Kingstown

The concerns of the community of North Kingstown have been clearly presented in a recent town plan and a special plan devised solely for the excessed properties lying within the town boundary.\textsuperscript{15}

A North Kingstown Planning Department summary from the 1972 plan, amended in 1974 after the Navy pull-out, listed several objectives applicable to the abandoned land in its town:

1) maintenance of Wickford as the governmental and cultural center of North Kingstown,
2) maintenance and enhancement of the cultural heritage of the region,
3) expansion of the recreational opportunities,
4) diversified housing types,
5) expansion of economic opportunity,
6) balanced community growth,
7) controlled rate of growth.

To reach these goals, the Planning Department of North Kingstown suggested that 40\% of Quonset Point - Davisville be used for conservation and recreation purposes (the immediate coastal fringe was envisioned as an excellent area for such uses), that a large percentage of the remaining lands be used to promote economic and employment activity, and that development of either industry or recreation areas be paced conservatively to permit proper development of water, sewer, fire, police, public works, and education services.\textsuperscript{16}
The planning process for North Kingstown has recently reached a blockade. The state of Rhode Island, as alluded to earlier, is negotiating with the federal government for the return of the Navy lands to state jurisdiction. During this period of indecision, North Kingstown has chosen to take a "wait and see" attitude. In effect, the planning process at the local level has stopped at the level attained by the special report on Quonset Point completed in 1975.

More recently, North Kingstown has turned toward land acquisition to fulfill its community plans. Most closely related to this discussion was the purchase of the title to the private and Navy lands lying to the north of Allen Harbor. This purchase, in the spring of 1977, helps fulfill the intentions of the Planning Department to expand the recreational opportunities in the Quonset Point - Davisville area while helping to preserve the Allen Harbor wetlands and dunes from further destruction. Past uses of the harbor vicinity by the Navy as a waste disposal site and landfill have led to public outcry over the safety of shellfisheries and water activities in the region.

The idea of this acquisition has been met with approval by the local population.

Rhode Island

The state of Rhode Island is represented in the Quonset Point - Davisville debacle by several state and private industry groups. Development of land use scenarios has been handled by the Rhode Island
Department of Economic Development, with Charles H. Vernon as Chief Planner.21 Impact analysis and inventory have been categorized and delegated to three groups - environmental to the University of Rhode Island Coastal Resource Center, socio-economic to Gladstone Associates, and facilities to Keyes Associates.22 Collectively, these four groups have worked toward a master development plan for Quonset Point - Davisville.23

The Department of Economic Development has determined that the factor in future development plans that is most critical will be the George's Bank oil and gas explorations. Depending upon the quantity of petroleum discovered, the state may propose a scenario skewed toward industry and support or industry and recreation.24

Current use of the Navy lands, which is governed by Rhode Island through the "protect and maintain" agreement,25 is primarily industrial. Since the onset of outer continental shelf exploration in 1976, 25 firms have leased space at Quonset Point and Davisville.26 A majority of these firms27 are directly involved in supply or support of the offshore efforts.

Despite this industrial expansion, the Navy lands are still under close scrutiny for recreational uses. In fact, each of the three scenarios developed by the Department of Economic Development contains at least 27% (373 acres) of the developable land (1107 acres) for recreational usage.28 A second example of the concern for uncon-
trolled industrial growth on the excess land was expressed recently by United States District Court Chief Justice Raymond J. Pettine. In his ruling on a possible injunction on behalf of five environmental groups, Pettine ruled that industrial use of the lands may continue only so long as the United States General Services Administration environmental impact analysis does not divulge any adverse effects to the lands. This ruling protects the current industrial surge plus the environmental aspects.

The importance of the entire environmental viewpoint, including planning for future use, has been reiterated by the Rhode Island Coastal Resources Management Council, a committee created in 1971 to formulate and adopt a plan for preservation, protection, development and restoration of the coastal zone resources of the state. Progress since its creation has led the Council to its present task of drafting a comprehensive plan for the management of the state's coastline. Included in such a draft plan are sections on subjects like an inventory of the coastal resources, coastal development, exploitable natural resources, major facilities siting, and pollution. A series of 10 public meetings have been scheduled to present and discuss these subjects with the citizens of Rhode Island. Section I, the catalog of coastal resources, was presented in March of 1977. Given special consideration were public access to the shore, beaches and parks, recreational boating facilities (including residential piers), historic sites, education and research stations, a Narragansett Bay
island park system and, lastly, the entire estuarine system on which Rhode Island is so dependent. The second section, entitled Coastal Development, was presented to the public in April 1977 and will be discussed later in conjunction with the various state scenarios for Quonset Point and Davisville. The Navy lands, especially the lands surrounding Allen Harbor, are considered especially useful in fulfilling the Coastal Resource Management Council plans for Rhode Island.

United States

At present, the United States still owns title to the Quonset Point - Davisville lands. Even if Rhode Island does gain jurisdiction, 823 acres on the site will remain in Navy possession. This acreage has been retained for use in future mobilizations. Most of the properties to be retained are inland support areas; however, key coastal mobilization sectors that will be retained permanently or leased conditionally include a portion of the shoreline at Allen Harbor, part of the Davisville piers region, and the airport. An inland area northwest of the airport will be made available for lease under certain flightpath restrictions. The Federal Aviation Administration has licensing power over the Naval Air Station and may utilize the airport for general, non-scheduled use or as an Air National Guard base.

Besides federally-reserved lands, 120 acres in a triangular parcel north of Davisville Road (See Figure 2) has been suggested for administrative and research facilities, possibly a Solar Energy Research
Institute. Plans for that particular use may now be bypassed due to a March 24, 1977 decision by the Energy Research and Development Administration to use Golden, Colorado for the nation's headquarters in solar energy research. The Quonset Point location is still under consideration for a smaller regional facility.
LEGAL REGIME

The Navy land problems involve federal, state, local, and common law principles. Each level of jurisdiction is supported by a variety of legislative actions, committees, doctrines, judicial decisions, etc. The legal regime applicable to land use in the coastal zone, shoreline access, coastal management, wetlands, water quality, sewage systems, recreation planning and aesthetics are particularly relevant in the coastal fringe of Quonset Point - Davisville. The discussion herein includes several applicable common law doctrines plus specific state and federal laws.

The issue of public access to the shoreline has long been a controversial issue in the United States. In the North Kingstown area, private ownership of the coastline has progressed at such a rate that only the town beach (8.2 acres)\(^45\), one scenic overlook\(^46\), and one locally-operated boat launching facility\(^47\) remain for public use.

The possibility of using at least a portion of Quonset Point - Davisville for access suggests an investigation into the methods by which such access could be gained. Through common law, the coastline could be opened by public trust, jus publicum, easements, dedication, custom or condemnation.\(^48\)

Public Trust: This doctrine applies where certain rights inherently available to the public are withheld due to private ownership. Public trust is often argued when the resources involved are so important that
their preservation is needed to sustain our free society.49

Both the state of Rhode Island Constitution and the United States Supreme Court have expressed support for the public trust doctrine. The State Constitution included the following provision:

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state.50

This initial legislative acknowledgement of the rights of the public was reiterated in 1970 with particular reference to the "... use and enjoyment of the natural resources of the state..."51, which infers a broader use than that in the Constitution.

The landmark decision in the Supreme Court with respect to the public trust doctrine was Illinois Central Railroad v. Illinois in 1892.52 In this case, a grant of right and title of the submerged lands of Lake Michigan to the Illinois Central Railroad was deemed a "... substantial impairment of the interest of the public in the waters"53 and was disallowed.

Certain ambiguities raised by the Rhode Island Constitution were clarified in Jackvony v. Powell.54 This Rhode Island case in 1941 defined "shore" as the land between high and low water and "beach" as that area inland of the high water mark to the beginning of the uplands.55 On this basis, the "privileges of the shore"56 mentioned in Article 1, Section 16 of the Constitution can be exercised only
in one thin band of the coastal fringe. This raises a further question concerning accessibility to this narrow inter-tidal zone. *Angell on Tidewaters* states (as cited in Nixon):

> It has indeed been not infrequently suggested that the law would not allow to every man the right to fish in the sea . . . and at the same time deny to him the means of getting there . . .

Hence, when used in conjunction with some type of complete right-of-way, the public trust doctrine becomes a means of legal entry onto beachfront lands. Rhode Island must fulfill its obligation to maintain the shoreline for public use; the right-of-way may be gained by purchase in the open market or via one of the methods described below.

**Jus Publicum:** Closely related in purpose and applicability to public trust is the doctrine of *jus publicum*. Both doctrines evolve around lands owned and administered by the state on behalf of the public. Hence, the two doctrines serve as effective tools to limit the trend toward both privately-owned shoreline and areas restricted to residents only.

Jus publicum is based on the requirement of each state to maintain the immediate foreshore of all beach land for public use. This was clearly established in *Shively v. Bowlby* with regard to navigation and fishing rights and expanded to include recreation and bathing. With the public need for such facilities becoming more acute, the rights secured by *jus publicum* should be updated to better serve the public.
Easements: Easement in property law involves the right to use the land in some way without the need for a transfer of title. It is a permanent interest in another's land created via grant, purchase, or prescription. The latter variety of easement, by prescription, is more common than the grants or expensive purchases. In Rhode Island, prescription involves substantiated use in a "general, uninterrupted, continuous and adverse" manner for a prescriptive period of 10 years. On the Quonset Point - Davisville lands the security associated with a Navy installation negated any possibility of 10 years of continuous use. North of Davisville, on the shores of Allen Harbor, lies some private lands on which an easement could be established, although the town of North Kingstown is currently investigating the possibility of an outright purchase.

It should be noted that Rhode Island has placed the burden of proving a right-of-way on the person claiming it, i.e. not the property owner. This serves to protect the rights of the property owner on his real estate. The courts have also declared that occasional use, for less than the prescriptive period, is not sufficient to claim an easement or other rights.

Dedication: Dedication involves the transfer of ownership, or a privilege of use, to the public. For such reason, this common law remedy can be used to gain access to the shoreline granted by the public trust doctrine.
Dedication, either express by oral declaration or implied via acquiescence or intent, involves an offer by the land owner to permanently donate an interest in his land to the public. Rhode Island courts prefer a definite intent of dedication by the owner and an acceptance by the public or their representatives before granting a valid dedication. In Daniels v. Almy, intent was inferred from the silence of the owner and his acquiescence in the public use; otherwise, either words or contact demonstrating intent must be presented. Acquiescence in public use was shown in the case of Talbot v. Town of Little Compton in Rhode Island.

Custom: This common law doctrine originated in medieval times. Primarily, custom relates to the principle that people with interests in property held for hundreds of years had legally acquired the land, even if no formal recording system existed when the rights were acquired. To be recognized as law, custom must be established by the evidence of these seven requisites: (1) antiquity, (2) continuity, (3) free from dispute, (4) reasonable, (5) certain, (6) obligatory, and (7) consistent with the law. The key court case relating custom to the problems of beach access was State ex rel. Thornton v. Hay, decided in 1969 by the Oregon Supreme Court. The court held that the dry sand area of sandy beaches was under public domain and hence had established rights to recreational uses.
Problems associated with the use of custom in expanding access to the shoreline are centered around a lack of case law and the problem of proving antiquity. It is much more difficult to prove a customary use for many decades than a short-term use such as the prescription period of 10 years.

Condemnation and Purchase: The most direct and frequently used method of acquiring coastal properties is to buy them via purchase or condemnation of the fee simple or an easement. Past judicial decisions have established that the federal government, the states, and the municipalities all possess the powers to secure lands for park and recreational purposes. Under the restrictions of eminent domain, as limited by the United States Constitution in amendment five, just compensation must follow any acquisition of lands. On the present market, this compensation may be extremely costly. Zoning changes, whereby the police power of a state or town is exercised, may be used to limit an area to only conservation uses and thereby reduce the market price and therefore the amount of just compensation.

Since 1911, when the Weeks Act was passed, the federal government has maintained its own park and forest services. The result has been the development of the national seashore network from purchases of private lands. More recently, the Open-Space program of 1961 and the Water Conservation Fund of 1965 have been legislated to provide grants to states, counties, and cities for land acquisition for open spaces, parks, and related uses.
Although land acquisition via both purchase and condemnation is frequently used nationally, the municipality of North Kingstown has restricted its powers solely to purchase, i.e. the town has never acquired property with condemnation rights. At present, the Town Council of North Kingstown is attempting a landmark move to condemn approximately 1.2 acres of inland property for use as a well site for the town. If successful, the town will have the benefit of a previous council decision, perhaps even a court opinion, to substantiate future claims near Quonset Point - Davisville. This may be especially relevant in the Allen Harbor region, where some private lands remain that may be more appropriately used as public conservation areas. However, the general public opinion in North Kingstown forecasts that the condemnation proceedings will fail.

Rhode Island Legislative Acts

The problems of gaining access to the shoreline and preserving such areas, plus planning their development, have been approached through three specific legislative actions - the "Commission on Discovery and Utilization of Public Rights-of-Way", the "Coastal Resources Management Council", and the "Port Authority."

Public Rights-of-Way Commission

Since its establishment in 1958, the Rhode Island Commission on Discovery and Utilization of Public Rights-of-Way has formed a permanent work force to prevent the loss of existing rights-of-way from the lack of use. Specifically, the seven member Commission was empowered to
"discover all public rights-of-way to the water areas of the state" and ". . . to define and mark and cause to be opened for the public use all discovered rights-of-way . . .".

The major work of the Commission, to describe public rights-of-way, was published initially in 1970 and updated in 1974. The 1970 report described 148 rights-of-way while the revised and published edition listed 143. Both compilations were met with considerable criticism, both from the Commission itself and the press.

Commission attempts to demarcate public accesses have been equally unsuccessful. Apparently, nearby land owners disapprove of any posting of rights-of-way that would infringe on their privacy. Secondly, to be truly accessible, each point of access must be accompanied by an adjacent parking facility. Parking rights could be acquired from other Rhode Island departments or via any one of the common law practices described above. Problems associated with land acquisition costs and Commission funding have delayed purchases of parking space and accesses themselves.

Coastal Resources Management Council

State legislation over coastal properties received primary attention during the development of the state Coastal Resources Act. The planning phase began in 1969 with a Natural Resources Group recommendation to the governor for a state coastal management program and continued for nearly two years thereafter in the legislative chambers.
The first legislative action came via H 1698, introduced to the Rhode Island Legislature in January 1970. This bill was modified and eventually passed in 1971, creating the Coastal Resources Management Council.

The intentions of the act declared to "... preserve, protect, develop, and, where possible, restore the coastal resources of the state... through comprehensive and coordinated long-range planning and management." The General Assembly went on to say that the Rhode Island coastal zone "... is of immediate and potential value to the present and future development of the state; that unplanned or poorly planned development of these resources has destroyed, or has the potential of destroying, the basic natural environment..." Clearly, the act was intended to increase awareness of the coastal resources and consideration of their potential. The plan was to be implemented in five ways that relate directly to the upcoming work in the coastal fringe of Quonset Point and Davisville. The Coastal Resources Management Council was granted authority to:

1. allocate land, submerged land, water and air space together with regulations to control these activities,
2. review any proposed development or use of land, submerged land, water or air,
3. establish license fees or other charges,
4. acquire land, submerged land, water or air,
5. establish pierhead and bulkhead lines for shorelines.

In establishing a wide-based implementation program, the Rhode Island
Legislature also noted the importance of coordinating state, federal, regional, local and private efforts. For Quonset Point - Davisville, the Coastal Resources Management Council is receiving input from the Coastal Resources Center at the University of Rhode Island and the Rhode Island Department of Economic Development at the state level, the General Services Administration and the Department of Defense federally, and the private consulting firms of Gladstone Associates and Keyes Associates.

Following its inception, the Council sought to formulate a plan for the coastal resources of Rhode Island. Assistance in this area was provided by the federal government through the Coastal Zone Management Act of 1972, passed one year after the Rhode Island act. The connections between the federal and state acts will be discussed in a later section.

Port Authority Act

The decision by Rhode Island to actively plan the development of its natural resources was further exemplified by the passage of the Rhode Island Port Authority and Economic Development Act in 1974. The legislative findings cited in the Port Authority Act mention specifically both the economic repercussions expected from the Navy withdrawal at Quonset Point - Davisville and the federal intention to make those lands available to the state once excessed. The findings continued:

(The Legislature) ... found and declared that the acquisition and development of property for industrial, manufacturing, recreational and commercial purposes
(including the property to be disposed of . . . pursuant to . . . public laws 1939, chapter 696) . . . must be undertaken on a comprehensive statewide basis so as to assure that new industry, manufacturing, recreational and commercial sites are adequately served by appropriate transportation facilities and public services and that such sites are located in such a manner so as to provide for the orderly economic growth and development of the state, while at the same time conserving our environment. 117

These intentions, and those listed in the adjoining sections 118, clearly apply to the situation at Quonset Point - Davisville. In fact, the Rhode Island Port Authority has jurisdiction over much of the base lands now 119 and the Rhode Island Department of Economic Development, including the Statewide Planning Program, is developing possible scenarios of future use. 120

In anticipation of the state jurisdiction over a significant portion of the Rhode Island shoreline, the Port Authority Act also defined the following properties and facilities:

(1) airport facility- " . . . developments consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas . . . 121

(2) federal lands- " . . . real property within the state, now acquired or hereafter acquired by the corporation (i.e. the Rhode Island Port Authority and Economic Development Corporation) from the United States government . . . 122

(3) real property- " . . . lands, structures (new or used), franchises and interests in land, including lands under water, . . . , all interests in such property . . . such as easements. . . 123

(4) port facility- " . . . harbors, ports, and all real and personal property used in connection therewith, including
but not limited to waterways, channels, wharves, docks, yards, bulkheads, slips, basins, boats, piers.

(5) recreational facility—any building, facility, development, or improvement provided such building, facility, development, or improvement is designed in whole or in part to attract tourists including in any way the generality of the foregoing, marinas, beaches, bathing facilities, campgrounds, and all types of real or personal property.

Within the constraints of these passages the Port Authority Act gave the newly created Port Authority and Economic Development Corporation powers to "purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in or with, real or personal property." The coastal zone is not mentioned specifically as falling under the auspices of the Act. However, the inclusion of numerous coastal facilities in the definitions above serves to infer the powers of the Act in all coastal planning and development procedures. Some of the powers granted to the Corporation, besides planning and development, include construction, financing, management, operations, repair, rehabilitation, and renovation. Monies for such operations were intended to originate from bonds and any "other available funds." Recent separation of the Corporation into the Port Authority and the Department of Economic Development has resulted in budgeted funding.
Federal Legislative Acts

Federal legislation applicable to the coastal fringe of Quonset Point - Davisville is dominated by the Coastal Zone Management Act of 1972. One important act predating the Coastal Zone Management Act was the Land and Water Conservation Land Act of 1965. This latter act provides funding for coastal studies and is currently financing the Bay Islands Parks planning process in Rhode Island. The most recent addition to federal coastal zone legislation is the Coastal Zone Management Act Amendments of 1976. These acts will be discussed in chronological order and supplemented by several other federal actions.

Land and Water Conservation Fund Act

The Fund Act of 1965, PL 88-578, was drafted specifically to "... assist in preserving, developing, and assuring accessibility..." to our nation's natural resources. Funding could either assist states in the planning, acquisition, and development of land and water properties or facilities or simply provide funds for such actions.

Much of the funding provided by PL 88-578 has gone to appropriations for long-term projects, such as the Rhode Island Bay Islands Park System cited earlier. Allocation is usually 60% state and 40% federal but is negotiable to a degree; $60 million is available per fiscal year from the Treasury Department.

The importance of this Act has diminished somewhat since the Coastal Zone Management Act of 1972. Nonetheless, it is a substantial source of
of funding for planning, acquisition, or development of outdoor recreation sites.

Coastal Zone Management Act

The Federal Coastal Zone Management Act, PL 92-583136, was passed in 1972 in response to an overwhelming demand for management of our nation's coastal resources. Primarily, the Act sought to encourage coastal states to "... exercise their full authority over the lands and waters of the coastal zone ... "137 by coordinating local, state, and federal activities, i.e. to correct the inefficiencies of coastal planning described by the Stratton Commission in 1969:

Effective management to date has been thwarted by a variety of government jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies and the failure of state agencies to develop long range plans. 138

Many of these worries were also expressed in the Estuary Protection Act of 1970.139 Also note that Rhode Island was one of the first states to attempt to manage its coastal environment through the Coastal Resources Act of 1971.

The Coastal Zone Management Act of 1972 attempts to encourage regional, state and local participation by providing a federal granting program. Section 305 of the Act140 authorizes the Secretary of the Commerce to make annual management development grants to assist in developing management programs at the state or regional level. Rhode Island, through the actions of the Coastal Resources Management Act, has already received and benefited from a 305 grant. With this funding, the Coastal Resources
Management Council has studied the coastal resources of the state and prepared a rather specific draft plan for Rhode Island. If this plan is accepted by the citizens of the state and the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration in Washington then Rhode Island may apply for a Section 306 grant. These administration grants will help carry out the plans developed in conjunction with the 305 grants. Both 305 and 306 grants may provide up to 66.67% of the management program costs, with funding for all coastal states limited to $9 million each fiscal year.

The rather high financial burden placed on the state governments by the 305 and 306 grants was changed in the Coastal Zone Management Act Amendments of 1976, PL 94-370. Sections 4 and 5 of the Amendments increased the federal portion of both management development and administrative grants to 80%. A second clause in the Amendments relevant to the Quonset Point and Davisville issue is Section 7, the amended version of Section 315 of the original act. This "Estuarine Sanctuaries and Beach Access" section allows grants for "acquiring lands to provide access to public beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands." Grants for such projects have been limited to 50% of the total cost, not to exceed $2 million.
One last but very important portion of the Amendments was devoted to the Coastal Energy Impact Program. As defined therein, a coastal energy activity is any activity that involves siting, construction, expansion or operation in the coastal zone or any activity restricted technically to the coast. A coastal energy facility was defined as any equipment or facility used primarily in exploration for, or development, production, conversion, storage, transfer, processing or transportation of any energy resource, or for manufacture, production, or assembly of devices necessary in those facilities. 149

Such definitions become important when considering potential industries in the Quonset Point - Davisville coastal zone. Each industry must satisfy these definitions to be located on the shoreline and also to be available for federal grants.

The Coastal Zone Management Act and its amendments serve as the primary sources of federal funding for coastal management. Several other bills or acts have been designed to preserve the shoreline resources or provide increased public access. First, the Open-Space Program of the Housing Act of 1961150, amended by the Housing and Urban Development Act of 1970, authorizes the Department of Housing and Urban Development to provide matching grants for up to 50% of costs to both states and municipalities for the acquisition of shoreline park and recreation properties. Secondly, the National Open Beaches Act, submitted by Congressman Eckhardt (D-Tex) repeatedly yet never enacted, would give beaches to the public, limit their development, and provide access.151 Such an act
would certainly provide increased public rights to the beaches, with federal legal and technical expertise made available for the court proceedings necessary to acquire such rights. However, the limit of federal spending to only 50% of the property costs significantly dampens the bill's usefulness to most states. Land costs are so inflated that a higher federal portion is a requisite of any bill.

FUTURE USES

North Kingstown

The town of North Kingstown has been planning for its eventual role in Quonset Point and Davisville since the lands were first excessed in 1974. More recently, a "Quonset Point Reuse Plan" has been developed by the town Planning Department. The land use plan adopted by North Kingstown recognizes the need to increase employment and aid the economy but places greater importance on the balance of proposed uses. The resulting scenario includes a mix of uses and integrated land buffers.

The demand for land in North Kingstown includes such uses as recreation, tourism, open spaces, residential areas and, primarily, industry. These uses are considered in the plans for Quonset Point - Davisville. In the paragraphs below, each of seven land uses on the excessed lands are described according to the projections of the Planning Department (See Figure 3).

1) light industry - 534 acres; light manufacturing, open storage, or office uses. Most of these lands lie inland, predominantly in the Quonset Point
Figure 3. Land use plan for Quonset Point and Davisville as developed by the Planning Department of North Kingstown. From Planning Department of North Kingstown, Quonset Reuse Plan, P. 31, (1975).
sector. Each of these areas will yield high ratios of workers per acre.

2) heavy industry - 402 acres; four major areas, including land that is far less attractive aesthetically than that planned for light industry use. These lands are both coastal and inland, including the Davisville Pier region, the West Davisville industrial park area and the Electric Boat parcel in southern Quonset Point. North Kingstown envisions an underwater crude oil pipeline and port activities as possible uses of the pier area in Davisville. The inland property would provide tank storage space, wastewater treatment, and a refinery process plant. A vegetation buffer would hide these industries from view on all sides.

3) Navy retained land - 907 acres; property currently retained by the Navy but that could become available in the near future. Included herein are the lands north and southwest of Allen Harbor and several inland regions. The Allen Harbor mobilization properties are especially lucrative as recreational or residential areas.

4) transportation - 522 acres; consists primarily of the airport and commuter parking lots next to the railroads.

5) commercial - 31 acres; mostly an area along the eastern shore of the southern arm of Allen Harbor. Seen as a possible location for marine related commercial interests.

6) residential - 223 acres; three general areas, two near Wickford southwest of the base and Hoskins Park slightly nearer Quonset Point but in the same approximate area. Also included would be five sites designated for rehabilitation. The result would be about 750 new dwelling
units and 500 restored units.

7) open space and recreation - 694 acres; a broad spectrum of land uses including a wetland open area, bicycle paths, golf course, beaches, a scenic overlook, the town boat launch and support parking facilities.

The multiple land use intentions of the North Kingstown Planning Department are very apparent. Furthermore, the schedule of activity is designed to proceed at a rate compatible with the services and capabilities of the town.

Rhode Island

Rhode Island formulated its first land use plan for Quonset Point and Davisville in 1976. This state plan, entitled "Reuse and Development of United States Surplus Military Lands in Rhode Island," was quite similar to the plan proposed by North Kingstown. A vast amount of industrial development was foreseen, with up to 10000 jobs and economic recovery following.

A more recent study by the Rhode Island Department of Economic Development has resulted in a preliminary master development plan for the Quonset Point and Davisville lands. The planners drafting the three scenarios of this plan also presented a wide-spectrum land use proposal, perhaps leaning toward industrial uses more than the North Kingstown plan described above. Nonetheless, a recognition of the importance of recreational appropriations is obvious.
Three scenarios were developed for Quonset Point and Davisville, with the major differences lying in the intensity of industrial development. The plan eventually chosen will depend largely upon the results of the current exploratory drilling operations for oil and gas on the Atlantic outer continental shelf.

**Scenario I**: this scenario is based on a finding of no oil and gas on the outer shelf. Based on this assumption, the exploration and exploitation support services located in the Davisville region will leave and fisheries or other industries will enter. The land use plan for this scenario is as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>795 acres</td>
<td>66%</td>
</tr>
<tr>
<td>Recreational</td>
<td>373 acres</td>
<td>30</td>
</tr>
<tr>
<td>Office</td>
<td>66 acres</td>
<td>5</td>
</tr>
<tr>
<td>Commercial</td>
<td>39 acres</td>
<td>3</td>
</tr>
<tr>
<td>Oil support</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Residential</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>1273 acres</td>
<td>100%</td>
</tr>
</tbody>
</table>

The uses proposed by Scenario I are presented in Figure 4.

**Scenario II**: this scenario consists of a mixed use development scheme based on a medium oil and gas find on George's Bank. Thus, some of the temporary services currently based at Davisville will remain on site. Other petroleum-related industries could relocate to either the remaining Davisville lands, the Dogmatch Beach area, or Allen Harbor near its
Figure 4. Development scenario I, as developed by the Rhode Island Department of Economic Development. From Department of Economic Development, Master Development Plan, Quonset Point - Davisville, Informational Booklet, Public Meeting V, March 21, 1977.

1) Davisville Road
2) Roger Williams Way
3) Sensitive area
4) Common corridor
5) Single-use water-oriented industry
6) Marina and boat slips (Bay Island Park System terminal)
7) Open storage or airport related development
8) Airport
9) Water related industry or water access
10) Mill Creek parcel for recreational uses
11) Electric Boat
12) National Guard
13) Unspecified uses
14) Golf course
15) Sewage treatment plant sites under consideration
16) Warehouse area
17) Administrative and research facilities
18) Dogmatch Beach
19) Support area for marina
20) Navy retained lands that North Kingstown is attempting to purchase for recreational uses.
DEVELOPMENT SCENARIO I

1

2

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15

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18

8
entrance.

As shown in Figure 5, four particular areas in Quonset Point and Davisville will have a different land use than that proposed by Scenario 1. The assumption of a medium petroleum find on the shelf would mean the maintenance of an offshore platform fabrication firm in the Davisville Pier region. Secondly, a railroad spur would be branched off the existing railroad into Davisville to support potential industrial activity in the Dogmatch Beach sector. Thirdly, in the same sector, dredging and filling would be completed to result in a harbor and pier space adjacent to the railroad spur. Lastly, in the carrier pier region of Quonset Point, fishing industrial activity would be located.

The land use breakdown for this scenario is as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>440 acres</td>
<td>32%</td>
</tr>
<tr>
<td>Oil Support</td>
<td>420 acres</td>
<td>31%</td>
</tr>
<tr>
<td>Recreational</td>
<td>373 acres</td>
<td>27%</td>
</tr>
<tr>
<td>Office</td>
<td>66 acres</td>
<td>6%</td>
</tr>
<tr>
<td>Commercial</td>
<td>59 acres</td>
<td>4%</td>
</tr>
<tr>
<td>Residential</td>
<td>0 acres</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1358 acres</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Scenario III: this scenario is based on a high oil or gas find on George's Bank. On this basis, Davisville will probably become a major location for petroleum industries involved in support and maintenance.
Figure 5. Development scenario II, as developed by the Rhode Island Department of Economic Development. From Department of Economic Development, Master Development Plan, Quonset Point - Davisville, Informational Booklet, Public Meeting V, March 21, 1977.

1) Davisville Road
2) Roger Williams Way
3) Sensitive areas
4) Common corridor
5) Brown and Root (platform fabrication site)
6) Marina and boat slips (Bay Island Park System terminal)
7) Open storage and airport related development
8) Airport
9) Water related industry or water access
10) Mill Creek parcel for recreational uses
11) Electric Boat
12) National Guard
13) Unspecified uses
14) Golf course
15) Sewage treatment plant sites under consideration
16) Warehouse area
17) Administrative and research facilities
18) New railroad spur
19) Support area for marina
20) Navy retained lands that North Kingstown is attempting to purchase for recreational uses.
21) Fishing industry support
22) Filled portion of Dogmatch Beach; possible piers

* Note that numbers 5, 18, 21, and 22 in Scenario II differ from Scenario I.
Figure 6. Development scenario III, as developed by the Rhode Island Department of Economic Development. From Department of Economic Development, Master Development Plan, Quonset Point - Davisville, Informational Booklet, Public Meeting V, March 21, 1977.

1) Davisville Road  
2) Roger Williams Way  
3) Sensitive areas  
4) Common corridor  
5) Brown and Root  
6) Marina and boat slips (Bay Island Park System terminal)  
7) Open storage or airport related development  
8) Airport  
9) Oil-related use  
10) Mill Creek parcel for recreational uses  
11) Electric Boat  
12) National Guard  
13) Unspecified uses  
14) Golf course  
15) Sewage treatment plant sites under consideration  
16) Warehouse area  
17) Administrative and research facilities  
18) New railroad spur  
19) Support area for marina  
20) Navy retained lands that North Kingstown is attempting to purchase for recreational uses.  
21) Storage and/or oil-related industries  
22) New piers

* Note that numbers 9, 21, and 22 in Scenario III differ from Scenario II.
Permanent bases for such companies as Brown and Root and others will be maintained in the Davisville Pier section and possibly in the carrier pier area in southeastern Quonset Point.

The land use plan for this scenario is:

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>440 acres</td>
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<td>Oil Support</td>
<td>420 acres</td>
<td>31%</td>
</tr>
<tr>
<td>Recreation</td>
<td>373 acres</td>
<td>27%</td>
</tr>
<tr>
<td>Office</td>
<td>66 acres</td>
<td>6%</td>
</tr>
<tr>
<td>Commercial</td>
<td>59 acres</td>
<td>4%</td>
</tr>
<tr>
<td></td>
<td>1358 acres</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note that the land use breakdown for scenario III is identical to that of scenario II in general subject percentages. However, within each category are specific changes that reflect the increased petroleum-related activity. Also note that even with high oil or gas finds the percentage of oil support lands is only 31% and the recreation lands are still 27%.

Noteably missing from any of these three plans are oil refineries, gas processing plants, and marine terminals. The rationale for not including such activities was presented by the Department of Economic Development as follows: oil refinery - there already exists a large reserve processing capacity on the east coast of the United States that could process any production from George's Bank; gas processing plant - this type of development would not be feasible in the Quonset Point or Davisville area since the distribution lines required for such
an operation do not exist; marine terminal - a terminal should be closely related to an oil refinery and therefore is not feasible for the area unless a refinery is scheduled also.

The coastal development considerations of the state of Rhode Island, aside from those of the Department of Economic Development, have also been presented by the Coastal Resources Management Council. Their preliminary management plan for the coastline addresses such problems as residential development, urban waterfronts and ports, and coastal erosion problems. These subjects will be briefly discussed here.

Residential Development: Of special concern to the Coastal Resources Management Council, with respect to coastal residential building, was the lack of consideration of the suitability of the site, the failure of local and state laws to address the problem, the demands the residences place on the town, and the problem of dispensing regulatory authority over the affected areas. North Kingstown appears to have considered most of these problems as they relate to Quonset Point and Davisville. The only excessed lands forecast for residential development are those in the southwest corner of Quonset Point, in the present neighborhood of Kiefer Housing. Further residences may be established or renovated as pointed out by the 1975 plans of North Kingstown.

Until the creation of the Coastal Resources Management Council, the state's principal mode of control over residential development was the guidelines set forth by the Rhode Island Department of Health. Some of their regulations, such as permitting authority over sewage treatment and disposal,
have been delegated to the Council. Therefore, it is the Council and the local government of North Kingstown that will be responsible for selecting a site for the sewage facility on Quonset Point. At present (See Figure 2) there are four locations under consideration for the facility. The Council has also made recommendations or has power over several other areas:

(1) adoption of local planning and zoning ordinances that recognize the importance of preserving coastal lands.
(2) urging the abolition of low-density development as an inefficient and wasteful land-use approach.
(3) urging passage of Bill 77H-6299, a Rhode Island bill entitled "An Act Establishing a State-Local Land Management Program" as a tool toward land use controls.
(4) use of the Council's powers to adopt policies affecting such areas as beaches, recreation areas and facilities, conservation and management areas, rights-of-way, scenic overlooks, and ports.

Urban Waterfronts and Ports: The many port and waterfront facilities in Rhode Island may be subdivided into three categories: (1) General cargo and petroleum products - lands primarily in the port of Providence, (2) Commercial fishing and recreational boating - mostly at Galilee and Newport, and (3) Federal surplus port facilities, including Navy piers, storage facilities, sewage, water, and utility services. Of this last grouping, Quonset Point and Davisville comprise a significant portion.

The Quonset Point piers south of the Naval Air Station are connected to the main Providence shipping channel by a dredged (33 foot depth) canal running north of Jamestown Island (See Figure 7). The primary Quonset
pier is 1400 feet long, 65 feet wide, dredged to 29 feet, and constructed of concrete on steel pilings.\textsuperscript{167} Two Davisville piers are approximately 1.5 miles north of Quonset. They are bordered by a 31 foot deep channel and are 1200 feet long.\textsuperscript{168} Each of the three piers at Quonset Point - Davisville are readily accessible by railroad and proximate to warehouses, storage, and office space.

According to the findings of the Coastal Resources Management Council, these piers may be used for commercial fishing vessels, outer continental shelf oil and gas exploration/exploitation support, or other commerce and industry.\textsuperscript{169} Any of these uses would alleviate chronic port crowding throughout the Narragansett Bay ports but would increase overall Bay traffic. However, some uses may prove more economical or convenient than others. Deep-draft vessels and a majority of the major port activity should probably remain oriented toward Providence. Depending upon the Georges Bank surveys and resultant shelf activity, petroleum-related activity may prove best suited for both Quonset Point and Davisville. Recreational boating, ferry landing, and commercial fisheries support should also be considered, especially in the Allen Harbor area.

Coastal Erosion Problems: The United States Army Corps of Engineers surveyed 340 miles of the state's 419 mile shoreline in 1972 and found 335 miles to be eroding.\textsuperscript{170} A majority of the most critical areas were in southern Rhode Island near the barrier beaches. The shores of Quonset Point and Davisville were not deemed either erosion prone or worthy of environmental concern by the Corps. Breakwaters surrounding the base
were erected to support the airport and industry and negate most of the harmful wave action. In Allen Harbor the twisted, eastern-facing entrance serves to limit direct wave impact and thus save the region from severe erosion problems. Nonetheless, there does seem to be some degree of erosion on the northern shore of the entrance to the harbor. This region is sandy and sparsely vegetated, therefore very susceptible to both wind and wave destruction.
CONCLUSIONS AND OBSERVATIONS

The actions of the Department of Economic Development and the North Kingstown Planning Department have insured that the future development of Quonset Point and Davisville will be well-planned and coordinated. The scenarios developed by state and town planners have considered nearly all factors, with a final decision on the best scenario being delayed until the primary factors (eventual ownership, George's Bank petroleum test results, the economy, etc.) can be clarified.

Despite the completeness of the planning phase, several items seem to have been denied their necessary attention:

1) the problem of public access to the shore could be alleviated by making all of Allen Harbor, its internal waters and shoreline, readily available to the public. Similarly, subdivision easements could be required of the Kiefer neighborhood in southern Quonset Point and any other residential areas that may be developed. Nearby asphalt lots in the Allen Harbor region could provide the parking space but may result in run-off problems. For that reason a specially designed and perhaps resurfaced lot may be required. A sloping surface could funnel run-off petroleum products, exhaust materials such as lead, and rubbish such as cigarette butts into drains running into the proposed Quonset Point waste water treatment system. From there water could be discharged after some degree of purification. Whether such a scheme can be created would depend heavily on how the point source from the treatment plant compares ecologically to the steady base-wide seepage
of raw run-off.

2) under Rhode Island Department of Economic Development scenarios II and III a portion of the Dogmatch Beach coast would most likely be bulkheaded and filled in preparation for adding new pier space. Such a landfill project would be accompanied by dredging in the nearshore waters to a depth of about 30 feet, about 20 to 25 feet deeper than at present. The possibility exists that dredge spoils could satisfy the fill requirements for the bulkhead. The Army Corps of Engineers must be consulted if such a plan would result in any fill-sea interfacing.

3) each scenario prepared by the Department of Economic Development and the North Kingstown Planning Department proposes to treat Allen Harbor as a sensitive area, with most of the inland shore preserved as a scenic overlook. The aesthetic appeal of an overlook could be severely impaired by plans to develop a portion of Allen Harbor and its adjacent properties. A marina and Bay Island Park System terminal have been suggested as efficient uses of the internal waters of Allen Harbor. As shown in Figure 7, the Bay Island Park plan calls for using Davisville as the primary terminal for people living west of Narragansett Bay. A marina has similar support due to the severe shortage of moorings in the North Kingstown area. However, also to be considered is a possible drilling platform fabrication site near the Davisville piers. These three undertakings could result in substantial destruction of the environmental and aesthetic appeal of the eastward-facing view from the overlook.
Figure 7. The Bay Island Park System, including the islands proposed for use and the terminals to be used for access. From the Coastal Resources Center of the University of Rhode Island, The Bay Islands Park: A Marine Recreation Plan for the State of Rhode Island, (1976) at 7.

1) India Point terminal in Providence
2) Quonset Point terminal at Allen Harbor
3) Melville terminal
4) Greenwich Bay
5) Patience Island
6) Hog Island
7) Prudence Island
8) Hope Island
9) Dyer Island
10) Wickford Harbor
11) Conanicut Island (Jamestown)
12) Gould Island
13) Fort Wetherill State Park
14) Beavertail
15) Fort Adams State Park
16) Brenton Point State Park
4) A related problem is the dune and marsh sector north of the Allen Harbor entrance. This Navy retained land is currently being sought by North Kingstown for purchase as a recreational site. If realized, such a use could perturb the land significantly. Dune and beach stabilization projects with various beach grasses could prevent erosion losses and pedestrian trampling problems. Walkways could further decrease traffic contact with the beach grasses. Some of the user traffic in the dune area could be diverted to well-marked nature walks along the Allen Harbor scenic overlook or the east-west runway of the Naval Air Station, which may not be used in the future. That would open up a section of coastal lands for picnicking or bike paths.

5) A sewage treatment plant is definitely needed for Quonset Point and Davisville. Of the four sites proposed initially (See Figure 2), the two coastal locations should be rejected due to high visibility and possible storm damage. The inland sites could be buffered by office buildings and trees or shrubs.

These are only a few of the important aspects remaining in the development of a complete reuse plan for Quonset Point - Davisville. Future considerations and decisions must continue to reflect the attitudes and preferences of all involved. In that way, North Kingstown and Rhode Island will gain maximum benefits from these prime coastal properties.
NOTES

1. State of Rhode Island, Governor's Office, Reuse and Development of United States Surplus Military Lands in Rhode Island - General Plan, (1974); see also North Kingstown Planning Department, Quonset Reuse Plan, (1975).

2. Interview with H. Conway of the Rhode Island Port Authority.


4. Id.

5. North Kingstown Planning Department, Community Development Plan - North Kingstown, Rhode Island, (1972), and amendments added in 1974.

6. Id.

7. Id.

8. Interview, supra note 2.

9. Interview with Director of Public Works for North Kingstown, Rhode Island.


14. Id.

15. North Kingstown Planning Department, supra note 5; see also North Kingstown Planning Department, Quonset Reuse Plan, (1975).

16. Id.

17. Supra note 11.
18. North Kingstown Planning Department, supra note 15.

19. Interview with Planners at the North Kingstown Planning Department.


22. Id.

23. Id.

24. Id.

25. Interview, supra note 2.


27. According to the Rhode Island Department of Economic Development, as of the end of 1976, some of the leasees at Quonset Point and Davisville were: Harroid Division of NL Industries, Dow Chemical Corporation, Dresser Industries, Exxon U.S.A., Houston Oil & Mineral Company, B.J. Hughes, Inc., McJunkin Corp., Milchen, Mobil Oil, ODECO Inc., and Shell Oil Company.


32. Id. at 46-23-7(1).


34. Id.

36. Id.

37. Notes 2 and 11 supra.

38. Coastal Resources Management Council, supra note 35.

39. Id.

40. Id.

41. State of Rhode Island, supra note 1; see also supra note 2.

42. Coastal Resources Management Council, supra note 35.


44. Id.

45. Coastal Resources Management Council, supra note 35 at 10.

46. Id. at 6.

47. Id. at 7.


50. Rhode Island General Laws, Article 1, Section 17.

51. Nixon, supra note 48 at 3.

52. 146 U.S. 387, (1892).

53. Id. at 448.

54. 67 R.I. 218, 21 A2d 554, (1941).

55. Id. at 228, 21 A2d at 558.

56. As noted by Nixon, supra note 48, there were at least four common law rights: 1) fishing from the shore, 2) taking seaweed from the
shore, 3) passage for bathing, and 4) passage along the shore.

57. Nixon, supra note 48 at 5.

58. 2 Angell on Tidewaters 191, (1847).


60. Defined by Eckhardt, A Rational National Policy on Public Use of the Beaches, 24 SYRACUSE L. REV. 968, 969, to be that area between mean high water and mean low water.

61. 152 U.S. 1, 49, (1894).


64. 1 Waters and Water Rights §36.4(B), 202 (R. Clark ed., 1967).


66. Id.

67. General Laws of Rhode Island 34-7-1.


70. 6 Powell, The Law of Real Property, 934 at 361, (1972).


72. 18 R.I. 244, 27 A. 330, (1893).

73. Supra note 71.

74. 52 R.I. 280, 160 A. 466, (1932).


77. See Delo, supra note 76; see also State ex rel Thornton v. Hay, 254 Ore. 584, 462 P. 2d 671, (1969).


84. Id. See also Du Prev v. City of Marietta, 213 Ga. 403, 99 S.E. 2d 156, (1957).

85. See Boom Co. v. Patterson, 98 U.S. 403, (1878).

86. See generally in Ducsik, supra note 81 at 141.

87. Including, for example, Cape Hatteras National Seashore (1937), Cape Cod (1961), Point Reyes (1962), Padre Island (1962), Fire Island (1964). Total of nine national seashores exist.


89. 16 U.S.C. s. 460-(1) et seq.

90. See Williams, supra note 83; see also U.S.C. s. 485, 50 App. U.S.C. s. 1622.


93. Id.
94. Rhode Island General Laws, 42-33-1 to 42-33-8; see also, Nixon, supra note 48.

95. See Nixon, supra note 48 at 22.

96. Id. at 23.


98. Id.


104. Rhode Island General Laws, 46-23-1 to 46-23-16.

105. Id. at 46-23-7.

106. Id. at 46-23-1.

107. Id. at 46-23-7(2)(a).

108. Id. at 46-23-7(2)(b).

109. Id. at 46-23-7(2)(d).

110. Id. at 46-23-7(2)(e).

111. Id. at 46-23-7(2)(f).

112. Id. at 46-23-7(4) and 46-23-7(1)


115. Supra note 104 at 42-64-1.
116. Id. at 42-64-2(b).
117. Id. at 42-64-2(d).
118. See, generally, Rhode Island General Laws 42-64-2(a) to 42-64-2(j).
119. Supra note 9.
120. Department of Economic Development, supra note 21.
121. Supra note 104 at 42-64-3(a).
122. Id. at 42-64-3(1).
123. Id. at 42-64-3(u).
124. Id. at 42-64-3(q).
125. Id. at 42-64-3(v).
126. Id. at 42-64-6 and 42-64-7.
127. Id. at 42-64-7(n).
130. 90 Stat. 1013-1030.
131. 78 Stat. 897-904.
132. Id. at 897.
133. Id.
134. Coastal Resources Center, supra note 129.
135. 78 Stat. 900.
136. Supra note 128.
137. 16 U.S.C. 1451.