

**STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
SUBCOMMITTEE ON RIGHTS-OF-WAY**

In the Matter of: Spring Avenue Extension ROW

No. 20-11-84

**ATTORNEY GENERAL OF RHODE ISLAND'S
MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

NOW COMES Peter F. Neronha, Attorney General for the State of Rhode Island (“Attorney General”), and hereby moves to intervene as a party in the above-captioned proceeding, pursuant to Coastal Resource Management Council’s (“CRMC”) Management Procedures, 650-RICR-10-00-1.1(E), and the Environmental Rights Statute, R.I. Gen. Laws 10-20-1, *et seq.*

I. STANDARD OF REVIEW

CRMC’s Management Procedures, § 1.1 provides that “a person, agency, or organization is a party to a proceeding before the Council if . . . the person is entitled to the status of a party under R.I. Gen. Laws §42-35-1 or any other provision of law. . .” or “upon application for leave to intervene . . . on the ground that[] such applicant is entitled by law to the status of party.” RICR-10-00-1.1(E). As explained below, the Attorney General has a statutory right to intervene and is in a unique position to represent the interests of the State and the public such that intervention is both necessary and appropriate.

II. BASIS FOR INTERVENTION

The Attorney General is the public officer charged with representing the State of Rhode Island, the public interest, and the people of the State. This includes representation with respect to environmental and public access matters. The Attorney General “has a common law duty to protect the public interest.” *State v. Lead Indus., Ass’n, Inc.*, 951 A.2d 428, 471 (R.I. 2008) (quoting *Newport Realty, Inc. v. Lynch*, 878 A.2d 1021, 1032 (R.I. 2005)). “An attorney general may not only

control and manage all litigation on behalf of the state but may also intervene in all suits or proceedings which are of concern to the general public.” *Lead Indus.*, 951 at 474 n.45 (R.I. 2008).

Additionally, Rhode Island General Laws § 10-20-3, creates the role of the Environmental Advocate within the Attorney General’s office, which provides the Attorney General broad authority to intervene in civil actions and administrative proceedings. *See also*, R.I. Gen. Laws § 10-20-8. The Attorney General seeks to intervene in this matter on the grounds that he is “entitled by law to the status of a party,” in that this matter invokes the Attorney General’s expansive power to intervene on behalf of the public interest.

Here, the Spring Avenue Extension represents an important public access point to the Westerly waterfront and to valuable public trust resources, including access to the shore, waters of the state, and the products (like fish and seaweed) thereof. According to the record, as described in the Attorney General’s November 21, 2022, comment letter, attached as Exhibit A, it is abundantly clear that the Spring Avenue Extension was offered and accepted as a public right-of-way via both incipient dedication and statutory dedication. For generations, this access point has been used by beachgoers, fishermen, and other community members, a tradition that has recently been blocked by abutters and other interested parties. It is, therefore, imperative that this established right be protected and preserved through formal designation by CRMC. Accordingly, the Attorney General’s intervention in these proceedings is both appropriate and necessary to ensure that the public’s interest is represented.

III. CONCLUSION

WHEREFORE, the Attorney General respectfully requests that his Motion to Intervene be granted.

Respectfully submitted,

THE STATE OF RHODE ISLAND
PETER F. NERONHA
ATTORNEY GENERAL

By:

/s/ Alison B. Hoffman

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CERTIFICATION

I hereby certify that on the 6th day of June, 2023, I served the foregoing document in the above-captioned matter on the counsel listed below by electronic mail:

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