



# United States Department of the Interior

## NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore

1401 National Park Drive

Manteo, NC 27954

252-473-2111



IN REPLY REFER TO:

A3821 (CAHA)

Ian Russell

[Russellian@msn.com](mailto:Russellian@msn.com)

Dear Mr. Russell:

I apologize for the belated response to your message of June 14, 2007, expressing concerns about your daughter becoming entangled in fishing lines at Cape Point. From your description, fishermen had used kayaks to deploy their lines further off-shore than they normally could have cast the lines.

Cape Point is a noted fishing area open to multiple uses. We generally do not segregate types of appropriate uses, even though there occasionally are conflicts between uses or users. The one exception is that the designated lifeguarded beaches are set aside for swimmers, and fishing or surfing within the lifeguarded area is prohibited. To explore this issue further, I asked the Chief Ranger, who is our chief law enforcement officer, to investigate your concern and provide me with information on the issue, which is as follows:

- In general, the State of North Carolina establishes the saltwater fishing regulations that are applicable in the Seashore. There are no applicable state or federal regulations or policies prohibiting the practice of kayaking a baited line out from the beach.
- Within the Seashore, surf fishing is permitted at all locations except within protected (i.e., lifeguarded) swimming areas or within closed resource protection areas.
- We are not aware of any previous complaints regarding the use of kayaks to deposit baited fishing lines beyond the surf zone.
- We encourage visitors to avoid swimming near people who are actively fishing. There is an informal philosophy on the beach that whoever was at a site first has the right-of-way. For example, if swimmers are first in an area then it would be considered discourteous for a fisherman to start fishing in the middle of the swimmers. There is also an informal philosophy that a fisherman with a "big one" on the line has the temporary right-of-way over adjacent users, including adjacent fisherman, since the fisherman cannot always control where the fish goes. Obviously, these informal protocols are not set by the Park Service, may not be obvious to everyone, and are not enforceable.

While I have no immediate remedy to your concern, I commit to giving it further consideration. The National Park Service (NPS) is in the process of establishing a negotiated rulemaking committee, which includes a variety of local, state and federal organizations and agencies, to help NPS develop an off-road vehicle (ORV) management plan and regulation for the Seashore. A key issue that the committee will consider is how to manage conflicts between different types of uses on the beach. While the conflicts between swimmers and fisherman (or between fishermen and surfers, or between swimmers and surfers, etc.) are not inherently related to ORV use, these are the kinds of user conflicts I will bring to the attention of the committee and ask for their advice.

In closing, I regret that you and your daughter had a bad experience at Cape Point and hope your next visit to the Seashore will be thoroughly enjoyable.

Sincerely,

/sgd/ Michael B. Murray

Michael B. Murray

Superintendent

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