

0021552

**From:** [Mike Murray](#)  
**To:** [Norah Martinez](#)  
**Cc:** [Cyndy Holda](#); [Darrell Echols](#); [Dave Lattimore](#); [Jon Anglin](#); [Paul Stevens](#); [Steve D Thompson](#); [Thayer Broili](#)  
**Subject:** Re: Fw: Water Closure Issue in Beach Access Report  
**Date:** 06/13/2008 02:12 PM

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Okay with me.

-----  
Sent from my BlackBerry Wireless Handheld

▼ [Norah Martinez](#)

----- Original Message -----

**From:** Norah Martinez  
**Sent:** 06/13/2008 09:55 AM EDT  
**To:** Mike Murray  
**Cc:** Cyndy Holda; Darrell Echols; Dave Lattimore; Jon Anglin; Paul Stevens; Steve Thompson; Thayer Broili  
**Subject:** Re: Fw: Water Closure Issue in Beach Access Report

OK. But in the mean time until we hear further we should continue with allowing folks to walk in front of closures as long as they are in the water below the mean low tide. If we have an area that is unmanageable we can close these areas to all activity. Are we ok with this?

Norah Martinez  
Chief Ranger  
Cape Hatteras NS  
1401 National Park Drive  
Manteo, NC 27954

252-473-2111 ext.119

▼ [Mike Murray](#)

**Mike  
Murray**

06/12/2008  
08:24 PM  
EDT

**To:** Steve D Thompson/CAHA/NPS@NPS, Norah Martinez/CAHA/NPS@NPS  
**cc:** Darrell Echols/CAHA/NPS@NPS, Dave Lattimore/Partner/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Paul Stevens/CAHA/NPS@NPS, Cyndy Holda/CAHA/NPS@NPS, Thayer Broili/CAHA/NPS@NPS  
**Subject:** Re: Fw: Water Closure Issue in Beach Access Report



We should reach a consensus between park and Solicitors first, then report our decision to AUSA (via Paul Stevens) to see if they can live with it.

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Sent from my BlackBerry Wireless Handheld

▼ [Steve D Thompson](#)

----- Original Message -----

**From:** Steve D Thompson  
**Sent:** 06/12/2008 04:21 PM EDT  
**To:** Norah Martinez

0021553

**Cc:** Darrell Echols; Dave Lattimore; Jon Anglin; Paul Stevens; Mike Murray; Cyndy Holda; Thayer Broili  
**Subject:** Re: Fw: Water Closure Issue in Beach Access Report

Norah,

Darrell has had me working on this matter and requested we involved our Solicitor, John Harrington in the matter too. I am trying to put together those things which might help John and us fashion a workable solution. I started with the survey boundaries but I have now concluded that we might have a more defensible rule based upon our Congressional stated boundary and I am head in that direction now.

John Harrington and Mike Stevens discussed it between themselves earlier this week and John and I talked today. He & I are proposing that a smaller group, say Darrell, Norah, someone from Resource that understands the Court impose beach closure process well (that could be Darrell?) and I meet by phone with him this Monday at 10:00 AM. Maybe at 9:30 AM we could meet earlier in the conference room at Headquarters for a quick review before calling him at 10:00. We may not get the answer at that meeting, but we will be a lot closer than we are now.

When do we involve the US Attorney's Office? And how?

Steve Thompson  
Special Park Uses/Lands  
Outer Banks Group

252 473-2111x121  
Fax: 252 473-2595  
E-mail: [steve\\_d\\_thompson@nps.gov](mailto:steve_d_thompson@nps.gov)

▼ [Mike Murray](#)

**Mike  
Murray**

To: Norah Martinez/CAHA/NPS@NPS  
cc: Darrell Echols/CAHA/NPS@NPS, Paul Stevens/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Dave Lattimore/Partner/NPS@NPS, Steve D Thompson/CAHA/NPS@NPS  
Subject: Fw: Water Closure Issue in Beach Access Report

06/12/2008  
09:31 AM  
EST

Norah,

As discussed previously, we'd like to resolve the water boundary explanation so that it is both: 1) legally correct; and 2) easy to communicate and understand. (I recognize that it may not be possible to perfectly achieve both objectives, but let's to come up with something that is at least legally supportable and reasonably simple to communicate.) Please come up with a written explanation that we can vet internally and with the Solicitors Office and U.S. Attorney's Office before we use it publicly. And please involve Steve Thompson in the review process, since he is most familiar with the deed language that is the basis for our boundary.

0021554

Thank you,

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
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fax 252-473-2595

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----- Forwarded by Mike Murray/CAHA/NPS on 06/12/2008 09:15 AM -----

**Cyndy Holda/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS

cc

06/12/2008 08:29 AM

Subject Water Closure Issue in Beach Access Report

**Any update Mike?**

**I'll begin forwarding calls on this to the Ranger Division as I have no update or change in status to these questions.**

**Excerpt from June 12, 2008 Beach Access Report:**

**We have no update on the “water boundary” issue as of today’s date.** We frequently hear the question – “can I walk in the water around a full beach closure to access those stretches of beach that are restricted, open beach for pedestrians?” We realize the situation can be confusing. From a legal point of view, the NPS jurisdictional boundary is clear. It is the mean low water mark. On the ground, however, when it is not low tide, it is unclear exactly where the boundary is located or how the public, or the rangers who enforce the regulations, can definitely determine its location at that precise time. We are working with staff, Solicitors, and the U.S. Attorney’s Office to clarify, and hopefully simplify, this issue. We will provide clarification as soon as we have a definitive answer.

Cyndy M. Holda  
Assistant to the Superintendent &  
Community Liaison  
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