

From: [Jon Anglin](#)
To: [Jon Anglin](#)
Cc: [Mike Murray](#); [Darrell Echols](#); [Paul Stevens](#); [Steve D Thompson](#); [Dave Rapp](#)
Subject: Re: Jurisdiction North of Camp Hatteras
Date: 07/21/2009 02:31 PM

I spoke with Steve Thompson yesterday and he provided the following from North Carolina General Statutes Sec. 77-20 which defines the seaward boundary of coastal lands. The section states:

G.S. 77-20 (a) " The seaward boundary of all property within the State of North Carolina, not owned by the State, which adjoins the ocean, is the mean high water mark....."

I understand this to mean that the seaward boundary of all deeded private property is the mean high water mark.

G.S. 77-20 (d) "...the right of the people to the ...free use and enjoyment of the ocean beaches, which rights remain reserved to the people of this State...", which I understand to mean that the area below the mean high water mark is public beach open to the use and enjoyment of the public.

G.S. 77-20 (e) defines "ocean beaches as "...the area adjacent to the ocean...that is subject to public trust rights..." It also states "Natural indicators of the landward extent of the ocean beaches include, but are not limited to, the first line of stable vegetation; the toe of the frontal dune; and the storm trash line."

From this I take it that the State defines the mean high water mark more broadly than we or the U.S. Coast guard define the mean high tide line.

Using these State definitions as a basis, I plan to advise my staff to enforce NPS regulations on sandy beach areas that meet these definitions. I will also advise them that if the "storm trash line" extends onto or beyond a maintained road surface or under a house, that we will assume that the ocean beach and our jurisdiction end at the road edge and the edge of the structure.

Any thoughts, issues or concerns?

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07/05/2009 10:59 AM

To Steve D Thompson/CAHA/NPS
cc Bill A Reynolds/CAHA/NPS@NPS, Lynne Belanich/CAHA/NPS@NPS, Sean Reier/CAHA/NPS@NPS, Dave Rapp/CAHA/NPS@NPS, Paul Stevens/CAHA/NPS@NPS, Darrell Echols/CAHA/NPS@NPS, Mike Murray/CAHA/NPS@NPS

Subject Jurisdiction North of Camp Hatteras

Steve,

As I recall you have documents which provide the State of North Carolina's legal definition of "Public Beach". This has become an issue in several instances lately and I am sure it will be an issue in more before the summer is over. We have been told that we have jurisdiction on the Public Beach within the external boundaries of the seashore, ceded to the NPS from the State. What is at issue is which high tide defines the public beach. Some folks say that this State defined public beach is below the mean high tide and others say that the State used the storm debris line. What do the documents say? I realize we are also awaiting a Solicitors review of this jurisdictional question.

This past weekend we had a large fire, with a large crowd, after midnight, on the beach north of the pier below the storm tide but above the mean high tide. No action was taken as the individuals claimed they were on deeded private property and that we had no jurisdiction. These claims are being made more frequently in the area. I can see in the future that some local will be making these same claims in District Court, so we need to be absolutely clear about where our jurisdiction is.

Thanks,

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