

From: [Mike Murray](#)
To: [Paul Stevens](#)
Cc: [Darrell Echols](#)
Subject: Re: Fw: Collective Law Enforcement Questions
Date: 02/18/2010 03:02 PM
Attachments: [BUXTON-FRISCO SH1 \(1\).pdf](#)
[BUXTON-FRISCO SH2 \(1\).pdf](#)
[flood_daregis3680378841455.png](#)

Makes sense to me. May be worth running it by Solicitor John Harrington and the AUSA to see what they think. One way or another, we need to come up with a practical explanation of NPS jurisdiction in these eroded shoreline situations that staff can reasonably implement and the public can understand.

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▼ [Paul Stevens/CAHA/NPS](#)

**Paul
Stevens/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS, Darrell
Echols/CAHA/NPS@NPS

02/18/2010 02:28 PM

cc

Subject Fw: Collective Law Enforcement Questions

FYI - Some good points from David Carter on the jurisdictional issue.

Paul K. Stevens
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----- Forwarded by Paul Stevens/CAHA/NPS on 02/18/2010 02:26 PM -----

**David
Carter/CAHA/NPS**

To Paul Stevens/CAHA/NPS@NPS

cc

Paul

I just wanted to let you know my thoughts on the beach jurisdiction issue. Please let me know if I'm out of line or off base.

Attached are two PDF files of the boundry survey that was contracted in 07 and completed in 08. They are of the north end of Buxton, (the motel area). Also attached is a file copied from the Dare County GIS-property inquirie site, this is of the same motel area.

I saw the original email that was put out about the solicitors opinion on the jurisdiction issue, then the email that the opinion was called back for a revision. I have not seen the lastest opinion. From the first opinion that I saw, I take it that we have jurisdiction between the high to low tide zone, (wet sand) and do not have jurisdiction above the high tide line in areas were the shore has errouded back to the private property line.

I have also researched on-line the "Public beach Domain" in north Carolina. (I'm sure you probably have to). I believe it is intened for the citizens to have access to the beaches of North Carolina with out fear of tresspassing on private property. As such NC determines the public domain beach as being form the low tide line to the established dunes or vegetation. This public domain is state wide unless the legislature had dedeed the shoreline to others, as in the grant of the land to the National Park Service for the formation of the national seashore. The area of the low tide to high tide was referred to as "wet sand beach", the area from the high tide to the dunes was referred to as "dry sand beach". I also found that the private property boundry extends to the high tide line. But that the property owner can not control access through the "dry sand beach"

Please correct me if I'm wrong about the following statements.

1. Were the Park Service land has washed away back to the private property line, (such as the motel area of Buxton and north of Rodanthe Pier). The Park Service does not have jurisdiction on the "dry sand Beach" but has jurisdiction on the "wet sand beach".
2. Park Service personnel can pass through these areas on the "dry sand beach" but have no authority to inforce regulations, or conduct resource protection activities, (such as put up turtle/bird closures).

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252

If we did this then we may be saving ourselves time from dealing with the same problem group later.



BUXTON-FRISCO SH1 (1).pdf



BUXTON-FRISCO SH2 (1).pdf



flood_daregis3680378841455.png

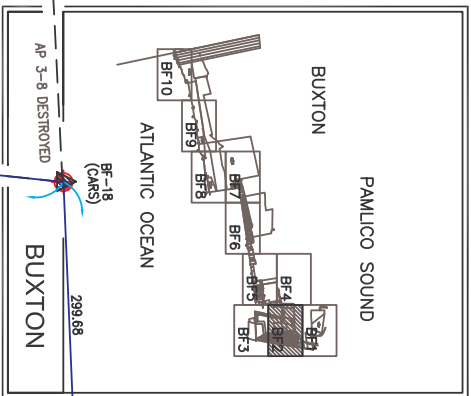
NOTES

MONUMENTS

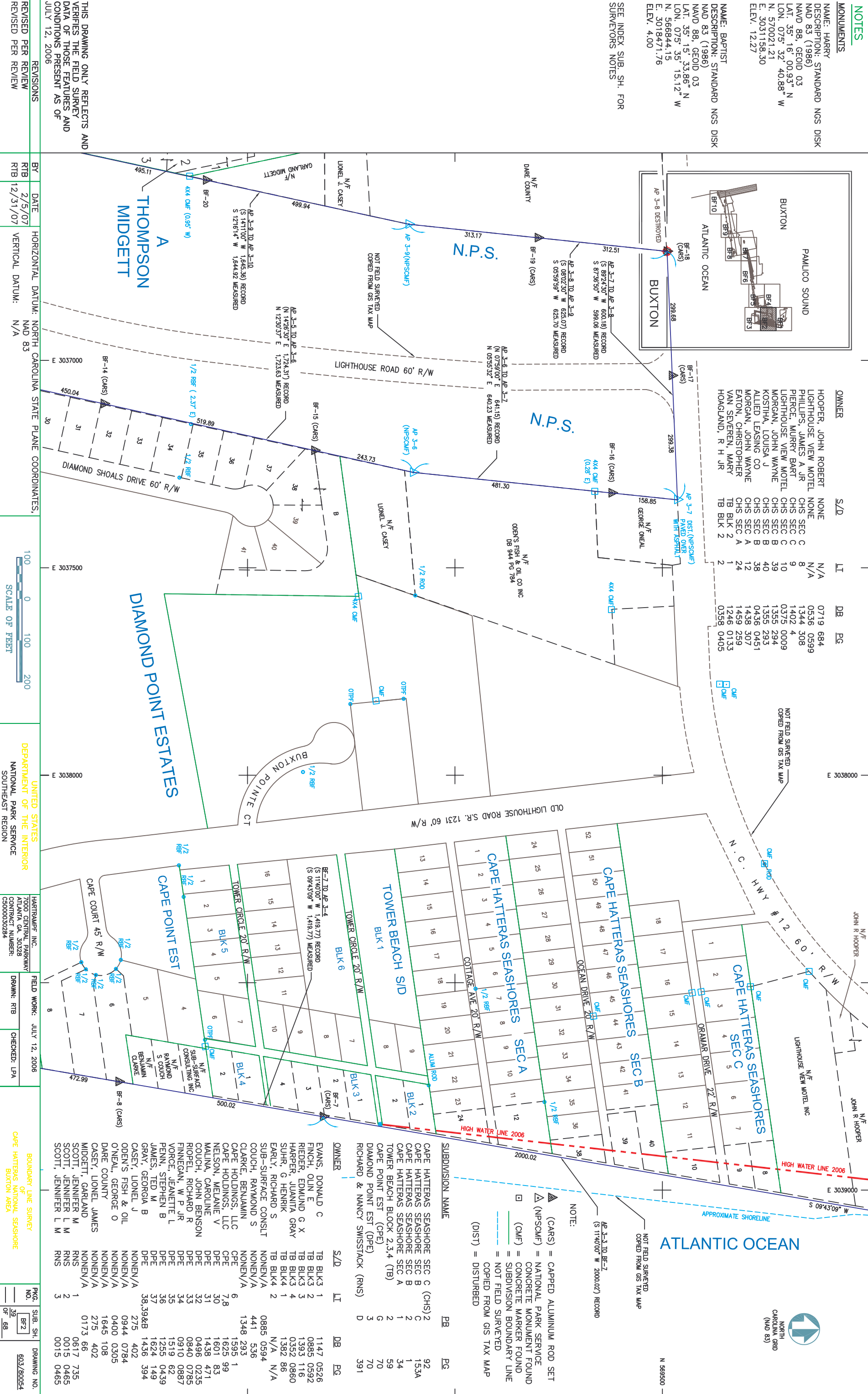
NAME: HARRY
 DESCRIPTION: STANDARD NGS DISK
 NAD 83 (1986)
 NAD 83, GEOID 03
 LAT. 35° 16' 00.93" N
 LON. 075° 32' 40.88" W
 N. 570021.21
 E. 3031158.30
 ELEV. 12.27

NAME: BAPTIST
 DESCRIPTION: STANDARD NGS DISK
 NAD 83 (1986)
 NAD 83, GEOID 03
 LAT. 35° 15' 33.86" N
 LON. 075° 35' 15.12" W
 N. 566844.15
 E. 3018471.76
 ELEV. 4.00

SEE INDEX SUB. SH. FOR
 SURVEYORS NOTES



OWNER	S/D	LI	DB	PG
HOOPER, JOHN ROBERT	NONE	N/A	0719	684
LIGHTHOUSE VIEW MOTEL	NONE	N/A	0536	0599
PHILLIPS, JAMES A JR	CHS SEC C	8	1344	308
PIERCE, MURRY BART	CHS SEC C	9	1402	4
LIGHTHOUSE VIEW MOTEL	CHS SEC B	10	0375	0009
MORGAN, JOHN WAYNE	CHS SEC B	39	1355	294
KOSTIHA, LOUISA J	CHS SEC B	40	1355	293
ALLIED LEASING CO	CHS SEC B	38	0436	0451
MORGAN, JOHN WAYNE	CHS SEC A	12	1438	307
EATON, CHRISTOPHER	CHS SEC A	24	1459	259
VAN SEVEREN, MARY	TB BLK 2	1	1246	0133
HOAGLAND, R H JR	TB BLK 2	2	0358	0405



REVISIONS	BY	DATE	HORIZONTAL DATUM:	VERTICAL DATUM:
REVISED PER REVIEW	RTB	2/5/07	NAD 83	N/A
REVISED PER REVIEW	RTB	12/31/07	NAD 83	N/A

PG.	NO.	SUB. SH.	DRAWING NO.
1	39	BF2	603/80054
2	39	BF2	603/80054
3	39	BF2	603/80054

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
 SOUTHEAST REGION

HARTMAN INC.
 7000 CENTRAL PARKWAY
 ATLANTA, GA. 30328
 CONTRACT NUMBER:
 G3000030284

FIELD WORK: JULY 12, 2006
 DRAWN: RTB
 CHECKED: LPA

BOUNDARY LINE SURVEY
 OF
 CAPE HATTERAS NATIONAL SEASHORE
 BUXTON AREA

SCALE OF FEET
 0 100 200

NOT FIELD SURVEYED
 COPIED FROM GIS TAX MAP

NOT FIELD SURVEYED
 COPIED FROM GIS TAX MAP

NOTE:
 (CARS) = CAPPED ALUMINUM ROD SET
 (NPSQMF) = NATIONAL PARK SERVICE
 CONCRETE MONUMENT FOUND
 (CMF) = CONCRETE MARKER FOUND
 (SUB) = SUBDIVISION BOUNDARY LINE
 (DIST) = NOT FIELD SURVEYED
 (DIST) = DISTURBED
 COPIED FROM GIS TAX MAP

SUBDIVISION NAME	EB	PG
CAPE HATTERAS SEASHORE SEC C (CHS) 2	92	133A
CAPE HATTERAS SEASHORE SEC B	1	1
CAPE HATTERAS SEASHORE SEC A	34	34
TOWER BEACH BLOCK 2,3,4 (TB)	59	70
CAPE POINT EST (CPE)	70	70
DIAMOND POINT EST (DPE)	3	3
RICHARD & NANCY SWISSTACK (RNS)	D	391

OWNER	S/D	LI	DB	PG
EVANS, DONALD C	TB BLK3 1	1147	0526	
FINCH, OLIN E	TB BLK3 2	0885	0592	
RIEDER, EDMUND G X	TB BLK3 3	1393	116	
HARPER, JUANITA GRAY	TB BLK3 4	0352	0860	
SUHR, G HENRIK	TB BLK4 1	1382	86	
ERLY, RICHARD S	TB BLK4 2	N/A	N/A	
SUB-SURFACE CONSLT	NONEN/A	0885	0594	
COUCH, RAYMOND S	NONEN/A	441	536	
CLARKE, BENJAMIN	NONEN/A	1348	293	
CAPE HOLDINGS, LLC	CPE	1895	1	
CAPE HOLDINGS, LLC	CPE	1625	99	
NELSON, MELANIE V	DPE	1601	83	
MALINA, CAROLINE	DPE	1438	471	
COUCH, JOHN BENSON	DPE	0496	0235	
RIOPPEL, RICHARD R	DPE	0840	0785	
FINNIGAN, W P JR	DPE	0910	0587	
VORCE, JEANETTE L	DPE	1519	62	
PENNY, STEPHEN B	DPE	1255	0439	
JAMES, TED M	DPE	1624	149	
GRAY, GEORGIA B	DPE	38,39&B	394	
CASEY, LONEL J	NONEN/A	275	402	
ODEN'S FISH & OIL	NONEN/A	0944	0784	
O'NEAL, GEORGE O	NONEN/A	0400	0305	
DARE COUNTY	NONEN/A	1645	108	
CASEY, LONEL JAMES	NONEN/A	275	402	
MIDDETT, GARLAND	NONEN/A	0173	66	
SCOTT, JENNIFER M	RNS	0617	735	
SCOTT, JENNIFER L M	RNS	0015	0465	
SCOTT, JENNIFER L M	RNS	0015	0465	

0025429

