

From: [Jon Anglin](#)
To: [Mike Murray](#)
Cc: [Paul Stevens](#)
Subject: Re: Fw: stakes around pond at OI
Date: 07/02/2010 11:23 AM

Mike,

We have responded to this numerous times in the past. And, as you state, neither NC DMF or any other State regs have bearing on our regulations, as there are no reservations of state's right that pre-empt our jurisdiction or authority. As a reference, our authority to establish superintendents closures in these areas is found at 36 CFR Sec. 1.2 (a)(3). Our enforcement of State fishing regulations is based on 36 CFR Sec. 2.3 (a) which states that "...fishing will be in accordance with the laws and regulations of the State within whose exterior boundaries a park area...is located." The application of this statement is limited to our use of State fishing regs only and does not authorize or require us to follow any other water related State regulations.

Basically, in terms of our ability to establish closures on a body of water within our boundaries, it does not matter if the State defines the water as sound or Ocean. It only matters that the body of water is within our boundary.

Jon Anglin
Operations Chief
Division of Law Enforcement and Emergency Services
Outer Banks Group (Cape Hatteras, Wright Brothers, Fort Raleigh)
252-473-2111 ext. 138

▼ [Mike Murray/CAHA/NPS](#)

**Mike
Murray/CAHA/NPS**

To "CAHA Paul Stevens" <paul_stevens@nps.gov>,
"CAHA Jon Anglin x138" <jon_anglin@nps.gov>

cc

07/01/2010 05:44 PM

Subject Fw: stakes around pond at OI

Paul or Jon,

Any suggested response this?

I'm not familiar with the NC DMF regs, but my take is that where NPS owns the submerged lands we can put a sign in the water if we have a management reason to do so, regardless of state fishing regs, unless there is some deed restriction or other reservation of the state's rights that pre-empts NPS authority or jurisdiction.

Sent from my BlackBerry Wireless Handheld

▼ Doug Wetmore

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

From: Doug Wetmore
Sent: 07/01/2010 02:54 PM MDT
To: Mike Murray
Cc: Paul Stevens
Subject: stakes around pond at OI

Mike.

Jason Waanders suggested that we provide a courtesy response to this if the park has one. If you could review this and let me know if you have a response that would be great. Thanks.

Representative Quote: NPS has no right to place stakes in the water around the pond at Oregon Inlet. The basis for the action by the NPS is the fact that in the sound you are allowed to fence 100 feet from shore areas. However, the pond area at the Inlet is east of the bridge and considered ocean rather than sound. The State of North Carolina clearly stipulates that waters east of the bridge fall under ocean rules and fishing laws reflect this. they should be removed now and are a clear hindrance to navigation. NPS rangers and Marine Fisheries Officers have issued warnings and tickets to anglers who were in possession of flounder and striped bass that met the sound limits but were in violation of ocean limits. You can't have two sets of conflicting rules governing the same area

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