

OFFICE OF THE STAFF JUDGE ADVOCATE
Marine Corps Base
Camp Lejeune, North Carolina 28542

SJA/MJR/jms
5800

MAY 01 1984

MEMORANDUM

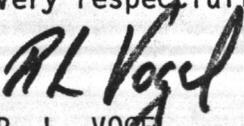
From: Staff Judge Advocate
To: Assistant Chief of Staff, Facilities
Provost Marshal
Director, Law Center, Marine Corps Air Station (H), New River
Subj: New River and tributaries at Marine Corps Base, Camp Lejeune, NC,
and Marine Corps Air Station (H), New River, NC; restricted area
Ref: (a) Regulations by Secretary of the Army for the navigation of
waters generally, 33 U.S.C. sec. 1 (1976)
(b) Navigation Regulations, 33 C.F.R. 207 (1983)
Encl: (1) Draft Navigation Regulation
(2) New River Map

1. I am requesting your comments on the enclosure which Major M. REARDON, USMC, of this office prepared after hearing the suggestions of the Assistant Chief of Staff, Facilities and the Provost Marshal. In my opinion, references (a) and (b) provide ample authority for the enclosure. As drafted, the enclosure will restrict entry into, and activities on, those portions of the New River abutted by Marine Corps property without materially affecting customary commercial and recreational navigation on the river. Military enforcing agents will be able to pursue and detain on any navigable waters of the New River any persons or vessels reasonably believed to have violated the restriction. The authority for military enforcement is derived from reference (a), which also makes any violation a crime prosecutable in the federal courts.

2. Enclosure (2) is a map of the New River showing the approximate limits of the restricted area.

3. Although enclosure (1) was drafted in such a manner as to have no practical effect on the customary navigational uses of the New River, one can reasonably expect that the novelty of navigation regulations in these waters will result in public comment. As a public relations measure, we should explain our intentions concurrently with or before the submission of the draft regulation to the Corps of Engineers. Accordingly, I recommend that the Provost Marshal prepare a list of addresses of law enforcement agencies likely to be interested in jurisdiction over the river and that the Assistant Chief of Staff, Facilities prepare a list of addresses of other state, federal and local agencies whose charter provides a basis of authority over the river.

Very respectfully,


R. L. VOGEL

207. ___ New River and tributaries at Marine Corps Base, Camp Lejeune, NC, and Marine Corps Air Station (Helicopter), New River, NC; restricted area.

(a) The Areas

(1) That portion of the New River above Shell Point at latitude $34^{\circ} 33' 12''$, longitude $77^{\circ} 21' 3''$ to Pollocks Point at latitude $34^{\circ} 34' 45''$, longitude $77^{\circ} 23' 58''$ and east of the cleared channel;

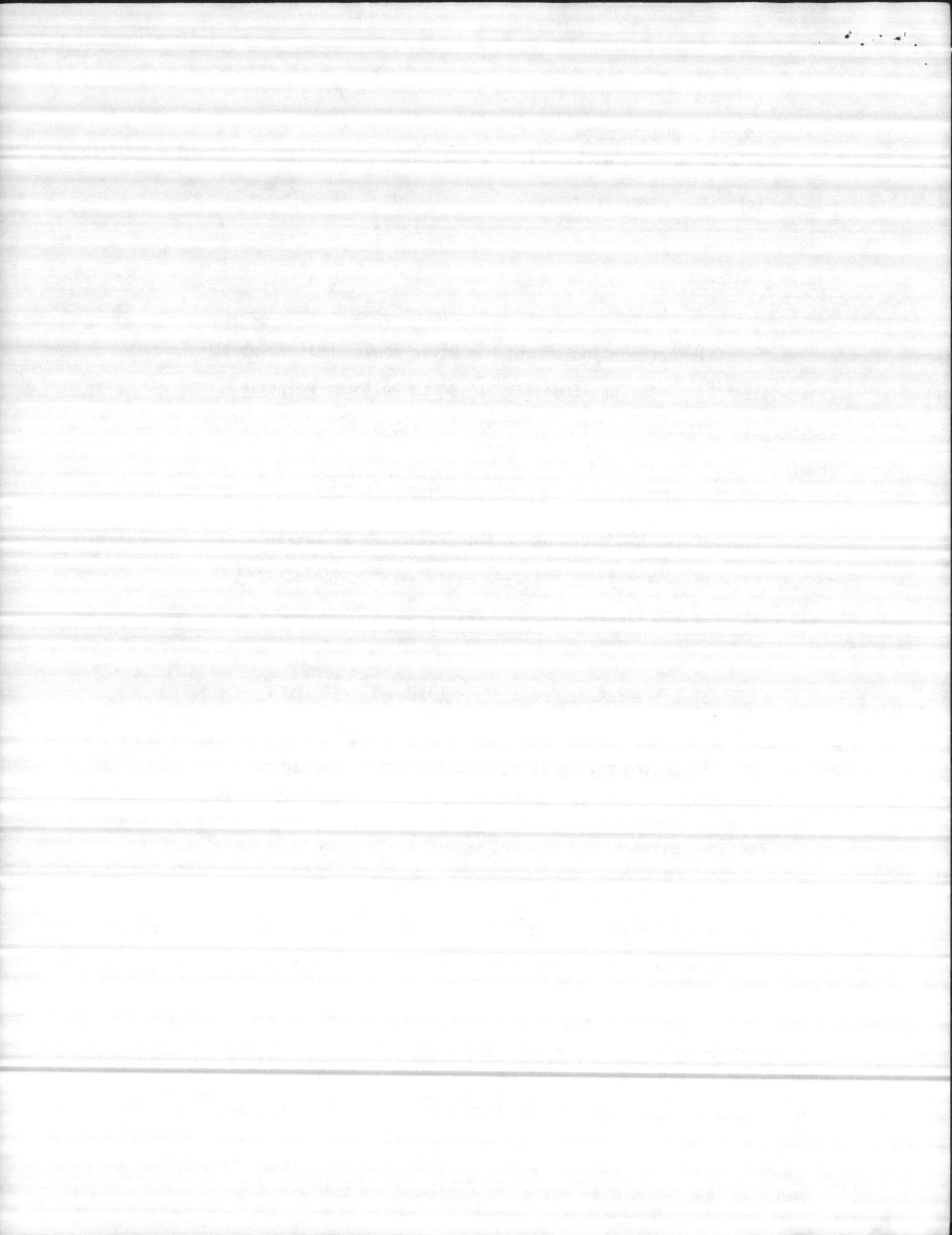
~~(2)~~ The New River above Pollocks Point at latitude $34^{\circ} 34' 45''$, longitude $77^{\circ} 23' 58''$ to the cable area at $34^{\circ} 44' 7''$, longitude $77^{\circ} 25' 50''$ north of Jacks Point;

(3) Frenchs Creek east of longitude $77^{\circ} 20' 20''$.

(4) Howard Bay, Mile Hammock Bay, Salliers Bay

(b) The Restrictions

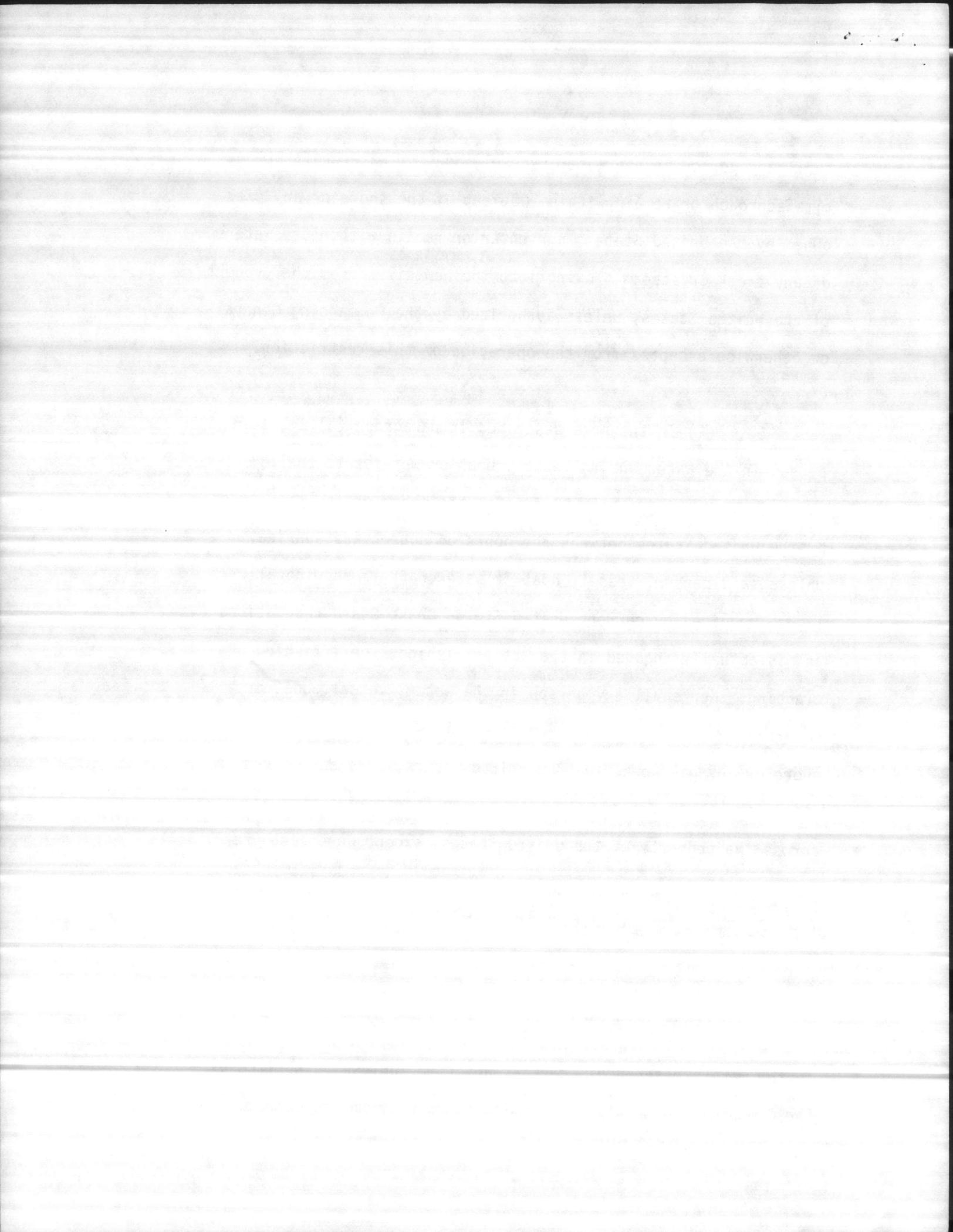
(1) In the area described in paragraph (a)(1), no person in the water and no vessel, boat or watercraft shall approach or remain within 500 feet of the shore or any pier owned by the United States between the hours of sunset and sunrise, unless that person, vessel, boat or watercraft is showing all lights required by current United States Coast Guard regulations and is either navigating in the cleared channel or is actually engaged in the act of fishing, shell fishing or crabbing. Nor



shall any person in the water, vessel, boat or watercraft at any time approach or remain within 100 feet of the shore or any pier owned by the United States, nor enter or remain within the waters of any creek or stream flowing into the New River from the property of the United States, unless authorized by the Commanding General or otherwise excepted from the operation of this restriction.

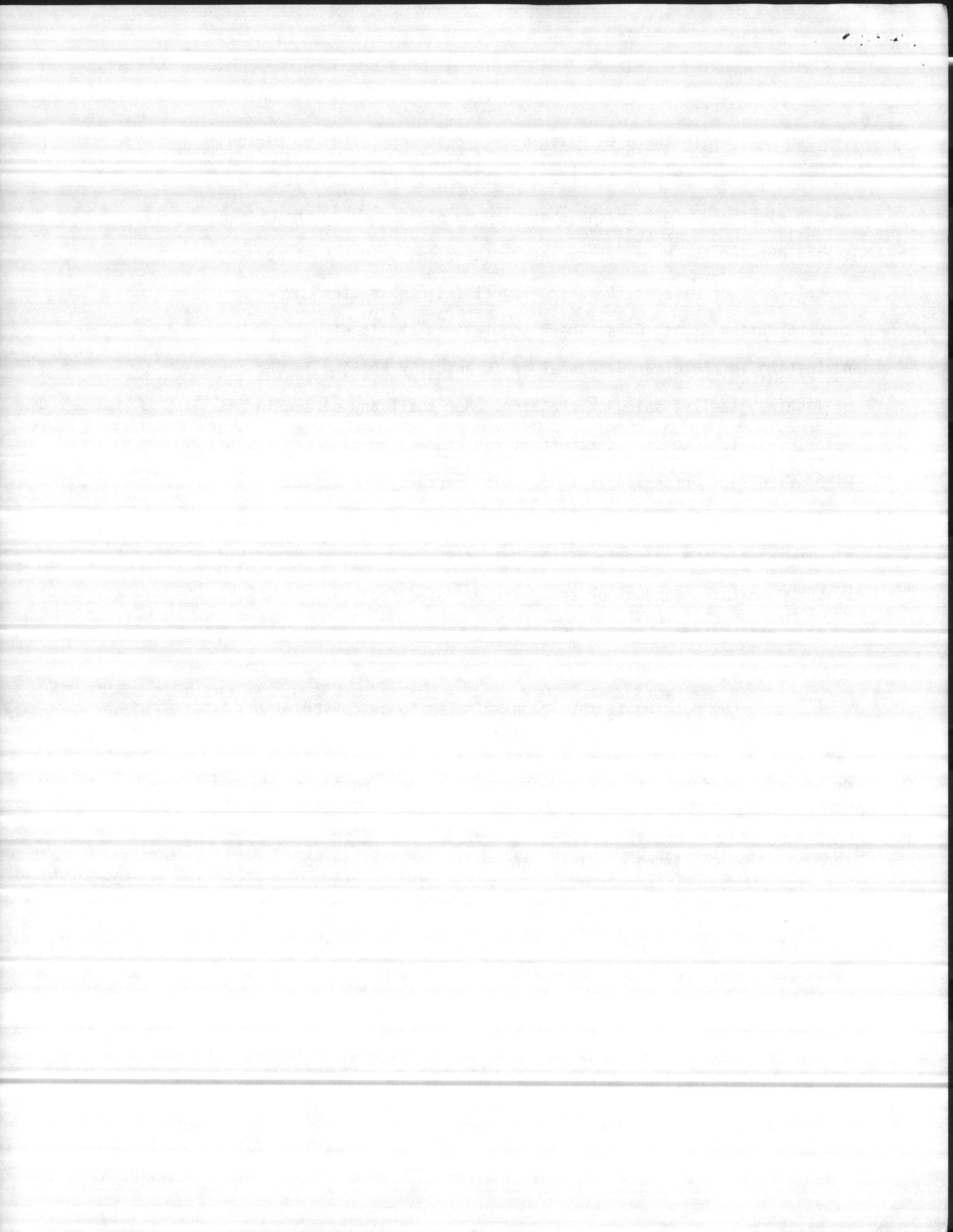
(2) In the area described in paragraph (a)(2), no person in the water and no vessel, boat or watercraft shall approach or remain within 500 feet of the shore or any pier owned by the United States between the hours of sunset and sunrise, unless said person, vessel, boat or watercraft is showing all lights required by current United States Coast Guard regulations and is actually engaged in the act of fishing, shell fishing or crabbing. Nor shall any person in the water, vessel, boat or watercraft at any time approach or remain within 100 feet of the shore or any pier owned by the United States, or enter or remain within the waters of any creek or stream flowing into the New River across the property of the United States, except Northeast Creek, unless authorized by the Commanding General or otherwise excepted from the operation of this restriction.

(3) In the area described in paragraph (a)(3) no person in the water and no vessel, boat or watercraft may enter or remain in the waters of Frenchs Creek at any time, unless authorized by the Commanding General or otherwise excepted from the operation of this restriction.

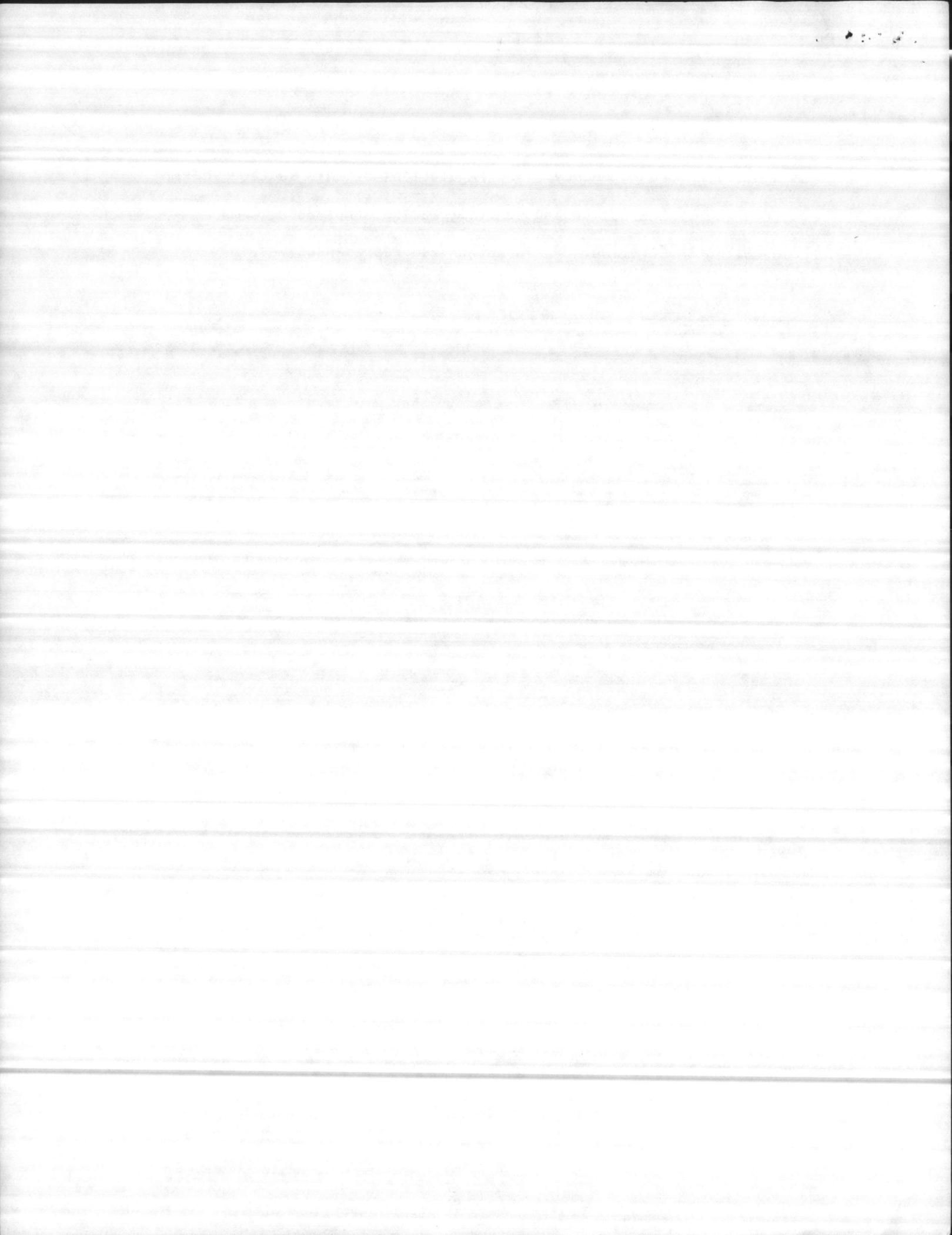


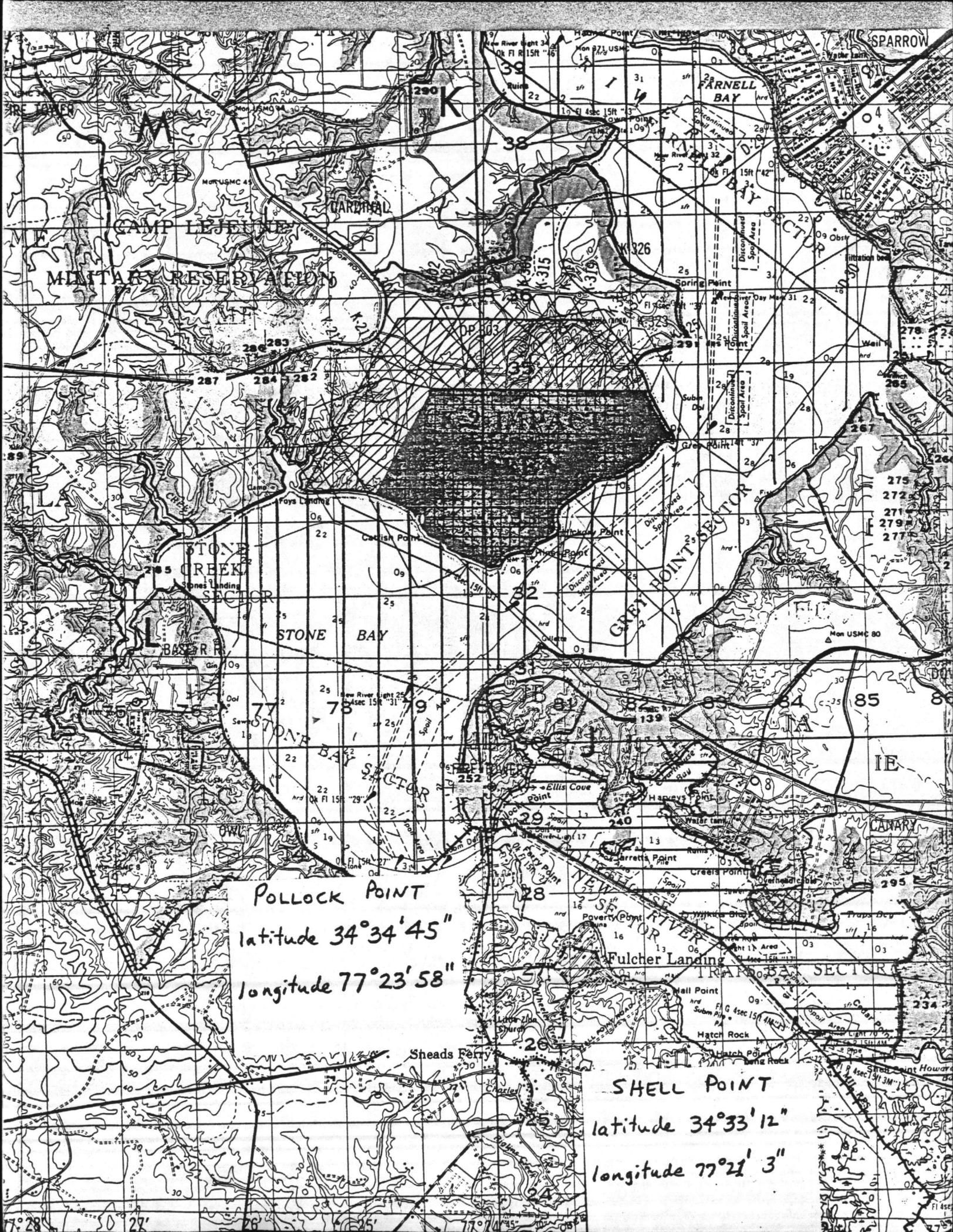
(4) In the area described in paragraph (a)(4) no person in the water and no vessel, boat or watercraft shall approach or remain within 500 feet of the shore or any pier owned by the United States between the hours of sunset and sunrise, unless that person, vessel, boat or watercraft is showing all lights required by current United States Coast Guard regulations and is either navigating in the cleared channel or is actually engaged in the act of fishing, shell fishing or crabbing. Nor shall any person in the water, vessel, boat or watercraft at any time approach or remain within 100 feet of the shore or any pier owned by the United States, or enter or remain within the waters of any creek or stream flowing across the property of the United States, unless authorized by the Commanding General or otherwise excepted from the operation of this restriction.

(5) Nothing in this regulation is to be construed to restrict or in any way to interfere with the enforcement authority or activities of any other federal, state or local agency in the areas described in paragraph (a). Nor shall anything in this regulation be construed as giving any person permission to enter upon the confines of Marine Corps Base, Camp Lejeune, North Carolina, or Marine Corps Air Station (Helicopter), New River, North Carolina, except that civilian persons may continue to use the area known as "Ski Beach" for recreational purposes between the hours of sunrise and sunset subject to such rules and regulations as may be posted at "Ski Beach".



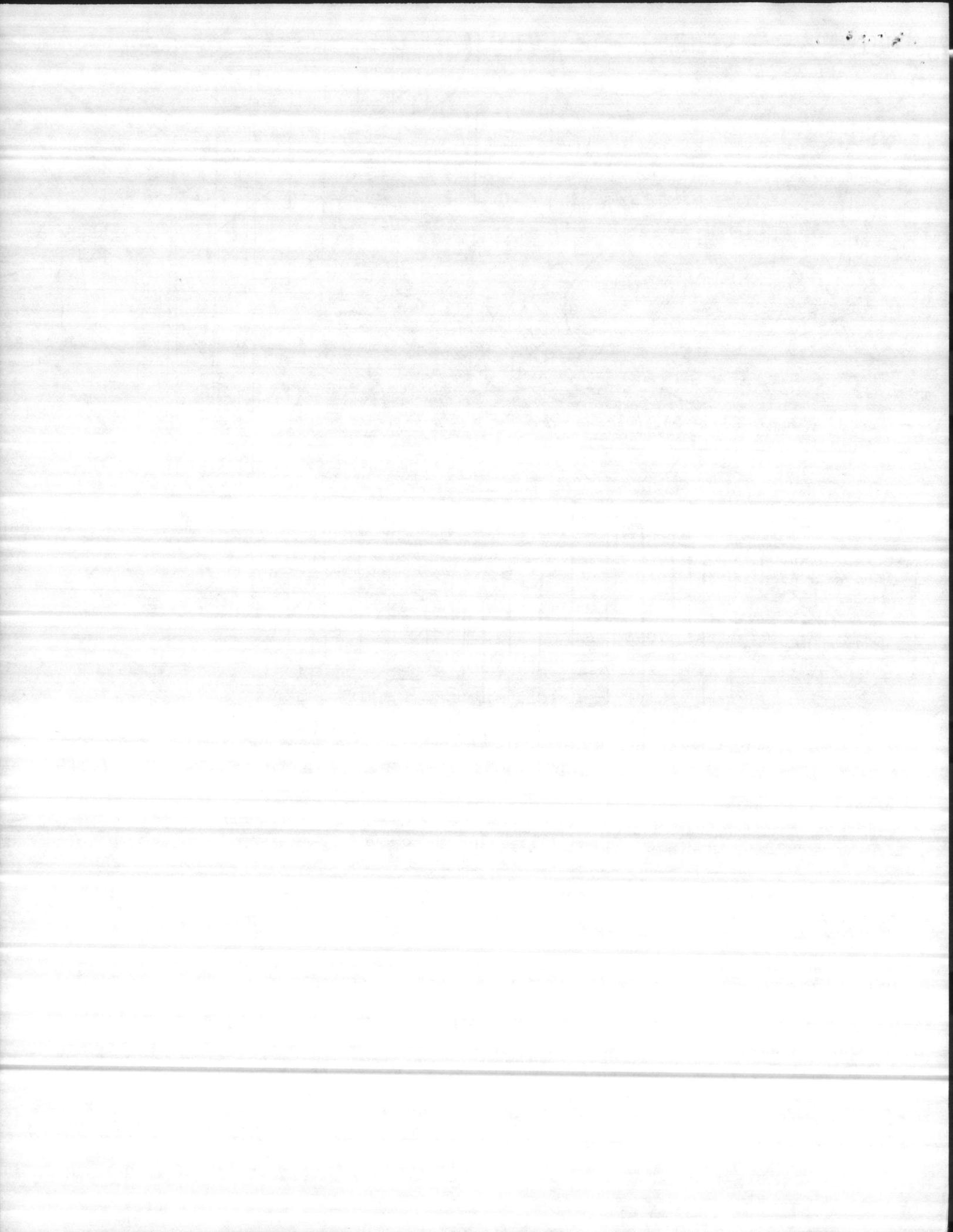
(c) Enforcing Agency. The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

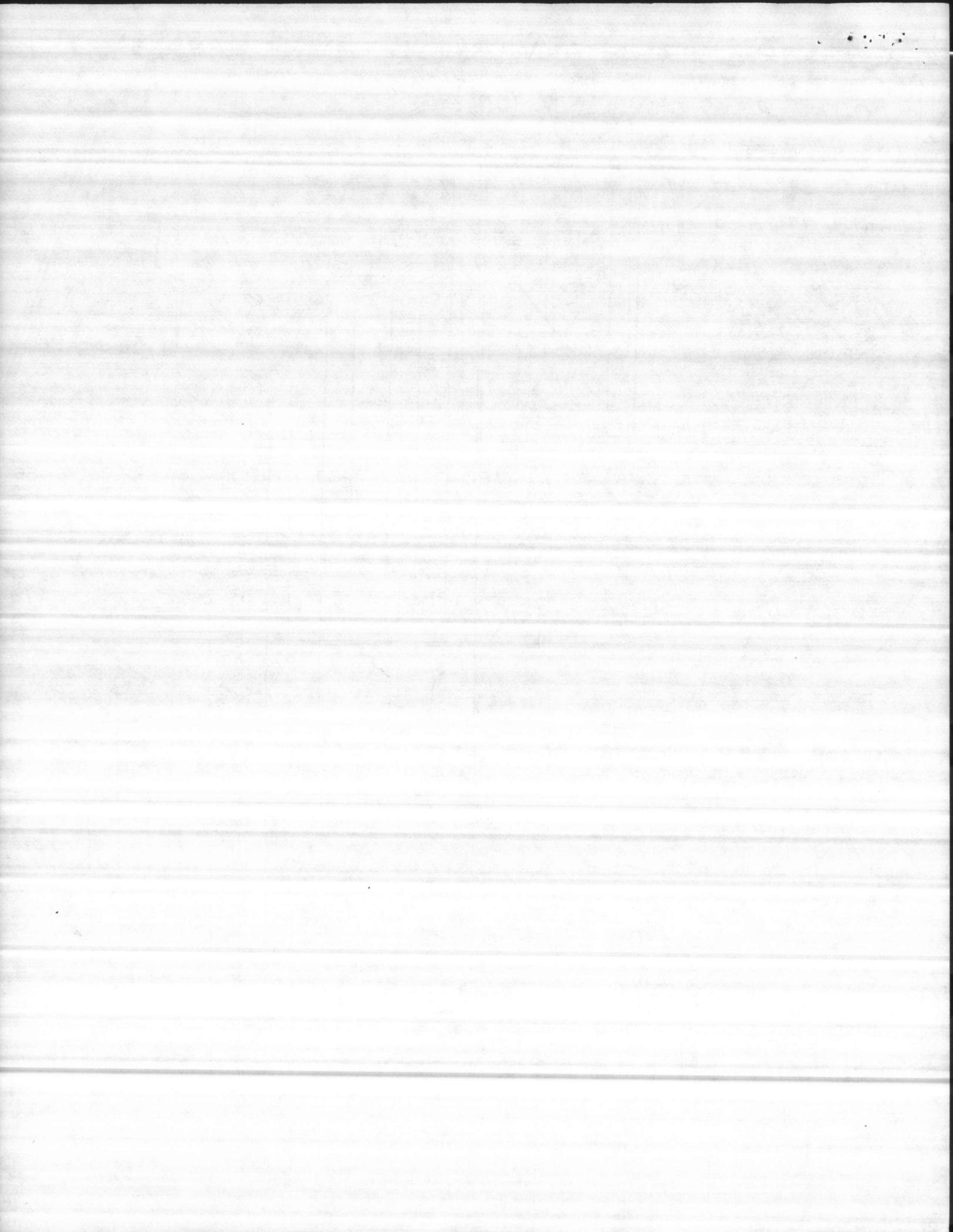




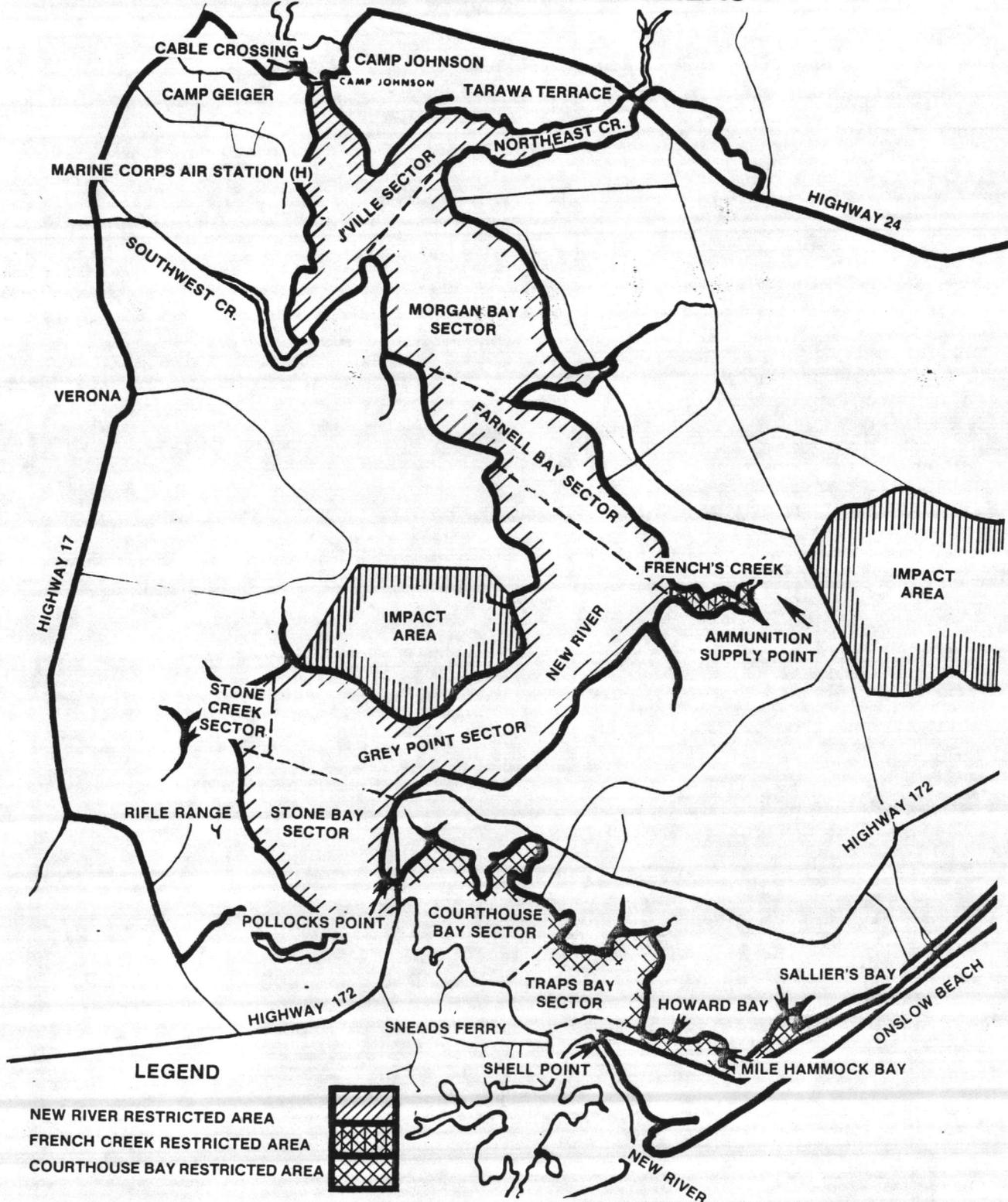
POLLOCK POINT
latitude $34^{\circ}34'45''$
longitude $77^{\circ}23'58''$

SHELL POINT
latitude $34^{\circ}33'12''$
longitude $77^{\circ}21'3''$





CAMP LEJEUNE NEW RIVER RESTRICTED AREAS



LEGEND

- NEW RIVER RESTRICTED AREA
- FRENCH CREEK RESTRICTED AREA
- COURTHOUSE BAY RESTRICTED AREA

