

PUBLIC BEACH FROM TOE OF DUNE TO SEA

Bill To Secure Access Rights Clears House

BY SUSAN USHER

A bill that would clarify and ensure the public's access to the beach cleared the state House of Representatives Monday and is in the Senate.

Introduced by Rep. Bruce Ethridge, D-Carteret, the bill would make it clear that the public has a right to use the beach from the dunes to the sea. It also would establish the state Attorney General's Office as the protector of the public's right to the beach.

The bill codifies rights now defined mainly by common law and authorizes legal civil action by both the Attorney General's Office and the public to protect those rights.

Under the bill, the public would own the beach below high tide and would have a right to use the dry sand beach back to the first line of stable vegetation.

"Most people assume that from the toe of the dune is public anyway," said Rep. E. David, D-Brunswick. "But the legal definition is from the high water mark out.

"We have plenty of beach on low water, but not on high tide," he said.

Adding to the confusion is that boundaries in some waterfront deeds are noted as extending to the high water line, some to low water and others are measured in metes and bounds. The difference is most noticeable in an area such as Sunset Beach, which is accreting, resulting in property with development potential in front of existing oceanfront homes.

"Right now there are questions if someone wanted to put a fence up," he said. "This bill is trying to alleviate that possibility."

The Attorney General's Office saw a need for putting the common law rights formally on the law books given that "public access to ocean and estuarine beaches in North Carolina is becoming severely limited in some areas." A Carteret County court case also gave the office cause for concern that public trust rights were being threatened.

In that case a judge, noting a "foggingness" in the law's intent, backed the claim of a landowner who was seeking compensation for land between the dunes and the wet sand.

Among other things the bill notes that placing permanent structures in high-hazard waterfront areas increases risk of injury or death and property losses, as well as possible encroachment on the beach. It notes that erosion control structures, such as sea walls and jetties, can get in the way of the public's right "to freely use and enjoy the ocean beaches, especially during high tide."

The bill gives the Attorney General's Office authority to bring civil action against anyone, including another state agency, who violates the public's right to use the beach. If the court agrees a violator would be required to restore the beach and pay restitution of at least \$1,000 per day for every acre of encroachment on the public beach.

The bill doesn't actually change any existing rights of property owners when, through erosion or storm damage, their houses end up on the pub-

lic beach.

Owners have a right to restore the beach on a limited basis through bulldozing. Existing laws already allow the state to remove storm-damaged houses as dangers to public health and safety when, in effect, nature has taken the property and moved the beach boundary.

While the Attorney General's office has always contended that common law protected the public's use of the beach area, said Robin Smith of the N.C. Attorney General's Office environmental section, the legislation would make it clear that the public has a protected right to use the area between the vegetation line and the water. The bill would, in effect, she indicated, be a written guarantee that the beach will be available for years to come.

A committee substitute bill was reported favorably out of the House Judiciary II Committee June 18 and adopted by the full House on second and third reading. It went to the Senate after the final vote Monday night and was assigned Tuesday to the Senate Rules Committee.

The bill was not controversial in the House, said Redwine. However, it was amended to address a concern raised by the State Ports Authority regarding its right to use additional land near its Radio Island terminal at Morehead City. Part of the land in question has been traditionally used as a public beach.

Sen. R.C. Soles, D-Columbus, could not be reached for comment Tuesday on the bill's standing in the state Senate.



STAFF PHOTO BY SUSAN USHER

A BILL NOW in the state Senate would guarantee the right of the public to have access and use of the state's beaches from the toe of the dune to the sea. Above, Scott Polak and Janie Leonard of Charlotte head for home after a week at the beach.

Golf Courses Battling Pesky Mole Crickets

BY DOUG RUTTER

As if golfers who don't replace divots or fix ball marks aren't enough, area golf course superintendents now have another type of pest to worry about.

Mole crickets, which eat grass roots and dig tunnels, have become the number one insect on local courses, causing damage to manicured fairways.

"It looks like a Rototiller has gone into an area and torn up the grass," said Bruce Williams, area turf specialist with the N.C. Cooperative Extension Service.

Mole crickets, which look like big crickets with modified front legs for digging, were first spotted in the county a few years ago and have infested every golf course Williams has visited.

Instead of just dumping pesticides in an attempt to eliminate the insects, however, Williams and N.C. State University extension officials are trying innovative solutions to the problem.

Soil temperature testing and use of parasites and infrared photography are among the experimental projects underway on area courses including Sea Trail, Fox Squirrel

"It looks like a Rototiller has gone into an area and torn up the grass."

—Bruce Williams
On mole cricket damage



spots where mole crickets are feeding will allow greenskeepers to concentrate on those areas and use less pesticides.

Other Projects

Among other local turf projects, Brunswick County is one of only 24 sites in the country evaluating two dozen new varieties of zoysia grass.

Research on the grass used for lawns and golf courses is being conducted at Brunswick Turf Farms at Longwood.

"They're beautiful grasses and very unique, but they're only experimental at this point," Williams said. Zoysia grass is ideal for coastal areas, he said, because it resists disease and tolerates salt water.

Williams is also experimenting with organic fertilizers such as turkey compost and animal tankage—leftover animal parts compressed into pellets.

While these fertilizers are no more environmentally safe than traditional chemicals, Williams said they may be cheaper and offer an alternative source.

Demonstration plots have been set up at Fox Squirrel Country Club as well as a sod farm in Burgaw to test the fertilizers.

Extension service officials are also experimenting with new herbicides to handle weed problems in the county.

and Oak Island.

Why is Williams so concerned about protecting the lush fairways and undulating greens on golf courses?

"Turf is a tremendous generator of revenue in Brunswick County," he said. "When you stop having pretty golf courses that's going to affect tourism."

Williams has heard estimates that the county's booming golf industry brings in \$90 million a year. Golfers not only buy balls and pay fees to play, they spend money on lodging, meals and other things while they're here.

Mole crickets can also damage yards, Williams said, which makes research on controlling them valuable to any homeowner in the county.

Despite their small size, Williams said mole crickets have caused extensive damage on Florida's golf courses.

The bugs are reportedly costing the golf industry \$60 million per year in Florida, where some courses spend up to \$15,000 a year to control them.

"It's a pretty serious problem," Williams said. "Brunswick County is the first county in the state that's been plagued by mole crickets because of our location."

Although the southern mole cricket has been around for 50 or 60 years, Williams said it's the tawny mole cricket that's caused severe damage.

The tawny variety first showed up in the county three to five years ago, he said, and feeds on grass roots and foliage.

Williams said extension service officials including N.C. State University entomologist Rick Brandenburg are doing research that should help control mole crickets in the years to come.

Cindy Poulk was recently hired as a part-time student technician to help monitor soil temperatures. She is also using a soapy water mixture to flush out mole crickets and determine their stage of development.

When the data is compiled, Williams said golf course superintendents will know the best time of year to use pesticides simply by determining the soil temperature.

The best time to treat mole crickets is right after they hatch, when a small amount of pesticide will do the job. "When they're mature adults, they're nearly impossible to kill," Williams said.

Mole crickets are mating now and nymphs should hatch in a few weeks. Golf courses usually start seeing mole cricket damage in September and see it again in the spring.

To apply the pesticides, Williams said a new machine will be used in some areas. Unlike most machines, the new model injects a granular pesticide into the turf.

Among other places, Williams said the machine will be used at Brierwood Golf Club and on the baseball field at West Brunswick High School, where mole cricket infestation has been severe.

Williams also said several courses are trying to control crickets through biological means, using a microscopic parasite that kills mole crickets.

"At this point, we've not had a lot of success with it," he noted.

Extension officials are also using infrared photography in attempt to control the pests. Aerial photographs are used to identify locations where grass is stressed, which is an indication of mole cricket infestation.

Williams said pinpointing the



PHOTO CONTRIBUTED

Tough Snake To Kill

L.T. "Shorty" Stinson of Shell Point had a difficult time killing this 6-foot chicken snake last week. He shot it three times and eventually killed it by hitting it in the head with a shovel. "That shooting holes in him didn't stop him at all," said Stinson. "He just kept going."

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Brunswick County schools will sponsor a summer feeding program for children from July 7 to August 7, providing free meals to children under 18 and handicapped children over 18. No child will be discriminated against because of race, color, national origin, sex, religion and/or handicap.
Meal sites will be Leland, Shallotte and South Brunswick Middle schools. For more details, call the Brunswick County Board of Education office at 754-9282 or 919-457-5241.

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