

Dear Mr. Seibert,

You recently emailed the MS-AL Sea Grant Legal Program a question about the legality of the fencing off of the west end of Dauphin Island. You described the fence as running north-south from waterline to waterline.

In Alabama, as in most coastal states, private property owners can own beachfront property down to the mean high tide line. Seaward of the mean high tide line - essentially, the "wet sand" - the land is owned by the state and may be accessed by the public.

From what I could gather it appears that the west end of Dauphin Island is owned by the Dauphin Island Property Owners' Association, a private corporation. As a private property owner, the POA has the right to exclude people from its land by fencing. However, the POA could not extend its fence seaward of the mean high tide line. The public should be able to access the beach below the mean high tide line (the wet sand), but may be excluded from private property above that line (the dry sand).

In short, if the fence ends at the mean high tide line, it's probably legal. If it extends below the mean high tide line, it probably isn't (to the extent that it blocks access to the wet sand).

I hope this answer is helpful to you. If you have any other questions, please feel free to email or call. Thank you for bringing your question to the Sea Grant Legal Program.

Sincerely,
Josh Clemons
Mississippi-Alabama Sea Grant Legal Program