



Proposed Rules to Restrict Highly Efficient Fishing Gears on Artificial Reefs in State Ocean Waters

DEPARTMENT OF ENVIRONMENTAL QUALITY

NC Division of Marine Fisheries

Marine Fisheries Commission | Jason Peters | February 2021



Presentation Outline



- North Carolina's Artificial Reefs
- Description of Artificial Reefs
- Recent Federal Action for N.C. Ocean Artificial Reefs
- North Carolina's Management of Ocean Artificial Reefs
- Proposed MFC Rule Changes
- Enforcement Considerations
- Next Steps

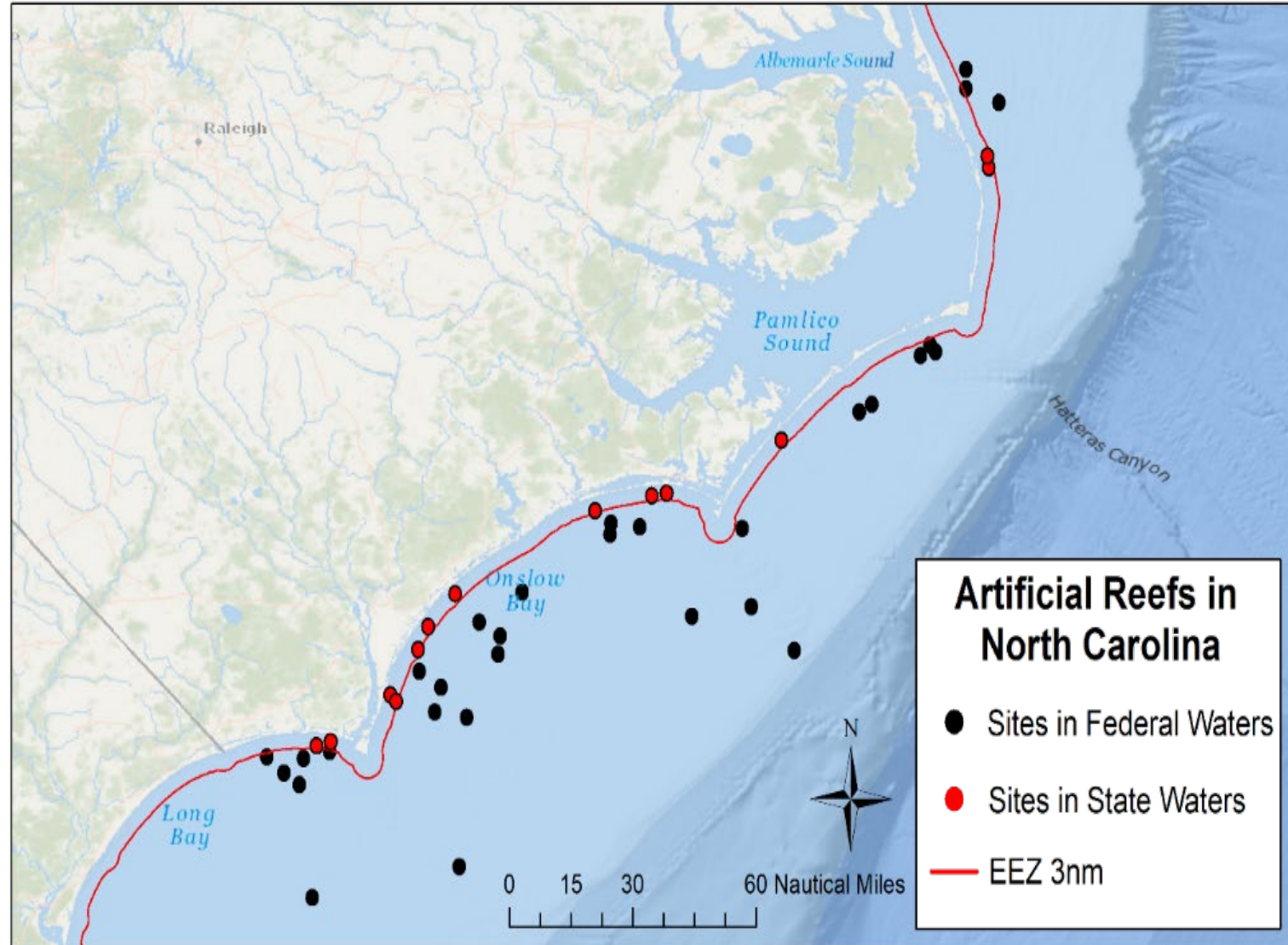


North Carolina's Artificial Reefs



DMF manages 43 artificial reef sites off of North Carolina

- 13 located ≤ 3 nautical miles (nm) from shore (state managed)
- 30 located > 3 nm from shore (federally managed Exclusive Economic Zone (EEZ))



Description of Artificial Reefs



- Purpose - create habitat for fish that is publicly accessible for fishing and diving
- Susceptible to increased and concentrated fishing effort
 - Possible overexploitation of managed species = reduced/disproportionate user access
 - Protected species interactions = denied future permitting to construct/maintain artificial reefs



Description of Artificial Reefs



Restricting highly efficient gears:

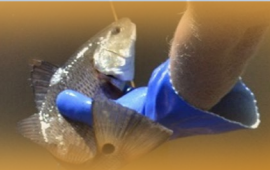
- Decrease the potential for disproportionate user access
- Reduce potential for negative interactions with ESA protected species



Barnette 2017



Recent Federal Action for N.C. Ocean Artificial Reefs



June 2020:

- South Atlantic Fishery Management Council approved amendment to Snapper Grouper FMP
- Establishes Special Management Zones (SMZs) at all 30 artificial reefs in the EEZ off North Carolina (*pending*)

Federal action includes:

- Restricting harvest only while fishing for snapper-grouper species
- Codifying boundaries
- Restricting allowable gears (hand line, rod and reel, and spear only)
- Restricting harvest by spear to recreational limits



North Carolina's Management of Ocean Artificial Reefs



November 2020 MFC vote:

Initiate the rulemaking process to restrict highly efficient fishing gears on artificial reefs in state ocean waters to protect all species of finfish



Current MFC rule:

- Does not provide a mechanism to implement gear restrictions for artificial reefs in state ocean waters
- Requires buoys as a condition to implement restrictions (now obsolete)

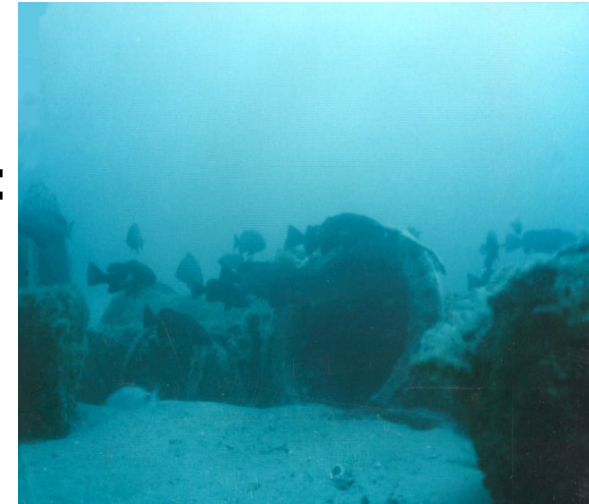


Proposed MFC Rule Changes



Proposed amendment to existing rule:

- **15A NCAC 03I .0109 - Artificial Reefs and Research Sanctuaries:** Remove all references to artificial reefs focusing solely on research sanctuaries



Proposed adoption of two new rules:

- **15A NCAC 03R .0119 - Ocean Artificial Reefs:** sets coordinates delineating boundaries of the artificial reefs in state ocean waters
- **15A NCAC 03J .0404 - Ocean Artificial Reef Gear Restrictions:** sets restrictions for the use of highly efficient fishing gears for those artificial reefs for all finfish species



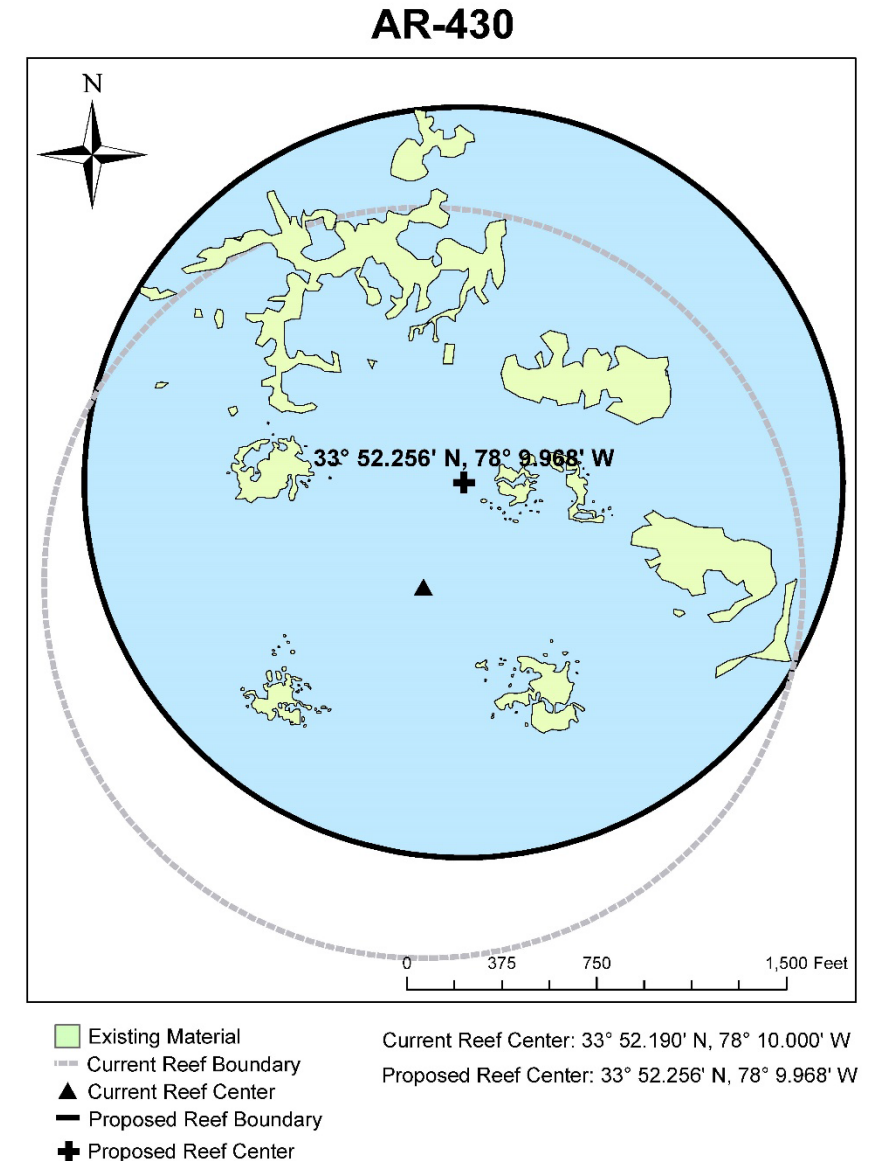
Proposed MFC Rule Changes

15A NCAC 03R .0119



Boundaries:

- Delineated using center point coordinates and radius distance
- Encompasses existing artificial reef habitat, based on DMF mapping surveys and deployment records
- Reviewed and acknowledged by state and federal permitting agencies



Proposed MFC Rule Changes

15A NCAC 03J .0404



Proposed gear restrictions:

- Affects harvest of all finfish by all gears **except** hand line, hook and line, and spearfishing gear
- All harvest by spearfishing gear would be restricted to recreational limits



Proposed proclamation authority:

- Mechanism to address variable conditions at the artificial reefs (e.g., biological impacts, user conflicts, variable spatial distribution).
- Director may:
 - Close the designated artificial reef to the use of specific fishing gear
 - Designate and modify artificial reefs



Proposed MFC Rule Changes

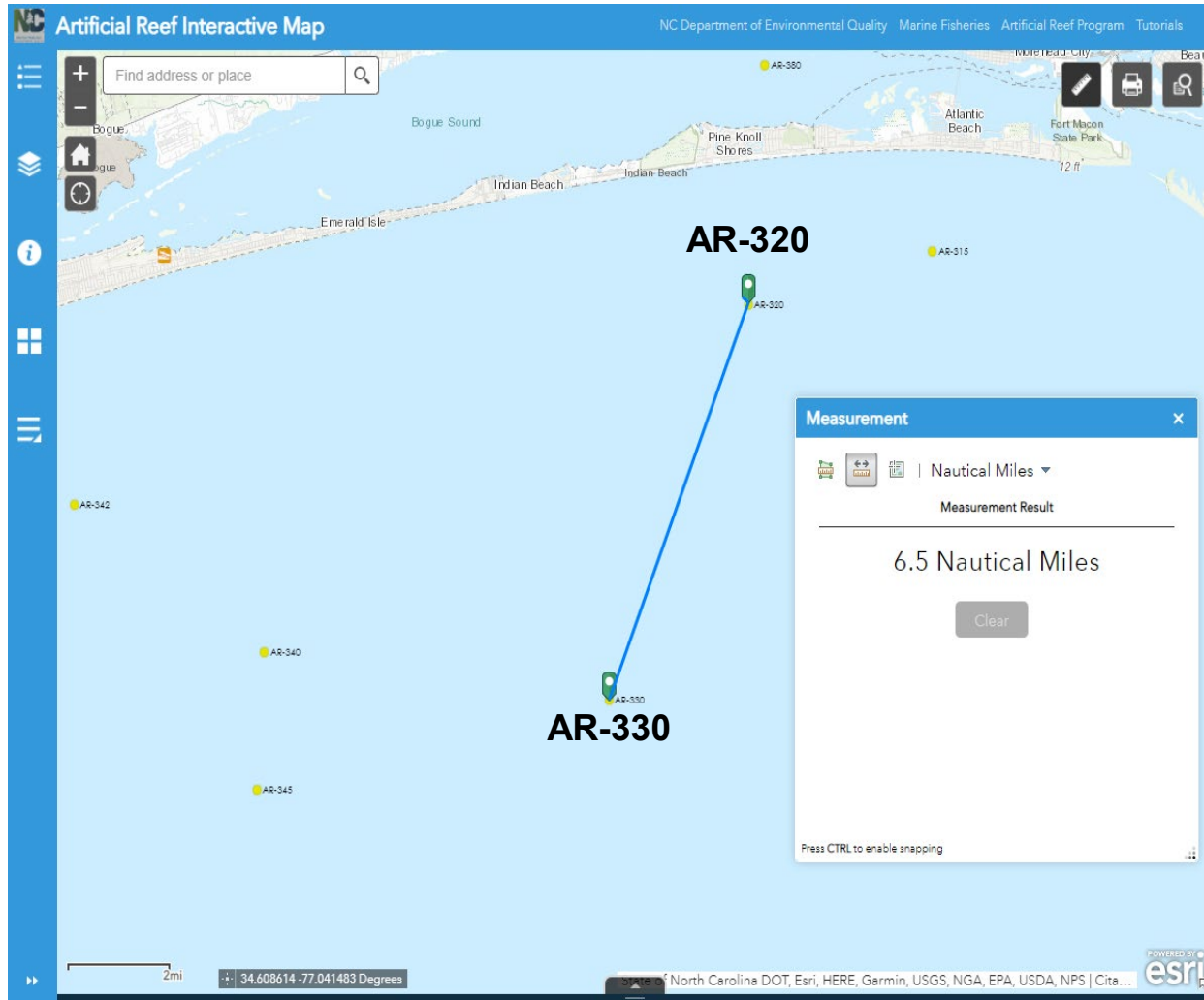
15A NCAC 03J .0404



- Management option 2 includes adoption of 15A NCAC 03J .0404 (Ocean Artificial Reef Gear Restrictions)
- Includes definitions **only applicable to this rule** for:
 - “hand line”
 - “hook and line”
 - “spearfishing gear”
- Rule 15A NCAC 03I .0101 (Definitions) applies to **all** MFC rules in Chapter 03 (Marine Fisheries)
- “Definitions” rule subject to readoption by June 30, 2022
- New definitions may best be added there to begin formal rulemaking process



Enforcement Considerations



- If approved, regulations at SMZs in the EEZ apply to ***snapper-grouper species only***.
- Proposed MFC rules for artificial reefs in state ocean waters will protect ***all species***.
- Enforcement and compliance issues may occur, given that users commonly transit between artificial reefs in the EEZ and in state ocean waters during a single trip.





- MFC is scheduled to vote on its preferred management option and any associated language for rulemaking.
- If MFC elects to proceed with rulemaking, a fiscal analysis of the proposed rules will be completed.
- The boundaries of AR-430 will be finalized by this summer.
- The formal rulemaking process would begin at the August MFC meeting.





- MFC is scheduled to vote on its preferred management option and any associated language for rulemaking.
 - Option 1: provides status quo
 - Option 2: proceed with rulemaking
- DMF recommends management option 2.





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