

1 15A NCAC 03I .0109 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 03I .0109 ~~ARTIFICIAL REEFS AND RESEARCH SANCTUARIES~~**

4 (a) The Fisheries Director may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment
5 in and around any ~~artificial reef or~~ research sanctuary. Any closure or restriction shall be for no more than one year,
6 subject to renewal at the discretion of the Fisheries Director.~~is subject to the following conditions:~~

7 (1) ~~Artificial reefs shall not be closed or restricted beyond 500 yards in the Atlantic Ocean or 250 yards~~
8 ~~in internal coastal waters. Artificial reefs shall be marked as near center as feasible by one readily~~
9 ~~identifiable official buoy and distances for closures or restrictions shall be measured from such buoy.~~

10 (2) ~~Any closure or restriction shall be for no more than one year, subject to renewal in the discretion of~~
11 ~~the Fisheries Director.~~

12 (3) ~~The economic effect of the closure or restriction on fishing interests with respect to the size and~~
13 ~~location of the area and the nature of the equipment affected shall be considered before such closure~~
14 ~~is made and findings shall be made in writing which findings shall be available for public inspection~~
15 ~~at the office of Division of Marine Fisheries in Morehead City.~~

16 (b) It ~~is~~ shall be unlawful to engage in any fishing activity, use any equipment, or conduct any other operation ~~which~~
17 that has been prohibited by proclamation issued under this authority.

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19 *History Note:* *Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Recodified from 15A NCAC 3I .0009 Eff. December 17, 1996;*
22 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0404 is proposed for adoption as follows:
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3 **15A NCAC 03J .0404 OCEAN ARTIFICIAL REEF GEAR RESTRICTIONS**

4 (a) For the purpose of this Rule:

5 (1) "hand line" shall mean fishing gear that is set and pulled by hand and consists of one vertical line to
6 which may be attached leader lines with hooks.

7 (2) "hook and line" shall mean one or more hooks attached to one or more lines and shall include rod
8 and reel, a fishing rod designed to be hand-held with a manually or electrically operated reel
9 attached.

10 (3) "spearfishing gear" shall mean spears, Hawaiian slings, or similar devices that propel pointed
11 implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar
12 means.

13 (b) It shall be unlawful to use fishing gear in Ocean Artificial Reefs designated in 15A NCAC 03R .0119 except hand
14 line, hook and line, and spearfishing gear, and except as further limited in accordance with Paragraph (d) of this Rule.

15 (c) It shall be unlawful to possess finfish taken with spearfishing gear in excess of a recreational limit within the
16 boundaries of a designated Ocean Artificial Reef.

17 (d) The Fisheries Director may, by proclamation, close the areas designated in 15A NCAC 03R .0119 to the use of
18 specific fishing gear, including the gears otherwise allowed in Paragraph (b) of this Rule, based on biological impacts
19 or user conflicts.

20 (e) The Fisheries Director may, by proclamation, designate and modify Ocean Artificial Reefs in Coastal Fishing
21 Waters of the Atlantic Ocean, based on biological impacts or variable spatial distribution, including shifted artificial
22 reef material.

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24 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

25 *Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03R .0119 is proposed for adoption as follows:

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3 **15A NCAC 03R .0119 OCEAN ARTIFICIAL REEFS**

4 The Ocean Artificial Reefs referenced in 15A NCAC 03J .0404 are delineated in the following Coastal Fishing Waters
5 of the Atlantic Ocean:

- 6 (1) AR-160: within the circular area described by a center point at 35° 43.8880' N - 75° 26.7710' W and
7 radius extending 1,500 feet.
- 8 (2) AR-165: within the circular area described by a center point at 35° 41.6720' N - 75° 26.3130' W and
9 radius extending 1,500 feet.
- 10 (3) AR-275: within the circular area described by a center point at 34° 50.0930' N - 76° 16.8800' W and
11 radius extending 1,500 feet.
- 12 (4) AR-315: within the circular area described by a center point at 34° 40.0850' N - 76° 44.8270' W and
13 radius extending 3,000 feet.
- 14 (5) AR-320: within the circular area described by a center point at 34° 39.5330' N - 76° 48.4170' W and
15 radius extending 1,500 feet.
- 16 (6) AR-342: within the circular area described by a center point at 34° 36.6720' N - 77° 2.1890' W and
17 radius extending 1,500 feet.
- 18 (7) AR-360: within the circular area described by a center point at 34° 20.9830' N - 77° 36.1830' W and
19 radius extending 1,500 feet.
- 20 (8) AR-364: within the circular area described by a center point at 34° 14.8060' N - 77° 42.8550' W and
21 radius extending 1,500 feet.
- 22 (9) AR-370: within the circular area described by a center point at 34° 10.4530' N - 77° 45.2810' W and
23 radius extending 3,000 feet.
- 24 (10) AR-378: within the circular area described by a center point at 34° 1.8070' N - 77° 52.0910' W and
25 radius extending 1,500 feet.
- 26 (11) AR-378b: within the circular area described by a center point at 34° 0.6420' N - 77° 50.6540' W and
27 radius extending 1,500 feet.
- 28 (12) AR-425: within the circular area described by a center point at 33° 53.0480' N - 78° 6.5250' W and
29 radius extending 1,500 feet.
- 30 (13) AR-430: within the circular area described by a center point at 33° 52.2560' N - 78° 09.9680' W and
31 radius extending 1,500 feet.

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33 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
34 *Eff. (Pending legislative review of 15A NCAC 03J .0404).*