

15A NCAC 03I .0119 PROHIBITED FISHING ACTIVITY DUE TO PUBLIC HEALTH OR SAFETY

(a) It is unlawful to possess, sell, or take fish by any method or use any fishing equipment in areas of coastal waters that are closed to fishing by the Marine Fisheries Commission because the areas are determined to pose a public health or safety risk by the State Health Director.

(b) After prior consent of the Marine Fisheries Commission the Fisheries Director may, by proclamation, prohibit or restrict the taking of fish by any method and the use of any fishing equipment in areas of coastal waters that are the subject of warnings or advisories by the State Health Director concerned with dangers or risks to public health or safety. Criteria to be considered for deciding when closures are necessary and when to reopen areas are as follows:

- (1) *Pfiesteria piscicida* outbreaks:
 - (A) Closing fisheries:
 - (i) Kills: Active fish kills observed for six continuous days.
 - (ii) Disease: Disease event observed, with fish showing bleeding ulcerations for six continuous days.
 - (iii) *Pfiesteria piscicida*: Toxic flagellated and amoeboid stages at concentrations of greater than 300 cells per ml in kill areas while fish are dying (if laboratory capability is available). [Note: Basis -more than 100 confirming bioassays of *Pfiesteria* toxicity, together with supporting field data].
 - (B) Opening Fisheries:
 - (i) Kills: No active fish kills observed and no documented schools of fish in apparent distress for six continuous days.
 - (ii) Disease: No disease event of fish showing bleeding ulcerations of six continuous days.
 - (iii) *Pfiesteria piscicida*: Toxic flagellated and amoeboid stages at concentrations of less than 200 cells per ml following a kill/disease event [if laboratory capability is available]. [Note: Basis - more than 100 confirming bioassays of *Pfiesteria* toxicity, together with supporting field data].
 - (iv) Biological sampling indicating that the kill or disease event has passed, interpreted through the following information:
 - (I) Sampling of affecting area or established monitoring sites.
 - (II) Observations of catch by fishing gear that may be set or used in the area.
 - (III) Species diversity and abundance that has returned to normal levels for the area and season when compared to historic data, if available.
- (2) Other Environmental Events:
 - (A) Closing fisheries:
 - State Health Director determines there is a public health or safety risk.
 - (B) Opening fisheries:
 - State Health Director determines a public health or safety risk no longer exists.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Temporary Adoption Eff. February 1, 1996;
Eff. June 1, 1996;
Recodified from 15A NCAC 3I .0019 Eff. December 17, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*