

15A NCAC 03I .0110 MILITARY DANGER ZONES AND RESTRICTED AREAS

(a) Pursuant to Title 33 United States Code Section 3, the United States Army Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. Federal Rules codified at 33 CFR 334.410 through 334.450 designate danger zones and restricted areas, within North Carolina coastal waters. These areas are designated in 15A NCAC 03R .0102. Only the applicable military commanders listed in the federal regulations have authority to authorize navigation or fishing access to these designated areas. All military danger zone and restricted area closures shall be enforced by the appropriate federal agency. If reasonable use of these areas by the food fishing industry is allowed or a permit process implemented by the appropriate military authorities to allow access in accordance with 33 U.S.C. Section 3 or the appropriate federal authority allows access to danger zones or restricted areas, all applicable fisheries statutes, N.C. Marine Fisheries Commission rules, and proclamations issued by the Fisheries Director, other than those allowing access, shall apply within these areas.

(b) The military danger zones and restricted areas are shown on navigational charts and specifically described in the Coastal Pilot and the Code of Federal Regulations (CFR). Copies of the CFR provisions are available on the internet at www.access.gpo.gov/nara/cfr/index.html or at the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557. These areas are also designated in 15A NCAC 3R .0102.

*History Note: Authority G.S. 113-134; 113-182; 113-228; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Recodified from 15A NCAC 3I .0010 Eff. December 17, 1996;
Amended Eff. August 1, 2004; May 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018.*