

DEVELOPMENT PLAN
NATIONAL SALTWATER ANGLER REGISTRY
AND STATE EXEMPTION PROGRAM

OCTOBER 9, 2007

EXECUTIVE SUMMARY

The National Saltwater Angler Registry and State Exemption Program (“Registry Program”) has been established by NOAA to implement recommendations included in the review of national saltwater angling data collection programs conducted by the National Research Council (“NRC”) in 2005/6, and the provisions of the Magnuson-Stevens Reauthorization Act, codified at Section 401(g) of the Magnuson-Stevens Fishery Conservation and Management Act (“MSA”), which require the Secretary of Commerce to commence improvements to recreational fisheries surveys, including establishing a national saltwater angler and for-hire vessel registry, by January 1, 2009.

Specifically, MSA §401(g) mandates the Secretary to implement a federal requirement for anglers and for-hire vessels to register, and to provide identification and contact information, if they fish in the EEZ, for Continental Shelf Resources beyond the EEZ or for anadromous fish in any waters. Further, the Secretary is to exempt from the federal registration requirement those anglers and vessels that are licensed or registered by a state if the state provides sufficient identification and contact information for use in recreational surveys. Accordingly, the Registry Program must address both the qualifications and procedures for exempting qualified states’ anglers and vessels from the federal registration requirement and the process for federal registration of anglers and vessels that are not exempted.

This Development Plan will serve as the blueprint for establishing the Registry Program. The plan recognizes that it will be necessary for states and NOAA Fisheries Service to work in collaboration to build registries of saltwater anglers that are as complete as possible to ensure that a complete sample frame is established for national, regional and state recreational survey program needs. A Registry Team of federal and state agencies, regional fishery management and data collection partners and stakeholders has been established to facilitate communications and coordination unto that end and to assist NOAA in developing the Registry Program. Some of the expected work products as outlined in this plan include: an inventory of state licenses, a registry and state exemption model, and operational procedures for model implementation on January 1, 2009.

BACKGROUND

The National Saltwater Angler Registry and State Exemption Program (“Registry Program”) has been established by NOAA Fisheries Service in response to the review of

national saltwater angling data collection programs conducted by the National Research Council (“NRC”) in 2005/6, and the provisions of the Magnuson-Stevens Reauthorization Act, codified at Section 401(g) of the MSA.

Findings and recommendations of the NRC evaluation that are relevant to the Registry Program are found in pages 62 to 67 of the NRC final report. Pertinent citations from the report follow:

“Through its RDD sample, the MRFSS uses a frame of all working landline telephone numbers in coastal counties. This frame suffers from overcoverage since not all households contain anglers, undercoverage since some anglers do not live in coastal counties or they live in coastal counties but do not have landline telephones...Overcoverage leads to severe inefficiency in the RDD sampling effort. Undercoverage in the coastal county frame may lead to serious bias since anglers from noncoastal counties are likely to have different effort characteristics that those from coastal counties.”...

“Clearly, there is a need for a complete angler registry in all states; these should be designed rigorously to minimize under- and overcoverage.”...

“A national registry database built on existing state angler licenses and augmented with new licenses would be an ideal frame for sampling marine anglers if it minimized duplications through rigorous and nationally consistent registration standards, minimized overcoverage with regular database updates, and minimized undercoverage by disallowing exemptions. Such a national registry database would yield considerable efficiency for sampling effort over the current RDD frame. There would be enormous management benefits, cost and interview savings, and increased quality of the catch estimates obtained.”...

“Cooperation between the federal and state governments on a mandatory salt-water angler registry (or license), with attention to eliminating exemptions in states with current saltwater licensing and with encouragement to other states to implement such licenses as quickly as possible, would lead to realization of those benefits.”...

“It is critical that the licensing requirements eliminate exemptions and noncompliance by segments of the fishing public. Significant efforts to enforce these registration requirements will be necessary.”

Congress recognized the need to improve marine recreational fishing data as recommended by the NRC, including the need for a national registry of saltwater anglers, and included direction to the Secretary of Commerce to undertake a program to improve recreational survey data in the provisions of the reauthorized MSA. MSA provisions relevant to the Registry Program are as follows:

“401(g)(1) FEDERAL PROGRAM.---The Secretary shall establish and implement a regionally based registry program of recreational fishermen in each of the 8 fishery

management regions. The program, which shall not require a fee before January 1, 2011, shall provide for---

- (A) the registration (including identification and contact information) of individuals who engage in recreational fishing –
 - (i) in the Exclusive Economic Zone;
 - (ii) for anadromous species; or
 - (iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone;
- and
- (B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing

(2) STATE PROGRAMS.---The secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted or registered under the laws of a State if the Secretary determines that information from the state program is suitable for the Secretary’s use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.”

In response to the MSA mandate to commence improvements to recreational fisheries surveys, including establishing a national registry, by January 1, 2009, NOAA Fisheries Service instituted the Marine Recreational Information Program (“MRIP”). An Executive Steering Committee (“ESC”) was established to oversee the effort. Initially the ESC completed a Development Plan for the MRIP, which incorporated the development of a national saltwater angler registry: “The ESC will assume responsibility for organizing collaborative planning of an integrated state-federal registry program for anglers and for-hire fishing vessels, as mandated in the Magnuson-Stevens Act, that will build and maintain the telephone and address directories needed to support more complete and efficient survey coverage of recreational fishing participants. The ESC will establish additional working groups, as needed, to address this important priority.”

Subsequently, the ESC established the National Saltwater Angler Registry Team (“Registry Team”) to carry out the provisions of the MRIP Development Plan for the Registry Program and tasked the Team as follows (ESC Meeting Minutes, June, 2007): “Flesh out membership and prepare a Development Plan for creation of a State-Federal Registry in compliance with the requirements of the Magnuson-Stevens Reauthorization Act for review by the ESC at the kickoff workshop. Prepare a matrix that lays out the elements of all existing state angler registries.”

The Development Plan that follows is prepared pursuant to the foregoing charge of the ESC and in consideration of the provisions of the MSA and the findings and recommendations of the NRC evaluation.

GOALS

The Registry Team has developed the following goals for the Registry Program. It should be noted that establishing goals for the program requires recognition and balancing of two important provisions of the NRC recommendations and the provisions of §401(g) of the MSA. First, the NRC's scientific advice is clear that a universal registry or license-based frame of all saltwater anglers, without exceptions based on exemptions to state or federal registration requirements, is essential. However, the federal registration provisions of the MSA do not apply to saltwater anglers fishing in state waters (territorial sea or internal waters) unless they are taking anadromous fish. Accordingly, it will be necessary for states and NOAA Fisheries Service to work in collaboration to build registries of saltwater anglers that include anglers currently exempted or not covered by state license or registration requirements and that also include anglers who are fishing for non-anadromous marine fish in state waters.

Registry Program Goals:

Goal: Build, over time, and maintain a directory that identifies and supplies mail and telephone contact information for marine anglers and for-hire vessels in the United States, and that is sufficient in conjunction with supplemental data, to characterize saltwater angling effort as intended by the NRC Recreational Survey Review Panel and by Congress in the MSA.

Subgoal: Maximize the use of information collected by states in conjunction with state licenses or registries to populate the directory.

Subgoal: Minimize the time and paperwork required for anglers to submit information to the directory.

Goal: Enable states, working through regional partnerships, to collect and submit recreational catch and effort data that conforms to national standards in lieu of submission of angler identification information.

Goal: Achieve a high level of support for, and confidence in, the quality and utility of the data that results from use of the directory from anglers and fisheries professionals.

DEVELOPMENT PLAN

Registry Team: The initial step in the development of the Registry Program is to establish the National Saltwater Angler Registry Team ("Registry Team") to oversee and manage the Registry Program effort. This Development Plan is a work product of the Registry Team, and the Team will assume responsibility for developing and implementing a Work Plan that will accomplish the Goals of the Registry Program.

The Registry Team is fully functional as of August, 2007, although its membership will continue to evolve as the program develops and additional membership needs are identified. The Team will include members from stakeholders, regional data collection partnerships, and state and federal government agencies, including members from the MRIP Operations Team and the Marine Fisheries Advisory Committee. The membership of the Team will reflect the collaborative nature of the state-federal-stakeholder partnership that will develop the Registry. Appendix I includes a list of the Registry Team members as of August 15, 2007.

Establish Contacts and Working Relationships with the States: Recognizing that developing a National Registry of all saltwater anglers must be a joint effort of the states and the federal government, a process for communication and coordination of effort between the Registry Team and the states will be developed. Initially, states will be asked to provide points of contact for information and for providing feedback to the Team regarding the status of the Registry Program. The Registry Team will also make every effort to attend regional meetings of state and regional council partners to brief them on the status of the program and to be able to respond in person to questions and concerns. The Team will also be responsive to requests from states to attend in-state meetings of agency or legislative staff or stakeholders to assist them in moving forward on registry development. Meetings the Team made plans to attend for the summer and fall of 2007 include:

Northeast States' Regional Registry Workshop, July 31;

Atlantic States Marine Fishery Commission Policy Board Meeting, August 15;

RecFIN (SE) Meeting, August 29;

Pacific States Marine Fisheries Commission Annual Meeting, September 17-19;

Association of Fish and Wildlife Agencies Annual Meeting, September 17-21;

Western Pacific Fishery Management Council Meeting, October 9-12;

Gulf States Marine Fisheries Commission Annual Meeting, October 15-18;

Pacific RecFIN Meeting, October 23-24;

Caribbean Fishery Management Council Meeting, December 11-12.

In addition to the foregoing, the following principles are to be adhered to with regard to communication with states:

- before commencing communication and outreach actions in a given state, the state marine fisheries agency should be given an opportunity to be made aware of the effort and to participate;

- state fishery agencies should be kept informed about the progress of the Registry effort by periodic (monthly) e-mail notices so that the agencies are not blind-sided on announcements and are provided an opportunity to express concerns about courses of action and announcements that are pending.

Inventory of State Licenses: The Team will complete a comprehensive inventory of the existing state licenses that convey privileges for salt water fishing and for-hire fishing. The inventory will initially capture: descriptions of the privileges conveyed; license fees; exemptions from the license requirement; data required to be provided by applicants; method of license issuance; types of license options available (annual; short-term;

lifetime; combination license, etc.). This inventory was completed and summary tables were created by September, 2007, subject to further editing and revision based on review and comments from the states.

In addition, the Team will work in coordination with the states and regional data collection partnerships (ACCSP RecTech Committee; RecFIN (SE); Pacific RecFIN) to compile supplemental data on state licenses that address the format and availability of data about the license holders so that it is possible to determine whether and how the data can be made available or a national or regional registry.

Develop and Adopt Registry and State Exemption Approach: With input from the states and in consultation with the Operations Team and the Executive Steering Committee, the Registry Team will select the overall approaches to establishing the Registry and, in particular, defining the requirements for a state's anglers to be exempted from the requirement to be federally registered. The approach selected will identify what data states will need to collect from their license-holders, what state license exemptions will and will not be accepted and data transfer requirements for a state's license frame in order for a state's anglers to be exempted from the federal registration requirement. It may also address changes and improvements to its license/registry frame a state will need to make over time to remain qualified for the exemption. In addition, the approach will address the issue of how a state may qualify to have its anglers exempted based on use of state registry data for completing surveys of recreational catch and effort.

The final recommended approaches were submitted to the Executive Steering Committee in early September, 2007. Following Executive Steering Committee review, NOAA Fisheries Service will initiate rulemaking to implement the Registry Program. A Notice of Proposed Rulemaking is targeted for early fall of 2007; the scope of the proposed rule will include: the standards and process by which states may apply for exemptions based on their provision of license/registry-based sample frames; the standards and process by which states may apply for exemptions based on use of state license/registry data to perform surveys of recreational catch and effort; the detailed requirements and process by which anglers from non-exempt states will enroll in the federal registry, including enforcement provisions and consideration of registration fees after January 1, 2011. Following public comment it is intended that a final rule will be adopted in early 2008.

State Exemptions: Immediately following adoption of the Final Rule, the Team will consult with each state and determine the state's interest in seeking exempted state status, and to determine the specific gaps between the state's current license/registry frame availability and that required by the rule. The Team will develop strategies for each state, individually or in regional groupings as the states desire, to close the gaps and enable the states to successfully apply for exempted state status. The Team will work closely with the states throughout calendar 2008 to develop states' exemption proposals and to draft Memoranda of Agreement ("MOA's") that will formalize the performance requirements, and the exemption of the state's anglers from the federal registration requirement, for each successful state.

The process of receiving proposals and issuing MOA's for state exemptions will continue after January 1, 2009. The Registry Team will continue to work closely with states that can not qualify for exempt status, and to refine, and work toward successful implementation of, strategies to achieve exemption status for all states.

Development of Supplemental Information as Needed for Registry Program: It will be necessary to develop supplemental information and advice on several technical and policy issues as the Registry Program develops. For certain subjects that will be beyond the expertise or resources available to the Registry Team, it will be necessary to establish Work Groups to assist in developing information and advice. Initially, the Team has identified two such areas for which Work Groups will be needed: an enforcement work group to advise on how to structure federal registration requirements so they may be effectively enforced, on penalties for non-compliance, on compliance-based performance requirements for state exemption MOA's, and on strategies for enforcing federal exemption requirements in non-exempt states; a data base work group to work with state license program managers, and with the Operations Team's Data Management and Standards Work Group (possibly as a joint Work Group) to advise on the design of the federal/regional registry data bases and to work with states to facilitate the compilation of state license frame data bases into formats that can be used to meet federal and regional survey needs.

The Registry Team will also collaborate with the Operations Team and the five Work Groups it has established to assure that projects and studies that will be needed for evaluation of state exemption proposals and standards for approval of surveys are developed.

Establish Registry Process Mechanics: During 2008, the Registry Team will work with NOAA Fisheries Service staff to develop and implement the systems that will be required to enable the Registry Program to become operational effective January 1, 2009. These systems will include: (1) the process that will be established, making appropriate use of the national one-stop permitting process being developed for the FIS, by which anglers in non-exempt states will enroll in the federal registry, including provisions for informing anglers of the registration requirement and providing information on how to register; (2) the data base that will be constructed to receive angler registration data, both from states and from federal registrants. Effective January 1, 2009, the systems will be in place to begin to issue federal registrations and to receive registrant data and to receive directories of registered anglers and for-hire vessels from states with exemptions.

APPENDIX 1 Registry Team Members

First Name	Last Name	Affiliation	Telephone
Gordon	Colvin	NOAA F/ST1	301-713-2367X175
George	Lapointe	Maine DMR	207-624-6553
Spud	Woodward	Georgia DNR Operations Team/CCA	912-264-7218
Dick	Brame	ASMFC	910-338-0012
Brad	Spear	RFA	202-289-6400
Jim	Donofrio	USFWS	888-564-6732
Ken	Richkus	Washington DFW	301-497-5994
Phil	Anderson	Virginia MRC	360-902-2720
Dr. Erik	Barth	WPFMC	757-247-2262
Edwin	Ebisui, Jr.	FL F&W Cons. Comm.	808-622-3933
Mark	Robson	AFWA	850-487-0554`
Ron	Regan	MAFAC Liaison	202-624-7890
Eric	Schwaab	Alaska DF&G	410-260-8102
Robert	Clark		907-267-2222