

Appendix A

Coastal Counties Included in Sampling Frame

1 Alabama

Waves 1-2 & 6

3 Baldwin
97 Mobile

Waves 3-5

3 Baldwin
25 Clarke
53 Escambia
97 Mobile
129 Washington**9 Connecticut**

All Waves

1 Fairfield
3 Hartford
5 Litchfield
7 Middlesex
9 New Haven
11 New London
13 Tolland
15 Windham**10 Delaware**

All Waves

1 Kent
3 New Castle
5 Sussex**12 East Florida**

All Waves

3 Baker
7 Bradford
9 Brevard
11 Broward
19 Clay
25 Miami-Dade
31 Duval
35 Flagler
61 Indian River
69 Lake
85 Martin
89 Nassau
93 Okeechobee
95 Orange
97 Osceola
99 Palm Beach
107 Putnam
109 St. Johns
111 St. Lucie
117 Seminole
125 Union
127 Volusia**12 West Florida**

All Waves

1 Alachua
5 Bay
13 Calhoun
15 Charlotte
17 Citrus
21 Collier
23 Columbia
27 De Soto
29 Dixie
33 Escambia
37 Franklin
39 Gadsden
41 Gilchrist
43 Glades
45 Gulf
47 Hamilton
49 Hardee
51 Hendry
53 Hernando
55 Highlands
57 Hillsborough
59 Holmes
63 Jackson
65 Jefferson
67 Lafayette
71 Lee
73 Leon
75 Levy
77 Liberty
79 Madison
81 Manatee
83 Marion
87 Monroe
91 Okaloosa
101 Pasco
103 Pinellas
105 Polk
113 Santa Rosa
115 Sarasota
119 Sumter
121 Suwannee
123 Taylor
129 Wakulla
131 Walton
133 Washington**13 Georgia**

Waves 1-2 & 6

25 Brantley
29 Bryan
39 Camden
49 Charlton
51 Chatham
13 Georgia (cont)
103 Effingham
127 Glynn
179 Liberty
183 Long191 Mc Intosh
305 Wayne

Waves 3-5

1 Appling
25 Brantley
29 Bryan
31 Bulloch
39 Camden
49 Charlton
51 Chatham
103 Effingham
109 Evans
127 Glynn
179 Liberty
183 Long
191 Mc Intosh
229 Pierce
251 Screven
267 Tattnall
299 Ware
305 Wayne**15 Hawaii**

All waves

1 Hawaii
3 Honolulu/Oahu
5 Kalawao
7 Kauai
9 Maui
11 Molokai
13 Lanai**22 Louisiana**

Waves 1-2 & 6

5 Ascension
7 Assumption
19 Calcasieu
23 Cameron
45 Iberia
51 Jefferson
53 Jefferson Davis
55 Lafayette
57 Lafourche
71 Orleans
75 Plaquemines
87 St Bernard
89 St Charles
93 St James**22 Louisiana (cont)**95 St John the Baptist
99 St Martin
101 St Mary
103 St Tammany
105 Tangipahoa
109 Terrebonne

113 Vermilion
117 Washington

Waves 3-5

1 Acadia
3 Allen
5 Ascension
7 Assumption
11 Beauregard
19 Calcasieu
23 Cameron
33 East Baton Rouge
37 East Feliciana
45 Iberia
47 Iberville
51 Jefferson
53 Jefferson Davis
55 Lafayette
57 Lafourche
63 Livingston
71 Orleans
75 Plaquemines
87 St Bernard
89 St Charles
91 St Helena
93 St James
95 St John the Baptist
97 St Landry
99 St Martin
101 St Mary
103 St Tammany
105 Tangipahoa
109 Terrebonne
113 Vermilion
117 Washington
121 West Baton Rouge
125 West Feliciana

23 Maine

All Waves

1 Androscoggin
5 Cumberland
9 Hancock
11 Kennebec
13 Knox
15 Lincoln
23 Maine (cont)
19 Penobscot
23 Sagadahoc
27 Waldo
29 Washington
31 York

24 Maryland

All Waves
3 Anne Arundel

5 Baltimore
9 Calvert
11 Caroline
15 Cecil
17 Charles
19 Dorchester
25 Harford
27 Howard
29 Kent
31 Montgomery
33 Prince Georges
35 Queen Annes
37 St. Marys
39 Somerset
41 Talbot
45 Wicomico
47 Worcester
510 Baltimore City

25 Massachusetts

All Waves
1 Barnstable
5 Bristol
7 Dukes
9 Essex
17 Middlesex
19 Nantucket
21 Norfolk
23 Plymouth
25 Suffolk

28 Mississippi

Waves 1-2 & 6

39 George
45 Hancock
47 Harrison
59 Jackson
109 Pearl River
131 Stone

Waves 3B5

35 Forrest
39 George
28 Mississippi (cont)

41 Greene
45 Hancock
47 Harrison
59 Jackson
109 Pearl River
111 Perry
131 Stone

33 New Hampshire

All Waves
11 Hillsborough

13 Merrimack
15 Rockingham
17 Strafford

34 New Jersey

All Waves

1 Atlantic
3 Bergen
5 Burlington
7 Camden
9 Cape May
11 Cumberland
13 Essex
15 Gloucester
17 Hudson
21 Mercer
23 Middlesex
25 Monmouth
27 Morris
29 Ocean
31 Passaic
33 Salem
35 Somerset
39 Union

36 New York

All Waves

5 Bronx
47 Kings
59 Nassau
61 New York
79 Putnam
81 Queens
85 Richmond
87 Rockland
103 Suffolk
119 Westchester

37 North Carolina

Waves 1-2 & 6

13 Beaufort
15 Bertie
17 Bladen
19 Brunswick
29 Camden
31 Carteret
41 Chowan
47 Columbus
49 Craven
53 Currituck
55 Dare
61 Duplin
65 Edgecombe
73 Gates
79 Greene

83	Halifax	139	Pasquotank	67	Marion
91	Hertford	141	Pender	75	Orangeburg
95	Hyde	143	Perquimans	89	Williamsburg
103	Jones	147	Pitt		
107	Lenoir	149	Polk	51	Virginia
117	Martin	153	Richmond	All	Waves
129	New Hanover	155	Robeson	1	Accomack
131	Northampton	163	Sampson	33	Caroline
133	Onslow	165	Scotland	36	Charles City
137	Pamlico	177	Tyrrell	41	Chesterfield
139	Pasquotank	181	Vance	53	Dinwiddie
141	Pender	183	Wake	57	Essex
143	Perquimans	185	Warren	73	Gloucester
147	Pitt	187	Washington	85	Hanover
149	Polk	191	Wayne	87	Henrico
155	Robeson	195	Wilson	93	Isle of Wight
163	Sampson			95	James City
177	Tyrrell	44	Rhode Island	97	King and Queen
187	Washington	All	Waves	99	King George
191	Wayne	1	Bristol	101	King William
195	Wilson	3	Kent	103	Lancaster
		5	Newport	115	Mathews
Waves 3-5		7	Providence	119	Middlesex
13	Beaufort	9	Washington	127	New Kent
15	Bertie			131	Northampton
17	Bladen	45	South Carolina	133	Northumberland
19	Brunswick	Waves 1-2 & 6		149	Prince George
29	Camden	13	Beaufort	153	Prince William
31	Carteret	15	Berkeley	159	Richmond
41	Chowan	19	Charleston	175	Southampton
47	Columbus	29	Colleton	177	Spotsylvania
49	Craven	35	Dorchester	179	Stafford
51	Cumberland	41	Florence	51	Virginia (cont)
53	Currituck	43	Georgetown	181	Surry
55	Dare	45	South Carolina	183	Sussex
61	Duplin	(cont)		193	Westmoreland
63	Durham	49	Hampton	199	York
65	Edgecombe	51	Horry	550	Chesapeake City
69	Franklin	53	Jasper	570	Colonial Heights City
37	North Carolina	67	Marion	630	Fredericksburg City
(cont)		89	Williamsburg	650	Hampton City
73	Gates	Waves 3-5		670	Hopewell City
77	Granville	5	Allendale	700	Newport News City
79	Greene	9	Bamberg	710	Norfolk City
83	Halifax	13	Beaufort	730	Petersburg City
85	Harnett	15	Berkeley	735	Poquoson
91	Hertford	19	Charleston	740	Portsmouth City
93	Hoke	27	Clarendon	760	Richmond City
95	Hyde	29	Colleton	800	Suffolk City
101	Johnston	33	Dillon	810	Virginia Beach City
103	Jones	35	Dorchester	830	Williamsburg City
107	Lenoir	41	Florence		
117	Martin	43	Georgetown	72	Puerto Rico
125	Moore	49	Hampton	All	Waves
127	Nash	51	Horry		
129	New Hanover	53	Jasper		
131	Northampton				
133	Onslow				
137	Pamlico				

1	Adjuntas	121	Sabana Grande
3	Aguada	123	Salinas
5	Aguadilla	125	San German
7	Aguas Buenas	127	San Juan
9	Aibonito	129	San Lorenzo
11	Anasco	131	San Sebastian
13	Arecibo	133	Santa Isabel
15	Arroyo	135	Toa Alta
17	Barceloneta	137	Toa Baja
19	Barranquitas	139	Trujillo Alto
21	Bayamon	141	Utua
23	Cabo Rojo	143	Vega Alta
25	Caguas	145	Vega Baja
27	Camuy	147	Vieques
29	Canovanas	149	Villalba
31	Carolina	151	Yabucoa
33	Catano	153	Yauco
35	Cayey		
37	Ceiba		
39	Ciales		
41	Cidra		
43	Coamo		
45	Comerio		
47	Corozal		
49	Culebra		
51	Dorado		
53	Fajardo		
54	Florida		
55	Guanica		
57	Guayama		
59	Guayanilla		
61	Guaynabo		
63	Gurabo		
65	Hatillo		
67	Hormigueros		
69	Humacao		
71	Isabela		
73	Jayuya		
75	Juana Diaz		
77	Juncos		
79	Lajas		
81	Lares		
83	Las Marias		
85	Las Piedras		
87	Loiza		
89	Luquillo		
91	Manati		
93	Maricao		
95	Maunabo		
97	Mayaguez		
99	Moca		
101	Morovis		
103	Naguabo		
105	Naranjito		
107	Orocovis		
109	Patillas		
111	Penuelas		
113	Ponce		
115	Quebradillas		
117	Rincon		
119	Rio Grande		

Appendix B
Privacy Act Statement

PRIVACY ACT STATEMENT

Information collected in the Marine Recreational Information Program, formerly known as the Marine Recreational Fishery Statistics Survey, is authorized under the Fish and Wildlife Act of 1956, the Migratory Marine Fish Act of 1959, the Fishery Conservation and Management Act of 1976 and the Sustainable Fisheries Act of 1996. This information will be used in assessing the influence of fishing on fish stocks and in determining future recreational fishing needs.

All information collected will be combined with information provided by other recreational anglers and used only for statistical purposes. Any information which would permit identification of the individual will be held in strictest confidence and will be used only by persons engaged in and for the purpose of the survey.

Participation in this survey is voluntary and there are no penalties for refusing to answer any question. However, your cooperation in obtaining this much needed information is extremely important in order to insure the completeness and accuracy of the statistical results.

Appendix C

CHTS Questionnaire

Household Screening Introduction

The interviewer must briefly state the purpose of the data collection and explain how the respondent's name and phone number were selected for the interview.

Introduction: Hello, I'm calling to conduct a survey for the NOAA Fisheries of the U.S. Department of Commerce. We are collecting information for use in conservation of coastal resources, and we would appreciate your help with this important study. Before we begin, I want to assure you that your answers will be kept confidential, and this call may be monitored for quality assurance. [As needed: May I please speak with an adult in the household?]

The interviewer must state that the data will remain confidential in accordance with the Privacy Act of 1974, and that the respondent(s) responses to questions are entirely voluntary. Respondents are not obligated in any way to answer questions that they consider to be an invasion of their privacy.

The survey is being conducted in accordance with the Privacy Act of 1974, therefore you are not obligated to answer any question if you find it to be an invasion of your privacy.

For the CHTS, it may be most efficient to establish the general purpose of the survey before conducting additional screening. Asking the initial household respondent a very generic initial question like "Does anyone in this household go fishing?" accomplishes this goal.

Q1. *How many people in this household go fishing?*

Q2 – Q4 are for sample quality control and are asked of all initial household respondents.

Q2. *To help me assign your information to the correct location, is the telephone number I've reached you at located in {restore name from sample} county / parish / island / municipality?*

This question verifies the location of the household dialed.

Q3. *Is this your permanent residence? [Interviewer prompt if needed: "Where you live at least 6 months out of the year."]*

This question verifies that the household contacted is a permanent, year-round residence.

Q4. *How many people in total, including yourself, live in your household? Please include those people who fish and don't fish.*

This question provides a cross check against the answer to Q1 to ensure that the respondent is not including people other than household members as anglers.

At this point, if the response to number of anglers in the household is equal to zero then the questionnaire skips to the final quality control question (gender) and skips the additional marine recreational 2-month and 12-month fishing screeners.

If there are anglers identified in Q1, the interviewer reads a specific and detailed explanation of the purpose of the survey before asking questions to determine the number of eligible 2-month and 12-month anglers in the household. This detailed description identifies exactly what type of fishing activity qualifies anglers in the household. Based on this description of recreational fishing, saltwater, and finfish versus shellfish, the initial household respondent should be able to say how many eligible anglers reside in the household.

We want to gather information from people who have been recreational saltwater fishing. Saltwater fishing includes fishing in oceans, sounds, or bays, or in brackish portions of rivers. This does not include fishing in freshwater, or for shellfish, such as crabbing. Recreational fishing means the primary purpose of the fishing is for fun or relaxation, as opposed to providing income from the sale of fish.

Q5. *How many people in your household, including children and adults, have been recreational saltwater fishing in the past 12 months anywhere in the U.S. (including Hawaii and the mainland) or in a U.S. territory?*

Q6. *Thinking just about the past 2 months, how many of the people living in your household, including children and adults, have been recreational saltwater fishing in the past 2 months in the U.S. or a U.S. territory?*

Q7. Record gender of respondent.

The interviewer codes the gender of the initial respondent for all fishing and non-fishing households.

For households with eligible 2-month anglers, the initial household respondent is asked to provide a roster of all 2-month anglers. If the respondent is reluctant to give names, the interviewer is instructed to ask for identifiers such as mother, father, oldest child, second oldest child, etc.

Q8. *I'd like to ask each person who has been recreational saltwater fishing in the past 2 months a few questions about their fishing trip(s). What are the first names of the people in your household who have been recreational saltwater fishing in the past 2 months?*

Angler Screening

Angler screening questions must be repeated for each new angler interviewed. Screening for each angler introduces the survey, must cover the definitions that establish eligibility (saltwater, finfish, eligible trips), and must paraphrase the Privacy Act.

Hello, I'm conducting a survey on recreational saltwater fishing for the NOAA Fisheries. We want to gather information from people who have been recreational saltwater fishing. Saltwater fishing includes fishing in oceans, sounds, or bays, or in brackish portions of rivers. This does not include fishing in freshwater, or for shellfish, such as crabbing. Recreational fishing means the primary purpose of the fishing is for fun or relaxation, as opposed to providing income from the sale of fish.

I understand that you've been saltwater fishing in the past 2 months. I'd like to ask you a few questions about your most recent fishing trips. All of your answers will be kept confidential, and this survey is voluntary, so you are not required to answer any question that you feel is an invasion of your privacy.

In many cases all of the anglers in the household take all of their trips together. To avoid unnecessary burden and allow more efficient looping, this information is collected at the beginning of trip profiling.

Q1. *Did all of the anglers in your household take all of their fishing trips together over the past 2 months?*

Trip Profiling Instructions

All anglers in the household must be interviewed separately about their fishing trips in the past two months. There are exceptions to this rule (see Data Collection Protocols, A.1.2 in the Statement of Work).

2-Month Trips: The first questions determine the total number of days in which the angler took fishing trips in the past 2 months. For estimation purposes, it is necessary to separate in-state trips from out-of-state trips.

QT1. *On how many days in the past 2 months, between {TODAY – days in wave} and {TODAY – 1}, did you (s/he) go recreational saltwater fishing in {state of residence} or in a boat launched from {state of residence}?*

QT2. *On how many days in the past 2 months, between {TODAY – days in wave} and {TODAY – 1}, did you (s/he) go saltwater fishing in any coastal state or territory of the U.S. other than {state of residence} or from a boat launched from another coastal state or territory of the U.S.?*

The following questions are then asked for each fishing day (total of QT1 and QT2) in the wave until all trips are profiled.

Date of Trip: Beginning with the most recent trip, the interviewer must record the date (month and day) of the fishing trip. If the respondent cannot recall the exact day of the month, the interviewer should probe for the month, and whether it was a weekday or a weekend day (including holidays). The CATI system should display allowable dates, and interviewers must have a calendar available to help respondents determine dates.

QT3. *[Ask for 1st trip] When did you (s/he) last go saltwater fishing? Or [Ask if not 1st trip] Can you tell me the date of the saltwater fishing trip prior to that one? I have a calendar with me in case we need to look up some of the specific dates.*

QT3a. *[If respondent is unable to remember the date in Q3, ask] Was that a weekday or weekend?*

If an angler cannot recall all of the trips within the 2 month period, the interviewer must note the date they stopped counting. The angler must then be asked to estimate the number of trips in each mode of fishing during the period between their last reported trip date and the beginning of the 2 month period.

Mode of Trip: There may be more than one fishing trip within a day and all such trips should be profiled. If more than one mode was used during a fishing day, the interviewer should record each mode (shore, private/rental boat or charter/head boat) as a separate trip; however, if an angler made two outings in the same mode in a day, that only counts as one trip. Interviewers must record a single fishing mode for each trip.

QT4. *On that day, did you (s/he) fish from a boat?*

If no, skip to QT5 for shore fishing.

QT4a. *[Ask if QT4 = yes] Was that from a ... [read]*

1. *Party or head boat – CATEGORY B*
2. *Charter boat – CATEGORY B*
3. *Private boat – CATEGORY C*
4. *Rental boat – CATEGORY C*
5. *Boat – don't know what type – CATEGORY C*

A respondent may choose up to two boat types for the day, but the two responses cannot be from the same category, i.e. a respondent could choose the following boat mode combinations: (1&3) or (2&3) or (1&4) or (2&4).

If a respondent has one or more boat trips, the interviewer must ask if there were any shore trips made that day.

QT5. *On that day, did you (s/he) fish from the shore?*

or

On that day, did you (s/he) also fish from the shore? (If QT4 = yes)

QT5a. *[Ask if QT5 = yes] Was that from a ... [read]*

1. *Pier*
2. *Dock*
3. *Jetty / Breakwater*
4. *Bridge / Causeway*
5. *Other manmade structure*
6. *Bank / Beach*

The CATI program should assign a consecutive trip number for each trip by an individual angler.

State of Fishing: Interviewers should record the three digit FIPS code for the state of fishing, or the state where a boat returned. Trips to all coastal states and U.S. territories are eligible, and the CATI system should provide a list of those coastal states. Trips to inland states are not eligible.

QT6. *[For boat trips, use:] To what coastal state or U.S. territory did the boat return?*
[For shore trips, use:] In what state or U.S. territory were you fishing?
[Prompt as needed with a list of states]

County of Fishing: Interviewers should record the three digit FIPS code for the county of fishing, or the county where the boat returned. A series of follow-up questions may be necessary if the county of fishing is unknown, or an angler reports fishing in a county that does not have saltwater access.

QT7. *[For boat trips, use:] To what coastal county / parish / island / municipality did the boat return?*
[For shore trips, use:] In what coastal county / parish / island / municipality were you fishing?

Access to Fishing: Anglers are asked how they accessed the water; through a public access site or a privately owned site. A series of follow-up questions are asked to specifically determine the access type.

QT8. *Does the public have access to the place from which the boat left, or is it private access?*

Time of Return: Anglers are asked to report the time that the fishing trip ended.

QT9. *At what time did you stop fishing?*

Type of Water Fished: Anglers are asked what type of “water body” they did most of their fishing in during that day’s fishing trip. In certain circumstances, follow-up questions may be asked to confirm that fishing was in saltwater, or to identify specific water bodies.

QT10. Was most of your fishing effort that day in the ocean, a sound, a river, a bay, or an inlet?

If an angler attempts to terminate an interview before all trips are profiled, the CATI system should allow the interviewer to skip a section where they can record all remaining trips by mode, if possible, and skip the rest of the trip details.

At the end of each trip profile, the CATI program should loop to the next logical action:

1. Profile the next most recent fishing day and trips, or
2. If all trips are profiled, thank the respondent and either terminate the interview or ask for the next available angler.

Household Telephone Lines

At the end of the interview, after all trip information has been collected, a series of questions are asked to determine how many telephone lines service the household. This allows us to determine selection probabilities for each household. Currently, these questions are asked of all households that report fishing and a 10% random selection of non-fishing households.

QP1. Not including cell phones, how many different telephone numbers are there in your home?

QP2. Of these {restore QP1} telephone numbers, how many are never used for talking and instead are always connected to a fax machine or computer modem?

QP3. Of the remaining {restore QP1-QP2} telephone numbers, how many are for business use only?

QP4. I calculate that you have {restore QP1-QP2-QP3} residential telephone lines. Does this sound right?

Conclusion

That concludes the questions that I have about your fishing. Thank you very much for your time and assistance.

If there are additional anglers in the household who still need to be interviewed, ask:
“Now may I please speak to: “

If respondent indicates that one or more of the people listed are children, ask current respondent to continue answering the questions based on the child's fishing activities.

Appendix D

CHTS Dataset Variable Descriptions and Codes 2013

TYPE 1 RECORD			
Coastal Household Telephone Survey - 2013			
Variable	Type	Description	Values
COMMERCE	NUM	Number of household members who are commercial fishermen. Only recorded for Puerto Rico and the Virgin Islands	98=Don't Know 99=Refused
CNTY_RES	NUM	County or Municipality of residence	FIPS codes
CODENUM	NUM	Household ID number (Unique for each household within a wave)	
FF2	NUM	Number of household members who have fished within the state of residence in the past 2 months (include anglers who were not interviewed, either personally or via proxy - NOTINT_F, NOTINT_R)	
FF12	NUM	Number of household members who have fished in the past 12 months	
NOTINT_F	NUM	Number of 2-month anglers who were not personally interviewed and no proxy data were provided (both in state and out of state).	
NOTINT_O	NUM	Number of 2-month anglers in household who were not personally interviewed due to language or age barrier, but proxy data were provided by another source (both in state and out of state).	
NOTINT_R	NUM	Number of 2-month anglers in household who refused to be interviewed (both in state and out of state).	
NOTINT_U	NUM	Number of 2-month anglers in household who were unavailable to be personally interviewed, but proxy data were provided by another source.	
NUM_INT	NUM	Number of 2-month anglers interviewed (both in state and out of state). Include only those anglers who were personally interviewed. Does not include anglers who were interviewed via proxy.	
OUTLIER	NUM	Indicator - Was the outlier verified.	1=Yes (Outlier was verified) 2=No (Outlier was NOT verified)

OUT_FF	NUM	Number of 2-month out of state anglers. This includes ONLY those anglers in household who fished ALL trips out of state.	
REG_RES	NUM	Region of residence	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
ST_RES	NUM	State of residence	FIPS codes
TOT_2MO	NUM	Total number of anglers in household who fished during the 2-month wave (including both in state and out of state).	
TOT_HH	NUM	Total number of household members (both fishing and non-fishing)	
WAVE	NUM	Wave of survey	1=Jan/Feb 2=March/April 3=May/June 4=July/Aug 5=Sep/Oct 6=Nov/Dec
YEAR	NUM	Year of survey	Format YYYY
HI_ISLND	NUM	Hawaii island of residence	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 998=Don't Know 999=Refused
PHONENUM	CHAR	Phone Number of household	Area code and prefix only, followed by 4 0s. No punctuation. Ex: 5551230000
SAMETRPS	NUM	Indicator - Did all anglers in household take all trips together?	1=Yes 2=No 8=Don't know 9=Refused
NUM_FONS	NUM	Number of residential, landline telephones in household	97=Exit Loop 98=Don't Know 99=Refused
DATE1	CHAR	Date dataset created by contractor	Format YYYYMMDD
REL_DATE	CHAR	Date record released for dialing	Format YYYYMMDD

SUBSIST	NUM	Recreation vs. subsistence fishing (asked in Puerto Rico only)	1=All subsist 2=Most subsist 3=Both 4=Most rec 5=All rec 98=Don't know 99=Refused

TYPE 2 RECORD Coastal Household Telephone Survey - 2013			
Variable	Type	Description	Values
DATE_INT	CHAR	Date of interview	Format YYYYMMDD
RM_DAYS	NUM	Number of remaining trips (number of trips NOT profiled in T3)	.
RM_1	NUM	Indicator - If a respondent expresses the desire to conclude the interview, he or she is asked to provide the number of remaining trips by mode, as well as the state where the majority of trips occurred. RM_1 indicates whether or not the respondent was willing to provide this information.	1=No 2=Yes 8=Don't Know 9=Refused
CODENUM	NUM	Household ID number (Unique for each household within a wave) Every CODENUM in T2 should have a record in T1	
CNTY_RES	NUM	County or Municipality of residence	FIPS codes
ST_RES	NUM	State of residence	FIPS codes
NUM_TRPS	NUM	Initially reported number of trips taken in the last 2 months	98=Don't Know 99=Refused
NUM_IN	NUM	Initially claimed number of instate trips taken in the last 2 months.	98=Don't Know 99=Refused
NUM_OUT	NUM	Initially claimed number of out of state trips taken in the last 2 months.	98=Don't Know 99=Refused
DATE1	CHAR	Date dataset created by contractor	Format YYYYMMDD
TWO_MON	NUM	Indicator - Did angler recall all trips?	1=Yes, ALL trips were recalled and profiled in T3 2=No
RSP_77	NUM	Reason angler did NOT discuss all trips.	1=Can't remember 2=Refused 3=Proxy, don't know 4=At least one trip profiled - Rest of trips for angler are the same as last profiled 5=Angler changed number of trips 6=Appointment scheduled
SOURCE	NUM	Person who provided information (self vs proxy)	1=Angler him/herself 2=Someone else (proxy)

REG_RES	NUM	Sub-region of residence	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
FSHRNUM	NUM	Angler number (unique within household within wave)	Should begin with FSHRNUM=1 for each household and go up from there. Ex: A household with 5 anglers profiled in T2 will have through FSHRNUM=5
LANG	NUM	Language survey was conducted in	1=English 2=Spanish
HI_ISLND	NUM	Hawaii island of residence	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 998=Don't Know 999=Refused
HI_FCAT	NUM	Hawaii fisherman category	1=Pure recreational 2=Recreational expense 3=Part-time commercial 4=Full-time commercial
WAVE	NUM	Wave of survey	1=Jan/Feb 2=March/April 3=May/June 4=July/Aug 5=Sep/Oct 6=Nov/Dec
YEAR	NUM	Year of survey	Format YYYYMMDD
RM_PC	NUM	Number of remaining trips in Party/Charter mode	97=Exit Loop 98=Don't Know 99=Refused
RM_PCST	NUM	Primary state of remaining Party/Charter trips.	97=Other state 98=Don't know 99=Refused
RM_PCCTY	NUM	Primary county of remaining Party/Charter trips	997=Exit Loop 998=Don't know 999=Refused
RM_PR	NUM	Number of remaining trips in Private/Rental mode	97=Exit Loop 98=Don't Know 99=Refused
RM_PRST	NUM	Primary state of remaining Private/Rental trips	97=Other state 98=Don't know 99=Refused
RM_PRCTY	NUM	Primary county of remaining Private/Rental trips	997=Exit Loop 998=Don't know 999=Refused

RM_SH	NUM	Number of remaining trips in Shore mode	97=Exit Loop 98=Don't Know 99=Refused
RM_SHST	NUM	Primary state of remaining Shore trips	97=Other state 98=Don't know 99=Refused
RM_SHCTY	NUM	Primary county of remaining Shore trips	997=Exit Loop 998=Don't know 999=Refused
HI_RM_PC	NUM	Primary Hawaii island of remaining Party/Charter trips	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 997=Exit Loop 998=Don't Know 999=Refused
HI_RM_PR	NUM	Primary Hawaii island of remaining Private/Rental trips	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 997=Exit Loop 998=Don't Know 999=Refused
HI_RM_SH	NUM	Primary Hawaii island of remaining Shore trips	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 997=Exit Loop 998=Don't Know 999=Refused
INTVUER	NUM	Interviewer ID (Unique)	

TYPE 3 RECORD Coastal Household Telephone Survey - 2013			
Variable	Type	Description	Values
CNTY	NUM	County of fishing (if shore mode) or county where boat landed on return from trip (if boat trip)	FIPS codes 97=Exit loop 98=Don't know 99=Refused
CNTY_RES	NUM	County or Municipality of residence	FIPS codes
CODENUM	NUM	Household ID number (Unique for each household within a wave) Every CODENUM in T3 should have a record in T2 and T1	
FOREIGN	NUM	Indicator - Was this trip in foreign waters?	1=Yes 2=No 7=Exit loop 8=Don't Know 9=Refused
FSHRNUM	NUM	Angler number (unique within household within wave)	Every FSHRNUM within a CODENUM should have a matching FSHRNUM and CODENUM in T2
REG_RES	NUM	Sub-region of residence	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
ST	NUM	State of fishing (if shore mode) or state where boat landed on return from trip (if boat trip)	FIPS codes 97=Exit loop 98=Don't know 99=Refused
ST_RES	NUM	State of residence	FIPS codes
SUB_REG	NUM	Sub-region of fishing (if shore mode) or Sub-region where boat landed on return from trip (if boat trip)	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
TRIP_FLG	NUM	Indicator - Instate trip or out of state trip?	1=In state 2=Out of state 8=Don't know 9=Refused

TRIP_NUM	NUM	Trip number (unique within fshnum)	Should begin with TRIP_NUM=1 for each angler and go up from there. Ex: An angler with 5 trips profiled in T3 will have through TRIP_NUM=5
WAVE	NUM	Wave of survey	1=Jan/Feb 2=March/April 3=May/June 4=July/Aug 5=Sep/Oct 6=Nov/Dec
WEEKEND	NUM	Indicator - Trip on weekday or weekend?	1=Weekend 2=Weekday 8=Don't know 9=Refused
YEAR	NUM	Year of survey	Format YYYYMMDD
POTRIVER	NUM	Indicator - Was this trip downstream from Washington, DC. Only asked if AREA=1 and ST (state of fishing)=24 or 51 (MD or VA).	1=Yes 2=No 7=Exit loop 8=Don't Know 9=Refused
HI_ISLND	NUM	Hawaii island of residence	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 998=Don't Know 999=Refused
HI_TRPCY	NUM	Hawaii Island of fishing (if shore mode) or Hawaii Island where boat landed on return from trip (if boat trip)	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 997=Exit loop 998=Don't Know 999=Refused
HI_SMTH	NUM	Shore fishing method (Hawaii trip only)	1=Rod and Reel (includes pole and line) 2=Netting 3=Spearfishing (scuba or free-diving) 4=Other 7=Exit loop 8=Don't know 9=Refused
HI_FMTH	NUM	Boat fishing method (Hawaii trip only)	1=Trolling 2=Handlining 3=Bottomfishing 4=Casting 5=Netting 6=Spearfishing 7=Other 97=Exit loop 98=Don't know 99=Refused

HI_HMTH	NUM	Handling method (Hawaii trip only)	1=Tuna handling 2=Deepwater bottomfishing 3=Shallow water bottomfishing 4=Other 7=Exit loop 8=Don't know 9=Refused
HI_BMTH	NUM	Bottomfishing method (Hawaii trip only)	1=Deep water 2=Shallow water 3=Both deep and shallow water 4=Other 7=Exit loop 8=Don't know 9=Refused
HI_TARG1	NUM	1ST TARGET RESPONSE; See Attached for Code Descriptions	
HI_TARG2	NUM	2ND TARGET RESPONSE; See Attached for Code Descriptions	
HI_TARG3	NUM	3RD TARGET RESPONSE; See Attached for Code Descriptions	
HI_TARG4	NUM	4TH TARGET RESPONSE; See Attached for Code Descriptions	
HI_SOLD	NUM	Indicator - Was any of catch sold (Hawaii trip only)?	1=Yes 2=No 7=Exit loop 8=Don't Know 9=Refused
AREA_X	NUM	Collapsed area of fishing trip (combine AREA and DIST)	1=Ocean, <= 3 Miles 2=Ocean, > 3 Miles 3=Ocean, <= 10 Miles (West Florida and Puerto Rico only) 4=Ocean, > 10 Miles (West Florida and Puerto Rico only) 5=Inland trip 6=Unknown (Don't know) 9=Refused
AREA	CHAR	Area of fishing trip	1=Ocean/Gulf 2=Sound 3=River 4=Bay 5=Other 6=Unknown (Don't know) 7=Exit loop 9=Refused
DIST	NUM	Distance fished from shore	1=LE (<=) 3 Miles 2=GT (>) 3 Miles 3=LE (<=) 10 Miles (West Florida and Puerto Rico only) 4=GT (>) 10 Miles (West Florida and Puerto Rico only) 7=Exit loop 8=Don't know 9=Refused
HI_SMTHO	CHAR	Other shore fishing method (Hawaii only). Recorded if HI_SMTH=4 (Other).	Recorded verbatim

HI_FMTHO	CHAR	Other boat fishing method (Hawaii only). Recorded if HI_FMTH=7 (Other).	Recorded verbatim
HI_HMTHO	CHAR	Other handling method (Hawaii only). Recorded if HI_HMTH=4 (Other).	Recorded verbatim
HI_BMTHO	CHAR	Other bottomfishing method (Hawaii only). Recorded if HI_BMTH=4 (Other).	Recorded verbatim
HI_TARGO	CHAR	Other target species (Hawaii only)	Recorded verbatim
LAUNCH	NUM	Boat launch site characteristics	1=Public launch ramp (Shore/Beach launch in Hawaii) 2=Public boat slip 3=Moored from public dock 4=Other public launch site 5=Personal res/dock (Private) 6=Private locked gate marina 7=Private property unlocked marina 8=Other private launch site 97=Exit loop 98=Don't know 99=Refused
ACCESS	NUM	Private or public access point	1=Public 2=Private 3=Military 8=Don't know 9=Refused
MODE_F	CHAR	Mode of fishing	0=DK Boat type 1=Pier/Dock 2=Jetty/Breakwater, Breachway 3=Bridge, Causeway 4=Other man-made 5=Beach/Bank 6=Party Boat 7=Charter Boat 8=Private/Rental Boat 9=Don't know 97=Exit loop
MODE_FX	CHAR	Collapsed Mode of fishing; Refer to attached sheet for relationship to MODE_F	1=Man-made shore (NC only) 2=Beach/Bank (NC only) 3=Shore (All states except NC) 4=Party boat (Sub_reg=6 or 7 and Mode_f=6) 5=Charter boat (Sub_reg=6 or 7 and Mode_f=7) 6=Party/Charter boat (Sub_reg=4 or 5 and mode_f=6 or 7) 7=Private/Rental boat
DATE1	CHAR	Date dataset created by contractor	Format YYYYMMDD
DATE_TRP	CHAR	Date of trip	Format: YYYYMMDD (if exact date known) YYYYMM00 (if only know month/year of trip) YYYY0000 (if only know trip was in wave) Note: DO NOT profile trips with date out of range.

NFHO CARD - COASTAL COUNTIES Coastal Household Telephone Survey - 2013			
Variable	Type	Description	Values
ST_RES	NUM	State of residence	FIPS codes
CNTY_RES	NUM	County or Municipality of residence	FIPS codes
HI_ISLND	NUM	Hawaii island of residence	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 998=Don't Know 999=Refused
REG_RES	NUM	Region of residence assigned by contractor	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
HH_NOINT	NUM	Number of households identified as fishing households, but no interviews were completed to confirm.	
NON_FISH	NUM	Number of non-fishing households	
FISHING	NUM	Number of fishing households including those with 0 trips.	
NON_SW	NUM	Number of households initially identified as fishing households, but later identified as freshwater fishing or non-fishing.	
PERCENT	NUM	Percent of households that are fishing households.	PERCENT = (FISHING/TOT_CONT)
FLE_DATE	CHAR	Date dataset created by contractor	Format YYYYMMDD
TOT_CONT	NUM	Total number of completed household interviews.	SAMPLE SIZE = (NON_FISH + FISHING)
WAVE	NUM	Wave of survey	1=Jan/Feb 2=March/April 3=May/June 4=July/Aug 5=Sep/Oct 6=Nov/Dec
YEAR	NUM	Year of survey	Format YYYY

PL CARD - NON FISHING HOUSEHOLD - NUMBER OF PHONE LINES Coastal Household Telephone Survey - 2013			
Variable	Type	Description	Values
ST_RES	NUM	State of residence	FIPS codes
CNTY_RES	NUM	County or Municipality of residence	FIPS codes
HI_ISLND	NUM	Hawaii island of residence	1=Hawaii 7=Kauai 9=Maui 991=Honolulu (Oahu) 995=Molokai 996=Lanai 998=Don't Know 999=Refused
REG_RES	NUM	Region of residence assigned by contractor	1=Southern California 2=Northern California 3=Oregon & Washington 4=North Atlantic (ME, NH, MA, RI, CT) 5=Mid Atlantic (NY, NJ, DE, MD, VA) 6=South Atlantic (NC, SC, GA, E. FL) 7=Gulf of Mexico (W. FL, MS, AL, LA) 8=Hawaii 9=Inland & Texas 10=Alaska 11=Puerto Rico & Virgin Islands
CODENUM	NUM	Household ID number (Unique for each household within a wave)	
NUM_FONS	NUM	Number of residential telephones in household	98=Don't Know 99=Refused
WAVE	NUM	Wave of survey	1=Jan/Feb 2=March/April 3=May/June 4=July/Aug 5=Sep/Oct 6=Nov/Dec
YEAR	NUM	Year of survey	Format YYYY

APPENDIX E

NOAA ADMINISTRATIVE ORDER 216-100

NOAA Administrative Order 216-100

PROTECTION OF CONFIDENTIAL FISHERIES STATISTICS

SECTION 1. PURPOSE.

.01 This Order:

- a. prescribes policies and procedures for protecting the confidentiality of data submitted to and collected by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) as authorized or required by law;
- b. informs authorized users of their obligations for maintaining the confidentiality of data received by NMFS;
- c. provides for operational safeguards to maintain the security of data; and
- d. states the penalties provided by law for disclosure of confidential data.

SECTION 2. SCOPE.

This Order covers all confidential data received, collected, maintained, or used by NMFS.

SECTION 3. DEFINITIONS.

- .01 Access to data means the freedom or ability to use data, conditioned by a statement of nondisclosure and

penalties for unauthorized use.

- .02 Aggregate or summary form means data structured so that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.
- .03 Agreement refers to all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.
- .04 Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data.
- .05 Authorized Use/User.
 - a. Authorized use is that specific use authorized under the governing statute, regulation, order, contract or agreement.
 - b. An authorized user is any person who, having the need to collect or use confidential data in the performance of an official activity, has read this Order and has signed a statement of nondisclosure affirming the user's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure.
- .06 Confidential data means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public. The term "as used" does not convey data sensitivity for national security purposes [See Executive Order (E.O.) 12356 dated April 2, 1982].
- .07 Data refers to information used as a basis for

reasoning, discussion, or calculation that a person may submit, either voluntarily or as required by statute or regulation.

- .08 GC means the Office of General Counsel, NOAA.
- .09 Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such governments, including Regional Fishery Management Councils (Councils).
- .10 Public means any person who is not an authorized user.
- .11 Region means NMFS Regional field offices, Fisheries Science Centers, and associated laboratories.
- .12 Source document means the document, paper, or electronic format on which data are originally recorded.
- .13 State employee means any member of a State agency responsible for developing and monitoring the State's program for fisheries or Marine Mammal Protection Act (MMPA) program.
- .14 Submitter means any person or the agent of any person who provides data to NMFS either voluntarily or as required by statute or regulation.

SECTION 4. POLICY.

For data subject to this Order, it is NMFS policy that:

- a. confidential data shall only be disclosed to the public if required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, or by court order. Disclosure of data pursuant to a subpoena issued by an agency of competent jurisdiction is a lawful disclosure. Disclosure pursuant to a subpoena must be approved by GC;
- b. individual identifiers shall be retained with data, unless the permanent deletion is consistent with the needs of NMFS and good scientific practice [See Section 6.02c]; and
- c. a notice is required on all report forms requesting data and must comply with 5 U.S.C. 552a(e)(3) and Paperwork Reduction Act requirements in NAO 216-8, Information Collections and Requirements Needing Office of Management and Budget Clearance. [See E.O. 12600 of June 23, 1987, for additional information regarding the rights of submitters to designate commercial confidential data at the time of submission.]

SECTION 5. OPERATIONAL RESPONSIBILITIES.

- .01 The Regional Director of each region (or, in the case of headquarters, each Office Director) has the responsibility to maintain the confidentiality of all data collected, maintained, and disclosed by the respective region.
- .02 Each region shall submit to the Assistant Administrator specific procedures governing the collection, maintenance, and disclosure of confidential data. These documents shall be compiled as regional handbooks following the guidelines and standards:
 - a. handbooks are to be developed in detail to ensure the

maintenance of confidential data on a functional basis in each region; and

- b. handbooks shall be coordinated through the National Data Management Committee (a NMFS group established by the Assistant Administrator to develop data management policies and procedures) and reviewed annually. The regional handbooks will address, at minimum, the contents of Sections 6-7.

SECTION 6. PROCEDURES.

.01 Data Collection. To collect data, the Secretary may use Federal employees, contractor employees, or, pursuant to an agreement, State employees.

a. General Requirements.

- 1. Personnel authorized to collect Federal data must maintain all documents containing confidential data in secure facilities; and
- 2. may not disclose confidential data, whether recorded or not, to anyone not authorized to receive and handle such data.

b. Specific Requirements.

- 1. Each Federal or contractor employee collecting or processing confidential data will be required to read, date, and sign a statement of nondisclosure, that affirms the employee's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure of the data. Upon signature, the employee's name will be placed on record as an "authorized user," and the employee will be issued certification.

2. Data collected by a contractor must be transferred timely to authorized Federal employees; no copies of these data may be retained by the contractor. NMFS may permit contractors to retain aggregated data. A data return clause shall be included in the agreement. All procedures applicable to Federal employees must be followed by contractor employees collecting data with Federal authority.
3. Under agreements with the State, each State data collector collecting confidential data will sign a statement at least as protective as the one signed by Federal employees, which affirms that the signer understands the applicable procedures and regulations and the penalties for unauthorized disclosure.

.02 Maintenance.

- a. Maintenance is defined as the procedures required to keep confidential data secure from the time the source documents are received by NMFS to their ultimate disposition, regardless of format. [See National Institute of Standards and Technology "Computer Security Publications, List 91" for guidance.]
- b. Specific procedures in regional handbooks must deal with the following minimum security requirements, as well as any others that may be necessary because of the specific data, equipment, or physical facilities:
 1. the establishment of an office or person responsible for evaluating requests for access to data;
 2. the identifications of all persons certified as authorized users. These lists shall be kept current and reviewed on an annual basis;

3. the issuance of employee security rules that emphasize the confidential status of certain data and the consequences of unauthorized removal or disclosure;
 4. the description of the security procedures used to prevent unauthorized access to and/or removal of confidential data;
 5. the development of a catalog/inventory system of all confidential data received including: the type of source document; the authority under which each item of data was collected; any statutory or regulatory restriction(s) which may apply; and routing from the time of receipt until final disposition; and
 6. The development of an appropriate coding system for each set of confidential data so that access to data that identifies, or could be used to identify, the person or business of the submitter is controlled by the use of one or more coding system(s). Lists that contain the codes shall be kept secure.
- c. The permanent deletion of individual identifiers from a database shall be addressed on a case-by-case basis. Identifiers may only be deleted after:
1. future uses of data have thoroughly been evaluated, e.g., the need for individual landings records for allocating shares under an individual transferable quota program;
 2. consultation with the agency(s) collecting data (if other than NMFS), the relevant Council(s), and NMFS Senior Scientist; and
 3. concurrence by the Assistant Administrator has been received prior to deletion.

.03 Access to Data Subject to This Order.

- a. General Requirements. In determining whether to grant a request for access to confidential data, the following information shall be taken into consideration:
 1. the specific types of data required;
 2. the relevance of the data to the intended uses;
 3. whether access will be continuous, infrequent, or one-time;
 4. an evaluation of the requester's statement of why aggregate or non-confidential summaries of data would not satisfy the requested needs; and
 5. the legal framework for the disclosure, in accordance with GC and this Order.
- b. Within NMFS. NMFS employees requesting confidential data must have certification as being authorized users for the particular type of data requested.
- c. Councils. Upon written request by the Council Executive Director:
 1. "authorized user" status for confidential data collected under the Magnuson Fishery Conservation and Management Act (Magnuson Act) may be granted to a Council for use by the Council for conservation and management purposes consistent with the approval of the Assistant Administrator as described in 50 CFR 603.5;
 2. "authorized user" status for confidential data, collected

under the Magnuson Act and MMPA, will be granted to Council employees who are responsible for Fishery Management Plan development and monitoring; and

3. Councils that request access to confidential data must submit, on an annual basis, a copy of their procedures for ensuring the confidentiality of data to the region, or in the case of intercouncil fisheries, regions. The procedures will be evaluated for their effectiveness and, if necessary, changes may be recommended. As part of this procedure, an updated statement of nondisclosure will be included for each employee and member who requires access to confidential data.
- d. States.
 1. Requests from States for confidential data shall be directed in writing to the NMFS office that maintains the source data.
 2. Each request will be processed in accordance with any agreement NMFS may have with the State:
 - (a) confidential data collected solely under Federal authority will be provided to a State by NMFS only if the Assistant Administrator finds that the State has authority to protect the confidentiality of the data comparable to, or more stringent than, NMFS' requirements; and
 - (b) the State will exercise its authority to limit subsequent access and use of the data to those uses allowed by authorities under which the data was collected.
 3. If the State has no agreement with NMFS for the collection and exchange of confidential data, the request shall be treated as a public request and disclosure may be denied

subject to FOIA or the Privacy Act.

4. Where a State has entered into a cooperative exchange agreement with another State(s), NMFS will facilitate transfer or exchange of State-collected data in its possession if:
 - (a) NMFS has written authorization for data transfer from the head of the collecting State agency; and
 - (b) the collecting State has provided NMFS a list of authorized users in the recipient State(s); and
 - (c) the collecting State agrees to hold the United States Government harmless for any suit that may arise from the misuse of the data.
- e. Contractors.
 1. Pursuant to an agreement with NMFS, a NMFS contractor (including universities, Sea Grant investigators, etc.) may be granted "authorized user" status consistent with this Order if the use furthers the mission of NMFS.
 2. The region will notify the contractor of its decision on access in writing within 30 calendar days after receipt of the request.
 3. Contingent upon approval, the contractor will be provided with details regarding conditions of data access, any costs involved, formats, timing, and security procedures. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. The denial will not preclude NMFS consideration of future requests from the contractor.
 4. If access is granted, language in the agreement specifically

dealing with confidentiality of data will be required. The language shall include all of the relevant portions of this Order and shall prohibit the further disclosure of the data. No data may be retained beyond the termination date of the agreement; and any disclosure of data derived from the accessed confidential data must be approved by NMFS.

5. Each agreement shall be reviewed by GC prior to its execution, and shall, to the extent possible, be consistent with the model agreement contained in Appendix D.
 - f. Submitters. The Privacy Act allows for data to be released back to the submitter upon receipt and verification of a written request stating the data required.
04. Requests for Confidential Data. NMFS is authorized to collect data under various statutes [See Appendix A]. Two types of statutes govern the disclosure of confidential data collected by the Federal Government, those that contain specific and non-discretionary language within the Act, and those that provide overall guidance to the Federal Government. Sections of these Acts that deal with exceptions to disclosure may be found in Appendix B.
- a. Magnuson Act and MMPA.
 1. Data collected under 16 U.S.C. 1853 (a) or (b), and 16 U.S.C. 1383a(c),(d),(e),(f),or (h) will be handled in the following manner:
 - (a) data will only be disclosed to Federal employees and Council employees who are responsible for management plan development and monitoring; State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; a Council for conservation and management purposes [not applicable for

MMPA data] or when required by court order. [See 50 CFR 229.10 and part 603];

- (b) Council advisory groups are not permitted access to such confidential data [See 50 CFR 601.27(b)];
 - (c) requests from States that do not have an agreement with the Secretary will be processed in accordance with the Privacy Act or FOIA; and
 - (d) data collected by an observer under 16 U.S.C. 1853 (a) or (b) are not considered to have been "submitted to the Secretary by any person," and therefore are not confidential under Section 6.04.a of this Order. Data collected by an observer may be withheld from disclosure under the Privacy Act, or subsections (b)(3),(4),(5),(6), or (7) of FOIA.
2. Confidential data submitted to the Secretary under other Sections of the Magnuson Act or MMPA may only be disclosed in accordance with the Privacy Act or FOIA. Types of data and the collection authority may include among others:
- (a) Processed Product Data -- 16 U.S.C. 1854(e);
 - (b) Fish Meal and Oil, Monthly -- 16 U.S.C. 1854(e);
 - (c) Data Collected Under State Authority and Provided to NMFS -- 16 U.S.C. 1854(e); and
 - (d) Tuna-Dolphin Observer Program -- 16 U.S.C. 1361 *et seq.*
- b. South Pacific Tuna Act. Data collected under South Pacific Tuna Act 16 U.S.C. 973j is protected from disclosure to the public in accordance with section 973j(b).
- c. Other Statutes. Confidential data collected under other

NMFS programs as authorized by statutes other than South Pacific Tuna Act (16 U.S.C 973j), MMPA (16 U.S.C. 1361 *et seq.*), and Magnuson Act (16 U.S.C. 1801 *et seq.*), may only be disclosed to the public in accordance with the Privacy Act and FOIA. Types of data and the collection authority may include among others:

- (1) Monthly Cold Storage Fish Report -- 16 U.S.C. 742(a);
 - (2) Market News Data -- 16 U.S.C. 742(a); and
 - (3) Seafood Inspection Data -- 7 U.S.C. 1621 *et seq.*
- d. Special Procedures.
1. Cold Storage Summary Reports. NMFS publishes monthly cold storage holdings of fishery products. Advance knowledge of the content of these reports could give those who trade in the products an opportunity to gain competitive advantage. Therefore, in addition to the confidential protection provided to individual reports, the monthly summary report will not be disclosed to the public until 3:00 p.m. Eastern Time of the official release date. Release dates for these data are published 1 year in advance in November, and can be obtained from the NMFS Fisheries Statistics Division.
 2. Surplus commodity purchases by USDA. NMFS and the Department of Agriculture (USDA) have an interagency agreement relating to the purchase of surplus fishery products. NMFS is responsible for providing confidential data and recommendations to the USDA regarding these purchases. Advance knowledge of these data could cause a competitive advantage or disadvantage to the general public, fishing industry, and the program. Therefore, all NMFS personnel engaged in the surplus commodity purchase program will be required to sign a specific "USDA Responsibility

Statement." A copy will be maintained in the Office of Trade Services.

3. Agreements for Disclosure of Confidential Data.

A letter of agreement may authorize the disclosure of confidential data when both the Government and the submitter agree to disclosure of the data. The need to provide security for the data will vary depending on the type of data collected and the form of the disclosure. Disclosure can be undertaken if all the following conditions are met:

- (a) the person has agreed in writing to the disclosure and is aware that disclosure is irrevocable;
- (b) the recipient has been informed in writing of the sensitivity of the data; and
- (c) the wording of the agreement has been approved by GC.

.05 Disposal. NAO 205-1, NOAA Records Management Program, shall govern the disposition of records covered under this Order.

SECTION 7. PENALTIES.

.01 Civil and Criminal. Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

- a. Trade Secrets Act (18 U.S.C. 1905);
- b. Privacy Act (5 U.S.C. 552a(i)(1));
- c. Magnuson Act (16 U.S.C. 1858); and
- d. MMPA (16 U.S.C. 1375).

- .02 Conflict of Interest. Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.
- .03 Disciplinary Action. Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to, unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

SECTION 8. EFFECT ON OTHER ISSUANCES.

None.

Director, Office of Administration

Office of Primary Interest:
National Marine Fisheries Service
Office of Research and Environmental Information
Fisheries Statistics Division (F/RE1)

STATUTES

NMFS is authorized to collect biological, economic, social, and other data under the following statutes, among others:

- a. Agricultural Marketing Act of 1946, 7 U.S.C. 1621-1627;
- b. Agricultural Trade Development and Assistance Act of 1954, 7 U.S.C. 1704;
- c. Anadromous Fish Conservation Act, 16 U.S.C. 757-757f;
- d. Atlantic Coast Fish Study for Development and Protection of Fish Resources, 1950, 16 U.S.C. 760a;
- e. Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971i;
- f. Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. 972-972h;
- g. Endangered Species Act, 16 U.S.C. 1531-1543;
- h. Farrington Act of 1947, 16 U.S.C. 758-758d;
- i. Fish and Wildlife Act of 1956, 16 U.S.C. 742(a) *et seq*;
- j. Fish and Wildlife Coordination Act of 1934, 16 U.S.C. 661-666c;
- k. Fishery Market News Service Act of 1937; 50 Stat. 296;
- l. Fur Seal Act, 16 U.S.C. 1151-1175;

- m. Interjurisdictional Fisheries Act of 1986, 16 U.S.C. 4101 *et seq*;
- n. Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq*;
- o. Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq*;
- p. Marine Migratory Gamefish Act of 1959, 16 U.S.C. 760e;
- q. South Pacific Tuna Act of 1988, 16 U.S.C. 973-973n; and
- r. Tuna Conventions Act of 1950, 16 U.S.C. 951-961.

PRIMARY PROTECTIVE AUTHORITIES

- a. Magnuson Fishery Conservation and Management Act,
16 U.S.C. 1853d, (Magnuson Act).

Data required as part of a reporting requirement under the Magnuson Act are protected from disclosure to the public by section 303(d) which provides: "Any statistic submitted to the Secretary by any person in compliance with any requirement under subsections 303(a) and (b) shall be confidential and shall not be disclosed except:

- (1) to Federal employees and Council employees who are responsible for management plan development and monitoring;
- (2) to State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; or
- (3) when required by court order.

The Secretary shall, by regulation [See 50 CFR part 603], prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such statistics in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such statistics. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any statistic submitted in compliance with a requirement under subsection (a) or (b)."

b. Marine Mammal Protection Act, 16 U.S.C. 1383a(j), (MMPA)

Certain MMPA data are protected from disclosure by section 114(j) which provides: "Any information collected under subsection (c),(d),(e),(f), or (h) of this section shall be confidential and shall not be disclosed except:

(A) to Federal employees whose duties require access to such information;

(B) to State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(C) when required by court order; or

(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.... The Secretary shall prescribe such procedures [See 50 CFR 229.10] as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person."

c. South Pacific Tuna Act 16 U.S.C. 973j(b).

Certain data are protected from disclosure by section 973j(b) which provides: "Information provided by license holders in Schedules 5 and 6 of Annex 1 of the Treaty shall be provided to the Secretary for transmittal to the Administrator and to an entity designated by the license holder. Such information thereafter shall not be released and shall be maintained as confidential by the Secretary, including information requested under Section 552 of Title 5, unless disclosure is required under

court order or unless the information is essential for an enforcement action under section 973c, 973h(c), or 973i of this title, or any other proper law enforcement action."

d. Freedom of Information Act, 5 U.S.C. 552 (FOIA)

Although FOIA generally requires agencies to make records available to any person requester, it does provide specific exemptions for which an agency may deny disclosure as follows:

"...(b) This section does not apply to matters that are... (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) records or information compiled for law enforcement purposes,..."

e. Trade Secrets Act 18 U.S.C. 1905

The Trade Secrets Act forbids disclosure only to the extent that other laws do not require the information be released. The

courts have interpreted its protection to be virtually coextensive with exception of FOIA exemption 4.

The Trade Secrets Act states: "Whoever, being an officer or employee of the United States or of any department or agency thereof, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311-1314), publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment."

f. Privacy Act, 5 U.S.C. 552a(b)

Privacy Act records are to be handled according to NAO 205-15.

The Privacy Act prohibits disclosure stating:

"...(b) Conditions of Disclosure. No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be (1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties; (2) required under section 552 of this title;

- (3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;
- (4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;
- (5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;
- (6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;
- (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;
- (8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;
- (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;
- (10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;
- (11) pursuant to the order of a court of competent jurisdiction; or
- (12) to a consumer reporting agency in accordance with section

3711(f) of title 31.

g. Government in the Sunshine Act 5 U.S.C. 552b(c)

The Sunshine Act provides for open access to meetings held by the government. The Act provides for certain cases when, with prior notice to the public, a meeting may be closed.

Authorized users of NMFS confidential data should be aware of these exceptions when holding an open meeting. The Act states: "Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to ... (3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;..."

State:

Interviewer #:

STATEMENT OF NONDISCLOSURE

I have read the NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics, and understand its contents.

I will not disclose any data identified as confidential to any person(s), except as directed by the Assistant Administrator for Fisheries. I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such data.

I understand that I may be subject to criminal and civil penalties under provisions of Titles 5 U.S.C. 552 and U.S.C. 1905, which are the primary Federal statutes prohibiting unauthorized disclosure of confidential data. I may also be subject to civil penalties for improper disclosure of data collected under the Magnuson Act or the MMPA.

Name (typed or printed)

Signature and Date

Witnessed by: _____
Hiring Official Name (typed or printed)

Signature and Date

Affiliation (Check One):		Type of Data:	
<input checked="" type="checkbox"/>	NMFS	<input checked="" type="checkbox"/>	Source
<input type="checkbox"/>	Other Federal	<input type="checkbox"/>	Subregional
<input type="checkbox"/>	State	<input type="checkbox"/>	Regional
<input type="checkbox"/>	Council Staff	<input type="checkbox"/>	Multiregional
<input type="checkbox"/>	Council Member	<input type="checkbox"/>	Special (Specify):
<input type="checkbox"/>	Contractor	<input type="checkbox"/>	
<input type="checkbox"/>	Grantee	<input type="checkbox"/>	
<input type="checkbox"/>	Other (Specify):	<input checked="" type="checkbox"/>	Other (Specify): MRIP / LPS data

Official Use Only:	
Designated NMFS Official:	
_____ Name (typed or printed)	_____ Signature and Date