

MEETING SUMMARY
NATIONAL SALTWATER ANGLER REGISTRY TEAM CONFERENCE CALL
MAY 2, 2011
4:00 PM TO 6:00 PM EDT

The Registry Team met by conference call on May 2, 2011 at 4:00 pm EDT. In attendance were: Josh DeMello for Ed Ebisui; Matt Menashes for Ron Regan; George Lapointe; Spud Woodward; Bob Clark; Chris Vonderweidt; Ken Franke; Dick Brame; Doug Grout; Corey Niles; Mark Robson joined by Bill Teahen, Bill Hunter and Jessica McCawley.

1. Review/report on status of State-NOAA Memoranda of Agreement and designation of Exempted States
 - a. Status of State Exemptions: All are currently exempt and have completed MOAs except New Jersey, Hawaii, Puerto Rico, District of Columbia and U.S. Virgin Islands. Recent update information:
 - b. New Hampshire, Massachusetts and Rhode Island: All are implementing new licenses in 2011 (Massachusetts calls theirs a permit).
 - c. Maine is to implement a new free registry in 2011. They also have a striped bass endorsement for which a fee is required. The legislature is pursuing an amendment to drop the striped bass endorsement and to make some other modifications to the registry. We are waiting to see what passes.
 - d. New York's fishing license was repealed for two years and replaced with a free registry. They will need to modify their MOA, but should continue to qualify as an exempted state.
 - e. Pennsylvania has a single fishing license for all the state's waters, and is an exempted state. They are working on setting up a stamp or endorsement that license holders will need if they fish for striped bass or shad. That will allow them to separate out and send to NMFS the few thousand who fish for anadromous species in the states' limited tidal waters from the 900,000 license holders who mainly fish for freshwater species.
 - f. Maryland and Virginia are both implementing new free registries for those anglers who are exempt from their fishing license requirements.
 - g. New Jersey enacted a new law that authorizes NJDEP to establish a free registry program. They are preparing a web-based registration program and an Executive Order to establish the registration requirements. They expect to launch the new system on May 4.
 - h. DC contacted us on April 11 to initiate the exemption process for their ~8000 license holders. They are eligible for an exemption and are reviewing a proposed MOA.
 - i. Texas is not eligible for an exemption under the current rule due to the exclusion of age 16 anglers from their license requirement. We are working on an interim agreement that will allow Texas to send their license data to NOAA while we consider amending the registry rule re exemptions for anglers under age 17. In the meantime, we are not requiring Texas-licensed anglers to register.

2. Update of Registry Grant Program for 2010 and discussion of potential 2011 grants

The 2010 regional allocations were:

ASMFC-\$1,086,444 (if all states and jurisdictions in the region were eligible and funded equally, this would amount to an average of \$67,902 per potential grantee);

GSMFC-\$850,278 (if all states and jurisdictions in the region were eligible and funded equally, this would amount to an average of \$121,468 per potential grantee);

PSMFC-\$563,278 (if all states and jurisdictions in the region were eligible and funded equally, this would amount to an average of \$112,656 per potential grantee).

Summary of 2010 actual Registry Grant Awards made by the Commissions:

Region	Total to each Commission agreement	Awarded to States/Commission	Balance
ASMFC	\$1,086,444	\$750,561	\$335,883 ¹
GSMFC	\$850,278	\$664,370	\$185,908 ²
PSMFC	\$563,278	\$0	\$563,278 ³

The Registry Team discussed the potential for continuing the program. Funding is expected to be available in the FY 2011 final budget to continue the program, and is again included in the FY 12 President's budget request. States with registry-based MOAs are early in the process of transmitting their state registry data to NMFS. Under the MOAs, NMFS will evaluate the state data and states will be responding to those evaluations within 6 months by preparing a registry data improvement plans. Given that the MOAs were not fully in place at the time of the RFPs for the 2010 grants, and that states have not yet begun their data improvement plans, there was general support for the need to continue the grant program. Team members commented in support of the following general recommendations:

- Continue the program for at least 2 more years at the same level of funding as 2010 to enable states to use funds to address requirements in Addendum II to their MOAs and to implement the registry data improvement plans they will be developing later this year;
- It is acceptable to maintain the same regional funding allocations for 2011 (but see below for years beyond);

¹ ASMFC recently issued a second RFP to states that did not apply for a grant in the first call.

² A \$100,000 award is still pending for Florida. If awarded, the balance would be \$85,908

³ Although the four Pacific states were not able to apply for a grant during the 2010 call period, they all have identified project proposals they would like to seek funding for in 2011.

- NMFS should consider expanding eligibility to projects that will address survey improvements identified in the MOAs of states that are exempt via participation in regional surveys, beginning in 2012;
 - If regional survey improvements are included, it will be necessary to re-visit the regional allocation of the available funding.
3. Discussion of potential revisions to the final rule for the Registry Program (current text of the final rule is bulleted and italicized below)

- *§ 600.1405(a) No person may engage in the activities listed in paragraph (a) of this section unless that person:
(7) Holds a commercial fishing license or permit issued by NMFS or a state and is lawfully fishing or in possession of fish taken under the terms and conditions of such license or permit;*

Revision Suggested: insert following “lawfully”; “engaged in commercial” &/OR add at the end of the paragraph, “and is not engaged in operating a for-hire fishing vessel”. There are situations in which for-hire fishing vessels are required to obtain a permit or license that is titled a “commercial” license by the issuing authority (e.g. the State of Hawaii’s Commercial Marine License). These vessels could be regarded as not required to register despite the intent of the rule to only exclude vessels that are commercially fishing.

Discussion: Registry Team members did not object to the proposed revision. It was noted that, if adopted, the State of Hawaii would need to seek a registry exemption for its for-hire fishing vessels in order for them to be excluded from the requirement to register with NOAA, and that the state’s license would likely qualify for such an exemption.

- *§ 600.1405(a) No person may engage in the activities listed in paragraph (a) of this section unless that person:
(8) holds an HMS Angling permit under 50 CFR 635.4(c);*

Revision Suggested: Add at the end of the paragraph: or a main Hawaiian Islands Non-commercial Bottomfish Permit under 50 CFR 665.203. Bottomfish permit holders’ data could be added to the registry, just as the HMS permit holders’ data is under the current rule.

Discussion: It was noted that the Western Pacific Fishery Management Council and PIRO support this revision. Registry Team members supported the proposed change.

- *§ 600.1415 Procedures for designating exempted states-general provisions.
(a) States with an exempted state designation must:
(1) Submit state angler and for-hire vessel license holder data to NMFS for*

inclusion in a national or regional registry database; or

Revision Suggested: Clarify whether states must submit registry data on spear fishers in addition to anglers. The requirements applicable to person who must register with NOAA apply to person engaged in spear fishing. Should the same requirement be extended to exempted state registries?

Discussion: While there was support for clarifying the question, the Registry Team members did not advocate for adding spear fishers as a required component of exempted state registrant data.

- *§ 600.1416 Requirements for exempted state designation based on submission of state license holder data.*
 - (a) A state must annually submit to NMFS, in a format consistent with NMFS guidelines, the name, address and, to the extent available in the state's database, telephone number and date of birth of all persons and for-hire vessels and for-hire vessel operators who are licensed to fish, or who are registered as fishing, in the EEZ, in the tidal waters of the state, or for anadromous species.*

Revisions Suggested:

1. Clarify that state registry data must be updated annually. Although this was the intent of the rule as adopted, some persons have interpreted the “annually submit” language as only requiring a submission, and not an updated list of state registrants.
2. Consider requiring only a partial DOB (month/year or day/month) to reduce the risk of including Personally Identifiable Information (PII) in the registry database.
3. Clarify what information is required for for-hire vessels (e.g. vessels don't have addresses or DOBs).

Discussion: The Registry Team members generally agreed with the original intent to require state license/registry data to be updated annually. There was some discussion of the potential for states to go to 2-year licenses. This was characterized as a “slippery slope” that could result in multi-year license/registry lists that are not sufficient for survey sample frames.

The Team members did not object to requiring a partial DOB. It was generally agreed that the technical advice of the Registry Database Work Group should be sought for this question.

There was no objection to clarifying the for-hire vessel data requirements.

- *§600.1416(b) A state is eligible to be designated as an exempted state even if its licensing program excludes anglers who are:*
 - (1) Under 16 years of age;*

Revision Suggested: Change “16” to “17”. It was recently learned that Texas excludes anglers under 17 years of age from its license requirements. All other states that exclude junior anglers exclude those under 16. In order for Texas to qualify as an exempted state, this revision would be necessary.

Discussion: There was no objection voiced by the Registry Team members to the proposed revision.

- *§600.1416 (b) A state is eligible to be designated as an exempted state even if its licensing program excludes anglers who are:*

Revision Suggested: Add a new paragraph to this section: (7) Fishing on “free fishing days”. Most states that require paid fishing licenses allow anglers to fish without a license on one or a few days per year as an angling promotion and education program.

Discussion: The Registry Team members did not object to adding free fishing days to the list of exceptions to state license requirements that would not disqualify the state from exempted state designation.

- *§600.1416 (c) Unless the state can demonstrate that a given category of anglers is so small it has no significant probability of biasing estimates of fishing effort if these anglers are not included in a representative sample, a state may not be designated as an exempted state if its licensing program excludes anglers that meet any of the following conditions:*

Revision Suggested: Add the words “or registration” after “licensing”. This simply corrects an omission and is consistent with the remainder of the rule.

Discussion: There was no objection to this proposed revision.

- *§ 600.1416(d) Required enhancements to exempted state license-holder data. An exempted state must submit the following angler identification data by Jan. 1, 2012, or within two years of the effective date of the Memorandum of Agreement, whichever is later, and thereafter in accordance with the Memorandum of Agreement:*

Revisions Suggested:

1. Add a new paragraph (d) that will address any state license exceptions that are not addressed in paragraphs (a) or (b) above, and renumber the current (d) as (e). Some states have proposed exceptions to their license/registration requirements that are not among those listed in § 600.1416 (a) or (b). If enacted, it is not clear whether these exceptions would disqualify such a state from retaining its exempted state designation.

2. Consider extending the two year period. States that need to enact legislation to address the requirements of § 600.1416(d) may find it difficult to complete that process within two years of the signing of its MOA, particularly depending on the timing or the MOA adoption and the state's legislative cycle.

Discussion: Registry Team members commented that state license exceptions not specifically listed should be generally regarded as disqualifying unless a state can make the case that it meets the "so small it has no significant probability of biasing estimates of fishing effort" test in § 600.1416 (c).

There was support for providing a discretionary option for extension of a two-year deadline, where NMFS determined that a state had initiated required legislation and needed an additional year to pursue its enactment.

- § 600.1416 (d) Required enhancements to exempted state license-holder data. *An exempted state must submit the following angler identification data by Jan. 1, 2012, or within two years of the effective date of the Memorandum of Agreement, whichever is later, and thereafter in accordance with the Memorandum of Agreement:*
 - (1) *Name, address and telephone number of excluded anglers over age 59;*

Revision Suggested: Specify that registration data for anglers over age 59 must be updated annually, just as data for current license holders/registrants needs to be annually updated.

Discussion: Registry Team members did not object to this suggestion.

- § 600.1416 (d) Required enhancements to exempted state license-holder data. *An exempted state must submit the following angler identification data by Jan. 1, 2012, or within two years of the effective date of the Memorandum of Agreement, whichever is later, and thereafter in accordance with the Memorandum of Agreement:*
 - (3) *Name, address and telephone number of state combination license holders who fished in tidal waters in the prior year, or who intend to fish in tidal waters.*

Revision Suggested: Consider modifying this requirement if the team developing the new effort survey design believes a combination license frame is acceptable.

Discussion: The Registry Team would need technical advice from the Operations Team Work Group in order to determine the advisability of this suggestion. It may be advisable to add some flexibility to this provision of the rule.

- § 600.1417 Requirements for exempted state designation based on submission of recreational survey data.
 - (a) *A qualifying regional survey must:*

- (1) Include all of the states within each region as follows:*
(iii) Puerto Rico and the U. S. Virgin Islands;

Revision Suggested: Consider allowing a regional survey-based exemption for USVI. It was noted that the nature of the fishery in USVI may be more like the fisheries in the western Pacific, and, as with WPacFIN, a different survey design may be needed in the Virgin Islands. Requiring a registry may be too rigid.

Discussion: The Registry Team members did not object to being more flexible about the potential for designating an alternate data submission method for the Virgin Islands.

- § 600.1417 Requirements for exempted state designation based on submission of recreational survey data.
(b) A qualifying regional survey must:
(3) Utilize angler registry data to identify individuals to be surveyed by telephone, if such regional survey includes a telephone survey component;

Revision Suggested: Add the words “or mail or internet” after “telephone”. New survey designs being developed by MRIP are likely to use mail and internet in addition to telephone surveys.

Discussion: The Registry Team members did not object to this suggestion.