

**SUPPORTING STATEMENT  
NATIONAL SALTWATER ANGLER AND STATE EXEMPTION PROGRAM  
OMB CONTROL NO. 0648-xxxx**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The National Saltwater Angler Registry and State Exemption Program (Registry Program) has been established to implement recommendations included in the review of national saltwater angling data collection programs conducted by the National Research Council (NRC) in 2005/2006, 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. A proposed rule to adopt regulatory measures to implement the Registry Program (Regulation Identifier Number (RIN) 0648-AW10) was published in the Federal Register on June 12, 2008.

The NRC review found that current recreational survey approaches, which rely on random contacts with residents of coastal county households to collect marine recreational fishing effort data, result in significant survey over-coverage since relatively few households contain active anglers, and under-coverage since some anglers do not live in coastal counties or they live in coastal counties but do not have landline telephones. The review advised that over-coverage results in severe sampling inefficiency and that under-coverage may lead to serious bias in the resultant effort estimates since anglers from non-coastal counties are likely to have different effort characteristics than those from coastal counties. To resolve these problems, the NRC Panel recommended the development of and subsequent sampling from a comprehensive national saltwater angler registry. Such a sampling frame could be developed either by implementing a federal registration requirement or by expanding current state saltwater licenses to include all saltwater anglers.

In response to the NRC Panel's findings and recommendations, Congress passed MSA §401(g), which mandates the Secretary of Commerce to establish a program to: 1) improve the quality and accuracy of current estimates of marine recreational fishing catch and effort, 2) to do so in a manner that considers and, to the extent feasible, incorporates the NRC Panel's recommendations, and 3) to implement the program by January 1, 2010. As part of the program, MSA §401(g)(1) requires 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 Exclusive Economic Zone (EEZ), for Continental Shelf Resources beyond the EEZ or for anadromous fish (i.e. those fish such as salmon, sturgeon, striped bass and shad which migrate from ocean and coastal waters to estuaries and freshwater rivers to spawn) 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. The resultant federal 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.

Accordingly, the Registry Program will collect identification and contact information from those anglers and for-hire vessels who are involved in recreational fishing in the US EEZ or for anadromous fish in any waters, unless the anglers or vessels are exempted from the registration requirement. The data that will be collected will include: for anglers – name, address, date of birth, telephone contact information and region(s) of the country in which they fish; for for-hire vessels – owner and operator name, address, date of birth, telephone contact information, vessel name and registration/documentation number and home port or primary operating area. This information will be compiled into a national and/or series of regional registries that will be used to support surveys of recreational anglers and for-hire vessels to develop estimates of recreational angling effort.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The data will be used continuously by the National Marine Fisheries Service (NMFS), and those states and regional data collection partnerships that conduct surveys of marine recreational angling. Anglers and for-hire vessels will be randomly selected from the registries and asked to provide information about recent fishing activity. The identification, date of birth and address information in the registry data base will be used to identify the resultant survey record, and to eliminate duplicative registrations that could bias resultant survey data. The contact information in the registry data base will be utilized to make actual telephone contact for the purpose of interviewing the anglers and for-hire vessel operators.

These survey-based data collection methods are described in a separate information collection request for the Marine Recreational Fisheries Statistics Survey, which has been previously described and approved pursuant to Office of Management and Budget (OMB) Control No. 0648-0052.

As explained in the preceding paragraphs, the information gathered has utility. National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Registry information will be collected electronically and by telephone. A module of the NMFS National Permit System (NPS) will be developed and utilized for the Registry. Angler and for-

hire vessel owners will be able to utilize that system to register online or by calling a toll-free telephone number. A registration number will be electronically provided and a registration card will be available for downloading and printing by, and will be mailed to, the successful registrants.

Incorporating the registry process in the NPS will assure minimum inconvenience for anglers and for-hire vessel owners in the process of complying with the registration requirement. It also will assure the achievement of operating efficiency and data consistency and quality benefits to NMFS through using an existing system that is consistent nationwide.

The information that is collected via the Registry program will not be made available to the public via the Internet or any other means. Because the data to be collected is entirely personal identification, address and contact information, it is not appropriate to make this data available.

#### **4. Describe efforts to identify duplication.**

The Registry program has been designed to prevent duplication of registration requirements. In order to serve the purpose of supplying identification and contact information for all anglers and for-hire vessels, it is only necessary for an angler or a for-hire vessel to submit that information to a single registry. If the information can be obtained from another source, the federal registration requirement can be waived.

Accordingly, if states can provide complete directories of anglers and/or for-hire vessels from their license or state registry data bases, the states can be granted Exempted State status under the Registry program, and their licensed or registered anglers and/or for-hire vessels will be exempted from the federal registration requirement. Anglers who fish only on for-hire vessels will be exempt, since the vessels themselves will be registered and surveyed. Also, any for-hire vessel that is required to obtain a NOAA license or permit via the NPS under other fishery management regulations will also be exempt from the registry requirement, since the vessel information will be in the NPS data base, and can be accessed and added to the registry directory. Similarly, individuals who hold NMFS-issued Highly Migratory Species Angling permits will also be exempt from the registration requirement.

#### **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The for-hire vessels that will be required to register are small entities. Efforts utilized to minimize the burden on these entities include:

- a. minimizing the number of vessels that must register, by eliminating overlapping requirements as noted in response # 4 above;
- b. limiting the information that must be submitted to the minimal identification, address and contact information required for a complete registry;
- c. using the efficient National Permit System one-stop-shopping as the platform for completing the registration requirement.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If a complete, annual registry of saltwater anglers and for-hire vessels is not instituted and maintained, NMFS will not be able to correct the deficiencies in its marine recreational fishing effort surveys that were described by the NRC panel. This will result in continued oversampling by using random-digit-dialing (RDD) approaches, and the attendant loss of efficiency that would result from using sample frames that only includes licensed anglers. In RDD approaches, sampling efficiency is limited by using sample frames that include non-household numbers, non-working numbers and non-angling households. Currently, about 10 percent of all random-digit-dialing contacts result in interviews with eligible households. Of these, less than 10% are expected to be with households whose residents actually fished during the sampling period. Therefore, only about 1% of all dialed telephone numbers actually succeed in acquiring angler effort data. It is expected that use of an angler registry in lieu of RDD approaches will greatly increase the success rate of such contacts, rendering the survey much more efficient and therefore able to collect much more data for the same cost. Preliminary results from surveys that use angler license databases as sampling frames have demonstrated that between 45% and 65% of contacted individuals report fishing activity.

Continuation of the current use of RDD surveys will also fail to address the undersampling of certain angling households. Anglers who reside in non-coastal counties or who do not have landline telephones (i.e. cell-phone only) are not currently sampled in recreational fishing effort surveys. The NRC Panel concluded that this could cause serious bias in the effort estimates derived from the current surveys, and strongly recommended use of a universal saltwater angler registry to address this bias problem.

Collection of the registry data annually, rather than less frequently, is consistent with the annual cycle of state license issuance and NMFS for-hire permits. It is also consistent with the annual time frame for the surveys that will utilize the registry data. An annual requirement will update the identification and contact information annually, an appropriate time period to assure that address and telephone contact changes are incorporated into the registry directory.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection is consistent with OMB guidelines.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

Implementation of the Registry Program is the subject of proposed rulemaking. The RIN is 0648-AW10. The Notice of Proposed Rulemaking, which included notice of the collection of information requirement and invited public comment on the PRA submission, was published in the Federal Register on June 12, 2008. The public comment period ended on August 21, 2008.

NMFS received three comments that addressed issues specifically related to the PRA submission:

*Comment 1:* The public burden hours estimate is low. The telephone burden is closer to 5-10 minutes. A state license purchased at a store is about a 30 minute transaction.

*Response:* The comment assumes that the burden-hour estimate includes the burden for purchase of a license in exempted states. However, an estimate is required only for the burden associated with the federal registration process. NMFS believes the current estimate is appropriate because it is limited to the on-line and telephone registration process and does not include the time required for fee payment at this time.

*Comment 2:* The registry rule adds to the burden and complexity of federal regulation of the marine charter boat business. Regulatory requirements should be simplified and streamlined.

*Response:* NMFS believes the registry rule includes measures to minimize the burden on for-hire fishing businesses. First, passengers on licensed for-hire vessels will not be required to register, eliminating the burden to the vessel of checking its customers for licenses. Also, for-hire vessels will only need to register federally if they do not have another federal for-hire permit or license. Last, most states license for-hire vessels and will seek exempted state status for for-hire fishing vessels. NMFS believes very few for-hire vessels would need to comply with a federal registration requirement under the rule.

*Comment 3:* Date of birth should also be collected from registrants.

*Response:* NMFS agrees. Date of birth is added to the information to be provided by registrants. NMFS does not believe this addition will affect the burden hours estimate.

The Registry Program has been developed by a team (“Registry Team”) that includes representatives of the states, NOAA, regional fishery management councils and stakeholders. Accordingly, the proposed registry approach reflects the diverse views of those persons. In addition, the proposed elements of the program have been presented to several meetings of interstate fisheries managers and regional fishery management councils.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts to respondents are given under this program.

**10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Registrants’ responses will be kept confidential as required by section 402(b) of the Magnuson-Stevens and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form without identification as to its source. Section 402(b) stipulates that data required to be submitted under an FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development or when required under court order.

In addition, the information is subject to the provisions of the Privacy Act (5 U.S.C. 552a) in that the information collected will be retrievable by identifiable individual. The Registry data will be

included in the Permits System of Records, whose notice is currently under review by the Department of Commerce General Law Office.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No sensitive questions are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

**(a) Recreational anglers:** There is no specific estimate of the number of anglers who fish in the EEZ or for anadromous fish in state waters. However, the Marine Recreational Fisheries Statistics Survey (“MRFSS”) develops annual estimates of the number of resident and non-resident anglers age 5 and older who fish in saltwater in each coastal state except Alaska, Texas, and, since 2002, Washington, Oregon, and California. Estimates are available for Alaska for 2005 from state surveys.

Anglers in the age group 5 to 15 years will not be required to register. MRFSS does not provide an estimate of the number of anglers by age group. The 2006 National Survey of Hunting, Fishing and Wildlife Associated Recreation (“National Survey”) published by the U. S Fish and Wildlife Service does include an estimate of the participation in angling by age group for 2005. Assuming that youth participation rates for saltwater and freshwater angling are the same, the proportion of participation in saltwater fishing by youth in ages 5 to 15 is estimated in this survey as 21.73%.

Anglers will be required to register federally only if they do not hold a fishing license or registry number issued by a state which has been designated as an Exempted State under the Registry Program. It is not possible to predict with certainty which states will be initially or eventually so designated. However, it is the goal of the Registry Program to eventually work entirely with state license or registry data, so that no anglers would need to be federally registered. At present, eight coastal states have no form of saltwater angler license: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Hawaii. Several of these states are actively considering licensing initiatives at least in part due to the federal Registry Program. None of the U.S. Trust Territories require licenses at present; however, both Puerto Rico and the U. S. Virgin Islands are developing license regulatory initiatives.

Of the states who presently license their saltwater anglers, Alaska, Washington, Oregon, California, Texas, Louisiana, Mississippi, Alabama, Georgia and North Carolina are expected to qualify for Exempted State status under their current license structure. The states of Florida, South Carolina, Virginia, Maryland and Delaware have large exemptions to their license requirements that exclude a significant proportion of anglers from their license-holder data base and will therefore need to be addressed before they will qualify as Exempted States. Examples of such exceptions include: a license exemption for any resident who fishes from shore, Florida; a license that is only required while fishing in Chesapeake Bay, but not in the Atlantic Ocean, Maryland. The states are actively considering changes to their license requirements to eliminate these exemptions as a direct result of the Registry Program and their desire to qualify as Exempted States.

Anglers from non-exempt states will be required to register only if they fish for anadromous fish or if they fish in the EEZ. Many anglers fish primarily in state waters and will therefore only need to register if they are fishing for anadromous fish.

In order to estimate a reasonable range of the number of anglers who would be subject to the registry requirement, the following assumptions and estimating procedures were made:

(a) The states of Alaska, Washington, Oregon, California, Texas, Louisiana, Mississippi, Alabama, Georgia and North Carolina will be designated as Exempted States at the beginning of the Registry Program, and their license holders will not need to register federally.

(b) Anglers from the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, Florida and Hawaii (“non-exempt states”) will be required to register federally at the beginning of the registration program.

(c) In using MRFSS estimates, only state resident anglers were counted. The out of state anglers include people who fish in more than one state; therefore, using the non-residents would result in multiple-counting of anglers.

(d) Based on the 2005 National Survey estimate of angler participation by age, the number of anglers in each non-exempted state is reduced to 78.27% of the total MRFSS estimate of the number of participants age 5 and above to account for anglers in the age group 5 to 15 .

(e) The number of anglers who fish for anadromous fish in each non-exempt state is proportionate to the ratio of the number of trips (derived from MRFSS estimates) that targeted or caught anadromous fish to the total number of trips for each state.

(f) The number of anglers in each non-exempt state who fish in the EEZ is proportionate to the ratio of the estimated number of trips in the EEZ to the total number of trips for the state. This analysis further assumes that: (1) the % EEZ Trips for #Total Anglers and #Age 16+ anglers in any given state is constant, and (2) the mean # trips per angler do not exhibit a large degree of variance within a state.

Applying the foregoing assumptions and estimating procedures, the estimated number of anadromous fish anglers, age 16+, is derived from the following table, using the formula:

1. Total # of anglers X 0.7827 = number of age 16+ anglers

2. # of age 16+ anglers X % of fishing trips in state and inland waters for which anadromous fish were caught or targeted = estimated number of age 16 + anglers who will fish for anadromous fish in state waters.

That is, in the table following, Column C is multiplied by Column F.

<b>A. State</b>	<b>B. Total # Anglers</b>	<b>C. # Age 16+Anglers (B X 0.7827)</b>	<b>D. # Trips (Inland and State waters)</b>	<b>E. # of Anadromous Trips</b>	<b>F. % Anadromous Trips (E/D)</b>	<b>G. # of Age 16+ Anadromous Anglers (C X F)</b>
ME	204,385	159,972	1,173,811	1,009,315	85.99	137,559
NH	104,802	82,029	432,769	314,712	72.72	59,651
MA	773,835	605,681	413,6915	2,594,234	62.71	379,823
RI	176,580	138,209	1,626,214	756,648	46.53	64,309
CT	336,090	263,058	1473730	676,653	45.91	120,769
NY	759,850	594,735	5,221,356	1,426,002	27.31	162,422
NJ	717,942	561,933	6,562,871	2,320,878	35.36	198,699
DE	136,924	107,170	1,102,716	200,678	18.19	19,494
MD	817,108	639,550	3,521,344	1,313,484	40.14	256,715
VA	668,345	523,114	3,788,449	675,277	17.82	93,219
SC	379,684	297,179	2,522,841	3,109	0.12	357
FL	3,743,808	2,930,279	26,490,256	1,615	0.01	293
HI	172,696	135,169	2,263,307	0	0	0
<b>Total</b>						<b>1,493,310</b>

*The total estimated number of anglers over age 16 who fish for anadromous fish in inland and state (i.e. non-EEZ) waters is 1,493,310.*

The estimate of anadromous anglers does not include angling in the EEZ. Applying the foregoing estimating procedures and assumptions to the MRFSS trip data, the estimate of the number of EEZ anglers in non-exempt states is derived from the following table, using the same formula elements: total # of anglers X .7827 = number of age 16 + anglers; # of EEZ trips by age 16 + anglers = % of the total # of trips that were made in the EEZ X number of age 16 + anglers.



A. State	B. Total # Anglers	C. # Age 16+Anglers (B X .7827)	D. Total # Trips (all waters: EEZ + state waters)	E. # EEZ Trips	F. % EEZ Trips (E/D)	G. # EEZ Anglers Age 16+ (C X F)
ME	204385	159,972	1,199,624	24,194	2.02	3,231
NH	104,802	82,029	546,469	107,562	19.68	16,143
MA	773,835	605,681	4,727,735	586,998	12.42	75,226
RI	176,580	138,209	1,704,712	70,230	4.12	5,694
CT	336,090	263,058	1,477,688	2,205	0.15	395
NY	759,850	594,735	5,396,332	161,327	2.99	17,783
NJ	717,942	561,933	7,286,915	713,645	9.79	55,013
DE	136,924	107,170	1,178,483	74,585	6.33	6,784
MD	817,108	639,550	3,59,6315	72,872	2.03	12,983
VA	668,345	523,114	3,908,032	119,141	3.05	15,955
SC	379,684	297,179	2,669,899	147,057	5.51	16,375
FL	3,743,808	2,930,279	29,345,260	2,855,004	9.69	283,944
HI	172,696	135,169	2,644,092	380,786	14.40	19,464
Total						528,990

The total estimated number of persons who would need to register is the sum of the EEZ anglers and those who fish for anadromous fish in non-EEZ waters:  $1,493,310 + 528,990 = 2,022,300$ .

Using this estimate of the number of anglers who would be required to register, the estimated potential burden hours are as follows:

Estimated number of anglers:  $2,022,300 \times 2$  minutes per registration = 4,044,600 minutes/60 minutes = 67,410 hours.

**(b) For-hire vessels:** There are 11,953 for-hire fishing vessels currently operating in the U.S., as reported by the states as follows:

State	For-Hire Vessels	State	For-Hire Vessels
CT	202	VA	331
DE	175	FL	1194
GA	188	AL	123
ME	155	MS	34
MD	784	LA	221
MA	963	TX	900
NH	87	CA	440
NJ	963	OR	124
NY	636	WA	107
NC	776	AK	2894
RI	230	PR	35
SC	241	HI	150

For-hire vessels will not be required to register under the National Registry program if they are licensed or registered by a state that has been designated as an Exempted State for the for-hire fishery, or if they hold a license or permit issued by NMFS. All coastal states except New Jersey and New Hampshire currently license or register for-hire vessels; New Jersey maintains a voluntary registry of for-hire vessels. Since all states except New Jersey and New Hampshire currently license for-hire fishing, it is expected that most states will be designated as Exempted States for for-hire fisheries under the proposed rule. Between the exemptions available to vessels from Exempted States and those remaining that will have another NOAA-issued license or permit, it is expected that very few for-hire vessels will need to comply with the registration requirement under the proposed rule for the Registry Program. For purposes of this analysis, it is conservatively assumed that 20% of the currently operating for-hire vessels will need to comply. Based on this range, the Burden Hours estimate for the for-hire fishing vessels is as follows:

Assumed Proportion and Number of For-Hire Vessels Registering	Est. Mean Number of Minutes Per Registration	Total Burden Hours
20% of 11,953 = 2,391 vessels	3	120 (7,173 minutes)

**(c) Total program burden:**

Category	Number of Contacts	Burden Hours
Anglers	2,022,300	67,410
For-Hire Vessels	2,391	120
Total	2,024,691	67,530

**(d) Estimates of annualized labor costs to respondents**

The estimate of annualized labor costs to respondents for the hour burden for complying with the annual registration requirement is summarized in the following table, assuming a labor rate equivalent of \$25 per hour.

Category	Maximum Burden Hours	Labor Cost of Burden Hours @\$25
Anglers	67,410	\$ 1,685,250
For-Hire Vessels	12	\$3,000
Total	67,530	\$ 1,688,250

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

These data collections will incur no cost burden on respondents beyond the costs of response time.

**14. Provide estimates of annualized cost to the Federal government.**

Annual cost to the Federal government is approximately \$14,000,000 divided as follows: \$12,000,000 in contract award money, \$1,500,000 in printing, travel and related operation costs and \$500,000 in professional staff, overhead and computing costs.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a new program.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Neither the angler nor the for-hire vessel registration data will be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

N/A.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

The registry data collection does not employ statistical methods.