

**SUPPORTING STATEMENT
NATIONAL SALTWATER ANGLER AND STATE EXEMPTION PROGRAM
OMB CONTROL NO. 0648-0578**

A. JUSTIFICATION

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

This request is for a revision and extension of this information collection. There is a program change: a \$15 registration fee.

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 requires the Secretary of Commerce to establish a program to improve recreational fisheries surveys, including establishing a national saltwater angler and for-hire vessel registry, by January 1, 2009. A final rule to adopt regulatory measures to implement the Registry Program (Regulation Identifier Number (RIN) 0648-AW10) was published in the [Federal Register](#) on December 30, 2008, and became effective on January 29, 2009 ([50 CFR 600, Subpart P](#)).

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 establish the program by January 1, 2009. 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 collects 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 collected includes: for anglers – name, address, date of birth, telephone contact information, e-mail address 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, e-mail address, vessel name and registration/documentation number and home port or primary operating area. This information is compiled in a national and/or series of regional registries that are 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 are 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 are 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 is 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 is utilized to make actual telephone or mail 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 OMB Control No. 0648-0052.

The National Oceanic and Atmospheric Administration (NOAA), NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 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 is collected electronically and by telephone. Angler and for-hire vessel owners are able to utilize that system to register online or by calling a toll-free telephone number. A registration number is electronically provided and a registration card is available for downloading and printing by, and will be mailed to, the successful registrants.

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 are exempted from the federal registration requirement. Anglers who fish only on for-hire vessels are 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 is also exempt from the registry requirement, since the vessel information is in a NOAA database, 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 are 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 to Question 4 above;
- b. limiting the information that must be submitted to the minimal identification, address and contact information required for a complete registry;

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 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 include 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 under sampling 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 potential 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 updates 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.

A notice titled Proposed Information Collection; Comment Request; National Saltwater Angler Registry and State Exemption Program was published in the Federal Register on July 1, 2011. The public comment period ended on August 30, 2011. NMFS received no comments on the notice.

The Registry Program was 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 were 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 is retrievable by identifiable individual. The Registry data is included in Permits and Registrations for United States Federally Regulated Fisheries, for which a System of Records Notice, [COMMERCE/NOAA-19](#), was published in the [Federal Register](#) on April 17, 2008.

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.

When this information collection was first submitted for review, there were significantly fewer coastal states having saltwater angler registries. Eight coastal states, in addition to Puerto Rico and the U.S Virgin Islands, did not have state registries. Now all coastal states except for Hawaii have state registries, and thus anglers in those states do not need to register with NOAA. Anglers on for-hire vessels who have registered so far are fewer than had been expected. Even doubling the number to account for lack of compliance yields a smaller number than originally estimated. Thus, there is a significant decrease in number of expected registrants, from three years ago.

Recreational anglers: Pursuant to 50 CFR 600 Subpart P, all states and United States (U.S.) territories have now been designated as Exempted States except Hawaii, Puerto Rico and the U.S. Virgin Islands, as these three do not yet have state/territorial registries. Anglers who are licensed/registered by Exempted States, or who are residents of Exempted States but are not required to be licensed or registered by such states, are not required to register with NOAA. Also, anglers who are fishing on a licensed for-hire fishing vessel are not required to register with NOAA.

There are no anadromous fisheries in the state territorial waters of Hawaii, Puerto Rico and the U.S. Virgin Islands. Accordingly, only anglers who fish on private (non-for-hire) vessels in the U.S. Exclusive Economic Zone adjacent to those states/territories are required to register with NOAA. Since January of 2010, the unduplicated number of anglers who have registered with NOAA from non-exempted states, and who stated they intend to fish in Hawaii, Puerto Rico or the U.S. Virgin Islands, is 4,538.

Presumably, not all anglers who are required to register with NOAA actually do so at present. Outreach and compliance initiatives may result in increasing the number of registrants. Therefore, it is estimated that the maximum number of potential annual registrants will be double the number who registered since January, 2010, or 9,076. Using this estimate of the number of anglers who would be required to register, the estimated potential burden hours are: $9,076 \times 3 \text{ minutes per registration} = 27,228 \text{ minutes} / 60 \text{ minutes} = 453.8 \text{ (454) hours}$.

For-hire vessels: Pursuant to 50 CFR 600 Subpart P, all states and U.S. territories have been designated as Exempted States for for-hire fishing vessels except Hawaii, Puerto Rico and the U.S. Virgin Islands. For-hire vessels that are licensed/registered by Exempted States or by NOAA Fisheries are not required to register with NOAA.

There are no anadromous fisheries in the state territorial waters of Hawaii, Puerto Rico and the U.S. Virgin Islands. Accordingly, only non-exempt for-hire vessels that fish in the U.S. Exclusive Economic Zone adjacent to those states/territories are required to register with NOAA. Since January of 2010, the unduplicated number of for-hire vessels from non-exempt states that have registered with NOAA is 32.

Presumably, not all for-hire vessels that are required to register with NOAA actually do so at present. Outreach and compliance initiatives may result in increasing the number of registrants. Therefore, it is estimated that the maximum number of annual potential registrants will be twice the number who have registered since January, 2010, or 64. Using this estimate of the number of for-hire vessels that would be required to register, the estimated potential burden hours are: $64 \times 3 \text{ minutes per registration} = 192 \text{ minutes} / 60 \text{ minutes} = 3.2 \text{ (3) hours}$.

Total annual responses: 9,140
 Total annual burden hours: $454 + 3 = 457$.

(c) 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	454	\$11,350.00
For-Hire Vessels	3	\$75.00

Total	457	\$11,425.00
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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 Question 12 above).

As of January 1, 2011, an annual registration fee of \$15.00 has been required for registration with NOAA. Total annual cost burden is therefore:

Anglers: 9,076 registrations x \$15.00/registration = \$136,140
 For-hire Vessels: 64 registrations x \$15.00/registration = \$960
 Total = \$ 137,100.

There are no other reporting/recordkeeping costs.

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

The 2011 annual cost to the Federal government is approximately \$2,735,000 divided as follows: \$ 2,084,000 in contractual costs, \$386,000 line personnel costs and \$265,000 in distributed (indirect) costs.

15. Explain the reasons for any program changes or adjustments.

Adjustment: The burden hours estimate is adjusted downward to reflect the designation of all states except Hawaii, and Puerto Rico and the U.S. Virgin Islands, as Exempted States/Territories, along with actual experience in registering non-exempt anglers and for-hire vessels. This adjustment has reduced the estimated number of anglers and for-hire vessels that are required to register with NOAA from the original estimate of 2,022,300 and 2,391 (2,024,691) to 9,076 and 64, respectively (9,140), and hours, from 67,410 and 120 (67,530), to 454 and 3 (457).

Program change: As provided in 50 CFR 600, Subpart P, a registration fee of \$15 per year is required, effective January 1, 2011, adding a total of \$137,100 in reporting/recordkeeping costs (there were no costs, previously).

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.

Not Applicable.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The registry data collection does not employ statistical methods.