

***Guidance Document Relating to Recreational Fishing
Registration/Licensing Program for Rhode Island***

Draft – February 2009

*Developed by RIDEM for use by
RI Marine Recreational Fishing License/Registry License Group*

Federal Requirements

Source: National Marine Fisheries Service, Final Rule to adopt regulations establishing a National Saltwater Angler Registry Program [50 CFR Part 600, Subpart P, Dec. 22, 2009]

- Starting January 2010: In order to fish recreationally in federal waters, or fish recreationally in state waters [for anadromous species], one must either:
 - 1) register annually with NMFS; or
 - 2) be under 16; or
 - 3) hold a for-hire permit issued by NMFS; or
 - 4) fish aboard a permitted for-hire vessel; or
 - 5) hold a HMS permit issued by NMFS; or
 - 6) hold a subsistence fishing license or permit; or
 - 7) hold a state license issued by an exempted state; or
 - 8) be registered by an exempted state; or
 - 9) be exempted by an exempted state

- Applicability:

Recreational fishing is defined as “angling.” Angling is defined as: “fishing for, attempting to fish for, catching or attempting to catch fish by any person (angler) with a hook attached to a line that is hand-held or by rod and reel made for this purpose.” Spearfishing is similarly defined.

- The registration requirement does not pertain to other forms of recreational fishing, such as fishing with nets or traps.
- The registration requirement does not pertain to anyone who 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.

Recreational fishing in federal waters -- Registration is required for all persons who are angling or spearfishing for any species of fish, as well as any person who possesses equipment used for angling or spearfishing and also possesses any species of fish.

Recreational fishing in state waters -- Registration is required for all persons who are angling or spearfishing for any anadromous species, e.g., striped bass, as well as for any person who possesses equipment used for angling or spearfishing and also possesses any anadromous species.

- In tidal waters where anadromous species are present – e.g., all RI state waters – all anglers will need to be registered to be certain they will not be in violation.

- If RI does not have a license or registry program by 2010, no **RI resident** may fish recreationally in federal waters, nor fish recreationally in RI waters or the waters of any other state [for anadromous species], unless they register with NMFS or hold a non-resident license or registration issued by an exempted state. The only exceptions would be those who:
 - 1) are under 16; or
 - 2) hold a for-hire permit issued by NMFS; or
 - 3) fish aboard a permitted for-hire vessel; or
 - 4) hold a HMS permit issued by NMFS

- If RI does not have a license or registry program by 2010, no **non-resident** may fish recreationally in RI waters [for anadromous species] unless they register with NMFS or hold a license or registration issued by an exempted state. The only exceptions would be those who:
 - 1) are under 16; or
 - 2) hold a for-hire permit issued by NMFS; or
 - 3) fish aboard a permitted for-hire vessel; or
 - 4) hold a HMS permit issued by NMFS

- To register with NMFS, individuals must provide the following **information**:
 - 1) Name;
 - 2) Address;
 - 3) Phone number;
 - 4) Date of birth;
 - 5) Region(s) of the country in which they intend to fish; and
 - 6) [any] additional information necessary for the issuance or administration of the registration

- Starting January 2011, an annual **fee** will be charged for registering with NMFS (est. \$15-\$25). The amount of the fee will equate to the amount necessary to cover the costs of administering the federal registry program – no more, no less. All fees will be deposited in the general treasury.

- **Enforcement/Penalties:** NMFS will develop and execute an enforcement strategy that will utilize the US Coast Guard and states with whom NFS has a Joint Enforcement Agreement (RI is one such state). Penalty provisions are set forth in the Magnuson Act and in the NOAA Monetary Penalty Schedule.

Exempted State Programs

Source: National Marine Fisheries Service, Final Rule to adopt regulations establishing a National Saltwater Angler Registry Program [50 CFR Part 600, Subpart P, Dec. 22, 2009]

- A state may seek and obtain an exempted-state designation from NMFS for anglers or for-hire vessels, or both, based on an approved state registry or licensing program.

- To qualify for an exemption with regard to **anglers**, a state must establish a registry or licensing program that covers all anglers. Allowable exceptions include those who:
 - 1) are under 16; or
 - 2) fish aboard a registered or licensed for-hire vessel; or
 - 3) are on leave from active military duty; or
 - 4) are disabled; or
 - 5) are among a very small, statistically insignificant category of anglers
 - There is an open question as to whether holders of HMS permits issued by NMFS would be exempt from a state program.
 - Free-fishing days appear to be an allowable exemption.
 - Customers on state-licensed fishing piers would also be exempt, but there are no such piers in RI.
 - Anglers over the age of 59 may be exempt until 2012.

- To qualify for an exemption with regard to **for-hire vessels**, a state must establish a registry or licensing program that covers all for-hire vessels.
 - RI already has a party/charter boat license, so that license would suffice, and no additional registration or licensing requirement would be necessary for vessels already licensed under the existing program.
 - There is an open question as to whether holders of for-hire permits issued by NMFS would be exempt from a state program.

- For those anglers and/or for-hire vessels covered by a state program, the only **information** needed is:
 - 1) Name;
 - 2) Address;
 - 3) Phone number; and
 - 4) Date of birth

**Pros and Cons of Federal Registration vs.
State Exemption → State Registration/Licensing**

Issues to be Addressed in Developing RI State Program

- ***Applicability/exemptions***
 - Need to clearly define who would be covered, and who would not be, pursuant to federal requirements.
 - Are there any “statistically insignificant” categories that should be pursued?

- ***Program administration***
 - License or registration?
 - Web-based registration portal? Mail-in forms? Telephone?
 - Integration with existing freshwater fishing & hunting license/permit programs – combo licenses?

- ***Program costs***
 - Developing, operating and maintaining web-based portal
 - Establishing walk-in and mail-in processes
 - Maintaining the registry/license database; providing information to NMFS
 - Outreach and education; help desk
 - Enforcement

- ***Fees:*** The State can establish any fee structure that it wants. The fee structure will likely need to be sufficient to cover programmatic costs, but there are no federal guidelines or requirements governing fees. As such, the State will need to project programmatic costs, and then consider whether there should be differential fees, or no fees, for such categories as:
 - Resident vs. non-resident
 - Seniors
 - Veterans
 - 1-day, 3-day, 1-week registrations

- ***Reciprocity with other States***
 - Reciprocity afforded to any state that also recognizes RI registration?

- ***Confidentiality***
 - Ensuring that information pertaining to fishermen is not subject to improper use

Other States

- What are other states doing with regard to recreational registration/licensing, relative to the new federal requirements?
 - Applicability/exemptions
 - Fee structures
 - Reciprocity

- What are other states doing with regard to recreational licensing that is separate from, and thus goes above and beyond the new federal requirements?
 - Collection and use of additional revenues for programs that are beneficial to recreational fishermen
 - Protection of those additional revenues
 - Fee structures

Expanded RI State Program?