§ 600.1405 Angler registration.

(a) Effective January 1, 2010, the requirements of this section apply to any person who does any of the following:

1. Engages in angling or spearfishing for:
   (i) Fish in the EEZ;
   (ii) Anadromous species in any tidal waters; or
   (iii) Continental shelf fishery resources beyond the EEZ.

2. Operates a for-hire fishing vessel in the EEZ.

3. Operates a for-hire fishing vessel that engages in angling or spearfishing for:
   (i) Anadromous species in any tidal waters; or
   (ii) Continental shelf fishery resources beyond the EEZ.

4. Possesses equipment used for angling or spearfishing and also possesses:
   (i) Fish in the EEZ;
   (ii) Anadromous species in any tidal waters; or
   (iii) Continental shelf fishery resources beyond the EEZ.

(b) No person may engage in the activities listed in paragraph (a) of this section unless that person:

1. Has registered annually with NMFS in accordance with § 600.1410 of this part;

2. Holds a valid fishing license issued by, or is registered by, an exempted state;

3. Is a resident of an exempted state, but is not required to hold a fishing license, or to be registered to fish, under the laws of that state;

4. Holds a permit issued by NMFS for for-hire fishing under 50 CFR 622.4(a)(1), 635.4(b), 648.4(a), or 660.70(a)(1);

5. Is under the age of 16;

6. Is angling aboard a for-hire fishing vessel that is in compliance with NMFS and state for-hire vessel permit, license or registration requirements;

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;

8. Holds an HMS Angling permit under 50 CFR 635.4(c);

9. Holds a subsistence 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;

10. Is angling or spearfishing for, or operating a for-hire fishing vessel that engages in fishing for, anadromous species or Continental shelf fishery resources, in waters under the control of a foreign nation.

(c) Any angler or spear fisher or operator of a for-hire vessel must, on request of an authorized officer, produce the NMFS registration number and certificate or evidence that such person or for-hire vessel operator is exempt from the registration requirement pursuant to § 600.1405(b)(2) through § 600.1405(b)(10).

[73 FR 79717, Dec. 30, 2008]

§ 600.1410 Registry process.

(a) A person may register through the NMFS website at www.nmfs.noaa.gov or by calling a toll-free telephone number available by contacting NMFS or at the NMFS website.

(b) Individuals must submit their name; address; telephone number; date of birth; region(s) of the country in which they intend to fish in the upcoming year; and additional information necessary for the issuance or administration of the registration.

(c) To register a for-hire fishing vessel, the vessel owner or operator must submit vessel owner name, address, date of birth, and telephone number; vessel operator (if different) name, address, date of birth and telephone number; vessel name; vessel’s state registration or U.S. Coast Guard documentation number; home port or principal area of operation; and additional information necessary for the issuance or administration of the registration.

(d) NMFS will issue a registration number and certificate to registrants. A registration number and certificate will be valid for one year from the date on which it is issued.

(e) It shall be unlawful for any person to submit false, inaccurate or misleading information in connection with any registration request.
§ 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. The Memorandum of Agreement will specify the timetable for a state to compile and submit complete information on the telephone numbers and dates of birth for its license holders/registrants. The waters of the state for which such license holder data must be submitted will be specified in the Memorandum of Agreement.

(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;
(2) Over age 59 (see § 600.1416(d)(1));
(3) Customers on licensed for-hire vessels;
(4) Customers on state-licensed fishing piers, provided that the pier license holder provides to the state complete angler contact information or angler effort information for users of the pier;
(5) On active military duty while on furlough; or
(6) Disabled or a disabled Veteran as defined by the state.

(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:

(1) Fishing on a state-licensed private vessel;
(2) Fishing from privately-owned land;
(3) Fishing on a public pier;
(4) Fishing from shore;
(5) Fishing in tidal waters of the state; or
(6) Fishing as an occupant of a beach buggy, the operator of which is licensed or permitted to operate the vehicle on public beaches.

(d) Required enhancements to exempted state license-holder data. An exempted state must submit the following angler identification data by