

# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**DISTRICT OF COLUMBIA**

**DELAWARE DIVISION OF FISH AND WILDLIFE**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**MAINE DEPARTMENT OF MARINE RESOURCES**

**MARYLAND DEPARTMENT OF NATURAL RESOURCES**

**MASSACHUSETTS DIVISION OF MARINE FISHERIES**

**NEW HAMPSHIRE DEPARTMENT OF FISH AND GAME**

**NEW JERSEY DIVISION OF FISH, GAME AND WILDLIFE**

**NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

**PENNSYLVANIA FISH AND BOAT COMMISSION**

**POTOMAC RIVER FISHERIES COMMISSION**

**RHODE ISLAND DIVISION OF FISH, WILDLIFE AND ESTUARINE RESOURCES**

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES**

**VIRGINIA MARINE RESOURCES COMMISSION**

**ATLANTIC STATES MARINE FISHERIES COMMISSION**

**NATIONAL MARINE FISHERIES SERVICE**

**US FISH AND WILDLIFE SERVICE**

**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**FOR  
ESTABLISHMENT OF AN  
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM  
(ACCSP)**

**ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM**

This Memorandum of Understanding is entered into by the state and federal agency partners in order

to design and implement a cooperative state-federal marine and coastal (estuarine, anadromous, catadromous) fisheries statistics program that adequately meets the needs of fishery managers, scientists, and fishermen. The partners recognize their mutual interdependence in compiling fisheries dependent and fisheries independent data bases that meet their short-term and long-term information needs, and the partners commit to each other their best efforts towards designing and conducting a program to address these needs in an efficient, practical manner.

## **SECTION ONE. PREAMBLE**

For decades, state and federal fisheries agencies throughout the United States have collected data on the status and trends of specific fish populations and the fisheries that harvest them. However, even with all of the information that has been collected, it is often difficult to develop sound recommendations to fisheries managers because of the inconsistencies in the way data are collected and managed. Numerous individual data sets often cannot be integrated to represent actual fishery status in larger geographical areas (such as state, regional, or coastwide levels). In addition, the fragmented nature of data collection and management places undue duplicative burdens on fishermen reporting to multiple state and federal agencies and regions. Clearly, an integrated multi-agency program, using standardized protocols for reporting compatible information, would lead to more efficient and cost effective use of current federally and state funded data collection and management programs. An integrated program would decrease burdens on the fishing industry while meeting the needs of fisheries managers whose job is to protect/conservate public trust resources.

The need for accurate and timely statistically valid data on the harvest of fisheries resources has become a major concern for state and federal management agencies as well as the fishing public. To address this concern, the Atlantic States Marine Fisheries Commission (ASMFC) adopted a Vision Statement and Resolution for an Atlantic Coast Coastal Cooperative Statistics Program (ACCSP) at their Annual Meeting in Delaware in October, 1994. As a follow-up to determine levels of commitment and the best possible approach the states and federal agencies desired to take, a Statistical Policy Workshop was held in Charlotte, North Carolina on May 8-11, 1995.

This Memorandum of Understanding (MOU) is based on the outcome of this workshop and confirms the intent of the states (Maine-Florida), Potomac River Fisheries Commission, District of Columbia, National Marine Fisheries Service (NMFS), US Fish and Wildlife Service (USFWS), ASMFC, the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC) and the South Atlantic Fishery Management Council (SAFMC) to develop and conduct an integrated fishery statistics program.

A cooperative partnership of state and federal agencies for statistical data collection and information management represents the best possible approach to avoid duplication of effort, reduce overall costs, promote education of resource users, and provide a more complete base of information for formulating management policies, strategies, and tactics for shared resources. Accurate and timely statistical data are necessary to achieve optimum national public benefits from the use of fishery resources along the Atlantic Coast.

The signature of agency officials on this MOU in no way obligates the signatory partners to provide personnel or funds for planning or implementation of the ACCSP unless specifically agreed to in subsequent obligatory documents.

## **SECTION TWO. BACKGROUND**

Catch and effort statistics are fundamental for assessing the effects of fishing on stocks of living marine resources. Information on total catch, fishing effort, and seasonal and geographical distribution of catch and effort is required to develop rational management policies and plans. Accurate and timely catch statistics, along with associated biological, social, and economic data, are required to provide management agencies with the information necessary for the wise use of fishery resources. Statistics on both recreational and commercial fisheries are needed by management agencies to assess the status of stocks and to develop and monitor fishery management plans.

In 1976, the Magnuson Fishery Conservation and Management Act (MFCMA) created regional fishery management councils and greatly increased the involvement of state and federal agencies in the conservation and management of fishery resources. The MFCMA mandates a national fishery data management program and directs that

fishery management plans (FMPs) be prepared by the regional councils or the Secretary of Commerce for resources that are in the U.S. Exclusive Economic Zone or federal waters. Similarly, the Atlantic States Marine Fisheries Commission prepares FMPs for interjurisdictional fishery resources occurring along the Atlantic Coast.

The landmark passage of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) in 1993 enables the states mutually and cooperatively to manage those interjurisdictional species for which there is an interstate fishery management plan (FMP) in place through the ASMFC. This places even more burdens on the states to obtain catch and effort data as they develop and implement these FMPs, not only to manage the resource, but to remain in compliance with FMPs and avoid imposition of federal moratoria on harvest.

Interjurisdictional management of Atlantic coast fisheries is clearly necessary due to the transboundary distributions of many coastal marine fish stocks. Movements of fish stocks between state and federal jurisdictional boundaries complicates the collection of reliable harvest statistics and development of state and federal FMPs for effective management throughout the geographical range of the fishery resource. Integration of data collected in separate jurisdictions will provide more useful knowledge for state and federal fisheries managers for overall management of fishery resources. Accurate information about fishing and other resource uses is also needed by state, federal, and local government agencies to determine the biological and economic impacts of land and water use decisions.

Currently, there are insufficient coordination, organization, resources, and public outreach among existing state and federal data collection programs to meet today's demands for catch and effort statistics for recreational and commercial sectors of Atlantic coast marine fisheries. Current responsible and mandated management of coastal and marine fishery resources necessitates the utilization of data on all aspects of these fisheries with public knowledge and participation in data collection. To properly assess the status of a fishery, multiple data collection programs may be required and day-to-day interagency coordination between these programs and the public is essential. The identification of data needs for stock assessment and fisheries management, and the coordination among collection programs to provide these data, is necessary to provide the means for the responsible agencies to manage fishery resources in a more holistic manner for the benefit of all the public.

Due to rapidly changing stock conditions, within-season regulatory changes and catch quotas have become common fishery management strategies. Timely and accurate harvest information for both recreational and commercial fisheries is required to determine the need for and effects of these management measures. With many commercial fishery resources presently managed under a quota management system, timely and accurate data is also essential for close monitoring of catch quotas throughout the fishing season to prevent overharvesting.

### **SECTION THREE. HISTORICAL PROGRAMS**

Individual state and federal management agencies have conducted numerous statistical surveys to provide information on commercial and recreational fisheries for management of marine fisheries within their jurisdictions. Programs to collect statistical information on marine fisheries began in the late 19th century, and in the 1950s improved local programs were instituted to collect catch and effort statistics for commercial and recreational fisheries. The NMFS conducted the Salt-Water Angling Survey in 1960, 1965, and 1970 and a 1973-1974 study of participation in marine recreational fishing in the Northeastern United States.

Federal fresh and saltwater angling surveys have been conducted every five years (1960 to the present) by the U.S. Department of the Interior through its National Survey of Hunting, Fishing, and Wildlife-Associated Recreation. The National Marine Fisheries Service has conducted the Marine Recreational Fisheries Statistics Survey (MRFSS) annually since 1979. State fisheries management agencies on the Atlantic coast have also conducted a variety of recreational fisheries surveys, either as enhancements to the MRFSS or as independent surveys, to provide information to address state-specific management issues or to increase the accuracy and precision of regional and state catch and effort statistics.

Federal programs for the collection of commercial statistics include the Northeast Fisheries Science Center weigh-out program (General Canvass data) and the NMFS logbook and permit program. The Southeastern Cooperative Statistics Program (CSP) involves 10 states and/or territories through cooperative agreement with National Marine

Fisheries Service. The CSP initially included three types of fishery statistics: (1) general canvass data, monthly summaries of all species caught and landed; (2) trip data for the shrimp fisheries, and (3) bio profile and the trip interview program (TIP) to provide trip, gear, effort, biological information on selected commercial fisheries. Recreational Fisheries Information Network in the Southeast (RECFIN) and Commercial Fisheries Information Network (COMFIN) are additional cooperative programs in the Gulf of Mexico and Southeastern United States.

#### **SECTION FOUR. DATA DEFICIENCIES**

In response to the Atlantic Coastal Fisheries Cooperative Management Act and the recent increase in fishery management information requirements, all management agencies on the Atlantic coast have recognized the shared essential need to improve their overall data collection programs. Cooperative efforts to identify specific problems have revealed the following major deficiencies, common to both commercial and recreational fisheries statistics programs with no priority implied:

1. State and federal data bases are not always compatible or continuous over time or area;
2. Some duplication and field sampling conflicts still occur among different surveys;
3. Improvements in the estimation of fishing effort and catch for many sectors and geographical levels of the fisheries are needed;
4. Significant fisheries for molluscan shellfish and crustaceans, as well as fisheries for anadromous, catadromous, and tidal freshwater fishes, are not covered regularly or at all;
5. Information on highly migratory species, "rare-event" catches, and tournament catches is not sufficient to adequately determine the impact of marine recreational and commercial fisheries on the resources;
6. Better information on length frequencies and catch-at-age by time/area strata is needed for the level of statistical confidence required by decision-makers and the precision required by stock assessment scientists;
7. Information about discarded catch, bycatch, and the disposition of landed catch, including consumption, has not been verified or routinely collected in many surveys;
8. Social and economic data on marine fisheries is very limited and, for many fisheries, nonexistent;
9. The ability to access and analyze most marine fishery survey data bases is severely limited;
10. There is no common forum for concerned agencies on the Atlantic coast to plan, coordinate, and evaluate marine fisheries data collection and data management activities;
11. Fishermen, fishery agencies, and dealers are often required to complete several types of data forms, logbooks, trip tickets, etc. on each trip;
12. A clear explanation of the need for a unified cooperative statistics program, including aspects of confidentiality of individual datasets or components should be communicated to the fishing industry and the public;
13. Quota based management programs are not receiving data in a timely matter;
14. Data collected may not be verified, thus compromising its utility.

#### **SECTION FIVE. PURPOSE**

Having determined that there is an urgent shared and compelling need for improved statistical data on fisheries of the Atlantic coast of the United States, the partners in this MOU confirm their intent to establish an Atlantic Coastal Cooperative Statistical Program (ACCSP). This program is intended to coordinate present and expanded marine

fisheries data collection and data management activities through coastwide cooperative planning, innovative uses of statistical theory and design, and consolidation of appropriate data into an integrated database system.

Thus, the ACCSP is intended to provide overall coordination of both recreational and commercial data collection programs. The use of both recreational and commercial statistics in the overall fishery management process, including stock assessments and the drafting of fishery management plans, dictates the need for a fully accepted unified approach to provide coastwide coordination of all aspects of marine fishery data collection and management.

## **SECTION SIX. PROPOSED PROGRAM**

Through commitments outlined in Section Seven, the Atlantic Coastal Cooperative Statistics Program will become an integrated coastal and marine fisheries statistics system. In its collection, maintenance, and distribution of data, ACCSP will, to the extent required by the users of the data, be cost effective, dependable, precise and verifiable. Using the resources and unique expertise of each of the partners, ACCSP will be an integrated approach to all coastal and marine fisheries statistics -- inshore and offshore, commercial and recreational - along the entire Atlantic coast. ACCSP, as appropriate, will incorporate other programs throughout the nation.

## Goals and Objectives

- GOAL 1: To plan, manage, and evaluate a cooperative coordinated cost effective, dependable, non-duplicative and accurate state-federal marine fisheries data collection program for the Atlantic coast in which the general public, fishermen and fisheries managers have confidence.
- OBJECTIVE 1: To establish an Atlantic Fisheries Statistics Coordinating Council and an Atlantic Fisheries Statistics Operations Committee consisting of MOU signatories or their designees to develop, implement, monitor, and evaluate the program.
- OBJECTIVE 2: To complete during the first year an Implementation Plan that outlines policies, priorities, data quantity and quality, strategies, oversight, enforcement and protocols for the program.
- OBJECTIVE 3: To identify and develop available fiscal resources to achieve the Implementation Plan.
- OBJECTIVE 4: To distribute ACCSP and Implementation Plan information to cooperators, stakeholders, partners, affected fishermen and interested parties.
- OBJECTIVE 5: To conduct ACCSP and Implementation Plan review every five years of operation to evaluate the ACCSP's success in meeting needs of Atlantic coast fisheries managers, the general public, and fishermen.
- GOAL 2: To undertake a unified state-federal marine fisheries data collection system for the Atlantic coast, including both commercial and recreational sectors, to provide to the general public, fishermen, fisheries managers and stock assessment biologists the best scientific and technical data needed for effective management on a timely basis.
- OBJECTIVE 1: To identify the components of recreational and commercial fisheries (modes, gears, areas, etc.) and the required data priorities for each component.
- OBJECTIVE 2: To identify data elements (environmental, biological, sociological, economic) required for each fishery component.
- OBJECTIVE 3: To identify and determine standards for data collection, and accessibility, including statistical, training, confidentiality, precision, sampling design, and quality assurance and quality control standards.
- OBJECTIVE 4: To identify and evaluate the adequacy of current programs to meet ACCSP requirements.
- OBJECTIVE 5: To coordinate, integrate, and augment, as appropriate, data collection efforts to meet ACCSP requirements.
- OBJECTIVE 6: To evaluate and recommend innovative data collection technologies, including automation.
- GOAL 3: To establish and maintain an integrated cooperative coastwide fisheries data management system among all Atlantic Coastal states from Maine to Florida, the regional fishery management councils, the National Marine Fisheries Service, the US Fish and Wildlife Service and other state or federal agencies involved in the collection, compilation, and management of marine, estuarine, anadromous

and catadromous fisheries statistics.

OBJECTIVE 1: To identify the locations and administrative responsibilities for an ACCSP data management system.

OBJECTIVE 2: To evaluate the current hardware, software, and communication capabilities of Program partners and make recommendations for support and upgrades.

OBJECTIVE 3: To design, implement, and maintain a marine fisheries data management program to accommodate fishery management/research and other needs (e.g., trade and tourism).

OBJECTIVE 4: To develop standard protocols and documentation for data formats, input, editing, precision, quality control, storage, access, transfer, dissemination, and application.

OBJECTIVE 5: To identify and prioritize existing historical databases for integration into the centralized database.

OBJECTIVE 6: To evaluate and recommend innovative, cost-effective information management technologies.

OBJECTIVE 7: To develop confidentiality protocols that govern access to confidential data.

GOAL 4: To support the continued development and operation of a national system to collect, manage, and disseminate marine fisheries information for use by states, councils, interstate commissions, and federal marine fishery management agencies using the existing regional programs as building blocks.

OBJECTIVE 1: To provide input to long-term national program planning.

OBJECTIVE 2: To promote consistency and compatibility among regional programs over time.

OBJECTIVE 3: To pursue long-term funding for continuation and expansion of all existing coastwide, and ultimately, a national statistics system.

## **SECTION SEVEN. COMMITMENTS OF THE PARTIES**

The partners to this Memorandum of Understanding hereby affirm their mutual understanding and agree to use their best efforts to take the following steps:

1. To carry out their mutual intent to design and implement a single, integrated coastal and marine fisheries statistics program for the Atlantic coast.
2. To work together to coordinate current and future expanded coastal and marine fisheries data collection, management, and informational activities through coastwide cooperative planning, innovative uses of statistical theory and design, and consolidation of appropriate data into a useful database system.
3. To use the resources of their agencies, to the extent practical, in a manner consistent with the ACCSP that avoids duplication and that mutually supports the efforts of other parties to carry out the cooperative coastwide statistics system.
4. To collectively pursue, through state and federal government and other avenues that may be available, funding initiatives to support the ACCSP.

5. To pursue interagency agreements, cooperative agreements and grants (Financial Assistance Awards) and/or contracts to fund approved projects, subject to the availability of funds and in accordance with applicable agency administrative policies and procedures.
6. To take steps necessary to fully participate in the institutional arrangements for program organization and implementation listed in Section Eight and Nine upon signature of the authorized official of that agency.
7. To modify this agreement at any time by mutual agreement of the partners.
8. To support the participation of other appropriate agencies with fishery management or research authority by mutual agreement of the partners.
9. To pursue steps to involve fishermen and the public in the ACCSP established under this agreement.
10. To take all steps necessary to maintain the confidentiality of existing or newly created data in conformance with applicable laws, rules and regulations.

## **SECTION EIGHT. PROGRAM ORGANIZATION AND IMPLEMENTATION**

A. *Atlantic Fisheries Statistics Coordinating Council.* There shall be an Atlantic Fisheries Statistics Coordinating Council (hereafter: Council). The Council shall oversee the design and implementation of the ACCSP, establish policy to guide the Program and the partners participation therein, and be the final decision-making authority for any issue related to the program raised by any of the partners. The Council members, who shall represent the policy levels within their agencies with the ability to make policy commitments therefore, shall be: one voting representative of each signatory partner, plus three (3) additional nonvoting representatives from NMFS. The Council shall make its decisions by consensus where possible, or by majority vote. The Council shall elect its Chair and Vice Chair.

B. *Atlantic Fisheries Statistics Operations Committee.* There shall be an Atlantic Fisheries Statistics Operations Committee (hereafter: Committee). The Committee shall act as an executive committee for the Program, and oversee on a routine basis the operations of the ACCSP. It shall be the responsibility of the Committee to take whatever steps are practical to ensure that the policies of the Atlantic Fisheries Statistics Coordinating Council are carried out, and to refer any policy issues, questions or problems to the Council. Committee members will be appointed by the Council. The Committee shall make its decisions by consensus where possible, or by majority vote. The Committee shall elect its Chair and Vice Chair.

C. *Staff Support.* The Atlantic States Marine Fisheries Commission, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service shall agree on the appropriate method of providing support staff and executive secretarial services to the Council and the Committee established under this Section, subject to the approval of the Council. Responsibility for the day-to-day coordination, planning and implementation of tasks associated with the program shall be the responsibility of all of the partners, under the guidance of the Council and the Committee.

## **SECTION NINE. OTHER PROVISIONS**

1. Nothing herein is intended to conflict with any requirement of any state or federal law, nor with any state, federal, council, commission, Department of the Interior or Department of Commerce regulation, policy, or directive. If terms of this Memorandum of Understanding are deemed to be inconsistent with the policies or programs of any partner hereto, then those specific terms shall be deemed not binding on that partner.
2. The signature of agency officials on this Memorandum of Understanding does not legally obligate their respective agencies to provide personnel or funds for planning or implementation of the ACCSP unless specifically agreed to in subsequent obligatory documents.
3. Where used in this Memorandum of Understanding, the term "state" includes the fifteen



Atlantic coast states, the Potomac River Fisheries Commission, and the District of Columbia.

4. Any disagreement concerning the responsibilities of any of the partners under this Memorandum of Understanding shall be resolved by the Atlantic Fisheries Statistics Coordinating Council.

5. Any partner to this Memorandum of Understanding may terminate its involvement upon 90 days written notice to the other signatory agencies partners through the Chairman of the Atlantic Fisheries Statistics Coordinating Council.

6. Any revision or amendment to this Memorandum of Understanding may be made upon approval of 2/3 of the members of the Atlantic Fisheries Statistics Coordinating Council.

**SECTION TEN. SIGNATORY PARTNERS**

The parties hereto represent that they have the legal responsibility and authority from their respective state and federal statutes or other constitutive documents to conduct fisheries statistics programs and to enter into mutual programs with other state and federal agencies in order to meet these responsibilities.

**CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_ **TITLE**  
**DATE**

**DISTRICT OF COLUMBIA**

**TITLE** \_\_\_\_\_ **DATE**

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**TITLE \_\_\_\_\_ DATE**

## APPENDIX I

Authorization of the partners to this MOU to collect data for use in marine fishery resource management includes the following statutes:

Connecticut:

- Connecticut General Statutes, Title 26, Section 26-157b, Reports: (a) requires holders of commercial fishing licenses, party boats, head boat and charter boat registration to report data to the commissioner; (b) the commissioner is authorized to release information obtained pursuant to subsection (a) for purposes of fisheries research, management and development and conservation law enforcement.
- Connecticut Fisheries Regulations: Section 26-157b-1. Reports: requires license holders to make periodic reports to the commissioner.

District of Columbia:

Delaware:

- Delaware Code, Title 7, Chapter 9, Section 903(I) authorizes the Department to collect pertinent data with respect to fisheries, including, but not limited to, information regarding the type and quantity of fish or weight thereof, areas in which fishing was conducted and time of fishing. The information collected by or reported to the Department shall be confidential and shall not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order.

Florida:

- Florida Statute 370.02 directs the Department of Natural Resources to secure and maintain statistical records of the catch of marine species by various gear, by areas and other appropriate classifications.
- Florida Statute 370.0607 directs the Department to establish a marine information system in conjunction with the licensing program to gather marine fisheries data.

Georgia:

- Georgia Code Section 27-1-3(a) declares all wildlife of the state to be within the custody of the Department of Natural Resources for purposes of management and regulation.
- Georgia Code Section 27-1-3(b) authorizes Department of Natural Resources employees to check creels for adherence to daily limits and size limits.
- Georgia Code Section 27-1-6(3) confers upon the Department of Natural Resources the power to enter into cooperative agreements with educational institutions and state, federal, and other agencies to promote wildlife management, conservation, and research.
- Georgia Code Section 27-1-23 authorizes the Department agents to inspect business premises and records of commercial license holders.

- Georgia Code Section 27-1-24 authorizes the Department to board, inspect and examine the vessel, its equipment, wildlife on board, and required documents.
- Georgia Code Section 27-4-118 requires any commercial fishing boat or vessel to maintain and carry a record book showing information pertaining to their catch.
- Georgia Code Section 27-4-135 requires the maintenance of records by sellers and reports of oysters and clams harvested.
- Georgia Code Section 27-4-136 requires the maintenance of records by seafood suppliers.
- Georgia Code Section 27-4-171 requires licensed bait shrimpers to maintain records and report information pertaining to bait shrimp sales.
- Georgia Code Section 50-18-70 states that all public records be open for inspection to the general population.
- Georgia Code Section 50-18-72 refers to the limited application of provisions and refusal to disclose identity of informant.

Maine:

- 12 M.R.S.A. Section 6173 authorizes the commissioner to collect pertinent data with respect to fisheries authorizing the commissioner to collect statistics from any source and may require reporting of these statistics. The commissioner may share this data with the National Marine Fisheries Service for research or fisheries management purpose, provided that federal laws and regulations protect the confidentiality of the shared data.

Maryland:

- Maryland Department of Natural Resources Laws, Section 4-206(a) authorizes the Department of Natural Resources to audit the books of any person who packs or deals in fish resources within its jurisdiction.
- Maryland Department of Natural Resources Laws, Section 4-206(b) requires every person engaged in the business of packing or dealing in any fish resource within the jurisdiction of the Department of Natural Resources to keep accurate books, statements and accounts and to make reports required by the Department.

Massachusetts:

- General Statutes Chap. 130, Section 21, pertains to the compilation of statistical information useful to marine fish industries and confidentiality.
- G.L. c.268A, S23(c)(2) requires that state employees not disclose materials or data within the exemptions to the definition of public records and provides for penalties for violations.
- G.L. c.214, S3B and 201 CMR 9.13 prohibits a state employee from improperly disclosing in violation of 201 CMR 9.00 any personal data as defined in S9.01 of those regulations. State employees failing to comply are liable for actual damages

incurred by any person injured by their disclosure and for exemplary damages of not less than \$100.00 for each violation together with costs and attorney's fees.

New Hampshire:

- RSA 206:9 authorizes the executive director to collect, classify, and disseminate statistics, data and information which tend to promote the objects of the department.
- RSA 211:49-b III requires license holders to furnish information concerning marine species or fishing activities.
- RSA 211:62 IV authorizes the taking, inspection and processing of marine species.

New Jersey:

- New Jersey Statutes Annotated (N.J.S.A.) 23:2B-3 and 23:2B-7 authorize the commissioner of the Department of Environmental Protection to perform certain duties regarding the management of marine fisheries.
- N.J.S.A.23:2B-9(a) authorizes the Commissioner, by regulation, to require every person who takes fisheries resources to provide information on the species, number, weight, and any other information pertinent to management of the resources.
- N.J.S.A.23:2B-9(b) requires every person engaged in the commercial buying, packing, storing, wholesaling, marketing or processing of any fisheries resource within the State to keep accurate records, books or accounts showing the species, quantity and source of fisheries resources.
- N.J.S.A.23:2B-9(e) and (f) require the Department to keep the records obtained confidential. The information collected shall be compiled or published in such a manner so as not to disclose the business record of any person. This information can be provided to other states, Federal agencies and regional fisheries agencies providing those entities have similar confidentiality provisions.

New York:

- New York Environmental Conservation Law Section 3-0301 (1)(w) authorizes cooperation with the executive, legislative and planning authorities of the U. S., neighboring states and their municipalities.
- New York Environmental Conservation Law Section 3-0301(2)(b) and (c) authorize the commissioner to enter into contracts, review and appraise programs and activities of state departments and agencies and make recommendations in carrying out the functions, powers and duties of the department.
- New York Environmental Conservation Law Section 11-0303(1) and (2) provide that the New York State Department of Environmental Conservation may enter into reciprocal and cooperative arrangements with the government of the United States and with other states and to carry out programs which promote natural propagation and maintenance of desirable species in ecological balance and lead to the observance of sound management practices for propagation and maintenance on lands and waters of the state.



- New York Environmental Conservation Law Section 13-0342 provides that data collected by the department or available to the department in relation to a fishery management plan shall be confidential.

North Carolina:

- North Carolina General Statute GS 113-131 charges the Department of Environment, Health, and Natural Resources with stewardship over the state's marine and estuarine fishery resources.
- GS 113-181 authorizes research and collection of statistics.

Pennsylvania:

- 30 Pa. C.S. Section 321(1) and (2) provide that the Pennsylvania Fish and Boat Commission shall administer and enforce all laws relating to the encouragement, promotion and development of the fishery interests, and the protection, propagation and distribution of fish.
- 30 Pa. C.S. Section 521(b) provides that the Commission may enter into cooperative agreements with Federal, Commonwealth and other state and local government agencies for impounding, managing, using, maintaining and operating waters for public fishing and may expend moneys from the Fish Fund for agreed upon pro rata share of the cost of their acquisition, construction, operation and maintenance. The Commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.
- 30 Pa. C.S. Section 7101 authorizes and directs the governor of this Commonwealth to execute the Atlantic States Marine Fisheries Compact on the Commonwealth's behalf with any one or more of the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida.

Potomac River Fisheries Commission:

- Maryland-Virginia Potomac River Compact of 1958 (Section 4-306 of the Annotated Code of Maryland and Section 28.1-203 of the Laws of Virginia) established and authorized the Potomac River Fisheries Commission to license and manage fisheries in the tidal Potomac between Washington, DC and the Chesapeake Bay.
- Regulation II, Section 4(a) requires daily records of catches and dealing submitted weekly on forms supplied by the Commission.

Rhode Island:

- P.L. 1981, Ch. 197, Section 20-1-2 charges the director of the department of environmental management with authority and responsibility over the fish and wildlife of the state, together with the marine fisheries council over the fish and other biological resources of marine waters of the state.
- P.L. 1981, Ch. 197, Section 20-1-17 authorizes the director to cooperate with the fish and wildlife commissioners.
- P.L. 1981, Ch. 197, Section 20-1-20 authorizes the director to require reports detailing hunt, catch, effort and other data be provided, which reports and other data shall remain confidential and may only be disseminated to the public in a statistical format.
- P.L. 1981, Ch. 197, Section 20-4-5 requires written reports of catch and effort data and other fishery data. The reports shall not be made public and shall be kept only for statistical purposes.

South Carolina:

- South Carolina Code Section 50-5-20 gives the Division of Marine Resources jurisdiction over all salt-water fish, fishing and fisheries, all fish, fishing and fisheries in all tidal waters of the state and all fish, fishing and fisheries in all water of the state whereupon a tax or license is levied for use for commercial purposes.
- Section 50-17-280 requires license and permit holders (including the recreational shrimp baiting fishery) to keep records and provide information.
- Section 50-20-40 (effective July 1, 1992) requires charter boats, rental boats, and commercial piers to provide catch, effort, and participation data.

Virginia:

- 28.2-204. Authority to collect fisheries statistics. - A. The Commission may collect from any source any fisheries data and information necessary to develop fishery management plans and to evaluate management options. This information shall include, but not be limited to:
  1. Statistics for catch and fishing efforts by species from commercial and recreational fishermen;
  2. Statistics from fish processors and dealers;
  3. Types of gear and equipment used;
  4. Areas in which fishing has been conducted;
  5. Landing places; and
  6. The estimated capacity of fish processing facilities and the actual amount of fish processed at these facilities.

B. The Commission may enter into cooperative agreements with any other entity for the collection of statistics.

C. The information collected or reported shall not be disclosed in any manner which would permit identification of any person, firm, corporation or vessel, except when required by court order. The Commission may prescribe the form and manner in which this information is reported (1986,c. 287, 28.1-23.2; 1992, c 836).

Atlantic States Marine Fisheries Commission:

- The Atlantic States Marine Fisheries Compact (consented to by P.L. 77-539) provides for a regional approach to improve utilization and prevent waste of the marine and estuarine fisheries resources of the Atlantic Coast.
- The Interjurisdictional Fisheries Act (P.L. 99-659) and the Atlantic Coastal Fisheries Cooperative Management Act (P.L. 103-206) require the Commission to develop interstate fishery management plans.
- The Atlantic Striped Bass Conservation Act (P.L. 98-613 and amendments) gives the Commission management authority for Atlantic striped bass in state waters.
- The Atlantic Coastal Fisheries Cooperative Management Act requires the Secretary to carry out a program to support the interstate fishery management efforts of the Commission, and authorizes financial assistance to the Commission and the states.

Mid-Atlantic, New England and South Atlantic Fishery Management Councils:

- The Magnuson Fishery Conservation and Management Act (16 U.S. C. 1801 *et seq.*) requires the fishery management councils to develop FMPs according to national standards, including use of the best available scientific information. Each council, through the FMPs, can require the submission of fishery statistics by fishermen and processors (16 U.S.C. 1853).

National Marine Fisheries Service:

- Under the Magnuson Fishery conservation and Management Act (16 U.S.C. 1801 *et seq.*), the NMFS is required to consider the effects of commercial and recreational fishing activities on marine fishery resources in the development of FMPs. Development and implementation of FMPs require the NMFS to use the best scientific information available.
- The Fish and Wildlife Act of 1956 (16 U.S.C. 742d *et seq.*) provides for the collection and dissemination of statistics on commercial and sport fisheries.
- The Migratory Game Fish Study Act of 1959 (16 U.S.C. 760(e)) provides for a continuing study of migratory marine fishes, including the effects of fishing on the species.
- The National Environmental Policy Act (NEPA) and other laws and directives (Regulatory Flexibility Act and E.O. 12291) delineate federal analytical responsibilities for assessing the impact of fishing activities.
- The NMFS Strategic Plan (1992-96) details specific goals and objectives referring to the need for collection of MRF statistics.
- The Atlantic Coastal Fisheries Cooperative Management Act requires the Secretary to carry out a program to support the interstate fishery management efforts of the Commission, and authorizes financial assistance to the Commission and the states.

Fish and Wildlife Service:

- The Atlantic Coastal Fisheries Cooperative Management Act requires the Secretary to carry out a program to support the interstate fishery management efforts of the Commission, and authorizes financial assistance to the Commission and the states.
- The FWS conducts national surveys of fishing primarily under the authority of the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k, the Dingell-Johnson, or D-J, Act). The D-J Act was expanded in 1984 by Public Law (P.L.) 98-369 (98 Stat. 1015), referred to as the Wallop-Breaux Amendment.
- The FWS also is authorized to collect data under the authority of the Fish and Wildlife Act of 1956 (U.S.C. 742d-f), the Fish and Wildlife Coordination Act of 1934 (U.S.C. 661-666c), and the NEPA.