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MARINE RECREATIONAL FISHING LICENSING SYMPOSIUM

March 15, 1989
New Orleans, Louisiana



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MARINE RECREATIONAL FISHING LICENSING SYMPOSIUM

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Edited By

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Gulf States Marine Fisheries Commission

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PREFACE

During the week of October 17, 1988, the Gulf States Marine Fisheries Commission met in San Antonio, Texas. During those proceedings the Recreational Fisheries Committee met to discuss several issues of importance. One of those issues was that of marine recreational fishing licensing.

It was the general feeling during that discussion that licensing is a significant fisheries issue which has the potential to affect the resource, the management agencies, and the general public alike.

Since the situation in each state varied, from slightly to significantly, the Committee felt that an overview of the current situation was necessary before any other positive steps could be made. That led the Committee to the idea of hosting a symposium at which each state agency and representatives of the federal government would discuss their current situations and positions with regards to marine recreational fishing licensing. The symposium was presented during the Gulf States Marine Fisheries Commission Annual Spring Meeting during the week of March 13, 1989 in New Orleans, Louisiana.

Many thanks go to the participants in the symposium for their dedication to bringing this issue to a more visible position. Their preparation for the symposium was evidenced in the thorough and professional manner in which their presentations were handled. Gratitude is also extended to the GSMFC staff for making sure that the event was well organized. Finally thanks are due to Nancy Marcellus for her careful attention to the preparation of the text of this document.

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WELCOME

RON LUKENS: I want to welcome you to our symposium. I am Ron Lukens of Gulf States Marine Fisheries Commission and I'm going to introduce to you Virginia Vail. Virginia is with Florida Department of Natural Resources and will act as our moderator this morning.

OPENING REMARKS

VIRGINIA VAIL: I too wish you good morning and welcome. We are very pleased to provide an opportunity to share the information and hopefully spark a good discussion on a topic that so many people are talking about among themselves, a saltwater fishing license. The intent this morning is to hear some specific information from members of our panel, and then to entertain a discussion with the audience and see where we go from there. The symposium will be recorded and transcripts made of all presentations and audience discussion and then published as a separate proceedings. We have a couple of changes on the panel. Senator Tom McPherson from Florida was unable to attend due to a scheduling conflict. Mr. Don Duden has graciously agreed to substitute, and Bob Williams from the National Marine Fisheries Service, again due to scheduling conflicts, was not able to be here. Mr. Chris Dlugokenski from the Fish and Wildlife Service Federal Aid Office in Washington has agreed to substitute and to provide us some information from his office. Without further ado, I want to introduce our first speaker, Mr. Norville Prosser from the Sport Fishing Institute in Washington, who will address problems and opportunities in marine licensing.

PROBLEMS AND OPPORTUNITIES IN MARINE LICENSING

NORVILLE PROSSER: Thank you, Ginny. I'm delighted as always to have an opportunity to join with you in Gulf States meetings. Unfortunately, I won't be able to stay with you at the meeting beyond today. I have to go back and testify tomorrow on reauthorization of the Anadromous Fish Conservation Act and the Interjurisdictional Fisheries Act, but I hope to learn much this morning and impart a little. As many

of you know, the Sport Fishing Institute has been deeply involved in the issue of licensing and user fees for a considerable time. I would like to begin this morning's presentation with a national perspective.

Marine recreational fishing is obviously extremely popular in the United States. In 1985, 172.6 million trips were taken to the marine coastal zone for recreational fishing. That is three times as many recreational fishing trips in marine waters as occurred a short thirty years ago. Sport fishermen caught 717 million pounds of fish in 1985, according to the National Marine Fisheries Service, and that accounted for 30% of all the finfish that are used for food, caught by commercial and recreational fishermen in the United States. Marine recreational anglers make a significant contribution to the economy locally, regionally, and nationally. The total economic impact, including multiplier effects, was estimated in 1985 at over \$8.2 billion. The result of that activity supported almost 104,000 person-years of employment in 1985.

That's the current status. How about the prognosis for the near future? We know that recreational fishing demands are going to increase in the future. There are two or three things that we can associate with that increasing demand. It is commonly recognized that the U.S. population is moving to the coastal zone. It has been estimated that in a few years about 75% of the U.S. population will live within 50 miles of the coastal zone, including the Great Lakes. SFI has taken the current fishing participation in coastal states by age cohorts, and using current avidity rates, projected the probable demand for recreational marine fishing to the year 2025. We estimate that from the current avidity rates we can expect to have to support about 40% more recreational fishing by 2025 than we do right now, or about 211 million days of marine angling pressure. We know that the American public is increasing their consumption of seafood up from only 10.9 pounds per capita consumption in 1966 to 15.4 in 1987. We expect this trend to continue. However, we know that fish on the table is becoming a luxury commodity, the prices for seafood at the retail outlet oftentimes exceeds the price for competing sources of protein, such as poultry or beef. We project that seafood consumers will increasingly become more inclined to harvest their own seafood for the table and capture the

associated recreational benefits in the process. So, for those several reasons, we project that the demands on the coastal fishery resources are bound to increase from the recreational fishing sector.

Unfortunately, the prognosis for future fishing in our nation's marine waters and the dependent industry that we represent, is pretty sobering. The marine fisheries resource base has been subject to extremely heavy exploitation by marine recreational and commercial industries and as a result, I don't have to tell anybody in this room, many fish species off the Atlantic, Gulf, and Pacific coasts which are subject to joint commercial and recreational exploitation are at all time historic low levels of abundance.

How do we remedy this sobering prognosis? Coastal resources upon which the public's recreational expectations are predominantly tied are obviously those in the territorial sea and as such are the responsibility of the coastal states to manage. For SFI to get some idea of what's going on in the coastal states relative to their ability to provide the necessary stewardship for the marine resources, we conducted interviews with every coastal state's primary fishery administrator. We did this last year. The coastal fishery management administrators reported to SFI that their progress with regard to fisheries management was constrained, and it won't come as any surprise to anyone in this room, that they identified the principal reason as limited financial resources. Of the 19 coastal state administrators that identified deficiencies, thirteen listed such financial resource-related constraints as just a general "we don't have enough money" to "we have too few staff," "we simply don't have the data that we need to manage the resources," "we have inadequate law enforcement to do the job," and "we have an inability to protect the habitat that the resource is dependent upon."

It's undeniable that a majority if not all of the coastal state management agencies need additional resources to acquire statistically reliable data upon which to make difficult management decisions. Improved social, economic and biological data are essential for the protection and enhancement of marine recreational fishing. In 1989 approximately \$12 million of additional money became available to the coastal states for the marine sports fisheries work as a result of

amendments to the Sport Fish Restoration Act, which I'm sure Chris Dlugokenski will touch on in his presentation. That was helpful, but that was certainly not adequate to do the job. While every single state in this Union licenses its freshwater fishermen, only eight states currently license all, or some part, of their marine recreational fishing public. The same kind of licensing programs are applied to the marine fishermen as are currently applied to inland fishermen, (what we call uniform licensing requirements), in Alaska, Oregon, California, Texas, and Louisiana. Washington State requires a stamp for some salmonid fishermen, Alabama licenses nonresident marine anglers, and Maryland licenses Chesapeake Bay marine fishermen.

Maryland is of particular interest because in 1985 it became the very first state along the entire eastern seaboard to require licensing of some part of its marine recreational angling public. We estimate that if each coastal state's freshwater licensing program, in other words just the basic exemptions and license fees, were applied to the marine fishing public in those states that don't license, those states would generate \$45 million to \$50 million in additional revenues. Additionally, some of the coastal states, notably Florida, New York, North Carolina, and South Carolina, would also enhance their return from the Wallop-Breaux Trust Fund.

When Ron asked me to appear today, he asked me to address some of the pitfalls or problems associated with marine recreational fishing and the remainder of my presentation will address those topics.

We have taken a very high profile pro-licensing stance that was very carefully crafted on the part of our industry because, as I hope you understand, if we do anything that inhibits or impairs recreational fishing participation, our industry is the first to suffer. So our stance has been very carefully considered and lengthily debated. But over the past ten years of supporting well-crafted licensing at the state level, we have received an awful lot of input from very concerned individuals that are in disagreement with our position. I have taken those expressions of caution and concern and prepared the following four basic areas of concern or pitfalls that have to be avoided.

Let me say at the outset, that I dismiss without further comment the strident claims of some licensing opponents that Mother Nature is

fully capable of continuing to provide all the necessary husbandry that our coastal and ocean fishery resources need, and I will not comment further upon the supposition that this is a last vestige of freely accessible, untaxed access to publicly held resources that the American public enjoys and that God intends for it to remain that way.

The four things that I will cover in this presentation are that recreational anglers feel currently that they are largely impotent with regard to the state marine management resource agencies. Secondly, I will address the fact that some state licensing proposals are proceeding without an essential foundation of an investment plan. Third, one I have touched on briefly, is the possibility oftentimes raised that licensing will inhibit recreational fishing participation and the associated industries. And the fourth thing that I will touch on is anglers' convictions that their license fees, if collected, will be diverted to non-fishery uses by the state, who can't be trusted.

With regard to angler impotency, recreational anglers often say that they shouldn't be expected to shoulder the financial burden to protect and restore stocks that have been, and will continue to be, over-exploited by an inadequately-regulated and overcapitalized commercial fishing industry. Let me quote from one letter that SFI recently received. "Our inability to effectively confront overfishing and the government's lack of credibility with recreational fishermen are sufficient grounds to dismiss licensing without further consideration." I think this is a real gut feeling that a lot of marine recreational fishermen have, a feeling of impotency. My response to that is that the surest way to demonstrate the recreational fishing community's concerns is for the community to shoulder a fair share of the cost of resource conservation. There is, in our judgement, no more direct, definitive way to demonstrate one's concern and thus acquire added influence in the policy arena than to offer to pay for the necessary conservation measures. It's no more complicated than the Golden Rule, he who has the gold is going to rule. The folks who have demonstrated their abiding interest in conservation by assuming responsibility for paying for such conservation programs, we think, will eventually have substantial influence in the policy arena. It can't be avoided. Such paying partnerships certainly have proven to work in inland fisheries

management, and in those coastal states that have marine licensing. And it holds true that the same situation will be repeated in other coastal states that license their recreational anglers. In summary, it is imperative that each state in search of marine angling license authority convince the angling public that the proceeds will allow the creation and maintenance of an informed bureaucracy, you may want to use another word, to provide aggressive advocacy for resource protection on behalf of marine recreational fishermen.

Two, with regard to an investment plan, I participated several years ago in an early effort in Florida to obtain a marine recreational angling license and I was disturbed by the licensing proponents point of departure in that effort which I would characterize as "how much money can we raise under a selected series of licensing fee strategies?" This approach, or even the perception that this is the approach being taken by a state agency or fraternity of proponents, is fraught with danger. Rather, supporters must carefully craft a specific conservation and development plan, that includes identification of priority research, management, access, and law enforcement limitations, that if corrected will allow creation of an improved recreational fishery. Once those specific goals are identified, including times and places, to the degree that that is possible to do so, then we are faced with the question, "How do we get from here to there?" And the financial plan to reach that identified goal, with the user fee as a foundation, is a part of that overall plan. The products of greater numbers of enforcement officers, access facilities at identified locations, answers to specific stock related research and management questions, that's what it sold for the prospective paying public. The user fees are necessary to reach those goals, not the end unto themselves.

Three, licenses could inhibit participation and inhibit the dependent business. Utmost concern and caution must be exercised to overcome this very real consideration in our view. Decades of experience, however, by inland and coastal licensing programs, provide ready models to avoid most of the problems that have been identified. For example, license fees must be reasonable and must include inexpensive short term licenses for residents and nonresidents. South Carolina's current proposal, I think, includes \$3.50 for a short term

license for a nonresident. That, we think, is appropriate and proper. That was a deficiency as I saw it in the Florida plan several years ago. Anglers that use boats which charge a fee can be covered by allowing special licensing for the subject boat that covers the angling public that enjoys their service. The same thing can be done for commercially-operated fishing piers. It is essential that licenses be readily available, seven days a week, at locations convenient to the entire prospective angling public. Without careful consideration and protection, the casual resident, or the tourist, will be forced out of the market.

Finally, the argument that license fees will simply be diverted by an untrustworthy state government. As noted earlier, marine anglers tend to visualize themselves as a largely impotent force in marine regulatory affairs, and have not considered the enhancement of power which licensing would provide. Many honestly believe that they would be unable to prevent state legislatures or the marine resources agency from diverting their license fees if they did contribute them. Again, the record of existing inland and coastal state licensing programs speak volumes in this regard. SFI knows of no successful, permanent diversion of license monies since 1951 when the Federal Aid in Sport Fish Restoration Act passed. It's not a perfect world, and we know of several short term diversions that have been successful, but nothing that has ever permanently diverted license fees from the purposes for which they were intended.

Now, I mentioned the 1951 passage of the Federal Aid in Sport Fish Restoration Act. That Act currently provides a minimum of \$2 million and up to \$9 million for every coastal state shared between the marine and freshwater interests. If any state license money, and soon even interest earned on license fee deposits, are diverted to any non-fishery related purpose, the state loses all of its Federal Aid money, and again, we are talking about a minimum of \$2 million. I think that's going to engender an enormous political powerbase to prevent that kind of diversion. The Wallop-Breaux Act says "No money apportioned under this chapter to any state shall be expended therein until its legislature or other state agency authorized by the state constitution to make laws governing the conservation of fish shall have passed laws

for the conservation of fish which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose but administration of said fish and game department."

In summary, then, the future of marine recreational fishing is tied inexorably to the health and abundance of the common property fishery resource. It also supports a competing commercial commodity enterprise. Many high priced finfish species, particularly species subject to both sport and commercial exploitation, are showing signs of stress and the rate of growth of marine recreational fishing shows signs of declining. To realize the essential improvement in fishery conservation practices will necessitate the provision of a dependable and dedicated source of investment dollars. To accomplish reasonable growth in political stature at local, state, and federal levels, the marine recreational fraternity must demonstrate that it is concerned and affected by resource management. Carefully crafted state licensing programs provide the surest path to accomplish these essential improvements. The position of the Sport Fishing Institute is that we think that licensing is essential, we think it is inevitable and we say let's get on with it and return our marine fish stocks to reasonable levels of abundance. Thank you.

VIRGINIA VAIL: Thank you, Norville. We will proceed now to hear about the different Gulf States and their experiences with saltwater licensing. Mr. Hal Osburn, representing Texas.

STATE/FEDERAL SUMMARIES

TEXAS - Hal Osburn, Texas Parks and Wildlife Department

HAL OSBURN: Thank you. There are few topics which engender a stronger challenge or more forceful support from anglers than the issue of licensing marine recreational anglers. The concept of a saltwater fishing license is rejected by some anglers because they see it as a further intrusion of government into their lives. They feel that they should not have to pay for what they see as a free resource.

Many anglers, however, view harvesting fish as no different from leasing the mineral rights on state property and mining the resource. They realize that public fisheries and associated recreational fishing opportunities don't just happen but that resource protection and the creation of recreational fishing opportunities require capital investment for research, management, law enforcement and fishing facility construction. In order for these programs to advance in Texas, marine anglers have assumed a partnership role in funding their share of resource development and management programs to enhance their recreational fishing activities. This user-pay concept has been and is an increasingly integral part of recreational fishing in Texas.

The user-pay concept for Texas saltwater anglers began in 1957 when saltwater anglers 17 to 64 years of age were licensed under the State's general resident fishing license. Texas thus became the first state to have a universal fishing license for all fishermen. This license requirement has remained generally unchanged since 1957 except that the license fee has increased from \$2.15 in 1957 to \$8 in 1988. This fee increase, however, is about equivalent to the increase due to inflation.

In 1973 the Texas Legislature established a Resident Combination Hunting and Fishing License. This license allows Texas residents to meet the license requirement for hunting and for fishing in both fresh and salt water. The combination hunting and fishing license has remained generally unchanged since 1973 except that the license fee has increased from \$8.75 to \$15 in 1988.

A three day saltwater sport fishing license was also established by the Texas Legislature in 1973. However, this license was repealed in 1981 and replaced with a temporary 14-day resident fishing license and a 5-day nonresident fishing license to accommodate persons with a short term interest in fishing.

A major change in saltwater licensing requirements occurred in 1985 when the first saltwater sport fishing stamp was established by the Legislature. The \$5 stamp is required of all sport anglers fishing in coastal waters in addition to the general fishing license. Specific boundaries for coastal waters are defined using U.S. and state highways.

The number of fishing licenses sold in Texas has increased from approximately 458,000 in 1956 to nearly 1.9 million in 1987. Since 1982

revenue from fishing license sales has exceeded \$18 million annually. Over 540,000 saltwater sport fishing stamps have been sold annually since 1986. Revenue from the sale of the stamp exceeds \$2.5 million annually. Revenues from the sale of fishing licenses are dedicated to fisheries management activities while revenues from the sale of the saltwater stamps are dedicated specifically to saltwater management and law enforcement. Prior to the establishment of the saltwater stamp, marine fisheries programs had to compete for a share of the state funds generated from general license sales. The saltwater stamp has provided a reliable supply of funds for the fishery dependent and fishery independent monitoring programs in Texas.

Saltwater anglers and the coastal fisheries in general also benefit from funds generated from the Federal Sport Fish Restoration Program. This federal program shares tax revenues with the states based on a formula involving the number of licensed anglers in each state. In addition, this federal program calls for an equitable division of Wallop-Breaux funds between freshwater and saltwater projects based on the number of resident freshwater and saltwater fishermen. A state saltwater stamp can assist in the allocation of these project monies.

The problems facing the saltwater recreational fishery are complex and increasing almost daily. The growth in the numbers and influence of saltwater recreational anglers has provided the motivation to understand and manage the problems. Adequate funding is critical to the success of the aggressive saltwater recreational fisheries management programs undertaken in Texas. License and stamp sales to saltwater anglers provide the funds needed to support new or modified programs that insure the protection, management, and enhancement of the marine recreational fishery in Texas.

A saltwater sport fishing license also has benefits beyond the generation of project monies. The sheer number of licenses or stamps sold demonstrates the importance of the sport fishing industry. Impetus is thus provided for initiating research into the economic and social impacts of all these fishermen. And to facilitate such research, the saltwater stamp provides the sampling universe for a variety of survey types. For example, beginning in 1986, the Texas Parks and Wildlife Department has cooperated each year with Texas A&M University in

conducting an extensive mail survey of saltwater fishermen using names and addresses randomly sampled from the saltwater stamp list. Data collected from these kinds of projects can better allow managers to define and to achieve optimum yield of the state's fishery resources.

In conclusion, perhaps the only substantial drawback to a saltwater license is the initial reluctance of the angling public to accept the need for one. And yet this drawback can be overcome by educating the public on the potential exhaustibility of our fishery resources and by promoting the management successes generated with license revenues. In Texas our law enforcement officers indicate a greater than 90% compliance with the saltwater stamp requirement after only three years. The drawbacks can be overcome and the benefits can be overwhelming. Without a doubt, the Texas experience with licensing marine recreational fishermen has been a resounding success.

VIRGINIA VAIL: Thank you, Hal. Next we'll hear about Louisiana from Mr. John Roussel.

**LOUISIANA - John Roussel, Louisiana Department of Wildlife
and Fisheries**

JOHN ROUSSEL: Louisiana's saltwater licensing program is fairly new. It was established in 1984 and fully implemented in 1986. Prior to that time saltwater anglers in Louisiana were required to purchase a license, but they were covered under a basic license which applied also to fresh water. The saltwater license provisions in Louisiana have a fairly unique background, and I thought I'd go through it this morning to give you the benefit of some of the experiences that we have had in Louisiana. Back in 1983, then Governor Treen recognized the importance of Louisiana's coastal finfish resources and also recognized the need to properly manage these resources. By Executive Order he created a Governor's Task Force on Saltwater Finfish Management. This task force was composed of representatives from the Department of Wildlife and Fisheries, recreational fishermen, commercial fishermen, consumers, the Louisiana Restaurant Association, university fishery scientists, and the Wildlife and Fisheries Commission. This task force was specifically

charged with reviewing all of the ongoing programs regarding monitoring of our coastal finfish populations and all of the programs which were designed to monitor the annual harvest by both the recreational and the commercial industry. They were also directed to take whatever steps were necessary including the preparation of legislation which would assure the proper management of all of these resources. The discussions and the work of the task force resulted in a number of proposed pieces of legislation, actually there was a total of five that they recommended. One of these proposed bills was a fairly comprehensive bill which contained a provision to license saltwater anglers in Louisiana. This particular bill was passed by the Legislature in 1984 and subsequently signed into law. Basically the saltwater license as originally passed was an area type of license similar to what Mr. Osburn just outlined for Texas. Previous to the saltwater licensing provisions the state legislature had designated saltwater areas in Louisiana as basically those areas south of a line drawn from Mississippi to Texas. The saltwater licensing provisions provide that anybody fishing south of that line would be required to purchase a saltwater license in addition to a basic license, and the fee for the saltwater license was established at \$5.50. There were a couple of classes of people who were exempted from the saltwater license, and these were really the same as those exempted from the basic license, including residents over 60 and both residents and nonresidents under 16. At that time Louisiana did not have universal license which means that our license did not apply to everybody. It did not apply to cane pole fishermen or those people who fished without a rod and reel or without artificial bait. In addition free saltwater licenses were issued to resident veterans who had a permanent service-connected disability and residents who were blind, paraplegic, or multiple amputees. Since the time when the original bill establishing the license was passed we have had some slight modification of the saltwater licensing program. One of the major ones was that as originally passed the saltwater license did not differentiate between a resident and a nonresident. The same fee and the same license applied regardless of your place of residence. Since that time a nonresident season license has been established at a cost of \$25.50 and a seven-day trip license has been established at a cost of \$15.50. Also since that

time Louisiana has passed what we call a universal licensing system which requires that everybody who fishes recreationally must buy a license; however, the exemption for those people not using a rod and reel and artificial bait still applies in terms of the saltwater license. These individuals are not required to purchase a saltwater license if they fish south of the saltwater line. Another modification made was that persons fishing in saltwater areas who are taking or possessing only freshwater species are exempted from the saltwater license. In Louisiana we have quite a few areas south of that line where there are significant freshwater sport fisheries, primarily for bass, crappie, and freshwater catfish, and the Legislature saw fit to exempt those persons who only take or possess freshwater species in the designated saltwater areas. In addition to establishing the license structure, the enabling legislation also dedicated the proceeds of this license. The proceeds are dedicated in the statute and the Department is directed to expend them for the purpose of supporting research, management, and administration of saltwater finfish by the Saltwater Finfish Section of the Seafood Division. The number of licenses sold since 1984 has ranged from approximately 100,000 in its initial year to about 215,000 during fiscal year 1986-87. The low figure in the initial year was primarily the result of the fact that when the legislation was passed we did not have licenses printed and available to be issued at the time the law went into effect. The revenues or proceeds from these licenses on an annual basis range from, in a low year approximately \$425 thousand to slightly over \$900 thousand for the highest year. We in Louisiana feel fortunate to have a marine licensing system primarily because it gives us a good handle on just how many people are participating in the recreational fishery and it provides some much needed revenue. This licensing program was one of the main driving forces in establishing a saltwater finfish section within the department, dedicated to doing work on saltwater finfish. Presently we have approximately a 29-man section that didn't exist prior to the establishment of that license. I might add, just for the sake of information, that at the same time of establishing the angling license there also was a restructuring of the commercial finfish licenses that was contained in the same bill. Thank you.

VIRGINIA VAIL: Thank you, John. Mr. Joe Gill represents Mississippi in today's forum.

MISSISSIPPI - Joe Gill, Mississippi Bureau of Marine Resources

JOE GILL: Thank you. When Ron asked me to do this, I told him basically all that I will have to do is just get up and thank you for inviting me and sit down, because basically what we have is nothing in the State of Mississippi as far as saltwater fishing license is concerned. This year we felt that we had a pretty good chance of getting something passed. The House of Representatives tied in the saltwater fishing license with an overall increase in the wildlife license bill. Basically what the saltwater fishing license was going to consist of was a resident combination license for fresh water and salt water which would have cost \$10. It passed the House after three votes, and then went over to the Senate. Unfortunately it didn't even get out of the subcommittee in the Senate, so we're back to square one again. We have been trying to show our legislators that this is a valuable tool for the state for management of marine resources but unfortunately they have not been listening. We are hopeful that maybe next year we will have something to come out of it. Senator Gollott is planning to set up a panel to investigate the possibilities of the saltwater fishing license for the coast, and so we feel that this is an avenue which will give us an opportunity for our Department to set up a task force to work with this panel to show the need for a saltwater fishing license. To say that a saltwater fishing license is not passed this year is not a completely true statement. A nonresident saltwater fishing license did pass both House and Senate, and I understand it is going to be signed by the Governor. We have been experiencing problems, along with our neighboring states, with the fact that the time our legislature goes out of session, theirs is going in; consequently, we have been playing catchup every year on license increases. A bill was passed giving the Department of Wildlife Conservation the authorization to raise license fees according to increases in neighboring states. Someone introduced an amendment for a nonresident saltwater license to be included in that bill and it passed, so we will have a nonresident saltwater fishing

license. No one has yet ascertained just who is going to pay what, how it is going to work, i.e. when guests come into hotels are we going to have a license sale there, or just how much we are going to charge them, so we have our work cut out for use. That is the story of the saltwater fishing license for Mississippi, and I'm sad to say that I have to stand up here and say that the State of Mississippi does not have a saltwater fishing license. I feel next year that we will have a task force set up to work with this committee and I feel that next time I stand up before such a group I'll be able to talk more like Louisiana and Texas have about saltwater fishing licenses. Thank you.

VIRGINIA VAIL: Mr. Vernon Minton will present for Alabama.

**ALABAMA - Vernon Minton, Alabama Department of Conservation
and Natural Resources**

VERNON MINTON: Thank you, Ginny. Alabama's marine fishery resources are regulated by the Alabama Department of Conservation under the Division of Marine Resources. Residents in Alabama are not required presently to purchase a rod and reel license to fish in the salt waters of Alabama. The marine recreational fishery was assessed by the Marine Resources Division during the years 1985-1987 with a random, non-uniform probability designed multi-mode creel survey. The program surveyed anglers fishing in each of the following modes, the bank fishery, the pier fishery, boats, and the marine grounds. Funds for this survey, which we were able to run for three years, were generated from the now-revised Public Law 88-309. The revision of that law cut Alabama's allocation by about two-thirds, so we have been unable to continue that particular type of survey. We have since changed to a new type which concentrates on the length frequencies of target species that are being caught, but does not generate any of the socio-economic data as did the surveys in 1985-87. From those original surveys the marine fishery was characterized, estimating about 250,000 angler trips within the fishery each year. Bank fishing comprised about 46% of these angler trips, while the boat fishery, if you consider both inshore and offshore, was approximately 33% and the pier fishery was around 21% of the angler

trips. These persons expended approximately \$8 per day of fishing, this was in consumable type goods and didn't include the fixed costs. If expanded the expenditures total approximately \$2 million per year. As part of this survey we asked the question to the anglers, would they be willing to purchase a saltwater fishing license. The response across the different fishing modes was fairly equally distributed and also very negative, with about 63% of the anglers indicating that they did not feel that they needed to buy a saltwater fishing license. Of the 37% of the anglers that indicated that they would be willing to purchase a license, the average price that they would be willing to pay was about \$8. This was a little bit higher in the offshore boat fishery where the anglers who did give a positive response indicated that they would be willing to spend about \$10. Presently in Alabama the Marine Resources Division receives 10% of the funds generated from the sale of freshwater, rod and reel, resident and nonresident licenses. Nonresidents coming into the state are required to purchase a rod and reel license to fish in any of the waters of the state. This license generates an annual income for our Division of approximately \$350 thousand. In the original survey we estimated that there would be approximately 30-50,000 persons affected by the creation of a saltwater license. In order to maintain the same level of management activity, we would have to receive about \$8 to \$10 for each of these licenses. This concept was supported, based on the original survey, by only 37% of the angling public. In our view the major benefit of such a license would be the coordination of a data base similar to that in Texas. This would facilitate use of mail surveys to gather data. At this time we feel that the database that we have from the sale of freshwater licenses coupled with a few more questions randomly selecting and editing we could generate the mail survey type data which would help us with our overall information gathering. Our future plans in Alabama are going to focus along the lines that Texas has gone. We would like to see the creation of a universal license so that residents who fish in any of the waters of the state would be required to purchase a license. I think this would possibly change some of the public attitude and open an avenue for the creation of a saltwater stamp. This license will probably be required in order for us to maintain our present level of

participation in marine fisheries management and hopefully increase it to the point where we can get back on line with some more comprehensive data and information surveys. Thank you.

VIRGINIA VAIL: Thank you, Vernon. And now, completing our sweep through the Gulf States from west to east, Mr. Don Duden will describe Florida's activities and efforts.

FLORIDA - Don Duden, Florida Department of Natural Resources

DON DUDEN: Thank you. Florida is set up from a management standpoint with the Marine Fisheries Commission handling all of the fishery regulations. The Department of Natural Resources handles the bulk of the marine research and all of the marine law enforcement. The Legislature has reserved unto itself all licensing and all penalties. I took budgets for the Division of Marine Resources, the Division of Law Enforcement, and Marine Fisheries Commission, subtracted out any activity that was not fishery related, and our total budget this year is \$24,464,000. That's broken down primarily with \$18.2 million from general revenue, \$2.8 million from commercial licensing, and \$3.4 million from grants. I looked at five species of fish where some pretty good information exists and what percent is taken by recreational versus commercial. If you consider red drum, black drum, spotted sea trout, king mackerel and Spanish mackerel and add them together, the percentage is basically 57% taken by recreational fishermen. The primary reason I did that was to show that recreational fishermen in Florida are major players but not major payers. So therefore there is a need for a marine recreational fishing license in Florida.

A little history on where we've come from to where we are today. In 1976 we held five public hearings statewide to determine if there was a need for and what the acceptance rate was among Florida citizens for a saltwater fishing license. I attended all five of those hearings, and distinct records were kept. Ninety-two percent of those who attended opposed saltwater fishing licenses in the State of Florida and 8% supported it. A Senator from Pensacola was the first speaker at our first public hearing, and he set the tone for what was going to happen.

Quote, "There just ain't gonna be no saltwater fishing license in the State of Florida." Unquote. Well that set the tone for several years and to add some "umph" to that, a couple of years later he became President of the Florida Senate. So it wasn't until about 1980 that he was out of the presidency and we decided we would try again. We at the Department of Natural Resources recommended to the Governor and our statewide elected Cabinet that it is now time for a saltwater fishing license in the State of Florida. They publicly said no, it is not time. So that set the tone that we did not have the support of our bosses, and therefore there was no need for a saltwater fishing license in the State of Florida. In 1986, once again, we said now is the time. So with the support of the Governor and Cabinet we introduced a bill and it passed the Natural Resources, Finance and Tax, and Appropriations Committees in the Senate and died on the Senate calendar because once again we had a Senator who did not like saltwater fishing licenses. In 1987 we reversed the strategy and went to the House of Representatives, which had a very willing Speaker, and we passed the saltwater fishing license out of the House of Representative in 1987, overwhelmingly. I can't remember the exact vote, but it was about 100 to 20. We then sent it to the Senate, and it laid there and gathered dust for the rest of the session. In 1988, the next year, we decided not to even try. We had the same people in the same positions of power and decided that it was once again not time for a saltwater fishing license in the State of Florida. This year, 1989, is a different year. A lot of things have changed in many ways, a lot of education has gone on, a lot of ballot box education has gone on, too, and we now think it's time. So do a lot of others. The leadership in the House is supporting a saltwater fishing license, the leadership in the Senate is supporting a saltwater fishing license, and the Governor is specifically supporting a saltwater fishing license as is the Cabinet, as is the Department of Natural Resources. Five bills have been introduced in the House and three bills have been introduced in the Senate. It is interesting to note from a historical perspective that in essence we had the votes in the House and in the Senate for the last four years. We probably had a majority, certainly, in the Senate, and about 100 votes in the House for the last four years, but politically we could never get the roll call. During

this particular legislative session which starts in about three weeks, we feel that we have about a 90% chance of a bill passing. The strategy this time will be to take the three Senate bills and combine them into a committee substitute on the Senate side, and take the five House bills and combine them into a proposed committee substitute on the House side, pass the Senate bill to the House, substitute the Senate bill for the House bill and pass it out to the House. So far that's worked, because we are through our first hurdle, which is to pass it out of the Senate Natural Resources Committee, which was done last week. Our committees start meeting a little bit earlier than the legislative session, they meet about three months early for about three days each and actually pass bills. So our bill now has passed the Natural Resources Committee in the Senate with one negative vote, and is now in the Finance and Tax Committee.

The bill itself basically defines marine fish and says that you must have a saltwater fishing license to take, attempt to take or possess any marine fish, and marine fish uses all the fancy scientific names that covers the gamut. It will be a twelve month license from the date of issuance, and it is set up to allow for a vessel license or a structure license, which is a pier in essence or any structure which is connected to land for which a fee is charged. The idea behind that concept is if the vessel is licensed, it is a licensed platform and therefore anyone fishing off of it does not have to have a license, be it resident or nonresident. The fees at this particular point are \$10 resident, \$25 nonresident, \$250 for a boat which is licensed to carry more than ten customers, \$100 for a vessel that carries ten or less and \$100 for a fishing pier for which a fee is charged. We did have a \$10-ten day nonresident license fee and one of the Senators cut that out at the committee meeting last week. I suspect we will revisit that before the session is over because the same Senator cut the same fee out of the freshwater situation a couple of years ago and it caused such turmoil that they put it back in during a special session of the Legislature. The vessels and piers that are licensed also are required to keep records and reports pursuant to a rule of the Department so we don't lose our statistics that we would lose otherwise. Exceptions to the bill are anyone under 16 and anyone that receives Medicaid, Food

Stamps, or Aid to Dependent Children. That is another way of addressing your cane pole exemption which some states have, and which Florida has in fresh water. HRS clients are exempt, that's primarily those that are mentally handicapped to the point that they are clients of the state. Obviously, persons who are fishing from a licensed boat or pier would be exempt from their personal license, and persons who hold a valid saltwater products license would be exempt. Our products license is a commercial license that authorizes you to take fish. You also have to have it to sell fish to a wholesale dealer. Later we changed it and added that you have to have it in order to use certain gear, so if you have a saltwater products license you can fish commercially and recreationally. The license will be sold by the tax collectors, which is just standard procedure, and all its other agents, etc., with all kind of controls and reporting, and auditing set up. The license itself will be a stamp and what we have is a generic identification card that when you buy a freshwater license, a hunting license or anything today, you get that generic card. Then they will put your hunting stamp on it and your fishing stamp on it. So now with the saltwater license they will simply put a saltwater stamp on it. If you were going to buy a saltwater license first you would be issued the generic card and issued a saltwater stamp. Then if you wanted to buy a freshwater, you'd just get a stamp put on it. We have a statistical capture system so for one out of every ten people who buy a license, we get a range of socio-economic information. In addition to the license, in an effort to try the concept we also stuck in a \$2 stamp for snooks, a \$2 stamp for lobster, which are above and beyond the cost of the license itself. So recreational fishing for those two species you pay \$2 extra, and then those \$2 are earmarked to go back to that specific fishery.

You know recreational fishermen are all concerned about the deposition of the revenues in the bill, and we have heard it a thousand times in Florida. Most fishermen don't mind it if the monies go back into the fishery. Thirty percent, I call it the thirty-thirty-thirty, but 30% is earmarked for law enforcement, 30% is earmarked for marine research, 30% is earmarked for marine fishery enhancement, and we define that in the law as being fishery statistics, artificial reefs, hatcheries, etc. It says "shall include, but not be limited to." In

reality a portion of that one is research, statistics is in reality part of our research effort, so there is more than 30% in the area of research. Two and one half percent would go to the Marine Fishery Commission, which is our rule-making body, 2.5% would go into aquatic education, and 5% would be general administration and sale of the licenses and our own information education office. Two somewhat unique attempts in the bill to insure that the money is used for what it is intended to be used for is a no-diversion concept. The first one is a meager attempt, not well written, and we are going to change that. Basically it says that no monies can be spent except on projects that are on a priority list approved by the Marine Fishery Commission and the Governor and Cabinet and head of the Department of Natural Resources. That is a meager effort in trying to say to the Legislature, "You can't turkey this money." In Florida a turkey is a legislative boon a legislator takes home to his particular district for any project he thinks is important. So if the money went into the budget to build a hatchery in Gainesville, Florida and it wasn't on the list, then you couldn't release the money to do it. It's very difficult to tell the legislature that they can't do something that we as executives or administrators can. The other part of it is the typical Wallop-Breaux type of approach and that is no substitution. Diversion means a different thing than substitution. When you are getting as much general revenue as we are getting, it's easy to give the Department all the license money and be gracious and then take away all your general revenue. So the bill would say that the general revenue funding shall continue at the 1988-89 level and provides that all license revenues shall be in addition thereto. Now we can do that if the Legislature wants to do it and passes this language in law. The Legislature is all powerful, but if we have a law that says this, then prior to doing something different they have to change the law. They can't do it with this law on the books, so it does set up good protection against substitution as previously mentioned, we are a \$3.5 million Wallop-Breaux state and we stand to get up to \$4 million additional dollars with this particular license. Just that Wallop-Breaux possibility on the diversion is a good deterrent to that. Right now the bill is estimated to bring in about \$25 million. We have bounced up and

down on the scale of anticipated revenue and the reason we do that is they took out the ten day-ten dollars provision, so anticipated revenue automatically changes. You've got 80% of your tourists staying in the State. We have gone through it so much that no matter what they do the bill, we can tell you generally what it does to revenue. We have been down as low as \$8 million because of exceptions and we have been up as high as about \$32 million because of no exceptions. And you will notice that I said 16 and under, there's no 65 and over exception in here. And that's one of Senator McPherson's "damn sure gonna be" situations, because he is convinced that the "65 and over" is the group of people in Florida that are putting a lot of pressure on our resources, and in Florida it's the group of people that can probably afford ten bucks. So he's going to push hard on that. The bill itself will appropriate to us 52 new positions in July, with \$3.6 million, and then 155 new positions in January with \$7.9 or almost \$8 million to go with them. So you see that's about \$12 million. The other unappropriated money, should it raise more than that, would remain in a trust fund unallocated so that during the next session of the Legislature it can be utilized. That brings me from history to present. Thank you.

Editor's Note: The Florida Legislature passed the saltwater fishing license bill during the 1989 session and the Governor signed it in June 1989.

VIRGINIA VAIL: Thank you, Don. That completes our state summaries, and now Mr. Chris Dlugokenski from Fish and Wildlife Service Federal Aid Office in Washington will describe the federal aid input into saltwater licensing.

**U.S. FISH AND WILDLIFE SERVICE - Chris Dlugokenski, Division of
Federal Aid**

CHRIS DLUGOKENSKI: In 1985 the Sport Fish Restoration account amounted to approximately \$40 million. Right now we are looking at about \$212 million to be apportioned to the states in fiscal year 1990. The way in which we do that is take 40% of the money and give it to you

based on the land and water area of the state, and I am having a coastal geodetic survey reexamine of the marine areas for coastal states. Each square mile of land and water area that you have is worth approximately \$19.50. Every license that you sell is worth approximately \$3.20. We apportion 60% of the money based on the number of license holders that you have. The way which we examine whether or not you have a legal license holder in each state is basically that it can't be a giveaway license. You have to return a net revenue with a particular license. I ran through a few calculations for each state. Texas of course is a maximum state. They contain approximately 7% of the nation's land and water area and approximately 6.4% of all the nation's anglers. We have a maximum cap of 5% of the amount of money that we give out, so Texas is gracious enough in its contribution and makes sure that the rest of the states get a little bit more money. We worked with Senator McPherson from Florida to draft the language for Florida's license bill to make sure that it would pass the requirements that Federal Aid would need in order to provide additional revenue to Florida. According to Fish and Wildlife Service's 1985 survey of fishing and hunting, Florida has approximately 3.7 million total anglers in the state, of which 2 million were unlicensed saltwater anglers. If Florida can license approximately 1.4 million saltwater anglers, they will qualify for the maximum federal appropriation, and in fiscal year 1990 that could be as much as \$10.5 million Wallop-Breaux dollars coming into the state. The picture is not as rosy for the other states. Mississippi for example has approximately 874,000 anglers from our 1985 survey of which 92,000 were saltwater anglers. However, if you did happen to get a license in place to license those 92,000 anglers, it would mean approximately \$300 thousand in additional Wallop-Breaux money coming into Mississippi. When Senator McPherson was talking to us about this, one of the things that we emphasized was a species stamp. Not only will you sell that stamp the first time around to all your recreational anglers, but there are approximately 400,000 collectors from all over the world that will beat a path to your door to buy that first-issue stamp. You can't count on that money in future years, but with a \$2 snook stamp you will probably wind up with at least a quarter of a million sales that you did not expect from that particular stamp's first year of issue. One of the

other things that we require in licensing is when you have a lifetime license you must, every five years go back and canvass a proportion of the people to which you have sold that lifetime license to find out, number one, if they still reside within the state, and number two, whether they are still living. So you have to have some mechanism in place to remove those lifetime license holders from the books. And finally, I'm from the State of Alaska and our sport fish are primarily all anadromous and so therefore we don't have fresh water and salt water turf battles that you tend to have down here with separate agencies for marine and fresh water. At the federal level we provide guidance to the states based on our national survey of hunters and anglers and provide the number of resident anglers within the state based on how many fish in salt water, how many fish in fresh water and provide that to you as guidance as to how you should divide up the money. This is as weasel-worded as we could possibly make it because the burden should not come from the federal government. You must decide as to how to equitably allocate the dollars between marine and freshwater anglers. Our specific language is "each coastal state to the extent practical shall equitably allocate those funds specified by the Secretary in the apportionment of the Federal Aid funds." The extent practical means that the amounts allocated for each year's apportionment may not necessarily result in an equitable allocation for each year; however, over a three year period you should approximate those dollars between marine and freshwater programs to reflect angler participation. I think that you are going to hear user fees a lot in the Bush administration and this is certainly a voluntary program which taxes tackle as well as motorboat fuel, trolling motors, flasher-type depth finders and you know anglers voluntarily decided to do this to themselves in 1950. I think that the nation's recreational anglers are to be complimented for putting their money where their mouth is in these programs. I'm not sure how your commercial management works. In Alaska we took approximately 1/10 of 1% of the exvessel value of all Bristol Bay fish and that's how we used to manage fish out there. I'm not sure what the commercial contribution is to the management of the commercial species but certainly recreational anglers have voted with their pocketbooks to make sure that they've got a reasonable opportunity to catch fish. By

the way, we are authorized to spend 6% by Congress to administer this program. We wind up spending approximately 3% of that, and of that 3%, 8/10 of 1% is spent on programs to assist the Secretary in carrying out his mission. For example, we have decided to provide grant money to the Gulf States Marine Fisheries Commission, the Atlantic States Marine Fisheries Commission, and the Pacific Marine Fisheries Commission in providing products which have a benefit for recreational anglers. In this case it is trying to standardize methodology for striped bass research, fishery management plans, etc., and I think we will be working with the Gulf States for a long time to come. Thank you very much.

VIRGINIA VAIL: Thank you, Chris. That concludes our panel discussion. Now I would like to open it up for audience participation.

QUESTIONS AND ANSWERS

LARRY SIMPSON: I have a brief comment to make. Chris, I think it is important to stress as Vernon did in the strategy of passing the license the extreme importance of the data collection ability. Just the simple fact of having the known universe and being able to sample that universe is extremely important. Revenue is important, other things are important, but certainly the data collection activities are imperative. Further, we have had this discussion in previous meetings, that there have been considerations of federal licensing and we were going to have to allow them to make that presentation. But if a federal license is to be passed, then that would cause a severe burden upon those states that don't have a license. And lastly, there's really two parts to the question. What is the potential of eventually having a single license that would be valid in all waters of the various states, a reciprocal license. There are people who have made this known to this Commission back in the very beginning. In 1949-50 some tried very hard to accomplish that. We were unable to do it totally, but only a partial form. Some of those early reciprocal agreements have fallen away in the last few years. What's the chance of having that? Another consideration is the single lifetime license concept. I happen to reside in Mississippi and Mississippi has come out with a permanent

lifetime license concept. Would that be an avenue to approach, for people who desire to pay a certain amount of money that would be prorated in some fashion?

VIRGINIA VAIL: Okay. When you go to respond to a comment or a question, please state your name and your affiliation so that we can keep the speakers separate on our tapes.

NORVILLE PROSSER: Norville Prosser of the Sport Fishing Institute. I am not sure when you're talking about universal or uniform license that you are talking about all fishermen in all situations in fresh and salt water or if you're only talking about coastal waters, marine waters.

LARRY SIMPSON: Well, I'm more interested in coastal or marine fishing.

NORVILLE PROSSER: All right. Let me address the larger picture first. Obviously there have been efforts at a universal license for the retiree-camping trade. Bills have been introduced, hearings have been held and in every case the International Association of Fish and Wildlife Agencies for very real reasons have been staunchly opposed to having a national license for the tourist trade. We still hear that, even today, that we need a universal license that will allow a trailering retiree to fish anywhere he would like with the funds equitably distributed among the states in which these fishing activities occur. Because of the opposition of the International Association I don't see that as having any political viability in the near future at all. I read to you from South Carolina's Marine Licensing Bill:

Reciprocity with other coastal states: Should any other coastal states (this is a draft bill) which has or establishes a marine recreational fisheries license recognized through statute, regulation or reciprocal agreement, the validity of the South Carolina Marine Recreational Fisheries License within their

borders, then South Carolina would recognize the validity of a marine recreational fisheries license held by residents of those states.

I know when Maryland passed their Chesapeake Bay license they made the same kind of allowance for the Virginia residents because of the shared waters in the Chesapeake Bay. If Virginia ever does pass a license, then it would be reciprocally accepted by the Maryland Bureau of Marine Resources. To the degree that the states recognize contiguous states reciprocity, I think that is a very real component for most of these state licensing initiatives that are currently underway.

LARRY SIMPSON: Let me make something absolutely perfectly clear. I was not proposing that there should be a federal licensing for the area of the Gulf from other than the states. Let me make sure that's absolutely totally clear. I was talking about with the state's program.

CHRIS DLUGOKENSKI: Chris Dlugokenski, Federal Aid. Larry, when Jerry Studds opened the House Merchant Marine Subcommittee hearing on the Interior and Commerce budget, his opening statement was, "I see these idiots from Commerce have reintroduced this national federal fishing license." So I think that's going to die the death it deserves.

LARRY SIMPSON: And last year his comment was he wanted to sum it up in two words, and the two words are, "Forget it."

RON SCHMIED: Ron Schmied, National Marine Fisheries Service. Chris, my question to you is this. Of the 3% of the administrative money that is not currently spent, one, what happens to that money, and two, would it be available to the states for cooperative projects say along the line of data collection and other things that would be of mutual interest.

CHRIS DLUGOKENSKI: People have a wrong misconception about Federal Aid administration funds. Essentially what we don't spend is turned directly back to the states for their state apportionment, so it's

actually state money that we're actually usurping at the top. We're authorized to usurp 6% of it. Knowing that the money deserves to be in the states, we only spend half of it. The money goes directly back to the states in direct apportionments.

NORVILLE PROSSER: I would take some issue with the choice of words of "usurping." When passed in 1951 the original act specifically set aside 8% for the administrative fund at that time for cooperative kinds of efforts. You may recall that SFI's testimony on expansion of the Wallop-Breaux Amendment, we wanted to retain that 8% because there are a number of very important interjurisdictional fisheries issues. Maybe the fish don't cross state boundaries, but the problems do. National reservoir research is an issue that we felt could benefit largely by funding from the administrative grants. That's the way they use the money now. Chris already mentioned the Gulf States and the other commissions support, and those kinds of programs are staunchly supported. On the other side of that issue is the individual state, every dime that these folks don't spend out of their 6% authority goes back to them through the regular allocation process. But that money can be valuably used for cooperative programs and we support it.

TRELLIS GREEN: I'm Trellis Green, marine fisheries economist from the University of Southern Mississippi. I want to follow up on Norville Prosser's point, and to present to the panel and the audience some hard economic facts that I've collected from about eight years in this business. I think it would be of interest for Joe Gill and Don Duden, just as a way to present the economic situation, and we don't have all the data we would like to have. Really, Norville Prosser's point number three dealt with the argument that license schemes cut back on participation, and I think we have already heard from models where that problem was not the case. When you ask fishermen are you willing to pay for something, of course they are going to say no. I mean, that's human nature. What you want to do is present it in a careful way, because people play games when they fear there's going to be an increase in fees. The methodologies I employ get behind that and look at what people actually spend and I've run literally thousands of models since

the early 1980's when I was working with Fred Bell in Florida on the early attempts at licensing. Now at Southern Mississippi I am working under some MARFIN grants where we don't have a license. Really the models I have estimated are incredibly stable. Basically you find anywhere from .1 to .4 as a response. What that means is if you increase fees, whatever they are, the cutback in participation is about anywhere from about .1% to .4%. Very negligible. And that's the hard and careful data. Fleshing this out, if we had a \$10 across the board license fee without all of those things, you know, like fees on piers being different, basically what you would have would be a direct benefit of around \$33 million. This is assuming 3.3 million fishermen, and that pretty well agrees with the numbers I'm hearing here. The loss attributable to a cutback in fishing, very small, anywhere between \$5-12 thousand.

So really what you've got is a benefit cost ratio between 3 and 7 to 1 at minimum, again those benefits do not include the Wallop-Breaux money. It does not include benefits of research, and we all need more data, because we don't even know who the fishermen are. So really you can sell the idea on this hard economic data, and these are conservative figures. I try to flesh this out as conservatively as I can so for every dollar of cost there is at least \$7 to \$10 of benefits to be had, and benefits involving research. Education is another key; we need the public educated on that.

BRAD DURLING, GCCA: I want to address my remark to Don, although Norville may want to comment in terms of opportunities/pitfalls. I know an old codger who lives close to the Alabama and Florida border who over the past years has fished a lot of fresh and salt water in Florida. His wife likes it and it now costs him two \$25 licenses to fish in the fresh water and two \$25 licenses to fish in salt water. I am wondering whether that 100 bucks might have some meaning to Norville in terms of his experience with pitfall three, which is diminished fishing.

NORVILLE PROSSER: I am very concerned about last week's subcommittee amendment to create a minimum short-term, or a minimum nonresident license in Florida for \$25. That obviously may not inhibit

revenue to the department because that's worth 2 1/2 as many as a \$10 short-term three day license. But to the business community that I represent, I am very concerned about this. I will ask Trellis Green to comment, and I support everything he just said. Working into the model of Florida a \$25 minimum nonresident fee for a tourist family, I suspect the results could be different. Yes, we would be concerned about that kind of fee and the impact on the industry, absolutely. No state charges \$25 to go fishing, to my knowledge, I stand corrected if anybody can correct me, that's in excess of any fee that I know of.

BRAD DURING: I'll give them an expert opinion on this particular angler that I alluded to, because I am that angler and there are going to be some economic losses for Florida.

DON DUDEN: Let me make that clearer. Of course we support a \$10 ten-day license for out-of-state anglers and we will be pushing to get something similar to that into the Bill. The attitude that some of the legislators, particularly the one who took that provision out of the Bill have is, "if you did your fishing in Alabama I would be delighted." That's his attitude. We've got too much pressure in Florida now and if we did it this way we would reduce some pressure, and therefore, that's his attitude. We don't subscribe to that approach, totally don't subscribe to that approach.

TRELLIS GREEN: I think Norville asked for my comments. My research indicates that tourists are at least twice or three times more responsive to price changes and I would be reluctant to have a \$25 fee, I would really look into that situation. There is a possibility it could cause a greater cut back. They are more sensitive.

RON LUKENS: I was reading a newspaper article just recently in which a state senator was responding to why he voted against a saltwater recreational fishing license and he said, and I will quote it as closely as I can, "I don't want to be identified as the guy who voted out the last free thing." How do you handle that?

NORVILLE PROSSER: From my perspective in terms of inhibiting participation, we know that the one true factor that is going to inhibit recreational fishing participation in the marine environment and our business community's interest is our continued failure to provide the necessary stewardship that is going to be required to conserve and protect our resources. That's the one thing in the future decade that is going to terminate or eliminate or reduce recreational fishing participation. We'll take our chances I think with assessing a reasonable user fee to allow the essential foundation of management and research to protect that fishery for our industry. That's the position that we've taken and I think the issue is fairly clearly cut. That's the decision that has to be made.

RON LUKENS: One comment, not a question. I think it is important to get people to realize that fishing is not a right, it is a privilege and people generally have to pay for privileges. If we can turn that around and get people thinking in those terms, the education process might be a little bit easier.

BRUCE CARTWRIGHT: Bruce Cartwright, Coastal Conservation Association, and Ron, I agree with that. To your previous statement about how to handle the lack of education, one example may be to take a state where they have had a successful license program and had a successful stamp program or a combined effort and show what it has accomplished against a state that has yet had one. You could show the development of the hatchery in Texas, additional law enforcement personnel and then you could take a state where there hasn't been a license and show what they don't have and what they could have if they did have a license. That type of education is simple.

HAL OSBURN: Hal Osburn, Texas Parks and Wildlife. I think you're right Bruce, I mentioned it in my talk, but there is a follow up on that you have to be aware of. What a lot of the states do with the research and the management that they have created with this money is to place additional regulations and restrictions on the fishermen, so a lot of them say, I'm getting taxed and I am also being asked to catch fewer

fish. I think a lot of fishermen think that if they provide the money to do the research you will turn around and regulate them more. So you have to overcome that second hurdle as well, to make them realize that it is good for them. I mean medicine is what we're taking here, to conserve something that won't be here if these measures aren't put in place. You have to realize there is a second hurdle to overcome.

STEPHEN PHILLIPS: Stephen Phillips, from the Sport Fishing Institute. Either Hal or Chris, Hal first I guess. Chris mentioned that there is a 5% cap on California license and taxes, is your department or any of your constituency hearing any rumblings about that cap?

HAL OSBURN: I think in none of the public hearings that I've ever attended has that concern been brought up. Probably, people don't understand that there is more money out there. I think they are amazed when you tell them how much money we are getting, and to say that we are getting 100% allowable, you don't dig in deeper than that.

STEPHEN PHILLIPS: Is it the same in Alaska, too?

CHRIS DLUGOKENSKI: Yes, that's pretty much the same thing. We have heard some rumblings from the State of California that said California had 7% of the nation's recreational anglers, therefore California wants 7% of the pie, but there are 11 states that get the minimum amount of 1%. You could devastate these states fishing and wildlife programs if in fact you just give them less than 1%. There are trust territories that receive 1/3 of 1%, and there'd be nothing for those fish and wildlife programs if we didn't have the cap in place.

RON LUKENS: Question for Chris, should we encourage state senators and state representatives to confer with your office. Can we offer that service to them to get guidance in crafting legislation. Is that something you can do?

CHRIS DLUGOKENSKI: Without any question, I was really pleased that Senator McPherson could take time to come up to our office and talk with us to make sure that the language that was in the Florida bill was compatible with federal regulations. Certainly anyone within the states that wants to work with our office or ask our guidance or have us review a piece of legislation which they're planning on introducing, we're happy to do that.

JOHN CIRINO: John Cirino, Gulf Coast Research Lab in Mississippi. I would like to ask Chris with regard to what Ron said about voting out the last free thing and with regard to a license benefit being the data base for management. How would it affect funding source if the state implemented a license that was basically a free license used for the data base generation? Would that affect state funding if there was not a charge?

CHRIS DLUGOKENSKI: We don't count those kinds of licenses. Our minimum test is that there has to be net revenue returning to that state fish and wildlife program. You got a \$.25 license, you can't administer it for that price. Essentially it's a freebie you're giving away, it's drained from somewhere else. I think that the type of minimum standard that we're using now is somewhere in the neighborhood of \$3.50. Usually the seller takes \$1 off the top to handle the license. By the time it actually winds up in the fish and game fund, within a particular state, somehow \$3.50 seem to be the operative figure right now.

JOHN CIRINO: Would that state still get it's money based on estimation being done now where no license exists, if there were a count.

CHRIS DLUGOKENSKI: I'm not going to count that as a licensed angler. There has to be net revenue returning to the fish and game program.

JOHN ROUSSEL: I'm John Roussel with Louisiana Department of Wildlife and Fisheries. What I found interesting about Florida's proposal was the fact that a holder of a saltwater products license can fish recreationally without any other license.

CHRIS DLUGOKENSKI: I made a real good note about that and I'm going to have to go back and check as to whether or not I'm going to approve those commercial guys that can also angle recreationally off of those boats. Our specific language says that commercial licenses and other licenses which are not for the express purpose of permitting a holder to hunt or fish for sport or recreation shall not be counted. I'm going to run this by our legal folks, and see whether or not those commercial licenses meet that test, but I've made the note.

DON DUDEN: Chris, I'll make it easy for you. There are only 19,000 of them, so don't count them.

CHRIS DLUGOKENSKI: Okay, that sounds good.

VIRGINIA VAIL: Chris, I have a question for you. You mentioned that the allocation of funds between freshwater and saltwater projects should be done equitably to the greatest extent possible or according to the best available data or equivalent words. Who determines whether that effort has been made to the greatest extent practical or the best available data was used?

CHRIS DLUGOKENSKI: The anglers, the freshwater and marine anglers within that particular state would determine whether or not they are getting their fair share of the pie. We don't want to get involved in that. We will if we have to, but basically I would hope that the way the state agencies are constructed that they are going to equitably perform those functions to make sure that all anglers are satisfied. I think it should reside within the state, although we have some guidance in those areas.

ED JOYCE: Ed Joyce, Florida Department of Natural Resources, Chris, I guess this one will go to you. Don, I think, made a good point. We have been fighting this for years. Getting license money directed to the fishery is one thing, getting license money directed to the fishery and still maintaining your current funding is another thing. In our case it is very significant, and I think in several states it is the same. What action is the government going to take in telling the state well, I'm sorry you don't get your Wallop-Breaux increase because in effect you did divert funds?

CHRIS DLUGOKENSKI: I'm not going to tell you that at all. In fact as long as you come up with your \$.25 to match my \$.75, that's all that is required. I would hope that in this new license structure, that you would try to give the kind of excellent craftsmanship that happened with the Florida license, where they said okay here is our base level of funding and any additional money accruing from this license sale will go in, this is just an excellent job of crafting a license, and Florida is to be commended. I would suggest that if your states are interested certainly work with the State of Florida in how they did that.

ED JOYCE: But what you're saying then is that if you don't get it done on your own, you are not going to say anything more or cut off any Wallop-Breaux funding?

CHRIS DLUGOKENSKI: I'm going to distribute money based on the number of paid license holders that you have. Whether or not the state decides that they are not going to put you in their apportionment process is really none of my business.

ED JOYCE: Wait a minute, what do you mean by apportionment process?

CHRIS DLUGOKENSKI: What I'm saying is if you are getting hard core funding from the state that is \$2 million a year, okay, of that \$2 million a year you have 100,000 resident anglers within that state, I make my apportionment based on those anglers that you have. If you

decide to implement saltwater licensing and double the number of paid license holders within your state, I would double my apportionment to you. If that in turn generates let say \$4 million worth of additional revenue within your own state and your particular state says okay, you guys are getting so much money now we're not going to give you that base level of funding that we did out our our general apportionment. That's your business within your state and does not affect my program at all.

NORVILLE PROSSER: However, we and Congress would be very displeased because of committee report language which said that the state specifically would not supplement existing general appropriations or any other funding with additional Wallop-Breaux funds. I think that's the issue.

CHRIS DLUGOKENSKI: No, I don't think that was the issue at all. Let's say you're getting money now from a license which is accruing funds to your program, we're not going to give you out of the state general revenues that base level that we have been giving you in the past. I think that was the point.

ED JOYCE: The question I was really trying to ask and that's just one of the examples, is whether or not the federal government is actually going to take any action against a violation. Then the second question is whether the diversion of existing funds would be considered a violation. So there is really two questions there. I've seen federal law that said thou shalt not spend this for other things or for anything except expansion of existing programs or creation of new programs, and I've seen that stuff bite the dust time and time again, under appropriation committee reviews and they have never taken that action. The old federal agency has never even written a nasty letter to a governor, and I just wondered if Wallop-Breaux would be stronger in this way. Maybe the diversion of existing money would not be considered a violation. Then that brings on the next question. If a state got \$40 million from their license and they didn't spend any of it for fisheries, how would you take action against them?

CHRIS DLUGOKENSKI: Well, if you are in fact substituting my funds for programs that you previously did, that is a violation of the intent of Congress and we would of course take action, such as just hold the next payment to the state. The regional office would not approve your next application for federal assistance until that money was recovered.

ED JOYCE: Diversion of existing funds would not be considered a violation?

CHRIS DLUGOKENSKI: Don't use the word diversion. Substitution, substitution of existing funds using Wallop-Breaux funds to do things is in fact against the intent of Congress and the legislation. It was to be used to enhance the program.

RON LUKENS: Will action be taken if that situation is discovered?

CHRIS DLUGOKENSKI: If our regional office decides that action should be taken, they will take that appropriate action.

STEVE TAUB: I'm Steve Taub of the Fish and Wildlife Service. I want to ask Don Duden a question about \$10 versus \$25 out-of-state fee. I interpreted from your presentation that boats fall into two different categories, \$100, \$250, and fishing piers are included. In those cases an angler does not need a license, does that include nonresident as well as resident? Neither resident nor nonresident need a license to go out on that boat or fish from that pier.

DON DUDEN: That is correct. Now of course, when you say "that boat", right now it is a boat that charges a fee to take, or attempt to take fish, it's not a pleasure boat. Another possibility, though, is to allow pleasure boats to be licensed under that same category. That's not in the bill right this minute.

RON LUKENS: Don, you don't support that kind of a boat license for private boat owners, do you?

DON DUDEN: I did for a while, but another person didn't and he changed my attitude a little bit. The reason we did is that we felt there would be no real revenue lost from over the general spectrum if you paid \$100 to fish recreationally from your boat for you and your neighbor. You would in essence have to have four people fishing with you for the year to equal out and five before we started in the hole; so it seemed to be a wash. We weren't all that upset about it, but the powers that be didn't particularly like it so we backed away. Right now it is for commercial only.

ED JOYCE: Plus the data required from these things too, they would have to provide appropriate data.

DON DUDEN: Yes, data requirements. We don't know what they are right now, the law just says that these vessels and piers will have to report data to the Department of Natural Resources pursuant to a rule, whatever manner we requested.

BRUCE CARTWRIGHT: Don, don't you have to have a stamp to capture tarpon in Florida state waters?

DON DUDEN: Yes, that was done during the last session of the legislature. They attached a specific license to take tarpon. You can catch and release tarpon, but to take tarpon is \$50 per fish.

BRUCE CARTWRIGHT: You get one per year?

DON DUDEN: No, I think you can buy two or three if you want to, but it is \$50 per fish on tarpon.

BRUCE CARTWRIGHT: What do you stick that tag to after you buy it?

DON DUDEN: Well, right now it is different, it is a tarpon permit and so what we will probably do, when you buy your tarpon permit, is give you a tarpon stamp to go with it and then you can stick it on your license. We haven't worked that out yet.

BRUCE CARTWRIGHT: There is a very valuable source of revenue in art and collecting stamps, but when the Gulf Coast Conservation Association first came in Florida to help we had a stamp program. We adopted snook that year as a species in hopes that the State of Florida art buyers would pick up on that. We still have about 1,500 of a series of 2,900 snook stamps for sale, so don't get your printers running too fast, because they're really not out there, the State of Florida art collectors.

DON DUDEN: Yes, but we have learned from this observation, and from talking to others, that for instance, right now over at Game and Fish (Florida Game and Freshwater Fish Commission) you get a little square white stamp that's got a date and initial, and you know it's a nothing-type thing that authorizes you to hunt or fish. All of them in the future will probably be a photographic type, artist type stamps, instead of just some numbered stamp, so that we can pick up on whatever the market is, and of course the market, I'm sure, is directed somewhat by the beauty of the stamp, the attractiveness of the stamp as well as the marketability.

RON SCHMIED: I'm Ron Schmied from National Marine Fisheries Service. Don, on that tarpon stamp, I'm curious, is there any process whereby that stamp is actually cancelled or endorsed once the tarpon is taken? For \$50 per fish, are you depending on the honesty of the angler? Have you discovered any enforcement problems?

DON DUDEN: It is just starting. We haven't discovered any problem but, I'm not an authority in that area either. Yes, it is cancelled when it is used once.

RON SCHMIED: What would be the time period?

DON DUDEN: It is a one year stamp. Also I think a limit of 10,000 of them was set this first year as a test, because they weren't quite sure how many they wanted to take, you know, it's just sort of crawl

before you walk type thing. I was surprised because of the high cost, to come from a no license state and no stamp state and adopt \$50 per fish, it's kind of a rude awakening. But so far no problems.

HAL OSBURN: Norville, I have a question for you. You may know what the prognosis is for some of the Atlantic states to come on board with a saltwater license. Also given the power of California as far as fishing, and I realize we are concerned with Gulf States here, I'm curious if California, with all of its fishermen, is working in this direction?

NORVILLE PROSSER: California has a license for fishing.

HAL OSBURN: Saltwater licenses? I didn't catch that.

NORVILLE PROSSER: California is one of the earliest I think, that had a license and the tests are interesting, we often times at SFI refer to Texas. We think that that's the way it should be done and we get it thrown back at us, "yes but how about California, they've got a license and look what's happening to their fisheries." My response to that is it must be one of the most challenging fishery positions in the world to be a California coastal fishery management staff because of the water diversion problems, offshore oil development, coastal El Nino situations and everything else associated with those fisheries. It is a challenge for them to maintain the fisheries that they have, and I would hate to see what they would have in California if they did not have a lengthy history of licensing and using those revenues for fisheries. I think probably some of you are aware that South Carolina has probably the most aggressive licensing campaign underway, this is the report of the Governor's Blue Ribbon Committee on licensing which was crafted a couple of years ago. The Committee did an outstanding job in terms of public relations, public awareness, and educational campaigning. They attended every kind of public meeting from Kiwanis Clubs to sporting groups. They really did an excellent job presenting it. Apparently the proposal has been on hold, but I think the chances are quite good that South Carolina will be one of the first states on the East coast to adopt a

marine license in the near future. They've done an awful lot of good homework and there's a model here for anyone else to look at on how to go about doing it. They could improve in some areas like the development plan for specifics, I believe. We understand that there is a good chance that a licensing measure will be introduced in Rhode Island this session; although, I don't think that has a ghost of a chance of being passed this year. The State of Massachusetts had a measure introduced two years ago. It did not succeed and was pretty severely put down. In the State of North Carolina, there are rumblings. We anticipate a Virginia bill to be introduced this year, and there may be others. Did I mention New York? New York had a bill introduced and a grass roots network created to begin to orchestrate a campaign in New York. I would not be surprised to see a bill introduced in New York as well in their next session. So there is an awful lot of activity with regard to licensing on the East coast, but I think it is a matter of time. I don't know of anything underway in Georgia. When we discussed the Atlantic States annual meeting in Atlantic City, New Jersey and Georgia expressed some pretty serious concerns about the diversion issue. In fact, they didn't have any way to dedicate their license money and they felt even the department representatives were somewhat concerned about that, I hope we have been able to relieve their concerns with the Wallop-Breaux thing. That's too many bucks to give up, I can't believe that the state's angling fraternity will allow that to happen.

BRUCE CARTWRIGHT: You said about half the states that you polled don't have any kind of licensing yet?

NORVILLE PROSSER: Only eight out of 23 coastal states currently license some part or have a universal saltwater license.

RON LUKENS: Norville, in your presentation you talked about several things that you felt would be necessary from the technical perspective to make a license what it ought to be, are there any examples of licensing programs that failed because of not incorporating some of these concerns and interests?

NORVILLE PROSSER: No. It is a dynamic process just like we heard from Hal. The state alters, changes, and retrofits their licensing programs to meet the public needs. There has been no case where a marine recreational license was implemented and then withdrawn. Maryland was the first East coast state to have a saltwater license. A vocal minority perhaps thought that it would doom the program and participation would decline precipitously, but none of that occurred. The program is a good one in Maryland, and the monies are being invested properly. Participation has not declined, and the revenues are being well expended.

STEVE TAUB: Maryland's license is working without even allowing stripers to be caught.

NORVILLE PROSSER: Unfortunately, our fraternity is no different than most, we're crisis oriented. The State of Maryland had a major Chesapeake Bay crisis in the entire Bay and quite frankly they piggybacked the license on top of a major Chesapeake Bay impetus in Maryland that was strongly endorsed by the Governor.

JOHN CIRINO: Just a comment or observation that as it stands most of us are marine fishery managers and therefore overwhelming proponents for the licenses. It is interesting to note that the opponents positions and their comments are notably absent in the symposium. It may be pleasant. Make that generic. I find it interesting that this was I think, well advertised. We certainly expected to see some of the opponents here.

NORVILLE PROSSER: This is an issue of Arthur Smith's Sportfishing Journal. It just came to SFI this week and contained within the pages of this publication is an article on saltwater licensing from the South Carolina perspective by Charles Moore on why we need one, and a fellow named Tom Swetzel with a lengthy and fairly considered argument of why we should not have one. You might want to pick that up, it makes interesting reading. For those of you who represent a coastal agency who may now or at some future time try to seek a coastal fishing

license, it provides some constructive assistance on what to be prepared to deal with.

BRAD DURLING: Norville, you mentioned that Alabama has a license fee required for nonresidents only and no license fee for residents. Is this legal under the federal nondiscrimination documents?

NORVILLE PROSSER: I don't know. Chris may want to address this, but yes, that has been subject of quite a number of constitutional arguments, whether a nonresident can be "discriminated against" by charging a higher fee than residents, and they have found in every case that indeed the states do have the authority to charge nonresident users of state common property resources fees in excess of the resident fishermen or hunters. I don't know the specifics of that having ever been challenged in court. I don't know if Chris wants to address that.

BRAD DURLING: There is a limitation on how much you can charge, it's not defined as how much but there's a prudence that's required that you can not be tremendously adverse, you can discriminate but you can't discriminate too much.

RON SCHMIED: What does the Alabama nonresident license sell for?

VERNON MINTON: About \$16 for the annual and \$7.50 for the temporary. There is some variation in that. We do have higher prices for certain states, I can't remember what they are, but they are based on what Alabama anglers are charged when they go to that state.

RON SCHMIED: Do they have to buy both licenses in Alabama?

VERNON MINTON: If you're a nonresident? No. A nonresident pays a price to fish in any of the waters in the state. Presently, if they buy a license they can go saltwater fishing or freshwater fishing.

VIRGINIA VAIL: Any other questions or comments? We thank you all for attending, we especially thank our panel members for coming and participating.