To protect the public's ability to fish for sport, and for other purposes. (Introduced in the Senate)

S 1314 IS

107th CONGRESS
1st Session

S. 1314

To protect the public's ability to fish for sport, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 2, 2001

Mr. BREAUX (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the public's ability to fish for sport, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the 'Freedom to Fish Act'.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Recreational fishing is traditionally one of the most popular outdoor sports with more than 45 million participants of all ages, in all regions of the country.

http://thomas.loc.gov/cgi-bin/query/z?c107:S.1314:
(2) Recreational fishing makes a substantial contribution to the local, State, and national economies. According to the most recent economic figures, recreational fishing infuses $108 billion annually into the national economy. Nationally, over 1.2 million jobs are related to recreational fishing; this represents approximately 1 percent of the nation’s entire civilian work force. For those communities and small businesses that rely on seasonal tourism, the expenditures of recreational fishers result in substantial benefits to the local economies.

(3) Recreational fishers have long demonstrated a conservation ethic. Through catch-and-release fisheries and through the use of non-lethal fishing gear. In addition to payment of Federal excise taxes on fishing equipment, motorboats and fuel, as well as license fees, recreational fishers contribute over $500 million annually to State fisheries conservation management programs and projects.

(4) The single most important element of recreational fishing is open access to places to fish. The open access principle is universally accepted on all Federal lands and waters including wildlife refuges, national parks, wilderness areas, and the exclusive economic zone.

(5) All recreational fishery resources can be maintained through a variety of management measures including take limits, minimum size requirements, and closed seasons without unnecessarily restricting public access to places to fish.

(6) The absence of clear Congressional policy has confused the general public as to how programs within the National Oceanic and Atmospheric Administration complement one another with respect to recreational fishing.

SEC. 3. POLICY.

It is the policy of the Congress in this Act--

(1) to ensure that all Federal regulations promote open access for recreational fishing to the maximum extent practicable;

(2) to ensure that recreational fishers will be actively involved in any regulatory procedures that contemplate restrictions on their access to places to fish; and

(3) To ensure that whenever access to fishing places is restricted, that the restricted areas be as small as are scientifically necessary to provide for the conservation of the fishery resource.

SEC. 4. MAGNUSON- STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENT.

Section 303(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)) is amended--

(1) by striking ‘and’ after the semicolon in paragraph (13);

http://thomas.loc.gov/cgi-bin/query/z?c107:S.1314:
(2) by striking 'fishery.' in paragraph (14) and inserting 'fishery; and,' and

(3) by adding at the end the following:

'(15) not establish areas closed to recreational fishing unless—

'(A) there is a clear indication that recreational fishermen are the cause of a specific conservation problem and that less severe conservation measures, such as gear restrictions, quotas, or closed seasons will not adequately provide for conservation and management of the affected stocks of fish;

'(B) the closed area regulation includes specific measurable criteria to determine the conservation benefit of the closed area on the affected stocks of fish and provides a timetable for periodic review of the continued need for the closed area at least once every three years;

'(C) the closed area is no larger than that which is supported by the best available scientific information; or

'(D) provision is made to reopen the closed area to recreational fishing whenever the condition in subparagraph (A), (B), or (C) that was the basis of the closure no longer exists.'

SEC. 5. NATIONAL MARINE SANCTUARIES ACT AMENDMENT.

Section 304(a)(5) of the National Marine Sanctuaries Act (16 U.S.C. 1434(a)(5)) is amended to read as follows:

'(5) FISHING REGULATIONS- The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to propose, and revise from time to time, all regulations applicable to fishing within designated marine sanctuaries according to the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.). The regulations, upon approval by the Secretary, shall apply within the exclusive economic zone, and may be applied within the boundaries of a State, with the approval of the Governor of the State, or pursuant to the authority of the Secretary under section 306(b) of that Act (16 U.S.C. 1856(b)).'