108TH CONGRESS
1ST SESSION

H. R. 2890

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

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. SAXTON introduced the following bill; which was referred to the
Committee on Resources

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3

SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Freedom to Fish Act".

SEC. 2. FINDINGS.

6 The Congress makes the following findings:

7 (1) Recreational fishing is traditionally one of
8 the most popular outdoor sports with more than
9 50,000,000 participants of all ages, in all regions of
10 the country.
(2) Recreational fishing makes a substantial contribution to the local, State, and national economies. According to the most recent economic figures, recreational fishing infuses $116,000,000,000 annually into the national economy. Nationally, over 1,200,000 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 anglers result in substantial benefits to the local economies.

(3) Recreational anglers have long demonstrated a conservation ethic through their support of reasonable fisheries management laws and regulations including minimum size requirements, possession limits, and seasonal closures, as well as through their voluntary practice of catch-and-release fishing when appropriate.

(4) In addition to payment of Federal excise taxes on fishing equipment, motorboats, and fuel, as well as license fees, recreational anglers contribute over $500,000,000 annually to State fisheries conservation management programs and projects.

(5) It is a long standing policy of the Federal Government to allow public access to public lands
and waters for recreational purposes consistent with sound conservation. This policy is reflected in the National Forest Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the Wilderness Act, the Wild and Scenic Rivers Act, and the National Parks and Recreation Act of 1978.

(6) In most instances, recreational fishery resources can be maintained through a variety of management measures including minimum size requirements, possession limits, and seasonal closures, without restricting public access to places to fish.

(7) Comprehensive standards must be established to demonstrate to the public that recreational fishing can be managed effectively without unnecessarily closing marine waters and to direct the implementation, use, and monitoring of marine protected areas.

**SEC. 3. POLICY.**

Consistent with sound marine conservation, it is the policy of the Congress in this Act—

(1) to create standards to direct the implementation, use, and monitoring of marine protected areas;
(2) to ensure that all Federal regulations promote open access for recreational fishing to the maximum extent practicable;

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

(4) to ensure that whenever access to fishing places is restricted, the restricted areas are as small as 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);

(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 con-
servation measures, including minimum size re-
quirements, possession limits, seasonal closures,
or gear restrictions, will not adequately provide
for conservation and management of the af-
affected stocks of fish as determined by the ap-
propriate Regional Fishery Management Coun-
cil;

"(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 3 years;

"(C) the closed area is no larger than that
which is supported by the best available sci-
entific information; and

"(D) provisions are made to reopen the
closed area to recreational fishing whenever the
basis of the closure no longer exists.".