

108TH CONGRESS  
1ST SESSION

# H. R. 2890

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

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

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## 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".

5 **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.

1           (2) Recreational fishing makes a substantial  
2 contribution to the local, State, and national econo-  
3 mies. According to the most recent economic figures,  
4 recreational fishing infuses \$116,000,000,000 annu-  
5 ally into the national economy. Nationally, over  
6 1,200,000 jobs are related to recreational fishing;  
7 this represents approximately 1 percent of the na-  
8 tion's entire civilian work force. For those commu-  
9 nities and small businesses that rely on seasonal  
10 tourism, the expenditures of recreational anglers re-  
11 sult in substantial benefits to the local economies.

12           (3) Recreational anglers have long dem-  
13 onstrated a conservation ethic through their support  
14 of reasonable fisheries management laws and regula-  
15 tions including minimum size requirements, posses-  
16 sion limits, and seasonal closures, as well as through  
17 their voluntary practice of catch-and-release fishing  
18 when appropriate.

19           (4) In addition to payment of Federal excise  
20 taxes on fishing equipment, motorboats, and fuel, as  
21 well as license fees, recreational anglers contribute  
22 over \$500,000,000 annually to State fisheries con-  
23 servation management programs and projects.

24           (5) It is a long standing policy of the Federal  
25 Government to allow public access to public lands

1 and waters for recreational purposes consistent with  
2 sound conservation. This policy is reflected in the  
3 National Forest Management Act of 1976, the Na-  
4 tional Wildlife Refuge System Administration Act of  
5 1966, the Wilderness Act, the Wild and Scenic Riv-  
6 ers Act, and the National Parks and Recreation Act  
7 of 1978.

8 (6) In most instances, recreational fishery re-  
9 sources can be maintained through a variety of man-  
10 agement measures including minimum size require-  
11 ments, possession limits, and seasonal closures, with-  
12 out restricting public access to places to fish.

13 (7) Comprehensive standards must be estab-  
14 lished to demonstrate to the public that recreational  
15 fishing can be managed effectively without unneces-  
16 sarily closing marine waters and to direct the imple-  
17 mentation, use, and monitoring of marine protected  
18 areas.

19 **SEC. 3. POLICY.**

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

22 (1) to create standards to direct the implemen-  
23 tation, use, and monitoring of marine protected  
24 areas;

1           (2) to ensure that all Federal regulations pro-  
2           mote open access for recreational fishing to the max-  
3           imum extent practicable;

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

8           (4) to ensure that whenever access to fishing  
9           places is restricted, the restricted areas are as small  
10          as scientifically necessary to provide for the con-  
11          servation of the fishery resource.

12 **SEC. 4. MAGNUSON-STEVENSON FISHERY CONSERVATION AND**  
13 **MANAGEMENT ACT AMENDMENT.**

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

17               (1) by striking “and” after the semicolon in  
18               paragraph (13);

19               (2) by striking “fishery.” in paragraph (14)  
20               and inserting “fishery; and;”; and

21               (3) by adding at the end the following:

22                       “(15) not establish areas closed to recreational  
23                       fishing unless—

24                               “(A) there is a clear indication that rec-  
25                               reational fishermen are the cause of a specific

1 conservation problem and that less severe con-  
2 servation measures, including minimum size re-  
3 quirements, possession limits, seasonal closures,  
4 or gear restrictions, will not adequately provide  
5 for conservation and management of the af-  
6 fected stocks of fish as determined by the ap-  
7 propriate Regional Fishery Management Coun-  
8 cil;

9 “(B) the closed area regulation includes  
10 specific measurable criteria to determine the  
11 conservation benefit of the closed area on the  
12 affected stocks of fish and provides a timetable  
13 for periodic review of the continued need for the  
14 closed area at least once every 3 years;

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

18 “(D) provisions are made to reopen the  
19 closed area to recreational fishing whenever the  
20 basis of the closure no longer exists.”

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