

[First Reprint]

ASSEMBLY, No. 3326

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 10, 2003

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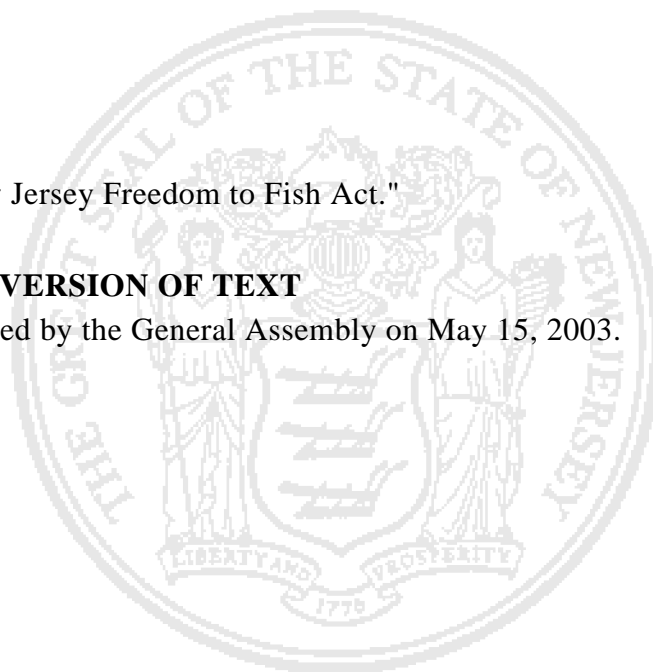
**Assemblymen Azzolina, S.Kean, Burzichelli, Fisher, Geist, Gregg and
Conover**

SYNOPSIS

The "New Jersey Freedom to Fish Act."

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 15, 2003.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning ¹[recreational]¹ fishing in marine waters and
 2 supplementing Title 23 of the Revised Statutes.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. This act shall be known, and may be cited, as the "New Jersey
 8 Freedom to Fish Act."

9
 10 2. The Legislature hereby finds and declares that ¹[recreational]¹
 11 fishing is one of the most popular ¹[outdoor sporting]¹ activities in
 12 the State; that the ¹[vast number of individuals] many people¹ who
 13 take to the waters of New Jersey for the purpose of ¹[recreational]¹
 14 fishing ¹[makes] make¹ a substantial contribution to the local and
 15 State economies ¹while doing so¹; that, in 2001, recreational anglers
 16 fished over 10.8 million fishing days in New Jersey for a total
 17 economic output of \$1.4 billion; and that ¹[recreational]¹ fishing also
 18 makes a substantial contribution to the quality of life in the State.

19 The Legislature also finds and declares that ¹[recreational] New
 20 Jersey's¹ anglers have long demonstrated a conservation ethic through
 21 their abidance with fisheries management laws and regulations
 22 including minimum size requirements, possession limits, and seasonal
 23 closures ¹[, as well as through their use of non-lethal fishing gear]¹ .

24 The Legislature further finds and declares that the Atlantic Ocean
 25 and its bays and estuaries are some of New Jersey's most important
 26 natural resources; that effective planning, assessment, and management
 27 in the conservation of the resources of the Atlantic Ocean and its bays
 28 and estuaries are important tools ¹[that must be utilized effectively]¹
 29 to protect the marine environment ¹[; and] and the fisheries resources
 30 it supports¹; that the marine environment can be adequately protected
 31 without unnecessarily closing off areas of the State's ocean waters,
 32 bays, and estuaries to ¹[recreational rod and reel anglers] fishing; and
 33 that the Department of Environmental Protection and the marine
 34 fisheries programs administered through the department have a critical
 35 role in the proper management and protection of the marine
 36 environment and the fisheries resources it supports¹ .

37 The Legislature therefore determines that it is the policy of this
 38 State to protect ¹[and] ¹ , ¹ promote ¹[recreational rod and reel] ¹ , and
 39 enhance¹ fishing opportunities and access to the maximum extent
 40 possible ¹[; and that enactment of this legislation is necessary to
 41 ensure that] ¹ , balancing¹ both the interests of the fishing public and the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 15, 2003.

1 interests of the marine environment ¹[are adequately protected]¹ .

2

3 3. The marine waters of the State shall not be closed to
4 ¹[recreational rod and reel]¹ fishing unless:

5 a. ¹[there is a clear indication that recreational rod and reel
6 fishing is the cause of a specific conservation problem and that less
7 severe]¹ conservation measures, including but not limited to minimum
8 size requirements, possession limits, ¹gear restrictions,¹ or seasonal
9 closures, will not ¹, as determined by the Department of
10 Environmental Protection in consultation with the Marine Fisheries
11 Council,¹ adequately provide for conservation of the affected stocks
12 of fish;

13 b. the ¹[closed area regulation includes specific measurable
14 criteria to determine the conservation benefit of the closed area on the
15 affected stocks of fish and] Department of Environmental Protection
16 in consultation with the Marine Fisheries Council, has adopted,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.) and the Marine Fisheries Management and
19 Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-1 et seq.), and
20 after providing adequate public notice and opportunities for public
21 comment including at least three public hearings prior to adoption, a
22 rule or regulation establishing the closed area to fishing which is based
23 upon an administrative record supporting the benefits thereof and
24 which¹ provides a timetable for periodic review of the continued need
25 for the closed area at least once every three years;

26 c. the closed area is no larger than that which is supported by the
27 best available scientific information as determined by the Division of
28 Fish and Wildlife; and

29 d. provisions are made to reopen the closed area to ¹[recreational
30 rod and reel]¹ fishing whenever the basis for the closure no longer
31 exists.

32

33 4. The Department of Environmental Protection and the Marine
34 Fisheries Council shall incorporate the policies and requirements
35 established by this act when implementing and administering the
36 "Marine Fisheries Management and Commercial Fisheries Act,"
37 P.L.1979, c.199 (C.23:2B-1 et seq.), or any other law, rule, or
38 regulation pertaining to ¹[recreational]¹ fishing in marine waters.

39

40 ¹5. The provisions of this act shall not apply:

41 a. if the Department of Environmental Protection has determined,
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
43 (C.52:14B-1 et seq.), that protection of the public health and safety,
44 potential exposure to toxic substances, control of shellfish or finfish
45 pathogens, or other conditions warrant an emergency closure of an

1 area or areas to fishing or a long-term ban on shellfish or finfish
2 consumption or harvesting;

3 b. to fisheries limits or closures established prior to the date of
4 enactment of this act pursuant to R.S.23:3-51, section 1 of P.L.1987,
5 c.83 (C.23:5-45.1), the "Marine Fisheries Management and
6 Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-1 et seq), or
7 any other law, or pursuant to any rule or regulation adopted pursuant
8 thereto under the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.).¹

10

11 ¹[5.] 6.¹ This act shall take effect immediately.