

My name is Kathy Fosmark. I come from and am part of a fishing family. I have been a Council Member of the Pacific Fishery Management Council for about a year now. It is an honor to be a panelist at the PSMFC FISH Conference speaking on how constituents interact with NMFS. My main point will be to try and explain the difficulties and frustration fishermen face in this process.

Fishermen make their money by the sweat of their brow and skills they have acquired after many long hours, days, weeks, and months spent away from their families at sea. They then sacrifice additional time away from their families and earning a living to go through this process of creating regulations. Fishery Management Plans, Biological Opinions, in season management, State policy positions that affect fishing, International Treaties for stock sharing, aquaculture are all issues they must face today in order to maintain their livelihood in the future. Sometimes that future comes as early as next week!

In addition, they must deal with Sanctuary initiatives that are not based on science at all and do affect fishing. The working fishermen are subject to emergency rulemaking, stock assessment reviews (STAR panel meetings), Experimental Fisheries Permit processes, Subcommittees Statements and their subsequent advise, followed by a Council three meeting processes to change the rules, Environmental Reviews, and in some cases Office of Protected Species with endangered and threatened species oversight meetings. Take reduction plans may apply to their fishery and are complex and lengthy also. Observers and Vessel Monitoring Systems or cameras on the boats which are increasingly required in many fisheries to aid enforcement and insure that fishermen are following the law are common and require meetings to resolve practical problems, costs, and applications. Even when the fishermen have spent what could be three years on an exempt fishing permit plan that is supported by facts, data and the Council, they know the possibility exists of NMFS turning them down. This is always in their mind. How can it be explained?

There is a heavy burden placed on the fishermen given public perception usually based on editorials and sound bites of some environmental advocates. Many of these outside and not well informed sources tell the public it is not being responsible, the government is not doing its job, and fishermen are overfishing seventy percent of the fisheries or using harmful gear which kills thousands of harmless and endangered seabirds, marine mammals and other innocent species.

Given this public image, as opposed to the one they know of hard working family small businesses, it should be no surprise when the fishermen sound frustrated and why when they testify ... they may appear upset.

They see reams of paperwork and confusing documents. They see a regional council that often does not take the advise of the advisory sub-panels of stakeholders which may have spent days reaching a compromise position on what is best for all parties. Please imagine how it must feel when they testify. Most of the fishermen feel helpless in front of a process that even many lawyers, scientists and fishery managers do not fully understand.

But, then it all comes down to how can the process better serve the all the people? This is still the best process we have with its many checks and balances. We must remember why we are here. We should serve all the working people in the best, most honest, direct and transparent way we can.

We strictly regulate our own vessels and fishermen but often have no way of accessing with any accuracy the impacts from other countries' actions. How many turtles are killed every day by foreign fleets, how many turtle eggs are harvested and consumed elsewhere, and how much habitat is destroyed by development in other countries. Has anyone been to the beaches of Cancun recently? Fishermen see these effects. Fishing is a global business and every time we constrict the U.S. fishermen from maximizing their production, the bubble expands elsewhere to feed people here. Fishermen know when they ask for something that many other factors over which they have no control affect the outcome. Protected mammals are such a case. And we all know it and are seemingly unable to adequately address it within the current system.

Back to the fisherman. Show compassion and remember they contribute to the process even when they disagree. When he stops attending meetings and gives up ... we have failed. That must never happen.

To conclude, I can't help but feel that much of our problems are due to our legislators - members of Congress failing to fully engage the fishing community as to what they need for practical, sustainable management. There has also been a failure to provide National Marine Fisheries with adequate funding, particularly to fund good science. Congress has also given us some confusing laws. On this last point the question of how the precautionary principle has been so abused and how NOAA Fisheries has been subject to lawsuit after lawsuit over interpretation issues and now you have conflicts between the Magnuson-Stevens Act and the National Marine Sanctuary Act about who will regulate fishing.

These are all in the hands of Congress. It is very hard to feel like Congress hasn't failed their fishing families to a large degree. With all this talk about new oceans bills and ecosystem based management, its hard to believe it really means anything when Congress has failed so miserably so far to provide clear direction and funding even for the management processes we have today.

Thank you.