

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON  
VESSEL MONITORING SYSTEM (VMS) DECLARATION REGULATIONS

E. Enforcement Issues

E.1 Vessel Monitoring System (VMS) Declaration Regulations under Council Action, the third item reads, “Decide on whether to consider implementation of VMS requirements in Inter-American Tropical Tuna Commission (IATTC) Resolution C-04-06 through an amendment to the Highly Migratory Species (HMS) Fishery Management Plan.”

The HMSAS requests that the Council write NOAA/NMFS, Deputy Secretary for International Fisheries and request the Department of Commerce, NOAA/NMFS to reconsider its tentative interpretation of the IATTC Resolution C-04-06 and make the correct interpretation of that the resolution does not, and never was intended to apply to gear types other than long line vessels in excess of 24 meters.

A close reading of the Resolution makes this clear:

1. In 2004 when the resolution was passed there was no conservation and management program for albacore.
2. The resolution starts out by saying “vessels 24 meters or more in length”. Length has never been used in IATTC resolutions to distinguish vessels of the same gear type except to distinguish smaller longline vessels from “large longline” vessels with freezing capacity. Divisions between vessels in other gear types have been distinguished by class or capacity. Length has always been applied only to longline vessels in the IATTC and other RFMOs.
3. In addition, the resolution states “harvesting species for which the Commission *has established conservation and management measures.*” As noted above, in 2004 when the resolution was passed, the IATTC had no established conservation and management measures for albacore. In fact, the first measure mentioning albacore was the measure sought by the U.S. albacore harvesters which resulted in Resolution 2005-02 (limiting effort) that wasn’t passed until a year later. Until the 2013 annual meeting, Resolution 2005-02 was the only IATTC resolution which applied to albacore.
4. The tentative position that NOAA/NMFS took at the last IATTC Annual meeting in Veracruz, Mexico, that the U.S. is “out of compliance” with resolution C-04-06, places the U.S. Government in an extremely awkward position, which makes it difficult, if not impossible, to criticize those other members that are truly out of compliance. However, based on the above arguments, we believe the U.S. is not out of compliance.
5. In conclusion, there are no closed or managed areas for the albacore fishery and therefore there is no biological benefit from the VMS requirement and VMS would be a financial hardship on the fishermen.