

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT
VESSEL MONITORING SYSTEMS FOR HIGHLY MIGRATORY SPECIES FISHERIES

The Highly Migratory Species Advisory Subpanel (HMSAS) notes that Inter-American Tropical Tuna Commission (IATTC) Resolution C-04-06 does not provide a basis to put Vessel Monitoring System (VMS) on the albacore fleet or any part of it. There is no rational basis to place VMS on albacore troll vessels of whatever size, since it is an open access fishery with no marine mammal, turtle, or seabird bycatch, and no limited seasons or closed areas. This resolution was never intended to apply to albacore troll vessels.

The Resolution, C-04-06, was passed in 2004, before the IATTC had discussed or adopted any management or conservation measures for albacore. The measure speaks of vessels over 24 meters, which has a long history as a regulatory criterion for differentiating vessels of the same gear type by length only in the longline fleet. The 24 meter delineation is used to distinguish smaller fresh fish longline vessels from large longline vessels with freezer capacity.

The HMSAS finds it curious that National Marine Fisheries Service (NMFS) has preempted the Council process that was agreed to in June 2013. The IATTC annual meeting does not occur until mid-July in 2014, giving the Council its April and June meetings to pass a regulation in a two-meeting process. In this instance, the HMSAS favors Council action under the Magnuson-Stevens Act rather than NMFS' action under the Tuna Conventions Act. The Tuna Conventions Act is in the process of being amended through the Antigua Convention implementing legislation (S. 69). NMFS' taking action under the Tuna Conventions Act at this time, apparently without adequate consultation with the Department of State as to the meaning and intent of C-04-06, could operate as an extremely bad precedent.

The HMSAS requests the Council comment to NMFS that this rule should be allowed the due process of going through the Council.

PFMC
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