NOAA FISHERIES

Marine Mammal Protection Act Import Provisions Comparability Finding Application Final Report

Faroe Islands

Summary

Based on the Faroe Islands' initial application, its responses to the clarification questions, and the information described below, NMFS has determined that all of the Faroe Islands' exempt and export fisheries are comparable in effectiveness to the U.S. regulatory program.

The Faroe Islands prohibits the intentional killing of marine mammals in the course of commercial fishing operations. The Faroe Islands authorizes and licenses commercial fishing operations and requires recording and reporting on marine mammal interactions by vessels participating in fishing operations.

The Faroe Islands has marine mammal abundance estimates and bycatch limits for all of its marine mammal stocks that interact with its fisheries. No bycatch limits are exceeded. No marine mammals interacting with Faroe Islands' fisheries are considered a 16 U.S.C. § 1387(f)(3) stock. No fishery is interacting with a transboundary stock covered by a U.S. take reduction plan. The Faroe Islands prohibits the use of drift nets within its national waters.

Comparability Finding Analysis

1. **Does the nation have a prohibition on the intentional killing or serious injury of marine mammals in the course of commercial fishing operations? OR Does the nation have procedures to reliably certify that fish and fish products were not caught in association with the intentional killing or serious injury of marine mammals in the course of commercial fishing operations?**

Response: Yes, the Faroe Islands prohibits the intentional killing, capture, and injury of marine mammals in the course of commercial fishing operations. The Faroe Islands' laws specific to marine mammals are as follows:

According to the Law on Living Marine Resources fishing vessels are only permitted to conduct fisheries for fish species that are specified in the fishing license.

The Law on Aquaculture (Parliamentary Act No. 83 from 25 May 2009 on Aquaculture with later amendments – Løgtinglóg nr. 83 frá 25. mai 2009 um aling av fiski v.m. Article 18 b.) specifies a ban on intentional killing of marine mammals in connection with aquaculture activities.

The Law on Whaling (Parliamentary Act No. 57 from 5 June 1984 with later amendments – Løgtingslóg nr. 57 frá 5. juni 1984 um hvalaveiðu, Article 4) specifies that all whale species (Cetacea) are protected regardless of hunting method.

2. Does the nation have a Marine Mammal Bycatch Reduction Program? A bycatch reduction program, for purposes of compliance with the import provisions, is defined as having the following components:

a. The ability to control/monitor its fishing operations that may take marine mammals (e.g., authorizations, permits, licenses, and/or registrations for vessels)

Response: Yes, the Faroe Islands requires all participating vessels to be licensed. Fishing is only permitted by vessels holding a harvesting license and a fishing license. The fishing license specifies the details of fishing activities (catch and area limitations and gear requirements) in which the vessel is permitted to participate, as well as outlining requirements for reporting of catch data and information on landings or transshipments.

The Faroe Islands fisheries are regulated by Løgtingslóg nr. 152 frá 23. desember 2019 um sjófeingi (Parliamentary Act No. 152 from 23 December 2019 on Living Marine Resources) and Executive Orders with authority in this Parliamentary Act.

https://logir.fo/Logtingslog/152-fra-23-12-2019-um-sjofeingi
Chapter 2
General considerations regarding access to fishing
Fishing license
§ 4. In order to operate a commercial fishery, it is required that a fishing vessel has a hunting license and a fishing license, unless otherwise stipulated in this Løgtingslog.

b. A program to monitor its fisheries for incidences of marine mammal mortality and serious injury in the course of commercial fishing operations

Response: Yes, all Faroe Islands' export fisheries have 100% vessel logbook coverage.

c. A requirement to report all marine mammal mortality and serious injury in the course of commercial fishing operations

Response: Yes, the Faroe Islands has mandatory self-reporting of marine mammal bycatch through electronic logbooks reported to the Faroe Islands Fisheries Inspection. Fishing vessels are also instructed to report interaction or bycatch of marine mammals in the catch logbook.

d. Prioritization of fisheries for mitigation of unsustainable marine mammal bycatch as described in 16 U.S.C. § 1387(f)(3) (in particular those over the bycatch limit, of small population size, or declining rapidly, based on available financial resources) in response to reported bycatch occurring in fishing operations. Prioritization of fisheries should be similar to U.S. take reduction teams and development of take reduction plans and including an evaluation of whether the nation has provided a bycatch limit and whether that bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stock(s), and whether any mitigation is effective or reconsidered if not effective.

Response: Not applicable. None of the marine mammals that overlap with the Faroe Islands' export fisheries are 16 U.S.C. § 1387(f)(3) stocks.

3. Does the nation ban the use of large-scale high seas drift gillnet gear or other gear prohibited for use by U.S. fishermen?

Response: Drift nets and surface nets are not permitted in the waters around the Faroe Islands and no fisheries in the Faroe Islands are operating using gear prohibited for use by U.S. fishermen. There are no Take Reduction Plan requirements for U.S. fishermen for trawl gear and trawl gear is authorized in U.S. fisheries. The United States has a non-regulatory Atlantic Trawl Gear Take Reduction Strategy containing voluntary measures.

4. **Executive order on fisheries in Faroese waters (Kunngerð nr. 193 frá 29. desember 2017 um fiskiskapin í føroyskum sjógvi við fiskiførum, sum eru skrásett í Føroyum, sum seinast broytt við kunngerð nr. 132 frá 28. september 2018). Does the nation implement marine mammal bycatch reduction measures in fisheries regulated under a regional fishery management organization (RFMO), which are required for U.S. fishermen by that RFMO?**

Response: Not applicable: All of the Faroe Islands' fisheries operate under either the North Atlantic Fishery Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), or both. Neither of these RFMOs have conservation or management measures specific to marine mammals.

5. **In cases where a U.S. Take Reduction Team has implemented marine mammal bycatch reduction measures for transboundary stocks shared with the United States, are the nation's measures similar or comparable in effectiveness? (Include in the response if the nation has provided a bycatch limit and if the bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stocks, either in one fishery or cumulatively over a number of fisheries)**

Response: Not applicable. The Faroe Islands and the United States do not share any transboundary stocks.

6. **For marine mammal stocks that are not transboundary but are considered at high risk of extinction, does the nation implement mitigation/risk reduction measures comparable to what is or would be required in the United States? (Include in the response if the nation has provided a bycatch limit and if the bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stocks, either in one fishery or cumulatively over a number of fisheries)**

Response: Not applicable. The Faroe Islands has no species or stocks at high risk of extinction interacting with its fisheries.

Additional Considerations

In reviewing a nation's fisheries and marine mammals stocks, how do they compare to:

1. **U.S. implementation of its regulatory program for similar marine mammal stocks and similar fisheries (e.g., considering gear or target species), including transboundary stocks governed by regulations implementing a take reduction plan (50 CFR § 229.2), and any other relevant information received during consultations**

Response: Not applicable.

2. The extent to which the harvesting nation has successfully implemented measures in the export fishery to reduce the incidental mortality and serious injury of marine mammals caused by the harvesting nation's export fisheries to levels below the bycatch limit

Response: Not applicable.

3. Whether the measures adopted by the harvesting nation for its export fishery have reduced or will likely reduce the cumulative incidental mortality and serious injury of each marine mammal stock below the bycatch limit, and the progress of the regulatory program toward achieving its objectives

Response: Not applicable.

4. Other relevant facts and circumstances, which may include the history and nature of interactions with marine mammals in this export fishery, whether the level of incidental mortality and serious injury resulting from the fishery or fisheries exceeds the bycatch limit for a marine mammal stock, the population size and trend of the marine mammal stock, and the population level impacts of the incidental mortality or serious injury of marine mammals in a harvesting nation's export fisheries and the conservation status of those marine mammal stocks where available

Response: Not applicable.

5. The record of consultations under 50 CFR § 216.24(h)(5) of this section with the harvesting nation, results of these consultations, and actions taken by the harvesting nation and under any applicable intergovernmental agreement or regional fishery management organization to reduce the incidental mortality and serious injury of marine mammals in its export fisheries

Response: Not applicable.

6. Information gathered during onsite inspection by U.S. government officials of a fishery's operations

Response: Not applicable.

7. For export fisheries operating on the high seas under an applicable intergovernmental agreement or regional fishery management organization to which the United States is a party, the harvesting nation's record of implementation of, or compliance with, measures adopted by that regional fishery management organization or intergovernmental agreement for data collection, incidental mortality and serious injury mitigation or the conservation and management of marine mammals; whether the harvesting nation is a party or cooperating non-party to such intergovernmental agreement or regional fishery management organization; the record of United States implementation of such measures; and whether the United States has imposed additional measures on its fleet not required by an intergovernmental agreement or regional fishery management organization

Response: Not applicable.

8. For export fisheries operating on the high seas under an applicable intergovernmental agreement or regional fisheries management organization to which the United States is not a party, the harvesting nation's implementation of and compliance with measures, adopted by that regional fisheries management organization or intergovernmental agreement, and any additional measures implemented by the harvesting nation for data collection, incidental mortality and serious injury mitigation or the conservation and management of marine mammals and the extent to which such measures are comparable in effectiveness to the U.S. regulatory program for similar fisheries

Response: Not applicable.

Overall Summary for Additional Considerations

The additional considerations were not pertinent to determining whether the nation's marine mammal bycatch reduction program is comparable in effectiveness to the U.S. regulatory program.

Engagement History

NMFS engaged in a virtual technical consultation with the Faroe Islands during the Comparability Finding application period in January 2021. The Faroe Islands addressed the questions asked in its application and no further follow-up, including by email, was required.