



**CONVENTION ON
MIGRATORY
SPECIES**

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Gandhinagar, India, 17 - 22 February 2020
Agenda Item 26.2

MARINE NOISE

(Prepared by the Scientific Council and the Secretariat)

Summary:

This document reports on progress to implement Decisions 12.42 and 12.43 *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species*. Further, decisions directed to the Secretariat and the Council are recommended in order to advance implementation of Resolution 12.14. It has been revised by the Sessional Committee of the Scientific Council at its 4th session in November 2019.

MARINE NOISE

Background

1. At its 12th meeting (COP12, Manila, 2017), the Conference of the Parties adopted Decisions 12.42 to 12.43 *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species*. The Decisions directed activities to both the Secretariat and the Scientific Council, as follows:

12.45 Directed to the Secretariat

The Secretariat should:

- a) *Draw this Decision to the attention of other relevant intergovernmental organizations and initiatives, such as the United Nations Environment Programme, United Nations Environment Assembly, Regional Seas Conventions and Action Plans, United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), Convention on Biological Diversity (CBD), United Nations Convention on the Law of the Sea (UNCLOS), International Maritime Organisation (IMO), International Whaling Commission (IWC), Food and Agricultural Organization (FAO), Western Hemisphere Migratory Species Initiative (WHMSI), Western African Aquatic Mammals Memorandum of Understanding, Pacific Island Cetaceans Memorandum of Understanding, and North Atlantic Treaty Organization (NATO) (and any other relevant military organization), and to keep those bodies informed of progress in implementing UNEP/CMS/Resolution 12.14 on Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species;*
- b) *Draw this Decision to the attention of the IMO with a view to ensuring the minimization of the harmful effects of shipping noise on cetaceans and other biota;*
- c) *Convey the adopted Guidelines to ACCOBAMS and ASCOBANS, as well as Signatories of relevant Memoranda of Understanding concluded under CMS.*

12.43 Directed to the Scientific Council

The Scientific Council should:

- a) *Assess the need for, and if required develop, subject to the availability of resources, voluntary guidelines on activities of concern;*
- b) *Assess the need for updating the CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities.*

Activities to Implement Decision 12.42

2. Since COP12, the Secretariat has used many opportunities to draw attention to the outcomes of CMS COP12 with respect to marine noise, in particular Resolution 12.14 *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species* and the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* annexed to the Resolution. This includes written submissions to the Secretary General for inclusion in the United Nation's annual report on oceans and the law of the sea, to the IMO Marine Environment Protection Committee, to the Secretariat of the Convention on Biological Diversity, and to the International Whaling Commission.

3. In June 2018, the Secretariat took part in the 19th Meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP-19): "Anthropogenic underwater noise" (report available here: <https://undocs.org/A/73/124>). The Executive Secretary delivered an opening statement drawing attention to the CMS Family Guidelines, and the Secretariat further presented the guidelines in a panel discussion and also during a joint side event with the CMS partner organization, OceanCare.
4. Relevant CMS daughter agreements are aware of the Resolution and the Guidelines, and have been encouraged to present these to their Meetings of the Parties (MOP) (ACCOBAMS: MOP7, 5-8 November 2019, Istanbul, Turkey; ASCOBANS: September 2020; details to be confirmed). The ACCOBAMS MOP adopted Resolution 7.13 *Anthropogenic Noise*, which invites Parties to implement CMS Resolution 12.14 with the attached CMS Family Guidelines.

Activities to Implement Decision 12.43

5. CMS was invited to participate in what is now the CMS/ACCOBAMS/ASCOBANS Joint Noise Working Group (JNWG) in 2014 in order to assist the Scientific Council by providing the specific expertise needed to address its noise-related tasks. Experts serving on the JNWG may contribute inputs for use by the Scientific Council.
6. Two such documents were facilitated by the CMS partner organization OceanCare, which also provides one co-chair of the JNWG:
 - a. **Advisory Note: Further guidance on independent, scientific modelling of noise propagation**
The CMS Family Noise EIA Guidelines are accompanied by expert-authored Technical Support Information, which was presented to COP12 as UNEP/CMS/COP12/Inf.11, and welcomed in Resolution 12.14. When promoting these Guidelines, it has become apparent that there are some difficulties with interpretation of the guidance related to noise modelling. OceanCare contracted the lead author of the Guidelines to draft an additional advisory note specifically on this topic, available as (UNEP/CMS/COP13/Inf.8).
 - b. **Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving**
This work provides inputs relevant to the work of the Scientific Council under Decision 12.43 to *assess the need for, and if required develop, ... voluntary guidelines on activities of concern*, and would contribute to meeting the recommendation in Resolution 12.14 that *Parties, the private sector and other stakeholders apply Best Available Techniques (BAT) and Best Environmental Practice (BEP) including, where appropriate, clean technology, in their efforts to reduce or mitigate marine noise pollution*. This document is available as (UNEP/CMS/COP13/Inf.9)

Discussion and Analysis

7. Marine noise remains of very high importance for the conservation of the marine species listed on CMS Appendices. The endorsement of the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* through Resolution 12.14 was a major step forward in addressing this issue.
8. The Secretariat actively promoted the Resolution and Guidelines, as requested in Decision 12.42, which is now proposed for deletion. A new Decision directed at the Secretariat is proposed in the Annex to this document, which will ensure the necessary information flow to other organizations, with Parties and with the Scientific Council.
9. While some progress has been made in the implementation of Decision 12.43 directed to the Scientific Council, the activities foreseen could not be completed in this triennium. It has also become clear that more guidance and assistance are required to assist Parties with this complex and highly technical topic, and efforts need to be made to ensure managers in all national departments involved in deciding on noise-generating activities are aware of them. The Scientific Council and the JNWG also require feedback from Parties as to the need for additional guidance, or modifications to the existing one.
10. Therefore, a new Decision directed to Parties is proposed in the Annex to this document, and the direction given to the Scientific Council has been updated in line with the progress made intersessionally.

Recommended Actions

11. The Conference of the Parties is recommended to
 - a) adopt the draft Decisions contained in the Annex to this document;

ANNEX

DRAFT DECISIONS

**ADVERSE IMPACTS OF ANTHROPOGENIC NOISE ON CETACEANS
AND OTHER MIGRATORY SPECIES**

Directed to the Parties

13.AA Parties are requested to:

- a) disseminate the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* annexed to Resolution 12.14 to all national departments involved in deciding on noise-generating activities;
- b) inform the Scientific Council about experiences and lessons-learnt in the application of these guidelines, and the need for additional guidance on assessment and mitigation of marine noise.

Directed to the Secretariat

13.BB The Secretariat should:

- a) draw Resolution 12.14 and the annexed *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* to the attention of other relevant intergovernmental organizations and initiatives;
- b) strengthen coordination with other international fora to encourage coherence in implementation of policies addressing noise impacts on marine life;
- c) add the *Advisory Note: Further guidance on independent, scientific modelling of noise propagation* (UNEP/CMS/COP13/Inf.8) to the *Technical Support Information* provided online at <https://www.cms.int/en/guidelines/cms-family-guidelines-EIAs-marine-noise>;
- d) request the CMS/ACCOBAMS/ASCOBANS Joint Noise Working Group to review the report on *Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving* published as UNEP/CMS/COP13/Inf.9 and publish the resulting version as a Technical Series to make the information easily accessible to Parties;
- e) prior to the last meeting of the Sessional Committee before COP14, request Parties to submit information on experiences and lessons-learnt in the application of the CMS Family Noise EIA Guidelines, and the need for additional guidance on assessment and mitigation of marine noise.

Directed to the Scientific Council

13.CC (12.43) The Scientific Council should:

- a) review the report on the report on *Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving* after it has received input from the CMS/ACCOBAMS/ASCOBANS Joint Noise Working Group. Assess the need for, and if required develop, subject to the availability of resources, voluntary noise mitigation guidelines on these activities of concern;
- b) assess the need for updating the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities and/or its Technical Support Information* prior to the 14th Meeting of the Conference of the Parties.