



# Convention on the Conservation of Migratory Species of Wild Animals

*Secretariat provided by the United Nations Environment Programme*



## **1<sup>st</sup> Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC1)**

*Bonn, Germany, 18 – 21 April 2016*

UNEP/CMS/ScC-SC1/Doc.10.2.3/Rev.1

### **CMS Family Environmental Impact Assessment Guidelines for Noise- generating Offshore Industries: Implementation Report**

#### Summary:

This document has been prepared jointly by the consultants hired to develop the guidelines and the Secretariat. It outlines the progress made to date and the further process, designed to ensure that the same guidelines can be adopted by ASCOBANS and ACCOBAMS in 2016, and by CMS in 2017.

In order to ensure that the same guidelines can be adopted for use by the entire CMS Family, CMS Scientific Councillors and Parties are urged to make their input to the guidelines during the consultations between March and June 2016, and focus later work only on the development of the related resolution.

*For reasons of economy, this document is printed in a limited number, and will not be distributed at the meeting. Delegates are kindly requested to bring their copy to the meeting and not to request additional copies.*

## **CMS Family Environmental Impact Assessment Guidelines for Noise-generating Offshore Industries: Implementation Report**

1. Parties to the Convention on Migratory Species (CMS)<sup>1</sup> and the two cetacean-related Agreements ACCOBAMS<sup>2</sup> and ASCOBANS<sup>3</sup> have recognized underwater noise as a major threat to many marine species. Several resolutions have been passed calling for effective measures to mitigate and minimize the impact of noise pollution on marine life.
2. CMS, ACCOBAMS and ASCOBANS decisions also recognize that addressing this issue effectively requires that noise-related considerations should be taken into account starting with the planning stage of activities, especially by making effective use of Environmental Impact Assessments (EIA).<sup>4</sup> The Convention on Biological Diversity Decision XII/23<sup>5</sup> equally encourages governments to require EIAs for noise-generating offshore activities and to combine acoustic mapping with habitat mapping to identify areas where these species may be exposed to noise impacts.
3. A considerable number of national and regional operational guidelines detail the impacts to be avoided and mitigation measures to be taken during proposed operations. For the most part these focus on cetaceans. Few guidelines cover other species and almost none have been developed about the specific content that should be provided in EIAs before approvals and permits are granted. Consequently submitted EIAs are often poorly developed or provide limited explanation about the source of data or the level of uncertainty inherent in the documentation. Subsequent decisions are being made on the basis of erroneous information and are vulnerable to criticism.
4. Thanks to a voluntary contribution of the Principality of Monaco under the Migratory Species Champions programme, the CMS Secretariat (on behalf also of the ASCOBANS and the ACCOBAMS Secretariats) was able call for tenders for the development of guidelines for Environmental Impact Assessments for noise-generating offshore industries.
5. The terms of reference were developed in consultation with the chairs of the scientific and advisory bodies of all three treaties, and with input from the co-chairs of the Joint CMS/ACCOBAMS/ASCOBANS Noise Working Group. The aim is to provide a tool to Parties to CMS, ASCOBANS and ACCOBAMS that supports them in their implementation of the related resolutions passed in these fora. The guidelines will also be brought to the attention of the Signatories of relevant MOUs for their consideration.
6. The offer of Wild Migration was chosen with agreement of all three Secretariats. Building on the work already undertaken by the Joint CMS/ASCOBANS/ACCOBAMS Noise Working Group<sup>6</sup>, detailed global guidelines for EIAs relating to noise-generating activities are now being facilitated for CMS Family consideration.

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<sup>1</sup> Convention on the Conservation of Migratory Species of Wild Animals, [www.cms.int](http://www.cms.int)

<sup>2</sup> Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area, [www.accobams.org](http://www.accobams.org)

<sup>3</sup> Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, [www.ascobans.org](http://www.ascobans.org)

<sup>4</sup> Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota; Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species; Addressing the impact of anthropogenic noise; Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production; and Global Programme of Work for Cetaceans

<sup>5</sup> <https://www.cbd.int/decision/cop/default.shtml?id=13386>

<sup>6</sup> <https://www.cbd.int/doc/meetings/mar/mcbem-2014-01/other/mcbem-2014-01-submission-cms-en.pdf>

7. These guidelines will cover all CMS, ACCOBAMS and ASCOBANS species: marine fish, marine mammals and marine turtles and prey species for these species. They will include the articulation of species vulnerabilities and specific lifecycle components of these vulnerabilities; components of habitat that should be mapped; scientific assessment of received exposure levels and duration; and criteria for policy makers to use in assessment of EIAs.

8. Details of the project contributors and outputs are provided in Annex 1 to this document.

9. Both ASCOBANS and ACCOBAMS will have their Meetings of the Parties in 2016. The next Meeting of the Conference of the Parties to CMS will take place in 2017. In order to allow the guidelines to be adopted by all three fora, the proposal is to finalize the guidelines themselves in time for the first of these meetings, namely the 8<sup>th</sup> Meeting of the Parties to ASCOBANS (30 August - 1 September 2016, Helsinki, Finland), with each forum then adopting its own resolution on the matter.

10. The project timelines and consultations are therefore planned as follows:

#### Technical module development

Work on the expert summaries (Modules 3.1-3.13 and 4.1-4.2), characteristics of sound in the marine environment (Module 2), summary of marine noise-generating industries (Modules 6.1-6.8) and framework of EIA guidelines (Modules 8.1-8.8) are being developed now.

#### Policy module development

The summary of intergovernmental decisions (Module 5) and applicability to CMS Family agreements (Module 7.1-7.11) and References (Module 9) will be completed in March 2016, and then an executive summary (Module 1) will be developed.

#### Consultation phase

Once the modules are compiled the project will move through an email consultation process that will include:

1. CMS Scientific Councillors, ACCOBAMS Scientific Committee Members and ASCOBANS Advisory Committee Members
2. CMS Scientific Council Aquatic Mammals Working Group
3. CMS/ASCOBANS/ACCOBAMS Joint Noise Working Group
4. CMS, ACCOBAMS and ASCOBANS Focal Points
5. CMS, ASCOBANS and ACCOBAMS Secretariats

The consultation process will begin in March and move through to June, with the CMS, ASCOBANS and ACCOBAMS Secretariats confirming the final document in July.

#### Document delivery to the CMS Family

A final document will be presented in sequence to:

1. ASCOBANS Meeting of the Parties, August 2016 (document deadline 26<sup>th</sup> July)
2. ACCOBAMS Meeting of the Parties, November 2016 (document deadline TBA)
3. CMS Scientific Council, mid 2017 (document deadline TBA)
4. CMS Conference of the Parties, late 2017 (document deadline TBA)

11. In order to ensure that the same guidelines can be adopted for use by the entire CMS Family, CMS Scientific Councillors and Parties are urged to make their input to the guidelines during the consultations between March and June 2016, and focus later work only on the development of the related resolution.

***Action Requested:***

- i. Take note of the project aims and timelines
- ii. Encourage Councillors to take part in the email consultations between March and June 2016 to enable finalization of the guidelines in time for the ASCOBANS Meeting of the Parties

**Annex 1****Project contributors****Contributors**

Geoff Prideaux, Wild Migration, is the lead project facilitator. The following experts are providing policy level summaries of species specific information:

<b>Expert subject</b>	<b>Confirmed experts</b>
Fin fish	Rob McCauley
Sharks and rays	José Truda Palazzo, Jr.
Cephalopods	Aran Mooney
Crustaceans	Natacha Aguilar de Soto
Mysticeti	Susan Parks
Beaked and sperm whales	Natacha Aguilar de Soto
Other offshore Odontoceti	Manuel Castellote
Inshore Odontoceti	Manuel Castellote
Pinnipeds	IUCN Pinniped Specialist Group, to be facilitated by Giuseppe Notarbartolo di Sciara
Sirenians	Helene Marsh
Marine otters	IUCN Otter Specialist Group, to be facilitated by Giuseppe Notarbartolo di Sciara
Polar bears	Dag Vongraven
Marine turtles	IUCN Marine Turtle Specialist Group, to be facilitated by Giuseppe Notarbartolo di Sciara
Decompression stress	Sascha Hooker
Southall et al exposure levels	Silvia Frey

The initial project proposal had considered a module on noise stress, but the expert involved believes the science is not yet certain enough. Wild Migration is exploring substituting this module with a section on exertional myopathy, and will confirm this with CMS shortly.

**Project outputs****Full document**

The full document structure will be as follows:

<b>Module</b>	<b>Document section</b>	<b>Indicative pages</b>
1	Executive summary	2 pages
2	Characteristics of sound in the marine environment	4 pages
3 (3.1-3.13)	Expert advice on specific species groups (behavioural and physiological including stress)—presented as 13 stand-alone statements—to CMS Appendix (I and II) listed species, key components of marine biodiversity (fish, crustaceans and cephalopods) and recommendations. These will include: <ol style="list-style-type: none"> <li>1. beaked and sperm whales</li> <li>2. other offshore odontoceti</li> <li>3. inshore odontoceti</li> <li>4. mysticeti</li> <li>5. cephalopods</li> </ol>	26 pages

	<ol style="list-style-type: none"> <li>6. crustaceans</li> <li>7. fin fish</li> <li>8. marine otters</li> <li>9. marine turtles</li> <li>10. pinnipeds</li> <li>11. polar bears</li> <li>12. sharks and rays</li> <li>13. sirenians</li> </ol>	
4 (4.1-4.2)	Expert advice on decompression stress and a summary of Southall et al exposure levels—presented as two stand-alone statements.	6 pages
5	Summary of intergovernmental decisions, by: <ol style="list-style-type: none"> <li>1. CMS, ACCOBAMS and ASCOBANS</li> <li>2. Convention on Biological Diversity (CBD)</li> <li>3. International Maritime Organization (IMO)</li> <li>4. International Whaling Commission (IWC)</li> <li>5. Convention for the Protection of the Marine Environment of the North-East-Atlantic (OSPAR)</li> <li>6. Espoo (EIA) Convention</li> <li>7. European Union</li> </ol>	5 pages
6 (6.1-6.8)	Summary of marine noise-generating industries (based on ACCOBAMS Resolution 4.17)—presented as 8 stand-alone statements: <ol style="list-style-type: none"> <li>1. Military sonar</li> <li>2. Seismic surveys and airgun uses</li> <li>3. Civil high power sonar</li> <li>4. Coastal and offshore construction works</li> <li>5. Offshore platforms</li> <li>6. Playback &amp; Sound Exposure Experiments</li> <li>7. Shipping and vessel traffic</li> <li>8. Other mitigation cases</li> </ol>	6 pages
7 (7.1-7.11)	Applicability to CMS Family agreements and the Parent convention, with specific reference to Resolution 10.15—presented as 11 stand-alone statements	11 pages
8 (8.1-8.8)	Framework of EIA Guidelines for marine noise-generating offshore industries, including species group-specific information	16 pages
9	References and additional resources	10+ pages
Full review page count		86+ pages

## **Summary document and online resource**

A short summary document will be developed that will include the executive summary, a very brief summary of the expert information and noise-generating industries and the EIA Guidelines. This will be available as a print and online resource that is linked to each module section. These modules will be held online as stand-alone documents. This will allow individual CMS instruments or CMS Parties to compile a document that is most applicable to their needs.

For instance, the Dugong agreement might compile:

- executive summary;
- expert advice on dugongs
- summary of the Southall exposure levels
- summary of vessel noise;
- applicability to CMS and the Dugong agreement; and
- EIA Guidelines related to vessel noise.

As another example, the Government of Kenya might compile:

- executive summary;
- expert advice on dugongs, cetaceans and sharks;
- summary of noise stress;
- summary of the Southall exposure levels;
- summary of vessel noise, offshore petroleum exploration and military sonar;
- applicability to CMS, the Dugong agreement and the Shark agreement; and
- the EIA Guidelines related to vessel noise, offshore petroleum exploration and military sonar.