

Agenda Item 3.2.1

Review of New Information on Threats to Small
Cetaceans

Underwater Noise

Report and Recommendations of the
Working Group

Document 3.2.1.a

Activities of the Noise Working Group

Action Requested

- Take note
- Comment
- Give guidance about further work to be undertaken

Submitted by

Secretariat



**NOTE:
DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN COPIES OF DOCUMENTS
TO THE MEETING**

Secretariat's Note

No formal report of the Joint ACCOBAMS/ASCOBANS Noise Working Group against its terms of reference was received for this Advisory Committee Meeting. Relevant work in which the working group was involved has nonetheless taken place:

- a) During the 8th Meeting of the ACCOBAMS Scientific Committee (SC8, 13-15 November 2012, Monaco), the co-chair of the working group, Yanis Souami, presented an update on activities and suggested that a consultant be appointed for work defined in terms of reference agreed by that meeting. The relevant extracts of the SC8 report are contained in this document.
- b) Heidrun Frisch, representing the joint CMS/ASCOBANS Secretariat, confirmed the interest of both CMS and ASCOBANS in supporting this initiative, provided that the reviews were global. Following the meeting, both CMS and ASCOBANS agreed to earmark part of the regular voluntary contributions received from Germany to this activity.
- c) In view of the time pressure associated with its upcoming MOP, ACCOBAMS decided to move ahead already with regional reviews, financed through its own resources. This work was undertaken by the French company Sinay. A short summary of the three documents under preparation for ACCOBAMS is also enclosed. The first of these documents has been circulated to members of the Noise Working Group for their comments on 21 May 2013. A revised version will be forwarded to the ACCOBAMS Scientific Committee shortly.

- b) examine and evaluate existing mitigation approaches/regulations, and identify mitigation measures for priority populations/areas to be complemented with ecosystem-based approaches such as the establishment of Marine Protected Areas; and
- c) develop scientific and conservation recommendations and a two-year work plan for consideration by ACCOBAMS, GFCM and others.

64. Greg Donovan noted that a number of bodies were involved in the serious problem of cetacean bycatch, including an ICES working group. He also noted that the IWC and its Scientific Committee has long been interested in this issue for both large and small cetaceans. It regularly collects bycatch data as part of its national progress reports and submits this to the FAO 'FIRMS' initiative (firms.fao.org/firms/en). It has also held workshops on the disentanglement of large whales (www.iwcoffice.org/entanglement). He proposed collaboration with these other bodies both with respect to the obtaining and verification of bycatch data and the development of mitigation strategies, recognising that there is no universal solution and that, in particular, pingers should not be recommended unless they have been shown to be effective for the species and gear in question, as it is stipulated by Res. 2.12 and Res. 4.9 of the ACCOBAMS MoPs.

3.5 Anthropogenic noise (RMTM 11)

65. The Chair presented the document ACCOBAMS-SC8/2012/Inf 10 (Scientific synthesis on the impacts of underwater noise on marine and coastal biodiversity and habitats and draft decisions to be considered by CBD COP 11) and invited Yanis Souami to inform the Meeting about the progress of the Working group on noise and to introduce Document ACCOBAMS-SC8/2012/Doc 13 (Progress report of the Working group on noise and appropriate mitigation measures).

66. Yanis Souami recalled the history of the Noise Working Group and stressed that when resolution 4.17 was drafted a number of operators (navy, seismic operators, etc.) found that the operational and field constraints were not taking into account by the Guidelines contained in Resolution 4.17. The year 2011 was dedicated to contact numerous organisations and make them aware about the guidelines. A contact database was created especially of industries. He added that a joint ACCOBAMS/ ASCOBANS Working Group on noise was created during the 19th ASCOBANS Advisory Committee. After collecting opinion from different actors (industries, states, scientists, NGOs and others), a working platform was created in 2012 to exchange document on noise with the view of preparing a synthesis. Furthermore, a questionnaire was circulated to industries and experts. However, both actions were not very effective due to the voluntary character of the working group and the heavy agenda of its members. The ad hoc working group that met during the scientific committee meeting proposed appointing a consultant for this specific work and asked the Scientific Committee to define Terms of Reference. These were developed by the ad hoc working group and are annexed here ([Annex 7](#)).

67. Yanis reminded the meeting that MOP4 had requested the collection of information on noise sources in the ACCOBAMS area in order to detect the most affected sites.
68. Heidrun Frisch (UNEP/CMS and UNEP/ASCOBANS) confirmed that ASCOBANS was very pleased that collaboration with ACCOBAMS on noise was now formalised through a joint working group. ASCOBANS also shared the view that it would be good to have a consultant able to invest the time needed to bring this work forward.
69. She was pleased to announce that CMS also wanted to join this initiative, making this a global review and also joining in the fundraising efforts to finance the consultant. CMS had passed several resolutions on underwater noise, most recently at COP10 in 2011, which called for application of Best Environmental Practice (BEP) and Best Available Technique (BAT), so interest in progressing work on this issue was high.
70. She added that CMS Resolution 10.15 (Global Programme of Work for Cetaceans) requests the CMS Secretariat to increase linkages and synergies within the CMS Family by promoting joint priorities and the sharing of technical expertise and resources. It also established the Scientific Council's Aquatic Mammals Working Group as a standing intersessional working group, and one of its mandates was to provide support to the regional agreements, including ACCOBAMS. The Committee should therefore consider involving the CMS Aquatic Mammals Working Group in the work of the Joint ACCOBAMS/ASCOBANS Working Group on Noise. Having the backing of the Convention would give additional emphasis to its calls for information and activities.
71. A symposium about sound and marine mammal had been organised by the French Navy. The French Maritime Cluster (FMC) has decided to create an industrial working group on noise. The FMC is a 'business network' including all organisations related to the sea: fishermen, seismic survey, renewable energy, military, marine protected area, etc. The FMC also created think tank about transversal topics such as workers at sea, security, innovation and noise. Members of this working group reviewed the guidelines and responded to the questionnaire. In order to go forward in this process, 3 to 5 meetings would be convened to better understand industrial point of view about noise.
72. The ACCOBAMS Scientific Committee has been informed by several NGOs of a programme of seismic survey work scheduled to take place in the region of the Hellenic Trench including in international waters and reported to be starting in early November. Unfortunately, details of this have not been received by the Secretariat. This region constitutes an area of critical habitat for the endangered Mediterranean sperm whale, whose population only numbers a few hundred individuals at best, and which, as a deep diving species, may be strongly affected by the loud noise used in such surveys. The Hellenic Trench is also an important habitat for Cuvier's beaked whale, another particularly vulnerable species, and the bottlenose dolphin, striped dolphin, common dolphin and Risso's dolphin are also found there. This is an area which ACCOBAMS has proposed should be designated as an Area of Special Importance/MPA because of its cetacean populations.

ANNEX 7 - Terms of Reference of the consultant for providing bibliographic synthesis and consulting of noise-producer

The aim of these terms of reference is to precise the work that need to be done regarding:

Part 1: the state of this art about what is apply

Part 2: the consultation of noise-producer to know what they are applying

This reference document is necessary to improve guidelines and write a methodological guide to facilitate their implementation.

The draft document must be submitted to the working group approval.

Items to be address:

- 1) What are regulation, directive, resolution, national laws, etc., about noise? (Example: Marine Frameworks Strategy of European Commission, etc.)
- 2) What are the guidelines already in place to address noise issue? (Example: JNCC Seismic Guidelines, Guidelines of Res. 4.17, etc.)
- 3) What are the Current Available Practices used to reduce the impact of noise? (Example: RampUp, Passive Acoustic Monitoring, Observer schemes, etc.)
- 4) What are the Current Available Technologies to reduce the impact of noise? (Example: Pamguard, Bubble curtain, etc.)
- 5) What are reported to be field and operational constraints regarding the implementation of the present guidelines?
- 6) What are the procedures to evaluate mitigation measures? (Example: Environment Impact Assessment, Public review and Consultation process, etc.)
- 7) Classify the information by industries (seismic, marine renewable, etc.) and countries
- 8) Classify the information by type of noise (impulsive, continuous, aggregate and cumulative)
- 9) What could be the best guidelines? Comparing this with the measures called for in the ACCOBAMS and ASCOBANS guidelines, and identify discrepancies
- 10) What are the scientific information gaps preventing the development better mitigation measures?

Synthesis of the work carried during 2013 by the joint ASCOBANS/ACCOBAMS Noise Working Group.

Document 1:

- *Anthropogenic noise and marine mammals. Review of the effort in addressing the impact of anthropogenic underwater noise in the European Union*

This work presents the measures adopted so far in the European Union to mitigate the impact of underwater anthropogenic noise on marine mammals. It is structured in three main parts: 1) review of the political effort from international bodies (resolutions from conventions, regional agreements etc.); 2) review of the existing guidelines from these bodies and implementation by countries; 3) review of existing mitigation technologies. The fourth part of the document proposes future actions aimed to strengthen the effectiveness of noise mitigation measures.

Document 2:

- *Implementation of underwater noise mitigation measures by industries: operational and economical constraints.*

A consultation with industries and military authorities within the French Maritime Cluster was realised in early 2013. Five sub-group were formed and delegates from the following domains consulted: 1) Marine Renewable Energies, 2) Sonar and Seismic, 3) Marine Traffic and Dredging 4) Fishery 5) Marine Protected Areas. The main aims of this work were to better understand what mitigation procedures are currently implemented and what measures imply technical and economical constraints. This work could serve as a basis to improve current mitigation frameworks and as a tool for future decisions. Some secondary but important results were achieved: spreading the awareness about the impact of noise among industries and military authorities; disseminating ACCOBAMS and ASCOBANS guidelines; establishing a link between scientific community, industries and environmental policy.

Document 3:

- *Guidance on Underwater Noise Mitigation Measures*

This document is aimed to provide guidance to industries and country authorities to apply noise mitigation measures. It is thought to outline practices and technologies that should be used during conventional maritime activities producing impulsive underwater noise. It is thought as well to be a “living” guide as it could be regularly updated as long as new technologies become available or new practices and procedures are developed. It deals with measures that should be applied to the major sources of impulsive underwater noise as identified by the TSG Noise (Van der Graaf *et al* (2012)) as the major sources of impulsive underwater noise.