

Agenda Item 4.2

Review of New Information on Threats to
Small Cetaceans

Underwater Noise

Document Inf.4.2.b

**Terms of Reference: Developing
Environmental Impact Assessment
Guidelines for Noise-generating
Offshore Industries for the CMS
Family**

Action Requested

- Take note

Submitted by

Secretariat



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

Secretariat's Note

Thanks to the generosity of Monaco, CMS is in a position to advance work related to developing Environmental Impact Assessment Guidelines for noise-generating offshore industries. CMS, ACCOBAMS and ASCOBANS all have resolutions calling for EIAs to take into account the effects of generated noise on our species, but no international guidelines exist to help Parties implement this action.

The Chairs of the CMS Scientific Council, Aquatic Mammals Working Group, ACCOBAMS Scientific Committee, ASCOBANS Advisory Committee, Joint Noise Working Group and the convener of the 2014 Workshop on EIAs have been given opportunity to comment on the draft terms of reference.

The aim of this initiative is to develop guidelines for use by all three instruments. Timelines will be specified when the advertisement is placed, in the expectation to have the draft report and guidelines ready in time for the next meeting of the CMS Scientific Council (most probably in the first quarter of 2016). In order to meet these timelines, the contract will be advertised as soon as possible.

Terms of Reference: Developing Environmental Impact Assessment Guidelines for noise-generating offshore industries for the CMS Family

The UNEP/CMS Secretariat, on behalf also of the ACCOBAMS Secretariat and the UNEP/ASCOBANS Secretariat, is seeking a consultant, consulting firm or organization (below referred to as consultant) to produce a Review Document and Guidelines relating to Environmental Impact Assessment Guidelines for noise-generating offshore industries, as outlined below.

A. Background

Parties to the Convention on Migratory Species (CMS)¹ and the two cetacean-related Agreements ACCOBAMS² and ASCOBANS³ have recognized underwater noise as a major threat to many marine species. Several resolutions have been passed calling for effective measures to reduce noise emissions into the marine environment and to mitigate and minimize effects on marine life.

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). CMS Resolutions 9.19⁴ and 10.24⁵, ACCOBAMS Resolution 5.15⁶ and ASCOBANS Resolution 6.2⁷ have specifically called for Environmental Impact Assessments (EIA) to be conducted before the approval of offshore noise-generating industries. CMS Resolution 10.15⁸ directs the Aquatic Mammals Working Group (AMWG) of the CMS Scientific Council to develop advisory positions for use in Environmental Impact Assessments at the regional level, especially with assessing and defining appropriate standards for noise pollution; *inter alia* by providing support to ASCOBANS, ACCOBAMS and other ocean regions in which CMS species may be affected by underwater noise.

CBD Decision XII/23 on “Marine and coastal biodiversity: Impacts on marine and coastal biodiversity of anthropogenic underwater noise and ocean acidification, priority actions to achieve Aichi Biodiversity Target 10 for coral reefs and closely associated ecosystems, and marine spatial planning and training initiatives”⁹ equally encourages governments to require EIAs for activities that may have significant adverse impacts on noise-sensitive species and to combine acoustic mapping with habitat mapping to identify areas where these species may be exposed to noise impacts.

There is a considerable number of national and regional operational guidelines that detail the impacts to be avoided and mitigation measures to be taken during proposed operations. For

¹ Convention on the Conservation of Migratory Species of Wild Animals, www.cms.int

² Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area, www.accobams.org

³ Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, www.ascobans.org

⁴ [Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota](#)

⁵ [Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species](#)

⁶ [Addressing the impact of anthropogenic noise](#)

⁷ [Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production](#)

⁸ [Global Programme of Work for Cetaceans](#)

⁹ <https://www.cbd.int/decision/cop/default.shtml?id=13386>

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 Environmental Impact Assessments (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.

In January 2014 the Joint CMS/ASCOBANS/ACCOBAMS Noise Working Group (JNWG) provided initial framework guidelines for the broad technical components of EIAs for the CBD Expert Workshop on Underwater Noise and Its Impacts on Marine and Coastal Biodiversity¹⁰.

B. Aims of the Contract

Building on the work already undertaken by the JNWG, detailed global guidelines for EIAs relating to noise-generating activities should be developed. These guidelines should cover:

- all CMS Appendix I and II marine fish, marine mammals and marine turtles
- the relevant species covered by CMS Agreements, in particular ACCOBAMS and ASCOBANS, and MOUs
- prey species of the species listed above
- the advice requested through CMS Resolution 10.15

C. Deliverables

1) Inception Report

At the launch of the project, the consultant should produce an inception report containing scoping of the project, including a complete list of all relevant industries, detailed specification of the review as well as of the guidelines by outlining the structure and content of both products specified below.

2) Review Document, containing:

- a) Executive Summary
- b) Summary of the information already held within the CMS Family on marine noise-producing industries; in addition information updating or addressing any gaps as needed
- c) Review, underpinned with defensible expert advice, of:
 - Species vulnerabilities (physiological, behavioural, prey and habitat impact) and specific lifecycle components of these vulnerabilities (breeding, migrating, feeding etc.)
 - Components of habitat that should be mapped
 - Scientific assessment of received exposure levels and duration
 - Criteria for policy makers to be able to assess if the information presented is defensible or not
- d) Recommendations

¹⁰ <https://www.cbd.int/doc/meetings/mar/mcbem-2014-01/other/mcbem-2014-01-submission-cms-en.pdf>

- 3) Guidelines, containing:
 - a) Executive Summary
 - b) Specific advice of relevance to the species covered under this project
 - c) Environmental Impact Assessment Guidelines for noise-generating offshore industries

The stand-alone guidelines shall be in the form of a modular document composed of well-formed parts common to all noise-generating offshore industries and a body consisting of specific sub-chapters for each industry. Specifics relevant depending on size and location of the project, as well as cumulative effects of other noise-generating activities going on in parallel or short succession, should be clearly outlined. The guidelines should be global in scope, and address the needs of specific regions as required.

D. Timelines

The timelines for the expected deliverables are as follows:

- Submission and presentation of the Inception Report by [DATE] 2015.
- Submission of the draft Review Document and Guidelines for comments by the Secretariats and scientific advisory bodies of CMS, ACCOBAMS and ASCOBANS, any other relevant Agreements and MOUs and the JNWG by [DATE]
- Submission of the final draft of both the Review Document and the Guidelines by [DATE] 2016

All outputs will be reviewed at each stage by the CMS Family Secretariats as well as by the scientific advisory bodies of the relevant CMS Family instruments. A detailed schedule of submissions and revisions will be developed by the consultant to ensure this consultation process.

E. Required Profile and Qualifications

We are seeking a consultant, consulting firm or organization with substantive proven experience and capacity to provide the required activities and outputs as described above. In particular, the consultant should:

- Have significant experience in delivering international publications aimed at high-level policy makers and project developer as described above;
- Be internationally recognised with proven expertise in producing key environmental impact and/or species conservation and strategy documents for policy makers;
- Have proven knowledge in the fields of underwater noise and its impact on migratory species, and be well connected in order to ensure the required expert advice – see section C. 2) c);
- Have good understanding of the mandates and work of the CMS Family.