

Agenda Item 7.4

Further implementation of the Agreement
(2010-2012)

Anthropogenic Noise

Document 7-04

**Draft Resolution on Adverse Effects
of Underwater Noise on Marine
Mammals during Offshore
Construction Activities for Renewable
Energy Production**

Action Requested

- Review the draft Resolution
- Introduce any changes as appropriate
- Adopt

Submitted by

Belgium



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING

DRAFT RESOLUTION

Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production

Recalling that the Conservation and Management Plan Annexed to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

Recalling Resolution No. 4 of the 5th Meeting of the Parties and previous related Resolutions and recommendations adopted within the framework of ASCOBANS and *welcoming* progress within Parties to implement that Resolution;

Recalling UNEP/CMS Resolution 9.19 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota, adopted by the 9th Conference of the Parties, and previous related Resolutions and Recommendations adopted within the framework of CMS;

Recalling UNEP/CMS Resolution 7.5 on wind turbines and migratory species, adopted by the 7th Conference of the Parties;

Recalling the obligation of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to cooperate through the appropriate international organizations for the conservation and management of marine mammals (Articles 65 and 120);

Reaffirming that the difficulty of proving detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

Recognizing the commitment of Parties to a change to using renewable sources of energy;

Recognizing the potential disturbance caused by activities associated with renewable energy such as offshore windfarms, particularly construction activities;

The Meeting of the Parties to ASCOBANS:

1. *Recommends* that governments consider a strategic approach to siting of marine renewable developments; to include Strategic Environmental Assessments and Environmental Impact Assessments carried out prior to the construction of marine renewable energy developments and taking into account the construction phase and cumulative impacts;
2. *Requests* Parties and Range States that have not yet done so to introduce precautionary guidance on measures and procedures for all activities surrounding the development of renewable energy production in order to minimise risks to populations, and mitigate possible effects to small cetaceans following current best practice;
3. *Recommends* that these guidelines should include where possible and relevant:
 - (a) Appropriate siting of devices to minimise impacts to small cetaceans;
 - (b) Measures for avoiding construction activities with high underwater noise source levels, such as pile driving, during the periods of the year with the

highest densities of small cetaceans, and as such limiting the number of animals exposed;

- (c) Measures for avoiding construction activities with high underwater noise source levels, such as pile driving, when small cetaceans are present in the vicinity of the construction site;
- (d) Measures for diverting marine mammals away from construction sites; and
- (e) Technical measures for reducing the sound emission during construction works;

4. *Recommends further that Parties and Range States:*

- (a) Continue to develop effective mitigation measures, guidelines and technological adaptations to minimise any adverse effects on small cetaceans due to offshore construction in the framework of marine renewable energy production, including disturbance effects and physical damage;
- (b) Develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;
- (c) Continue to conduct research into the effects on small cetaceans of marine renewable energy production, including on physical and behavioural effects, and at the individual and population level; and actively exchange information on methods and results;
- (d) Continue to conduct research into the development of acoustic warning devices for small cetaceans;
- (e) Set in place adaptive management systems so that guidance can be regularly reviewed and updated in this little known but rapidly developing marine industry.