

Agenda Item 6.2.6

Further Implementation of the Agreement

Conservation Issues

CMS Family Guidelines on Environmental
Impact Assessment for Marine Noise-
generating Activities

Document 6.2.6a

Proposed Amendments to Resolution 8.11:

**CMS Family Guidelines on Environmental
Impact Assessment for Marine Noise-
generating Activities**

Action Requested

- Review the proposed amendments
- Introduce changes if needed
- Adopt the resolution

Submitted by

Secretariat



Note:

Delegates are kindly reminded to bring their own document copies to the meeting, if needed.

Secretariat's Note

This document proposes updates and small amendments to existing Resolution 8.11, with input from the Co-chairs of the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS.

At MOP8 in 2016, ASCOBANS Parties were not yet ready to endorse the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* and requested more time to review them. Instead Resolution 8.11 was adopted. Subsequently, the guidelines have been finalised and endorsed by the 12th Meeting of the Conference of the Parties to CMS (October 2017). Therefore, they are being presented again for ASCOBANS Parties to adopt, as requested in CMS Resolution 12.14.

The guidelines, contained in ASCOBANS/MOP9/Doc.6.2.6b, remain untouched and will be annexed to the adopted resolution.

PROPOSED AMENDMENTS TO RESOLUTION 8.11:**CMS FAMILY GUIDELINES ON ENVIRONMENTAL IMPACT ASSESSMENTS FOR MARINE NOISE-GENERATING ACTIVITIES**

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Mindful that Parties to CMS, ACCOBAMS and ASCOBANS have in several resolutions recognized underwater noise as a major threat to many marine species,

Recalling that the Conservation and Management Plan annexed to the Agreement stipulates that ASCOBANS work towards “the prevention of other significant disturbance, especially of an acoustic nature”,

Further recalling Resolution ~~6.2 No. 2 of MOP6~~ on Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production, ~~and Resolution 5.4 No. 4 of MOP5~~ on Adverse Effects of Sound, Vessels and Other Forms of Disturbance on Small Cetaceans, ~~Noting also other related resolutions adopted at this meeting, in particular~~ Resolution 8.6 No. 6 on Ocean Energy, Resolution 8.8 No. 8 on Addressing the Threats from Underwater Munitions and Resolution 8.9 No. 9 on Managing Cumulative Anthropogenic Impacts in the Marine Environment;

Also recalling related decisions adopted by the Conference of the Parties to CMS, in particular Resolution ~~12.14 on Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species, by which the CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities were adopted~~ 9.19 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota, and Resolution 10.24 on Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species,

Noting related decisions adopted by the Meeting of the Parties to ACCOBAMS, in particular Resolution ~~4.17 on Guidelines to Address the Impact of Anthropogenic Noise on Cetaceans in the ACCOBAMS Area, and Resolution 5.15 on Addressing the Impact of Anthropogenic Noise, and Resolutions 6.17 and 7.13 on Anthropogenic Noise,~~

Taking note of the IWC Resolution 2018-4 on Anthropogenic underwater noise,

Aware that these resolutions also call for noise-related considerations to be already taken into account in the planning stages of activities, especially by making effective use of Environmental Impact Assessments (EIA),

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

Grateful to the Principality of Monaco for providing funds for the development of these guidelines for the CMS Family under the Migratory Species Champion Programme, and to OceanCare for co-funding the project,

Expressing thanks to the experts that contributed to the development of this document, as well as to focal points and members of the scientific advisory bodies and working groups of CMS, ACCOBAMS and ASCOBANS that provided input and comments,

Recognizing that anthropogenic marine noise affects many species, and that the adoption of guidelines for environmental impact assessments for marine noise-generating activities would benefit a number of CMS species, including cetaceans, pinnipeds, marine turtles and sharks,

Noting the recommendations of the ‘Best Practice Workshop: Fostering Inter-regional Cooperation in Underwater Noise Monitoring and Impact Assessment in Waters around Europe, within the Context of the European Marine Strategy Framework Directive’, jointly organized by ACCOBAMS, ASCOBANS, CMS, and the European Cetacean Society (April 2017),

Noting the ACCOBAMS Workshop on sonars and cetaceans’ interactions (October 2019), aimed to improve dialogue and cooperation of national navies,

~~*Noting also other related resolutions adopted at this meeting, in particular Resolution No. 6 on Ocean Energy, Resolution No. 8 on Addressing the Threats from Underwater Munitions and Resolution No. 9 on Managing Cumulative Anthropogenic Impacts in the Marine Environment;*~~

The Meeting of the Parties to ASCOBANS

1. ~~*Adopts Notes and welcomes the progress on the “CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities” attached as Annex presented in ASCOBANS/MOP8/Doc.6.2.7.b and welcomes the Technical Support Information contained in ASCOBANS/MOP9/Inf.6.2.6a;*~~
2. ~~*Agrees that there is a need for further updates to the document and invites CMS to establish a process allowing Parties to CMS, ACCOBAMS and ASCOBANS and Signatories to relevant Memoranda of Understanding to contribute further to the document’s development;*~~
3. ~~*Recognizes the broad scope of the guidelines and therefore invites CMS to consider the adoption of revised “CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities” at the 12th Meeting of the Conference of the Parties;*~~
2. *Strongly encourages Parties to disseminate the CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities to all national departments involved in deciding on noise-generating activities;*
4. ~~3.~~ *Recognizes that the work done in relation to underwater noise is rapidly evolving, and invites the CMS Scientific Council, in collaboration with the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to assess the need for updating review and update such the guidelines and/or its Technical Support Information regularly, as appropriate;*
4. *Encourages Parties to fully support and transparently provide data towards the ICES impulsive noise registry, as well as consider providing information about planned noise-generating activities to allow making use of the registry as management tool;*
4. ~~5.~~ *Invites the private sector and other stakeholders to take note of the development of these guidelines in assessing, mitigating and minimizing the negative effects of sound on marine species;*
6. *Welcomes the efforts of the private sector and other stakeholders to reduce anthropogenic noise in the marine environment and strongly encourages them to continue making this a priority;*
7. *Requests the Advisory Committee, supported by the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to continue monitoring new available information on the effects of underwater noise on cetaceans and their prey species, as well as the effective assessment and management of this threat, and to make recommendations to Parties as appropriate; and*

8. *Requests* the Advisory Committee, supported by the Joint Noise Working Group of CMS, ACCOBAMS and ASCOBANS, to engage and collaborate with other relevant bodies considering anthropogenic noise, including the IWC, ICES, HELCOM and OSPAR;
9. *Recommends* that Parties, the private sector and other stakeholders apply Best Available Technology (BAT) and Best Environmental Practice (BEP) including, where appropriate, clean technology, in their efforts to reduce or mitigate marine noise pollution, taking into account, [when published,] the CMS Technical Series on *Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun Surveys, and Pile Driving* [currently under preparation]; and
10. *Encourages* Parties to take into account the Action Plan resulting from the ACCOBAMS Workshop on sonars and cetaceans' interactions, and join collaborative effort in as a voluntary approach.

[Annex: CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities]