

Resolution No. 2

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, North East Atlantic, Irish and North Seas¹ 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 CMS Resolution 9.19 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota, adopted by the 9th Meeting of the Conference of the Parties, and previous related Resolutions and Recommendations adopted within the framework of CMS;

Recalling CMS Resolution 7.5 on wind turbines and migratory species, adopted by the 7th Meeting of the 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);

Recalling the obligations of Member States of the European Union under Council Directive 92/43/EEC (Habitats Directive);

Noting the work undertaken on the impact of offshore wind farms in the framework of the Bern Convention;

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 wind farms, particularly pile driving and other construction activities;

The Meeting of the Parties to ASCOBANS

1. *Recommends* that Parties and Range States consider a strategic approach to the siting of marine renewable energy 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;

¹ For Parties that have not yet accepted the Amendment of the Agreement as adopted in MOP4 Resolution No. 4 (2003): Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

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 on small cetaceans;
- (b) Measures for avoiding construction activities with high underwater noise source levels during the periods of the year with the highest densities of small cetaceans, and in so doing limiting the number of animals exposed, if potentially significant adverse effects on small cetaceans cannot be avoided by other measures;
- (c) Measures for avoiding construction activities with high underwater noise source levels when small cetaceans are present in the vicinity of the construction site;
- (d) Measures for alerting small cetaceans to the onset of potentially harmful construction noise; and
- (e) Technical measures for reducing the sound emission during construction works, if potentially significant adverse effects on small cetaceans cannot be avoided by other measures.

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

- (a) Continue to develop effective mitigation measures, guidelines and technological adaptations to minimise any potentially significant 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.