

Agenda Item 4.4

Review of New Information on Threats to
Small Cetaceans

Emerging Issues

Document Inf.4.4

**CMS Resolution 11.27:
Renewable Energy and Migratory
Species**

Action Requested

- Take note

Submitted by

Secretariat



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



CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/Resolution 11.27

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RENEWABLE ENERGY AND MIGRATORY SPECIES

Adopted by the Conference of the Parties at its 11th Meeting (Quito, 4-9 November 2014)

Recognizing the importance to society of an adequate and stable energy supply and that renewable energy sources can significantly contribute to achieving this, and *aware* that renewable power generation, especially from wind energy, large solar panel power stations and biomass production, is projected by the International Energy Agency to triple by 2035;

Recognizing also that increased use of technologies to exploit renewable energy may potentially affect many migratory species listed by CMS and other legal frameworks, and *concerned* about the cumulative effects of such technology on the movement of migratory species, their ability to utilize critical staging areas, the loss and fragmentation of their habitats, and mortality from collisions with infrastructural developments;

Recalling Article III 4(b) of the Convention which requests Parties to endeavour, *inter alia*, “to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities, or obstacles that seriously impede or prevent the migration of species” and *noting* the relevance of this obligation to renewable energy developments, especially given that adverse impacts of renewable energy technologies can be substantially minimized through careful site selection and planning, thorough Environmental Impact Assessments (EIAs), and good post-construction monitoring to learn from experience;

Recalling also previous decisions by CMS and aware of those of other MEAs, including CMS Agreements, as well as of relevant guidelines, on reconciling renewable energy developments with the conservation of migratory species, including:

- CMS Resolution 7.5 on ‘*Wind Turbines and Migratory Species*’;
- CMS Resolution 10.19 on ‘*Migratory Species Conservation in the Light of Climate Change*’;
- CMS Resolution 10.24 on ‘*Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species*’;
- ASCOBANS Resolution 6.2 ‘*Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production*’;
- ACCOBAMS Resolution 4.17 ‘*Guidelines to Address the Impact of Anthropogenic Noise on Cetaceans in the ACCOBAMS Area*’;
- AEWAs Resolution 5.16 on ‘*Renewable Energy and Migratory Waterbirds*’ which stressed the need to address or avoid adverse effects on migratory waterbirds and contains operational recommendations of relevance to many other migratory species;

- AWEA's 'Guidelines on How to Avoid, Minimize or Mitigate Impact of Infrastructural Developments and Related Disturbance Affecting Waterbirds' (Conservation Guidelines no. 11);
- EUROBATS Resolution 7.5 'Wind Turbines and Bat Populations' and Guidelines for consideration of bats in wind farm projects;
- Bern Convention Recommendation No. 109 on minimizing adverse effects of wind power generation on wildlife and the guidance of 2003 on environmental assessment criteria and site selection issues related to wind-farming as well as the best practice guidance on integrated wind farm planning and impact assessment presented to the 33rd meeting of the Bern Convention Standing Committee in 2013;
- Ramsar Resolution XI.10 'Guidance for Addressing the Implications for Wetlands of Policies, Plans and Activities in the Energy Sector';
- SBSTTA 16 Recommendation XVI/9 'Technical and Regulatory Matters on Geo-engineering in Relation to the Convention on Biological Diversity'; and
- BirdLife UNDP/GEF Migratory Soaring Bird Guidance on wind and solar energy;

and recognizing the need for closer cooperation and synergetic implementation amongst the CMS Family, other MEAs and relevant national and international stakeholders of decisions and guidelines to reconcile energy sector developments with migratory species conservation needs;

Acknowledging the critical need for liaison, communication and strategic planning to be jointly undertaken by those parts of governments responsible respectively for environmental protection and energy development to avoid or mitigate negative consequences for migratory and other species and their habitats;

Taking note of document UNEP/CMS/COP11/Inf.26: 'Renewable Energy Technology Deployment and Migratory Species: an Overview', which summarizes knowledge of actual and possible effects of renewable energy installations on migratory species, *noting* its conclusion that relatively few scientific studies are available on the short-term, long-term and cumulative impacts of renewable energy technologies, and *acknowledging* the urgent need for further research on the impact on migratory species of renewable energy technologies particularly in relation to ocean and solar energy;

Noting also that document UNEP/CMS/COP11/Inf.26 highlights the urgent need to collect data on the distribution of migratory species, their population size and migration routes as an essential part of any strategic planning and impact assessment, prior to and/or during the planning phase of development of renewable energy deployments, and also stresses the need to monitor regularly mortality arising from those developments;

Noting the discussion at the 18th Meeting of the Scientific Council on the drafts of document UNEP/CMS/COP11/Inf.26 and document UNEP/CMS/COP11/Doc.23.4.3.2: 'Renewable Energy Technologies and Migratory Species: Guidelines for Sustainable Deployment' and *aware* that input from other advisory bodies of the CMS Family has been incorporated into both documents;

Convinced of the relevance of the above-mentioned guidelines for sustainable deployment of renewable energy technologies to the implementation of the CMS programme of work on climate change and migratory species submitted for consideration and adoption by

the 11th Meeting of the Conference of the Parties in document UNEP/CMS/COP11/Doc.23.4.2;

Noting relevant international decisions and guidance with regard to mitigating the specific impacts of power lines on birds, including:

- CMS Resolution 10.11 on ‘*Power Lines and Migratory Birds*’;
- ‘*Guidelines on How to Avoid or Mitigate the Impact of Electricity Power Grids on Migratory Birds in the African-Eurasian Region*’ adopted by CMS COP10, AEWA MOP5 and the CMS Raptors MoU MOS1;
- AEWA Resolution 5.11 ‘*Power Lines and Migratory Waterbirds*’;
- Bern Convention Recommendation No. 110 on minimizing adverse effects of above-ground electricity transmission facilities (power lines) on birds;
- The Budapest Declaration on bird protection and power lines adopted in 2011 by the Conference ‘*Power Lines and Bird Mortality in Europe*’; and
- BirdLife UNDP/GEF Migratory Soaring Bird Guidance on power lines;

Welcoming the good cooperation and partnerships already established at both international and national levels between stakeholders including governments and their institutions, energy companies, non-government organizations (NGOs) and Secretariats of MEAs, and the concerted efforts made to address energy developments which conflict with species conservation; and

Acknowledging with thanks the financial support of the Governments of Germany and Norway through the CMS and AEWA Secretariats, of BirdLife International through the BirdLife UNDP/GEF Migratory Soaring Birds project and of IRENA towards the compilation of the report ‘*Renewable Energy Technology Deployment and Migratory Species: an Overview*’ and the guidelines document ‘*Renewable Energy Technologies and Migratory Species: Guidelines for Sustainable Deployment*’;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Endorses* the document ‘*Renewable Energy Technologies and Migratory Species: Guidelines for Sustainable Deployment*’ (UNEP/CMS/COP11/Doc.23.4.3.2);
2. *Urges* Parties and *encourages* non-Parties to implement these voluntary Guidelines as applicable depending on the particular circumstances of each Party, and as a minimum to:
 - 2.1 apply appropriate Strategic Environment Assessment (SEA) and EIA procedures, when planning the use of renewable energy technologies, avoiding existing protected areas in the broadest sense and other sites of importance to migratory species;
 - 2.2 undertake appropriate survey and monitoring both before and after deployment of renewable energy technologies to identify impacts on migratory species and their habitats in the short- and long-term, as well as to evaluate mitigation measures; and
 - 2.3 apply appropriate cumulative impact studies to describe and understand impacts at larger scale, such as at population level or along entire migration routes (*e.g.*, at flyways scale for birds);

3. *Urges* Parties to implement, as appropriate, the following priorities in their development of renewable energy technologies:

- 3.1 **wind energy:** undertake careful physical planning with special attention to the mortality of birds (in particular of species that are long-lived and have low fecundity) and bats resulting from collisions with wind turbines and the increased mortality risk to cetaceans from permanently reduced auditory functions, and consider means of reducing disturbance and displacement effects on relevant species, including deploying measures such as ‘shutdown on demand’ as appropriate;
- 3.2 **solar energy:** avoid protected areas so as to limit further the impacts of deploying solar power plants; undertake careful planning to reduce disturbance and displacement effects on relevant species, as well as to minimise the risks of solar flux and trauma related injuries which could be a consequence of a number of solar energy technologies;
- 3.3 **ocean energy:** give attention to possible impacts on migratory species of increased noise and electromagnetic field disturbance especially during construction work in coastal habitats, and injury;
- 3.4 **hydro-power:** undertake measures to reduce or mitigate known serious impacts on the movements of migratory aquatic species, such as through the installation of measures such as fish passageways; and
- 3.5 **geo-energy:** avoid habitat loss, disturbance and barrier effects in order to continue to keep the overall environmental impacts at their current low level;

4. *Instructs* the Secretariat to convene a multi-stakeholder Task Force on Reconciling Selected Energy Sector Developments with Migratory Species Conservation (the Energy Task Force), in order to:

- promote the benefits of existing decisions;
- encourage Parties to implement current guidance and decisions;
- develop any necessary new guidelines and action plans as appropriate; and
- make recommendations on suitable responses to specific problems and gaps in knowledge;

and in convening the Energy Task Force, to work in conjunction with the Secretariats of AEW, other relevant CMS instruments and the Bern and Ramsar Conventions, involving Parties and other stakeholders such as NGOs and the energy industry in line with the Terms of Reference annexed;

5. *Urges* Parties and *invites* UNEP and other relevant international organizations, bilateral and multilateral donors as well as representatives of the energy industry to support financially the operations of the Energy Task Force, including through funding for its coordination and provision of financial assistance to developing countries for relevant capacity building and the implementation of relevant guidance; and

6. *Instructs* the Secretariat to report progress on behalf of the Energy Task Force, including on implementation and, as much as possible, on assessment of the efficacy of measures taken, to COP12 in 2017.

Annex to Resolution 11.27**Terms of Reference for the Multi-stakeholder Task Force on Reconciling Selected Energy Sector Developments with Migratory Species Conservation (*Energy Task Force*)****1. Background and purpose**

The Energy Task Force is convened in line with the mandate provided by CMS Resolution 11.27 to assist Parties or Signatories to CMS, AEWAs, EUROBATS, ASCOBANS, ACCOBAMS, the Raptor MoU, the Bern Convention, the Ramsar Convention and other relevant MEAs to fulfil their obligations with regard to avoiding or mitigating possible negative impacts of energy sector developments on migratory species.

2. Goal

All energy sector developments are undertaken in such a way that negative impacts on migratory species are avoided.

3. Role

The role of the Energy Task Force will be to facilitate the involvement of all relevant stakeholders in the process of reconciling energy sector developments with the conservation of migratory species where all developments take full account of the conservation priorities.

4. Scope

The geographical scope of the Energy Task Force will be global. Initially, it will be convened with an African-Eurasian scope although not excluding relevant cases in progress from other regions, and will gradually expand to other parts of the world. The timing and extent of geographic expansions shall be decided by the Energy Task Force members, and shall depend on funding being available.

The Energy Task Force will cover all migratory taxa as identified by CMS and its associated instruments. Initially, the Energy Task Force will focus on migratory birds and will gradually expand to other taxonomic groups. The timing and extent of taxonomic expansions shall be decided by the Energy Task Force members, and shall depend on funding being available.

The Energy Task Force will cover the issues of power line impacts and impacts of renewable energy technology deployments (wind, solar, hydropower, geothermal, biomass and ocean energy) with initial focus on power lines, hydro, wind and solar energy technologies. Proposals for extension of the types of energy sector developments to be covered may be made and shall be considered by the Energy Task Force, and shall depend on funding being available.

5. Remit

The Energy Task Force will:

- 5.1. promote implementation of the relevant guidelines adopted in the frameworks of the participating MEAs;

- 5.2. set priorities for its actions and implement them;
- 5.3. assist in resource mobilization for priority actions, including from the energy industry;
- 5.4. monitor the implementation of relevant guidelines and their effectiveness, as well as existing impediments for adequate implementation of such guidelines, and submit progress reports to the governing bodies of the participating MEAs;
- 5.5. stimulate internal and external communication and exchange of information, experience, best practice and know-how;
- 5.6. strengthen regional and international networks; and
- 5.7. stimulate more research for the renewable energy technologies deployment where substantial gaps in knowledge have been identified in the Review Report (UNEP/CMS/COP11/Inf.26).

6. Membership

The Energy Task Force is open-ended. Its member organizations will comprise the Secretariats of the participating MEAs, representatives of relevant government institutions in the field of environment and energy in the Parties to the participating MEAs, representatives of the energy industry, relevant academic institutions, NGOs and other interested stakeholders.

7. Governance

The Energy Task Force will:

- 7.1. operate by seeking consensus, as much as possible, among the group;
- 7.2. once it has been convened, operate in accordance with a *modus operandi*, which shall be established by its members; and
- 7.3. report to the CMS Conference of the Parties and governing bodies of the other participating MEAs, as requested by them.

8. Operation

Funding permitting, a coordinator will be appointed from the Energy Task Force members under an arrangement with the CMS Secretariat to support the Chair, the Vice-Chair and the Energy Task Force members, as appropriate.

The coordinator will *inter alia*:

- organize the meetings of the Energy Task Force;
- maintain and moderate the Energy Task Force communication platform (website and internal online workspace);
- facilitate implementation of decisions of the Energy Task Force, as necessary;
- facilitate fundraising and resource mobilization in support of the activities of the Energy Task Force; and
- facilitate engagement with stakeholders within and beyond the Energy Task Force.

Meetings of the Energy Task Force will be convened at appropriate intervals, as considered necessary and funding permitting.

Between meetings business will be conducted electronically through an online workspace within the Energy Task Force's website, which will provide the primary mode of communication and operation of the Energy Task Force.

9. Financing

Funding for the operations of the Energy Task Force, including the coordinator post, as well as the implementation of identified priorities will be sought from various sources, including from member organizations.