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CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Proposed recommendatory language for additional guidance to chapter 11 (Voyage planning) of the draft Polar Code

Submitted by Friends of the Earth International (FOEI), the World Wide Fund for Nature (WWF) and Pacific Environment

SUMMARY

Executive summary:	Environmental NGOs are of the view that voyage planning provisions pertaining to marine mammals in the draft Polar Code are a positive step, but that greater attention should be focused on other wildlife, specifically marine birds, which could be harmed by increased shipping activity in polar waters. Hence, we propose recommendatory language on voyage planning, related to marine bird congregations, be inserted into part I-B of the draft Code.
Strategic direction:	5.2
High-level action:	5.2.1
Planned output:	5.2.1.15
Action to be taken:	Paragraph 8
Related documents:	MSC 93/10/15, MSC 93/WP.7/Add.1 and MSC 94/3/1

Introduction

1 This document[1] is submitted under the provisions of paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) and comments on document MSC 94/3/1 (Secretariat), which invites the Committee to consider adopting the draft Polar Code.

[1] The preparation of this document was assisted by Audubon Alaska and the Antarctic and Southern Ocean Coalition (ASOC) and is supported by Ocean Conservancy.

Voyage planning

2 Germany submitted document MSC 93/10/15 concerning replacement of the terms "wildlife" and "cetaceans" with "marine mammals" for the draft Code's mandatory chapter on voyage planning. The document offered a suitable compromise and was supported at the meeting. While the co-sponsors welcome the new voyage planning language in chapter 11 regarding marine mammal densities, the co-sponsors are of the opinion that, on a recommendatory basis, voyage planning protections should be extended to other wildlife as well, particularly marine birds.[2]

Spatial and temporal overlap between congregations of marine birds and ships in polar waters

3 Marine birds and ships co-occur extensively within the Arctic peripheral seas. A recent scientific article considers this relationship with the aid of predictive modeling for 27 Arctic seabird species during the summer period, an important time for breeding.[3] The authors single out the Bering Strait especially as an area of concern, since it serves as both a gateway for international shipping and a prime habitat for approximately 20 seabird species in the summer.[4] Also, Baffin Bay, Davis Strait, the Greenland Sea, the Barents Sea and the Norwegian Sea were highlighted as areas exhibiting high seabird diversity.[5] Of the modeled species within those marine waters, 17 to 19 (63% to 70%) occurred within 20 km of shipping lanes.[6]

4 Marine birds and ships also occupy some of the same places in the Southern Ocean, largely because most cruise ships that go to Antarctica are intending to visit penguin and other marine bird colonies. A recent study of spatial patterns of tour ship traffic in the Antarctic Peninsula region[7] identifies the benefits of concentrating ship activity at a smaller number of sites and focusing ship routes on well mapped and frequently travelled corridors. The concentration of ships could also improve response in the event of an emergency.

Harm to marine birds from ship-related activities

5 It is important to keep in mind that marine birds are also vulnerable to certain ship-related impacts, such as incidental discharges, oil and chemical spills, and disturbance, and could be adversely affected by ship passages. Moreover, we recognize that cruise ships operating in polar waters will be actively seeking out wildlife, including marine bird colonies or aggregations, which may cause detrimental effects.[8] Therefore, the co-sponsors are of the opinion that it is prudent that voyage planning, by both freight and passenger ship operators,

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2 We use the term marine birds here to mean both seabirds, such as murres (Alcidae), fulmars (Procellariidae), penguins (Spheniscidae), and albatrosses (Diomedeidae), and waterbirds, such as eiders (Antidae), phalaropes (Scolopacidae), and terns (Laridae).

3 R. Humphries & F. Huettmann, Putting models to a good use: a rapid assessment of Arctic seabird biodiversity indicates potential conflicts with shipping lanes and human activity, 20 Diversity Distrib. 478 (2014).

4 *Id.*

5 *Id.*

6 *Id.*

7 Lynch et al., Spatial patterns of tour ship traffic in the Antarctic Peninsula region, 22 Antarctic Science 1 (2009).

8 *See* A. Velando & I. Munilla, Disturbance to a foraging seabird by sea based tourism: implications for reserve management in marine protected areas, 144 Biological Conservation 1167 (2011)(noting that boat disturbance spurred avoidance behavior by European shags, which led to a substantial reduction in foraging activity as boat use levels rose; and that boats prevented shags from utilizing optimal feeding areas, culminating in higher concentrations of foragers in areas of little boat traffic); British Antarctic Survey, Antarctic tourism – at what cost to wildlife and the environment?, *available at* http://www.antarctica.ac.uk/about_antarctica/tourism/impacts.php (stating that Antarctic tourism has grown from several hundreds of visitors in 1967 to tens of thousands of visitors in recent years and that the vast majority of tourists visiting Antarctica travel by tour ship; also noting that a greater concern than the impact of people on land is the potential impact of tourism on the marine environment, citing the loss of the Explorer along with 178,000 litres of fuel and 24 tons of lube oil which is "probably still sitting on the bottom of the ocean").

is conducted in a thorough manner and with the intent to avoid negative impacts to aggregations of marine birds. Hence, it is suggested that the following recommendatory language is included in part I-B of the draft Code in order to minimize harm to marine bird congregations, especially globally significant Important Bird and Biodiversity Areas (IBAs).[9]

Part I-B – Additional guidance regarding the provisions of the Introduction and part I-A

"12 **ADDITIONAL GUIDANCE TO CHAPTER 11 (VOYAGE PLANNING)**

In developing and executing a voyage plan, ~~ships~~ a ship's master should consider the following:

New .3 planning to avoid the interaction of the ship with congregations of marine birds, and, in the event that interactions occur, instituting proper protocols[10] and procedures to ensure that adverse effects on these marine bird congregations do not result."

Availability of relevant information

6 A concern has been voiced about the availability of information regarding important sites for marine wildlife, including marine birds. With regard to the Arctic, a number of readily accessible governmental and non-governmental information repositories containing maps exist. For example, United States Fish and Wildlife Service's North Pacific Seabird Colony Database covering Alaska and the Russian Far East (http://www.fws.gov/alaska/mbsp/mbm/northpacificseabirds/colonies/) and Environment Canada's[11] Important Areas for Birds in Nunavut (https://www.ec.gc.ca/nature/default.asp?lang=En&n=D8F8F357-1), as well as websites of OBIS-Seamap (http://seamap.env.duke.edu/), Audubon Alaska (http://ak.audubon.org/sites/default/files/documents/pelagic_metacolony_ecoregions_14dec2012_lr.pdf) and Birdlife International (http://maps.birdlife.org/marineIBAs/default.html).

7 In addition, the locations of important marine bird colonies in Antarctica are well established by various scientific bodies and governments, e.g. satellite images of penguins' faeces reveal the location of emperor penguin colonies by the British Antarctic Survey (http://www.antarctica.ac.uk/bas_research/science/earth_observation/penguins_from_space.php). Moreover, A Complete Guide to Antarctic Wildlife (Shirihai, 2002) provides bird distribution maps for important bird and marine mammal species found in the region, and it also offers a synopsis for each island grouping and region of the Antarctic continent.

The co-sponsors are of the view that sufficient publicly available data exists on marine birds in Polar regions as outlined above, which should consequently be used during voyage planning processes.

Action requested of the Committee

8 The Committee is invited to consider incorporating into the draft Polar Code the proposed recommendatory language concerning voyage planning for marine bird protection.

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9 *See* http://www.birdlife.org/worldwide/programmes/important-bird-and-biodiversity-areas-ibas.

10 E.g. Protocols by Environment Canada focus on such aspects as the anchoring of large vessels, such as cruise ships, at least 500 meters from islands with breeding populations and only approaching as close as 300 meters in smaller vessels; as well as vessels travelling at steady speeds when close to colonies, in addition to their moving parallel to the shore rather than approaching a colony directly. Environment Canada's input to the Nunavut Planning Commission regarding Key Habitat for Migratory Birds in the Nunavut Settlement Area (draft) (2014), available at http://www.nunavut.ca/files/2014-05-09%20EC%20Map%20Book%20re%20Migratory%20Birds.pdf.