



Western Gray Whale Advisory Panel Evaluation Response by IUCN

27 February 2015

IUCN is grateful to all the individuals for their contribution to the *“Third External Evaluation of the Western Gray Whale Advisory Panel”*, prepared by Stephen Turner in December 2014. A special thank-you to Stephen Turner for his commitment to this project and to the IUCN Planning, Monitoring & Evaluation Unit for their coordination and technical support.

The attached table provides IUCN responses to the 7 recommendations identified by Stephen Turner. Overall, IUCN agrees with the conclusions of the report and aims at implementing all the recommendations in a timely fashion.

IUCN response is structured around three parallel but complementary lines of action. These will be pursued almost simultaneously:

1. Reconfiguration of the Western Gray Whale Advisory Panel: after reconfirming for the rest of the open-water season the current members of the Panel (February-August 2015), IUCN will work with SEIC, the Lenders and the Panel Chair (and possibly other stakeholders) to define the key tasks that the Panel should undertake between October 2015 and December 2016 (the last period of the current Panel Terms of reference). Based on the revised list of tasks, all the positions (excluding the Panel Chair) will be re-advertised. The “new” Panel will then be operational between September 2015 and December 2016 and it will focus on providing “independent” advice to SEIC in relation to SEIC’s operations during the 2016 open-water season. See Recommendations 1; 3; 4 and 5

2. Identification of opportunities for establishing a Forum-like Mechanism for the range-wide conservation of the Western Gray Whales : recognizing that most of the cumulative; cross-sectoral and range-wide conservation challenges cannot be effectively addressed by the WGWAP, IUCN will establish a Scoping Group to explore opportunities for establishing a Forum-like mechanism or for working with existing initiatives. The plan is to organize a Summit in 2016 bringing together all key stakeholders, with the support and in support of the International Whaling Commission in the context of the Memorandum of Cooperation concerning Measures for the Western Gray Whale signed between range states / International Whaling Commission (IWC MoU). See Recommendations 2; 6 and 7.

3. The post-2016 scenario: recognizing that the current WGWAP Terms of Reference established in 2012-, will expire in December 2016, but the obligation to implement the lenders requirements will still hold. Therefore, IUCN will coordinate a discussion group to explore the options for continuing to provide the trusted and independent advice to SEIC in relation to the implementation of the lenders' requirements captured in the Sakhalin Energy's Health, Safety, Environment and Social Action Plan (HSESAP). Discussions with the lenders, SEIC, the Chair and relevant stakeholders will be initiated in mid 2015. No specific recommendation provided to date , but post 2016 scenario will be derived from the outcomes of all 7 recommendations.

Any question on IUCN response to the evaluation should be addressed to:

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Management Response

<p>Name of evaluation or review: 3rd External Western Gray Whale Advisory Panel (WGWAP) independent evaluation, December 2014</p> <p>Unit/person responsible for managing follow up: IUCN, Global Business and Biodiversity Programme, Giulia Carbone, Deputy Director</p>	<p>Date created: 25 Feb 2015</p> <p>Date updated:</p>	<p>Actors and units involved in follow up (full and abbreviated names):</p> <p>GBBP: Global Business and Biodiversity Programme GMPP: Global Marine and Polar Programme WGWAP: The Western Gray Whale Advisory Panel SEIC: Sakhalin Energy Investment Company</p>
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Recommendation	IUCN Response	Intended Result	Activities	Responsibility	Indicators	Status and timeframe
<p>Recommendation 1. IUCN should maintain the current WGWAP process in the short term, while launching a process of substantial change, within which elements of the current WGWAP would be maintained.</p>	<p>Agree.</p> <p>As the timeliness of the recommendations is critical, the Panel in its current composition will be maintained in order to complete the process initiated in Fall 2014 (with WGWAP-14 WGWAP-15 and NTF-8).</p>	<p>Ensure that there are no disruptions in the provision of recommendation to SEIC (in relation to the 2015 open water season operations), which are also widely used by stakeholders in local consultations.</p>	<p>Plan a face to face Panel meeting (WGWAP-16) in April 2015 and a NTF conference call to ensure that the Panel has the opportunity to review the joint Seismic Survey Plan which will be developed jointly by SEIC and ENL. The Panel meeting will :</p> <ol style="list-style-type: none"> 1. discuss progress in implementing the recommendations in the 2015 Seismic Survey Monitoring Plan (MMP), implementation preparations and SEIC time-sharing arrangements with ENL for the seismic surveys of both companies and associated operational plan in line with Panel's recommendations and discussions at NTF-8; 2. discuss the results of the 2014 SEIC/ENL Joint Programme on Gray Whale Monitoring and Research and the plans for 2015 season; other SEIC programmes; 3. share views on the ToR of the new Panel to be established in October 2015 (in terms of issues/deliverables the new Panel should be designed to address, skill sets needed etc.). <p>Ensure that up to 4 experts are also on call during the seismic season for any urgently needed advice during the 2015 SEIC seismic survey, an arrangement similar to 2010 and as agreed in NTF & Panel discussions.</p> <p>Contract Independent Observer for the 2015 SEIC seismic survey.</p> <p>Participate in key Federal and Regional Fora and ensure that the Panel recommendations are built into the discussions and permitting procedures for the open-water season 2015.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>Seismic Survey operational (2015 season) plans are reviewed in a timely manner (the document is delivered to the Panel with sufficient time for their review).</p> <p>Recommendations are delivered to SEIC in a timely manner (i.e. the Company has still time to act on them).</p>	<p>On going</p> <p>To be completed by August 2015</p>

<p>Recommendation 2. All stakeholders should participate in a consultative process that leads towards the establishment of an environmental forum for Sakhalin. The objectives of this forum should be developed from objectives (a), (b) and (d) of the current GWAP TOR.</p>	<p>Partially Agree.</p> <p>We agree that the scope of work currently captured under objective (a), (b) and (d) would be better delivered by a wider group of stakeholders, potentially with, but not limited to, the scientific input of the GWAP.</p> <p>However, the decision if a new environmental forum is needed or strengthening an existing mechanism would be the right solution needs to be tested.</p>	<p>Opportunities for an effective mechanism are identified to address multi sectoral, cumulative and range-wide issues related to the conservation of the Western Gray Whale.</p>	<p>Specific actions will be taken to define the options and consult widely on these. See Recommendations 6 and 7 for details.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>The final decision on what mechanism should address the cumulative, multi sectoral and range wide conservation issues has the support all key stakeholders.</p>	<p>The consultation process will start in April 2015 (Scoping Group convened) and will be completed by end of 2016</p>
<p>Recommendation 3. It should be explicitly agreed that the GWAP process focuses on objective (c) of the 2012 TOR.</p>	<p>Agree.</p> <p>The GWAP will focus exclusively on providing recommendations to SEIC. The wider engagement (at stakeholder and geographical level) should be the focus of a Forum-like mechanism.</p>	<p>Effectively deliver on the primary and original intent of the GWAP, which is to provide relevant and timely recommendations to SEIC to ensure that their operations are in line with lenders requirements derived from IFC's Performance Standards.</p>	<p>Define in collaboration with SEIC, the Lenders and Panel Chair what are the specific scientific questions which will support the implementation of IFC's Performance Standards in SEIC operations.</p> <p>Based on the questions, define the specific corresponding activities and deliverables to be integrated in the Panel's Terms of reference and members contracts from October 2015 – December 2016.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>The Panel's deliverables are clearly focused on objective c (until 2016).</p>	<p>On Going</p>
<p>Recommendation 4. Not later than January 2016, the number of panel members should be reduced by about 25%, reflecting the fact that, in contrast to the earlier exploration phase, Sakhalin Energy is largely in an operations phase at present. Associate scientists could continue to serve as adjuncts to the process where required and agreed.</p>	<p>Partially Disagree.</p> <p>The number and composition (i.e. type of expertise) in the Panel should be a function of the specific requirements expressed by the objectives in the <u>Panel's</u> Terms of Reference.</p> <p>As indicated in Recommendation 5, a process for redefining the composition of the Panel based on a revised (more focused) set of objectives will be undertaken in Spring 2015, based on which it will be clear what expertise and how many experts will be needed.</p>	<p>A new, fit for purpose, Panel, in terms of structure and composition.</p>	<p>The structure (number of Panel members and type of membership - full members vs associate scientists) and composition (type of expertise) required in the Panel will be revised based on the outcomes of the discussion (see Rec. 3), with the aim to establish a fit for purpose model (but without imposing any pre defined structure and number of panel members).</p> <p>The GWAP Chair, in collaboration with IUCN and in accordance with the IUCN Independent Scientific & Technical Advisory Panel Procedures (ISTAP) , will then prepare draft call for application/nomination and selection criteria for the positions required by the revised Panel with the aim of establishing a team of experts (Panel members and associate scientists) fit for purpose.</p> <p>Advertise the positions (June-July) and recruit and contract (August-September) Panel members.</p> <p>First meeting of new Panel + a Task Force meeting or a teleconference (depending on needs and scenarios) in Fall 2015 to discuss the 2016 open-water season.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>The new GWAP is established fully in compliance with the ISTAP procedures.</p>	<p>New GWAP established by October 2015</p>

<p>Recommendation 5. Rotation of panel membership should begin in 2015 and be actively considered each year thereafter. While based on the principle that fresh insights and skills will enhance the quality of the panel process, such rotation should not be automatic and compulsory. On the same principle, consideration should be given to appointment of a new chair in 2015 or 2016.</p>	<p>Partially Agree.</p> <p>The process for establishing a new Panel will start with the aim of having a new Panel operational from October 2015 (for the 2016 open-water season).</p> <p>IUCN recommends maintaining the current panel Chair to guarantee continuity in the WGWAP process.</p> <p>A co-chairmanship model is proposed for the renewed WGWAP to strengthen internal panel management and effectiveness.</p>	<p>A new, fit for purpose, Panel, in terms of structure and composition.</p> <p>The co-chairing model allows for the co-chairs to leverage on each other's strengths and a more stable leadership team to drive the WGWAP efforts.</p>	<p>See Recommendation 4. The structure and composition of the Panel members will be part of the same process.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>The new WGWAP is established fully in compliance with the ISTAP procedures</p>	<p>New WGWAP established by October 2015.</p>
<p>Recommendation 6. Over a period not exceeding six months, a small but representative group of the key stakeholders (IUCN, Sakhalin Energy, the panel, the lenders and, ideally, the Russian authorities) should scope out ideas for the future, taking into account those set out in this evaluation. The group would also discuss and recommend how to undertake a broader consultation on the idea of a Sakhalin environmental forum, with the WGWAP nested within it.</p>	<p>Agree.</p> <p>IUCN will initiate the process for identifying opportunities/ options for establishing a Forum-like Mechanism for the multi sectoral, cumulative and range-wide issues related to the conservation of the Western Gray Whale.</p>	<p>A plan, supported by relevant local and international players, on how to open the discussion with all relevant stakeholders, exchange ideas for the future on how to cooperate to address the multi sectoral, cumulative and range-wide issues related to the conservation of the Western Gray Whales.</p>	<p>IUCN, in coordination or collaboration with IWC, will complete a review of existing threats and issues in the region and key players, including but not limited to government entities, companies, existing initiatives (such as IWG/MNR, IWC, Sakhalin Oblast Environmental Council and its Biodiversity Expert Group (EWG), UNDP/GEF project, etc..) with their scope, functions and activities. The review will also identify main gaps and opportunities, barriers for success; and a stakeholder map.</p> <p>Based on the situation and gap analysis develop a proposal for an international gathering in 2016 to discuss the range-wide conservation of the Western Gray Whales in collaboration / in line with the implementation of the Memorandum of Cooperation concerning Measures for the Western Gray Whale signed between range states and the International Whaling Commission (IWC MoU).</p> <p>Based on the above proposal, convene a Scoping Group (April 2015) to discuss the key elements of such event. Participants should include IUCN, SEIC, Lenders, WGWAP Co-Chairs, IWC, MNR/IWG/Rosprirodnadzor, Oblast Ministry/EWG, ENL, NGOs and other stakeholders as identified during the situation/gap analysis and based on input from WGWAP Chair, SEIC and Lenders, and in particular:</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>Situation and gap analysis completed.</p> <p>A detailed plan for carrying out the multistakeholder consultation completed.</p>	<p>this preparatory phase will be completed by the end of 2015.</p>

<p>Recommendation 7. A broader process of consultation on this idea should follow so that all stakeholders have the opportunity to consider what sort of structure [of the Sakhalin environmental forum] and process would be most relevant and effective, and the relevant parties can negotiate their participation and potential inputs.</p>	<p>Agree.</p> <p>The participation of all relevant stakeholders will be a must to ensure that whatever mechanism is selected, it has the support and the contribution of all players.</p> <p>One key step will be to analyse whether existing mechanisms are already addressing the required objectives or, if not, how could those be enhanced to serve this purpose by adding new elements to their current mandate.</p>	<p>A decision on what's the best mechanism to support the range-wide conservation of the WGW supported by all relevant stakeholders.</p>	<p>Based on the final recommendations of the Scoping Group (see Rec. 6), convene the international summit in 2016, <u>subject to the availability of funding</u>, as a broader consultation process. Such Summit will create the opportunity to discuss the cumulative, cross-sectoral and range-wide conservation of the Western Gray Whales in collaboration / in line with the IWC MoU implementation.</p> <p>This event will offer the opportunity to have an open conversation on the needs and mechanisms to address range wide and multi- sectoral threats to the Western Gray Whale starting end of 2016. Participation of representatives of existing fora will ensure that due consideration will be given to existing initiatives as potential mechanisms to address the range-wide aspects not currently addressed by WGWAP.</p> <p>Fund raising efforts will be coordinated by IUCN and other partners for the successful organization of a Summit which will enable all the relevant stakeholders to convene.</p>	<p>Anete Berzina and Giulia Carbone</p>	<p>A multistakeholder event is organized and an effective mechanism is identified by the stakeholders.</p>	<p>The event will be organized in Summer/Fall 2016.</p>
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