UNIVERSITY OF PLYMOUTH

Secretariat,
International Seabed Authority
14-20 Port Royal Street
Kingston, Jamaica
(submitted via email to ola@isa.org.jm)

3 July 2021

RE: Stakeholder Consultation - Draft Guidelines for the Preparation of an Environmental Impact Statement

Dear Sir/Madam,

Please find below our Commentary on the Draft Guidelines for the Preparation of an Environmental Impact Statement, as issued in May 2021.

As Group Lead, I submit on behalf of the Marine Conservation Research Group, of the University of Plymouth. The list of contributors is presented at the beginning of the document. Express Consent for sharing is granted.

Sincerely,

Prof. Kerry Howell
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TEMPLATE FOR COMMENTS

Document reviewed	
Title of the draft being reviewed:	Draft Guidelines for the preparation of an environmental impact statement
Contact information	
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General Comments

The following experts from the University of Plymouth's Marine Conservation Research Group contributed to this response:

Prof. Kerry Howell
Dr. Sian Rees
Dr. Holly Niner
Dr. Kirsty McQuaid

Below we outline general concerns that apply across the document, followed by a list of specific comments.

Coherence and complementarity across all Standards and Guidelines

Many of the comments we provide herein likely have bearing on the detail in the other documents under consultation. We advise that these comments are considered across the full portfolio of Standards and Guidelines to ensure cohesion, complementarity and future ease of application.

Definition of terms

Throughout the text, there are multiple references to "*Best available techniques*" and "*Good Industrial Practice*", with no clarity on where information on these should be sought or what this refers to. There are lessons to be learned from existing practices, including other deep-sea or offshore industries. However, a new industry such as DSM should be seeking to build and expand on this experience with a view to halting trends of environmental degradation that continue to occur under current practices.

Further it is not clear who will uphold standards for "*Best available techniques*" and "*good industrial practice*".

Specific Comments

Page	**Line**	**Comment**
2	67	Given that the development of REMPs is an ongoing process (and also noting that they will be updated with new and best available information),

		detail on how applicants or contractors should apply draft REMPs or additional best available information yet to be incorporated should be provided here.
4	166	This section should also reflect on the societal need for the project given the unavoidable impact and risk from deep seabed mining. This analysis should reflect on higher level societal goals such as the SDGs, CBD and Paris Agreement and how this project contributes or detracts from these targets and also how the project fits with demands to manage resources of the deep seabed for the common heritage of all mankind. We suggest adding "*and proposals for benefit sharing"*: "*This section will present and discuss detail around the economic context of the project, provide justification for project execution, and description of benefits and proposals for benefit sharing*".
7	291	Amend text to "*Commitments made by the Contractor for capacity building and benefit sharing*".
10	451	We welcome recognition of the importance to consider ecosystem function. We also advise that these assessments consider potential impacts to ecosystem services that are perhaps experienced on a larger scale (e.g. climate control).
11	489	We suggest removing the sentence "*Because the proposed projects will take place in the Area, direct socioeconomic impacts to specific communities are not expected*", as outlined elsewhere in the proposed guidelines and standards and other ISA material, ecological assessment and the potential impacts of deep seabed mining are challenged and remain largely unknown and untested. Furthermore, evidence and understanding of the ecosystem services afforded to society by the deep sea is unknown. We recommend that assessment should robustly consider the potential for impacts to ecosystem services and the potential that these ecosystems and their services may not be co-located (see Drakou et al. 2017). For example, these ecosystem services could affect coastal communities or other sectors dependent on marine resources, such as through damaging effects to the lifecycle of culturally and/or nutritionally important fish stocks, or through reducing the capacity of the deep sea to store carbon, particularly when considered cumulatively. The inclusion of this sentence undermines the need for any robust consideration of these legitimate concerns.
11	493	This section mentions that the EIS must discuss "*existing uses that comprise the ecosystem services for the proposed Mining Areas or Contract Area"*. It would be also pertinent to mention a framework to commonly define ecosystem services so any information on ecosystem services can be shared in a common language. The Common International Classification System for Ecosystem Services (CICES) is the most widely used standard and is currently being adapted for Deep Sea ecosystems (La Bianca, in prep). An EIS must acknowledge the potential for operations/activity to impact upon all ecosystem services and not just a select few.

		The deep sea, covering large areas of the earth, is important in the delivery of regulating ecosystem services. These ecosystem services include processes that support atmospheric composition and climate regulation among others. An EIS must acknowledge the potential for operations/activity to impact upon regulating ecosystem services.
15	659-668	Carbon must be included in this list as a socio-economic aspect to be discussed in the EIS. Discussion topics must also include benefit sharing, and the location of shore facilities/services
16	737-741	It is impossible that the proposed project would not lead to "*environmental degradation*". It is well established that DSM will have environmental impacts, and those will lead to environmental degradation. Corporate Natural Capital Accounts and/or a novel integration of deep-sea ecosystems into national economic accounts may provide the route to ensure that environmental degradation or over taxation of the natural resources is not an outcome of the activity/operation.
16	743	Guidance or best practice as to how stakeholder identification can ensure that it is appropriate and comprehensive is missing here. How can those that have been historically missed or marginalized from consultation be included or notified of opportunities for consultation? We suggest consultation is required and advertised appropriately (with appropriate timescales) in all adjacent states or states through which some link is established to the proposed project. We also highlight the importance of considering whether capacity building efforts are necessary to support participation in consultation exercises.

References

Drakou et al. 2017. When ecosystems and their services are not co-located: Oceans and coasts. ICES Journal of Marine Science 74(6): 1531-1539. Available: doi:10.1093/icesjms/fsx026.

Comments should be sent by e-mail to ola@isa.org.jm