

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

Canada

2. Please indicate the relevant provision to which the textual proposal refers.

Draft Standard and Guidelines for the environmental impact assessment process

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B. Purpose

3. In accordance with regulation 47 of the draft regulations on exploitation, the EIA process:

(a) Identifies, predicts, evaluates and mitigates the physicochemical, biological, socioeconomic and other relevant effects of the proposed mining activities;

(b) Includes information and data from baseline studies that capture spatial and temporal variability;

(b) Includes at the outset a screening and scoping process, which identifies and prioritizes the main activities and impacts associated with the potential mining operation, in order to focus the Environmental Impact Statement (EIS) on the key environmental issues. The environmental impact assessment should include an environmental risk assessment;

(c) Includes an impact analysis to describe and predict the nature and extent of the Environmental Effects of the mining operation;

(d) Identifies measures to manage effects within acceptable levels, including through the development and preparation of an Environmental Management and Monitoring Plan (EMMP).

Please indicate the rationale for the proposal. [150 word limit]

Recommendation to include baseline data requirements.

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Page 13/49 – Section 3 D. 1) General Considerations

19. Risk can ~~be viewed in different ways, for example~~ be construed as : (a) the possibility of harmful effects on the Marine Environment as a consequence of an unforeseen or accidental incident (e.g., process failure leading to a spillage); ~~and/or~~ (b) a range of consequences (and their significance) of the impacts of a planned activity (e.g., effects of sediment deposition on the benthic ecosystem).

20. Uncertainty may exist at this stage in the EIA process, for example over the extent of sedimentation and how the ecosystem may respond to it. Therefore, the precautionary approach should be applied and informed by expert judgment and the degree of confidence in that judgment (and the evidence base underpinning it) to determine the probability factor in establishing environmental risk. ISBA/27/C/4 14/49 21-17327 The ERA will need to examine the potential impacts of accidental events and there are numerous examples of tried and tested approaches to achieving this, especially from the oil and gas industry (e.g., Husky Oil 2001). However, these guidelines focus on addressing environmental risk for planned activities as part of normal operations, stemming from current levels of knowledge and associated uncertainty

Please indicate the rationale for the proposal. [150 word limit]

This language proposal shows that risk can include both of the components listed instead of only one. The precautionary approach is also referenced as it should be applied.

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Page 13/49 – Section 3 D.2b Impact Identification

(b) Impact identification

26. Preliminary identification of impacts is required during the scoping process to ensure that impacts which could result in harm to the Marine Environment are identified, and that studies are included as part of the EIA scope, in order to ensure the EIA fully quantifies, assesses and mitigates those impacts. Impact identification should consider all the project activities within the scope of the EIA, the impacts the activities are likely to have and the receptors that are expected to be affected by those impacts. Preliminary impact identification should acknowledge that further impacts may be identified in later stages of the EIA as more is learned about the baseline and/or from mining system component tests.

27. The following are example impact identification methods:

(a) Checklists: based on lists of special biophysical, social and economic factors that may be influenced by mining operations;

(b) Matrices: typically, these are two-dimensional charts, with environmental components on one axis, and development actions/activities on the other. They build on simple checklists and introduce the aspect that different parts of the operation will have different impacts;

(c) Networks: also known as causal chain analyses, these show links between a complex web of environmental system linkages and the effects of the project;

(d) Overlay maps: these are geographic information system layers of the project area, on which successive layers are overlain representing various environmental components that are likely to be affected. They are very useful for understanding the spatial distribution of impacts.

~~28. Checklist and matrix type methods are likely to be most relevant at the scoping stage, becoming more sophisticated and quantitative further into the process.~~

Please indicate the rationale for the proposal. [150 word limit]

Please remove "Checklist and matrix type methods paragraph 28, as it is quite limiting and is a subjective statement with no context to particular projects.

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III Principles and Objectives

5. The standard aims to ensure that EIAs and EISs for activities in the Area are designed with a view to:

(a) Protect and conserve the Marine Environment;

(b) Anticipate, ~~and~~ avoid, ~~and-or~~ minimize harmful environmental effects of exploitation activities;

4. Please indicate the rationale for the proposal. [150 word limit]

Original wording may imply that minimizing is an alternative to avoiding.

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V. C. Scoping

10. The applicant or Contractor shall ensure that they:

(a) Allocate appropriate time and resources for scoping;

(b) Undertake scoping at the outset of the EIA process;

(c) Demonstrate that scoping is undertaken with an ~~reasonable~~ understanding of the environmental setting for the project (i.e. Contract Area and regional setting), existing environmental baseline studies, gaps in existing information and understanding, and the project proposals (e.g. where mining will occur within a Contract Area, the mining technology);

(d) Include consideration of alternatives. This should include alternatives to elements of the planned project already provisionally decided upon (e.g. the type of mining technologies to be used), as well as aspects that will be considered and decided through the EIA (e.g. details of environmental mitigation measures and mining operation plans);

4. Please indicate the rationale for the proposal. [150 word limit]

Textual changes have been included to strengthen language and better ensure contractors are sufficiently aware of potential environmental implications.

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Page 26/49 – Table 3 Issues to consider when determining the significance of impacts

- ~~Is the impact a large change~~ What is the change from the baseline condition?

Please indicate the rationale for the proposal. [150 word limit]

Change should be measured from the baseline condition and not only if it is considered 'large'.