

**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.

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

United States

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

46bis

3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

1. An applicant or Contractor, as the case may be, shall carry out an environmental impact assessment of the potential effects on the marine environment of the proposed mining operation in accordance with these regulations and the applicable Standard, and taking into account the relevant Guidelines, as well as Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques.
2. The environmental impact assessment shall include:
 - (a) Scoping to identify and prioritize the main activities and potential impacts associated with the proposed mining operation, as well as to identify and engage with stakeholders, in order to focus the Environmental Impact Statement on the key environmental issues;
 - (b) Impact assessment and evaluation to describe and predict the nature and extent of the Environmental Effects of the mining operation, including cumulative impacts and residual effects, using Best Available Scientific Evidence;
 - (c) An analysis of reasonable alternatives to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative;
 - (d) Identification of measures to prevent, mitigate and manage harmful effects to as low as practicable, including through the development and preparation of an Environmental Management and Monitoring Plan; and

(e) Preparation of the Environmental Impact Statement in accordance with Regulation 47 and the applicable Standards, and taking into account the relevant Guidelines.

...

3. When, following the approval of a Plan of Work, the Contractor modifies the Plan of Work in such a way that the proposed modification constitutes a Material Change in the Environmental Management and Monitoring Plan or Closure Plan as determined under these Regulations, screening shall also be part of an environmental impact assessment in order to determine whether a revised Environmental Impact Statement is required.

...

6. An environmental impact assessment and Environmental Impact Statement shall be considered by the Authority in accordance with Part II or regulation 57, as the case may be.

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

In paragraph 1, Guidelines are not legally binding, and therefore no action is required to be “in accordance” with the Guidelines. Proposed alternative text. In paragraph 2, stakeholder consultation should be required as an integral part of the environmental impact assessment process, including during the scoping phase, to ensure a transparent process and informed decision-makings. We also propose adding a new sub-paragraph on alternatives analysis as an essential part of an EIA. Even where there are no technically and economically feasible alternatives, EIA still considers the alternative of “no action” as a means of assessing the effects of the proposed action. We suggest edits only to clarify in paragraph 3. Finally, the clarification in Paragraph 6 that the decision concerning whether an activity should proceed or not is made by the Authority could still be more explicit.