



inter^{ocean}metal
JOINT ORGANIZATION

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Szczecin, 2021-02-07

Tomasz Abramowski, Ph.D.
Director General

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

Reference:

Stakeholder Consultation: Draft Guidelines for the preparation of environmental management and monitoring plans, Draft Standard and Guidelines for environmental impact assessment process, Draft Guidelines for the establishment of baseline environmental data, Draft Guidelines for the Preparation of an Environmental Impact Statement

Dear Sir/Madam,

IOM would like to acknowledge the effort of the Legal and Technical Commission and consultants to draft an initial version of the Standards and Guidelines. Please accept our thanks for opportunity to comment on the above mentioned documents. Comments and remarks are to be find below.

Yours faithfully

| Document reviewed | | |
|--|--|---|
| Title of the draft being reviewed: | Draft Guidelines for the preparation of environmental management and monitoring plans | |
| Contact information | | |
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| General Comments | | |
| <p>The entire set of S&G lacks definition of environmental Standards, environmental goals (of various scales) and environmental quality objectives; there are no trigger values for undertaking corrective actions and acceptable levels of environmental effects defined.</p> <p>The IOM is of an opinion that this causes a serious challenge for a Contractor/applicant to propose the EMMP that is fit for purpose, effective and feasible, as well as a serious challenge for the Regulator and Reviewers to assess adequacy and objectiveness of any EMMP prepared by a Contractor/applicant. Contractors may formulate their goals and establish thresholds and trigger values basing on their best knowledge but in this case there is a risk that we would have multiple project- and site-specific sets of standards, objectives, thresholds, trigger values. The IOM would welcome guidance on this matter.</p> | | |
| Specific Comments | | |
| Page | Line | Comment |
| 1 | 54-55 | <p><i>"environmental quality objectives and standards for the mining operations"</i> is cited from the Draft Exploitation Regulations¹.</p> <p>DR45 Development of environmental Standards says that <i>"Environmental Standards [...] include the following subject matters:</i> <i>(a) Environmental quality objectives, including on biodiversity status, plume density and extent, and sedimentation rates;</i> <i>(b) Monitoring procedures; and</i> <i>(c) Mitigation measures."</i></p> <p>As of now there are no environmental standards with respect to (a) and (c) – only some information on (b) is included in the draft Guidelines for EMMP in question. Environmental standards are crucial in preparation of environmental policy of the Contractor/Applicant, EMMP, environmental management system (DR46 and Draft standard and guidelines on the development and application of Environmental Management Systems).</p> |
| 3 | 126 | We propose to add "by a Competent Person" at the end of first bullet point (please see comment below, lines 642-643). |
| 10 | 455 | <p>"Performance criteria should include trigger values or conditions under which corrective actions are taken."</p> <p>Who is responsible for defining the <i>trigger values and conditions</i>?</p> |

¹ All citations from Draft Exploitation Regulations are from ISBA/25/C/WP.1

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| 12 | 543 | A reference to " <i>Mining Discharge Guideline</i> " is made. It is very difficult to comment on a document with references to external sources which do not exist at the time. |
| 14 | 606 | <i>Training Program</i> – IOM proposes to rename this program of personnel training in order to avoid confusions with Contractor Training Programme under Capacity-Development and Training. |
| 16 | 642-643 | <p><i>"Competent Person has [...] experience with the preparation of EMMPs"</i> IOM proposes not to narrow down the Competent Persons pool. At a time of first exploitation applications, there will be almost no access to persons having experience with preparation of EMMP sensu stricto. We propose to replace "EMMP" with broader term describing the environmental management and environmental monitoring plans sensu lato.</p> <p>Moreover, the IOM proposes to replace "Competent Person" with some other name as Competent Person is automatically understood as a person conducting assessment and evaluation of Mineral Resources (in economic geology).</p> |

| <i>Document reviewed</i> | | |
|--|--|---|
| Title of the draft being reviewed: | Draft Standard and Guidelines for environmental impact assessment process | |
| <i>Contact information</i> | | |
| Surname: | Mianowicz | |
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| <i>General Comments</i> | | |
| Scoping – consultation process, Scoping Report | | |
| <p>There is no requirement of public consultations in Scoping section (C) of the Draft Standards.</p> <p>Consultations are listed as a part of the scoping process (Step 3) in Guidelines. However, it is unclear how the consultation process has to be organized. Scoping consultations are listed as a step <u>before</u> the Scoping Report is prepared. If it's the case, it is difficult to understand, what has to be consulted. There must be a document (or documents) drafted in order to disseminate it (them) among experts, relevant parties and general public.</p> <p>Basing on experiences from other industries and projects, the Draft Scoping Report shall be subject to public comments.</p> | | |
| <i>Specific Comments</i> | | |
| Page | Line | Comment |
| 1 | 46 | <p>"ensure that there is consistency of EIAs and EISs among different applicants and Contractors."</p> <p>What does "consistency" mean in this context? Formal/procedural consistency? EIA and EIS are to be meant project-specific.</p> |
| 2 | 56-59 | <p>In the definition of EIS mitigation measures are listed: avoid, minimize, reduce. Later in the document there is a complete list of mitigation measures (mitigation hierarchy) being frequently used (e.g. lines 158-160): avoid/prevent, minimize, restore/rehabilitate and offset.</p> <p>We would welcome greater consistency in this matter.</p> |
| 6 | 243 | What are "acceptable levels" of Environmental Effects of the mining operations? |
| 10 | 384-385 | <p>Not sure what "environment values and systems" means</p> <p>We would suggest to keep consistency in terminology used in all the S&G documents.</p> |

| Document reviewed | | |
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| Title of the draft being reviewed: | Draft guidelines for the establishment of baseline environmental data | |
| Contact information | | |
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| General Comments | | |
| <p>The Guidelines of environmental baseline data collection describes which environmental data shall be collected and how their collection shall be organized and performed during exploration phase in order to be able to apply for exploitation of PMN. These Guidelines, when compared to the LTC Recommendations on environmental baseline data collections (ISBA/19/LTC/8 of 2013; ISBA/25/LTC/6/Rev.1 and ISBA/25/LTC/6/Rev.1/Corr.1 of 2020), are of greater comprehensiveness, complexity and, in practice, serve as the guidebook of (minimum) best practices in deep-sea marine research as they are very prescriptive. Contractors, especially in CCFZ, have been collecting environmental baseline data for more than 30 years. The question is, how a contractor, who has been conducting marine scientific research in accordance with “best available techniques” and previous Guidelines, will be able to ensure that all the data fulfill the requirements formulated in this document? In this context, it seems like majority of data collected in the past by contractors conducting exploration is mostly of historic significance. Of course, the collected data can be re-assessed and, at least to some extent, adjusted (226-228); however, there will be – for sure – a need to supplement them with a comprehensive set of a new data, collected in accordance with the Guidelines in question. To fulfill these requirements, new field campaign, new research strategy, years of work will be needed – exploration contracts would have to be extended by another 5(10) years.</p> <p>There is another question here – how a contractor can be sure that there will be no further changes with respect to environmental data collection? These Guidelines are issued no later than 2 years after LTC Recommendations (ISBA/25/LTC/6/Rev.1).</p> <p>What is the relation of these Guidelines to the LTC Recommendations (ISBA/25/LTC/6/Rev.1)? Will these Recommendations be replaced by “Guidelines for the establishment of baseline environmental data”?</p> | | |
| Specific Comments | | |
| Page | Line | Comment |
| 5 | 107-109 | <p><i>“Appropriate representation is necessary to identify if any identified changes are associated with mining operations or represent spatial and temporal variability and trends that occur naturally.”</i></p> <p>There are other human-induced changes in environment (effects of global warming, acidification of ocean waters, microplastic etc.) which cannot be excluded a priori so there are more than two possible explanations of observed changes.</p> |

| <i>Document reviewed</i> | | |
|---|---|---|
| Title of the draft being reviewed: | Draft Standard and Guidelines for preparation of an environmental impact statement | |
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| <i>Specific Comments</i> | | |
| Page | Line | Comment |
| 1 | 25-26 and 35 | <p>“[...] the EIS shall cover the main aspects prescribed in Annex IV and shall be: [...] (d) Prepared in accordance with the applicable guidelines [...]”</p> <p>Guidelines are not mandatory for Contractors. Contractors may use these documents as guidance but differences in their EISs from the guidelines, if justified, shall not be the reason for rejection of EISs.</p> |
| 1 | 57 | <p>There is no document entitled “Expected Scope and Standard of Baseline Data Collection”</p> <p>The title of the guidelines in question will be “Guidelines for the establishment of baseline environmental data”</p> <p>Use of the word “standard” in this context is highly misleading as standards are meant to be obligatory for Contractors.</p> <p>Moreover, why there is no reference to the LTC Recommendations (ISBA/25/LTC/6/Rev.1)? Will these Recommendations be replaced by “Guidelines for the establishment of baseline environmental data”?</p> |