

**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.

Annex IV Executive Summary

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.

Executive summary

One of the main objectives of the executive summary is to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers. Information provided in the executive summary should include:

- (a) A description of the proposed development, ~~and~~ its objectives, and a description of alternatives analyzed;
- (b) Economic, financial and other benefits to be derived from the project;
- (c) Anticipated impacts of the activity (physicochemical, biological, socioeconomic), including cumulative impacts;
- (d) Mitigation measures to minimize environmental impacts;
- (e) Linkages with the Authority’s global environmental policy and strategy and the applicable regional environmental management plan and the development of the Environmental Monitoring and Management Plan; and
- (f) Consultation undertaken with other parties and stakeholders.

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

As suggested in other edits, the United States notes the importance of including alternatives analysis for decision makers to compare the impacts of a reasonable range of alternatives, as well as a no-action alternative, in sub-paragraph (a). Further, it will be important to consider factors exogenous to the mining project that may interact synergistically with impacts to the marine environment from exploitation in sub-paragraph (c). Finally, paragraph (f) should make explicit reference to consultation with stakeholders along with other parties, as stakeholder consultation is an integral part of the process and would help ensure a transparent process and informed decision-makings.

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Annex IV Chapeau Paragraph 2, Template for Environmental Impact Statement

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2. Template for Environmental Impact Statement

The ~~recommended~~ format for an Environmental Impact Statement is outlined below. It is intended to provide the International Seabed Authority, its member States and other stakeholders with unambiguous documentation of the potential Environmental Effects based on the Best Available Scientific Evidence and Best Available Technology on which the Authority can base its ~~assessment~~ decision, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.

~~The document is a template only, and is not intended to be prescriptive but rather to guide the format and general content of an Environmental Impact Statement. It does not provide details of methodology or thresholds that may be resource- and site-specific. These methodologies and thresholds may be developed as Standards and Guidelines to support the regulations.~~

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

As noted by many delegations and the Facilitator’s explanation, paragraphs 1 and 2 in this section are contradictory. The United States proposes edits to remove the contradiction and clarify the template as part of the legally-binding regulations, as well as clarify that the objective of the Authority’s consideration of the EIS is to make a decision on whether or not the activity can go forward. We further suggest

language noting the requirement to use Best Available Scientific Evidence and Best Available Technology when documenting potential Environmental Effects.

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Annex IV Section 3.

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3.7 Other alternatives considered

Provide an account of alternative options that were considered and rejected in favour of the current proposal, including a “no action” alternative, together with a comparison of the effects of the proposed action and no action alternative. Aspects should include the selection of the mine site, mine production scenarios, transport and materials handling and shipboard processing.

3.8 Mitigation of adverse impacts

Provide a description of any reasonable measures for avoiding, preventing, minimizing and mitigating adverse impacts.

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

In paragraph 3.7, we would like to suggest that a description of the results of the analysis of alternatives, including a no-action alternative, be required as part of the Environmental Impact Statement. This will allow decision makers to consider and analyze the impacts of a reasonable range of alternatives to the proposed action, as well as a no-action alternative. A description of the results of alternatives analysis is an essential part of an EIS. Even where there are no technically and economically feasible alternatives, the alternative of “no action” is a means of assessing the effects of the proposed action. Additionally, we recommend adding a paragraph 3.8, to provide a description of the mitigation hierarchy analysis, that is analysis of any reasonable measures for avoiding, preventing, minimizing and mitigating adverse impacts, in that order.

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Annex IV 5.4.3

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Benthic

Describe the benthic invertebrate and fish communities, including infauna and demersal fish, up to an altitude of 50 metres above the sea floor. This should include considerations of species richness, uniqueness, biodiversity, faunal densities, community structures and connectivity, etc. Bioturbation should also be covered in this section. The description should also evaluate the temporal and spatial variability in distribution and composition.

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

Uniqueness should also be included in this list. It is included in other similar lists in other international fora and is particularly relevant in the deep sea context. In addition, the temporal and spatial variability in distribution and composition should also be evaluated in the benthic environment, as in the midwater and other environments.

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Annex IV Section 8

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8. Assessment of impacts on the biological environment and proposed Mitigation

Provide a detailed description and evaluation of potential impacts of the operation to the biological environment components identified in section 5 [based on the Best Available Scientific Information and Best Available Technologies](#). This may need to consider effects that could happen during the construction/development (pre-commissioning), operational and decommissioning phases, as well as the potential for accidental events. The preferred approach for this template is to include for each component a description of:

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

The United States proposes language reiterating the requirement to use Best Available Scientific Evidence and Best Available Technology when describing and evaluating potential impacts.

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Annex IV Part 11.

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11.4.1 Monitoring

Outline how the results of monitoring studies will be reported to the Authority, as well as the frequency and format of data releases in accordance with the draft regulations and any relevant Standards, and taking into account any relevant Guidelines.

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

The public release of monitoring data at monthly intervals will allow for regular and routine verification of environmental conditions at the site by the Authority, and contribute to the scientific knowledge about deep sea habitats.