

Annex VII - EMMP

Written submission by the African Group [date]

FACILITATORS TEXT (LATEST VERSION) New text in bold , suggested deletions are struck through	PROPOSED AMENDMENTS New text from AG in blue	RATIONALE/ COMMENTS RELATED TO PROPOSED TEXT
<p>1. The Environmental Management and Monitoring Plan prepared under these regulations and this annex VII shall be:</p> <p>(a) Prepared in clear language and in an official language of the Authority, together with, where applicable, an official English-language version; and</p> <p>(a)bis Prepared in accordance with the relevant Regulations and Regional Environmental Management Plan, taking into account applicable Guidelines, on the basis of Best Environmental Practice, Best Available Scientific Evidence, and Best Available Information; and</p> <p>(b) Verified by the report of independent competent persons appointed by the Authority.</p>		
<p>2. An Environmental Management and Monitoring Plan shall contain:</p>		
<p>(a) A non-technical summary of the main conclusions and information provided to facilitate understanding by members of the Authority and Stakeholders;</p>		
	<p>(a)bis Outline the guiding principles which apply to the monitoring approaches</p>	<p>It is international best practice to outline the parameters of the monitoring to be undertaken through the EMMP. This is to ensure that monitoring:</p> <p>1) measures and documents the effects of the development, and be “necessary, relevant to planning, relevant to the permitted development, enforceable, precise and reasonable in all other respects” (using language from the UK’s National Planning Policy Framework);</p> <p>2) has a clear purpose and be designed to provide answers to specific questions where significant environmental impacts have been identified. As such, monitoring proposals should have an identified frequency (and/ or duration) and confirmed outputs, which provide statistically robust datasets designed to address the hypothesis being tested;</p> <p>3) addresses significant evidence gaps or uncertainty relevant to the project, where it is realistic for those gaps to be filled or uncertainty reduced significantly. The presence of a significant impact identified in the EIA (whilst necessitating mitigation) should not, in itself, necessarily lead to a requirement for monitoring. Monitoring should also be targeted at those features considered to be particularly sensitive to the impacts of the development. Such targeted</p>

		<p>monitoring is more likely to answer key uncertainties than broad scale / generic monitoring approaches</p> <p>4) proposals that are based, where relevant, on the best practice and outcomes of the latest review of environmental data</p> <p>5) should take an iterative approach should be taken whereby the scope and design of any new monitoring work should be based on a review of the findings of any preceding phases of monitoring or relevant survey work</p> <p>6) could involve a strategic approach to monitoring, where appropriate. Strategic work may be considered where contributing to the answering of a broader question is likely to offer greater ability to address key questions than any site-specific monitoring may achieve. Such strategic work may need to be de-coupled from any specific phase of the development.</p>
<p>(b) A description of the project and the area likely to be affected by the proposed activities, the Preservation Reference Zones, and the surrounding area with reference to the Regional Environmental Management Plan;</p>	<p>(b) A description of the project and the area likely to be affected by the proposed activities. Include detailed location maps showing proposed impact reference zones and preservation reference zones as well as locations of other nearby contract areas or known seabed infrastructure and the surrounding area with reference to the Regional Environmental Management Plan.</p>	<p>STANDARDISATION: this subparagraph requires standardisation to the content of Annex IV. Normally it would not necessary to duplicate EIS content, but for ease of understanding, duplicating the basics of the operations would be helpful.</p>
<p>(b)bis A description of relevant legal and administrative frameworks applicable to the proposed Plan of Work, including: the rules, regulations and procedures of the Authority; the applicant's own environmental policy, regulations of the Sponsoring State, and other relevant policy or legal instruments to which the applicant may be subject (e.g. environmental or sustainability requirements from funders);</p>	<p>(b)bis A description of relevant legal and administrative frameworks applicable to the proposed Plan of Work, including: the rules, regulations and procedures of the Authority; the applicant's own environmental policy, regulations of the Sponsoring State, and other relevant policy or legal instruments to which the applicant may be subject (e.g. environmental or sustainability requirements from funders);</p>	<p>NOTE: This could be dealt with using a link to Annex IV section 2; duplication is not needed here.</p>
<p>(b)ter A description as to how the Environmental Management and Monitoring Plan has been prepared, and a list of Stakeholders</p>	<p>(b)ter A description as to how the Environmental Management and Monitoring Plan has been prepared, and a list of Stakeholders.</p>	<p>NOTE: The EMMP S&G were written in a somewhat different style to the EIS and EIA S&G. As such, while the EIS Annex can be related back to the S&G, to ensure consistency across instruments, this is not the case for the EMMP.</p> <p>DELETION: A stakeholders list would be prepared for the EIS and can be linked from there, if needed.</p>
<p>(c)bis A description of the environmental baseline data, including measured baseline values for parameters at the site, a characterization of the area proposed to be mined, adjacent areas that could be affected by mining, rare and endangered species present, and areas that will be avoided due to their environmental value.</p>	<p>(c)bis A description of the environmental baseline data, including measured baseline values for parameters at the site, a characterization of the area proposed to be mined, adjacent areas that could be affected by mining, rare and endangered species present, and areas that will be avoided due to their environmental value.</p>	<p>NOTE: This could be dealt with by a link to EIS and baseline documents; duplication is not needed here.</p>

<p>(c) The project-specific environmental objectives, indicators and thresholds based on baseline environmental data and relevant standards to be met;</p>	<p>(c) The project-specific environmental objectives, indicators, metrics and thresholds based on baseline environmental data and relevant standards to be met;</p>	<p>ADDITION: Metrics will provide the details of how the indicators will be monitored</p>
<p>(d) Details of or cross-references to the Environmental Management System including allocation of roles and responsibilities (and the training programme) for and the applicant's environmental policy; <ul style="list-style-type: none"> ● implementing the measures reflected in the EMMP, ● monitoring, recording and reporting fulfilment of the EMMP, and ● regularly reviewing and updating the EMMP to ensure that it complies with rules, regulations, and procedures of the Authority; </p>	<p>(d) Details of, or cross-references, to the Contractor's Environmental Management System documentation including allocation of roles and responsibilities (and the training programme) showing for and the applicant's environmental policy; <ul style="list-style-type: none"> ● how the EMS is designed to implement monitoring and mitigation in the EMMP, including role allocation and capacity building, and ● how the EMS responds to the monitoring, recording, reporting and review requirements stated in the EMMP. </p>	<p>NOTE: As currently worded, this is a confusing statement concerning the relationship between the EMS and the EMMP. The revised wording used here clarifies this higher-level relationship and leaves training etc to later sections.</p>
<p>(e) An assessment of the potential [possible] [predicted] Environmental Effects of the proposed activities on the Marine Environment, including how long they will last, and any significant changes likely to result, consistent with the environmental impact assessment and the Environmental Impact Statement;</p>	<p>(e) An assessment of the potential [possible]-[predicted] Environmental Effects of the proposed activities on the Marine Environment, including how long they will last, and any significant changes likely to result, <i>mitigation proposed and expected consequences of mitigation</i>, consistent with the environmental impact assessment and the Environmental Impact Statement;</p>	<p>DELETION: Length of time alone should not be highlighted here.</p> <p>ADDITION: As discussed below, understanding of mitigation fits better in here.</p> <p>NOTE: the use of the word 'significant' here needs further consideration.</p>
<p>(e)bis A description of uncertainties identified from the environmental impact assessment and the plan to reduce or manage these;</p>	<p>(e)bis A description of key scientific uncertainties identified from the environmental impact assessment for impacts in (e) and the plan to reduce or manage these;</p>	<p>COMMENT: It is not the role of the EMMP to describe all uncertainties identified in the EIA, rather it should address significant evidence gaps or uncertainty relevant to receptors, where it is realistic for those gaps to be filled or uncertainty reduced significantly. For example, in other industries, they would provide a table of effects / receptors / monitoring approach including the key uncertainty/ies which are to be addressed / monitoring objectives. Have therefore included this in (f) below.</p>
<p>(f) An assessment of the significance of the potential Environmental Effects, and proposed mitigation measures and management control procedures and responses to minimize prevent, reduce and control the harm from Environmental Effects consistent with the environmental impact assessment and the Environmental Impact Statement;</p>	<p>(f) An assessment of the significance of the potential Environmental Effects to receptors identified in the EIS, <i>their key uncertainties, proposed monitoring approach and objectives and proposed mitigation measures and management control procedures and responses to minimize prevent, reduce and control</i> the harm from Environmental Effects consistent with the environmental impact assessment and the Environmental Impact Statement;</p>	<p>CLARIFICATION: The current text confuses two major EMMP issues - mitigation and monitoring. These have been separated these to make it clearer. Mitigation has been added to (e) above while uncertainties and monitoring are included here.</p>
<p>(g) A description of the planned monitoring programme and the overall approach, standards, protocols, methodologies, procedures and performance assessment of the Environmental Management and Monitoring Plan, including the necessary risk assessment and management techniques, including the use of</p>	<p>(g) A description of the planned monitoring programme and <i>its</i> overall approach, standards, protocols, methodologies, procedures and performance assessment of the Environmental Management and Monitoring Plan, including the necessary risk assessment and management</p>	<p>DELETION: EIS monitoring contributing to the REMP is not a requirement of any EIA/EIS.</p> <p>QUESTION: We are unsure as to what is meant by "risk assessment and management techniques".</p>

<p>monitoring data to validate predictive models and reduce uncertainties, and adaptive management techniques (process, procedure, response), if appropriate, needed to achieve the desired outcomes Each component should be described separately in a manner consistent with sections 7-10 of Annex IV. This section should also include monitoring targets and actions that will contribute to an understanding of regional and cumulative effects and inform the Authority's Regional Environmental Management Plan.</p>	<p>techniques, including the use of monitoring data to validate predictive models and reduce uncertainties, and adaptive management techniques (process, procedure, response), if appropriate, needed to achieve the desired outcomes. Each component should be described separately in a manner consistent with sections 7-10 of Annex IV. This section should also include monitoring targets and actions that will contribute to an understanding of regional and cumulative effects and inform the Authority's Regional Environmental Management Plan. Monitoring methodology/results should provide a sufficient degree of confidence that conclusions in the EIS can be validated and that agreed performance standards are being met (monitoring should have the statistical power to detect changes in environmental state).</p>	
<p>(h) Details of the proposed monitoring stations across and beyond the project contract area, including the frequency of monitoring and data collection, the spatial and temporal arrangements for such monitoring and the justification for such arrangements, including how in situ validation of modelled results will be carried out;</p>	<p>(h) Details of the proposed monitoring stations across and beyond the project contract area, including the frequency of monitoring and data collection, the spatial and temporal arrangements for such monitoring and the justification for such arrangements, including how in situ validation of modelled results will be carried out;</p>	<p>Minor amendment</p>
<p>(i) The location and planned monitoring and management of preservation reference zones and impact reference zones, or as well as other spatial management planning tools if any;</p>		
<p>(i)bis The location and boundaries of planned or established long-term protected areas as determined in the applicable Regional Environment Management Plan;</p>	<p>(i)bis The location and boundaries of planned or established long-term protected areas <i>within the Contract Area</i> as determined in the applicable Regional Environment Management Plan;</p>	<p>Minor amendment</p>