

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

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

**1. Name of Working Group:**

Informal Working Group for the Protection and Preservation of the Marine Environment

**2. Name(s) of Delegation(s) making the proposal:**

Pew Charitable Trusts

**3. Please indicate the relevant provision to which the textual proposal refers.**

DR 48

**4. 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.**

**Regulation 48  
Environmental Impact Statement**

1. An applicant or Contractor, as the case may be, shall prepare an Environmental Impact Statement in accordance with this regulation. Such an Environmental Impact Statement shall be considered by the Authority in accordance with Part II or Regulation 57 and is required for an application for a plan of work pursuant to Regulation 7(3)(d).

2. The purpose of the Environmental Impact Statement is to document and report the results of the Environmental Impact Assessment carried out in accordance with Regulations 47 and 47bis and 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 Information, Best Environmental Practices, and Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted.

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3. The Environmental Impact Statement shall be in a form prescribed by the Authority and must:

- a. Include a prior Environmental Risk Assessment prepared during the environmental impact assessment,
- b. Describe the results of the Environmental Impact Assessment including of the methodology used and evaluation of the identified environmental impacts,
- c. Demonstrate that the proposed activities and mining operations are in accordance with all relevant environmental Standards and the Authority’s environmental objectives and take into account the requirements of the relevant Regional Environmental Management Plan,

environmental baseline data as well as any additional objectives as set by the Contractor and any results of the performed test mining study, where applicable,

d. Identify substantive comments received through public consultation on the Environmental Impact Assessment and explain how each comment has been incorporated or otherwise addressed,

e. Be prepared in clear language and in an official language of the Authority together with an English-language version, where applicable,

f. Include a non-technical summary of the main conclusions and information provided to facilitate understanding of the nature of the activity by Stakeholders,

g. Be peer reviewed by competent independent experts, before submission and include a description of the experts, their qualifications, and the results of their review.

4. The Environmental Impact Statement should, but not limited to, entail the following elements, which are described in greater detail in [Annex IV/ Standard]:

a. An executive summary to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers, including a description of the proposed project, its objectives, alternatives analysed, anticipated benefits, anticipated impacts and measures to minimize these, consultation efforts and linkage to the Environmental Monitoring and Management Plan and the Closure Plan,

b. An introductory section containing information on the project background and history, project viability and proponents as well as a description of the report, including its scope and structure and overview of the stakeholder consultation process and consultations,

c. An outline detailed description of applicable national and international legislation, procedures and policies, and other applicable standards, principles and guidelines, for example the Convention including the 1994 Agreement relating, relevant rules from the International maritime Organization and International Law in general,

d) A detailed description of the proposed project including information on location, associated activities, required infrastructure, mineral resources (type, size, shape, tonnage, volume, grade), technologies and (mining-)equipment to be used, project scale overview (spatial, temporal, operational depth), transport and handling of materials, on-site processing, commissioning, construction and operating standards, design codes, health and safety aspects, workforce, decommissioning and closure, other considered alternatives and a timetable for the entire operation,

(d bis) A summary of the Legal and Technical Commission's recommendations on the Scoping Report and the agreed terms of reference for the applicant's Environmental Impact Assessment submitted to the Commission, and justification for any deviation either from those terms of reference, or from the Commission's recommendations.

e) A detailed description of methodologies for collecting and analyzing baseline and 'test mining' data and assessing the potential environmental impact and Environmental Effects from the proposed operations and alternatives considered. ~~Marine Environment, the Environmental Effects of the proposed project and collecting baseline data,~~

f) A detailed description of the existing physiochemical and geological oceanography, including information on prior research/Exploration studies, meteorology, seabed and sub-seabed characteristics, natural hazards, noise, light and greenhouse gas emissions,

g) A detailed description of the existing biological environment, including information on prior research/Exploration studies, biological properties and communities and ecosystem that could be impacted by proposed activities ~~in the area, also taking into consideration studies and research on this,~~

- h) A detailed description of the existing human activities socioeconomic and sociocultural environment in the area, containing information on fisheries, marine traffic, submarine cables, tourism, ongoing scientific research, sociocultural use, and sites of cultural or historical significance.
- i) An assessment of environmental impacts and Environmental Effects on the physical, chemical and geological environment and proposed Mitigation, including description of the impact source, potential impact categories and pathways, ~~as well as~~ receptors and impacts, any potential Cumulative Environmental Effects, unavoidable residual impacts and effects that may remain, and the extent to which any potential impacts and effects may occur in areas under a State's national jurisdiction.
- j) An assessment of environmental impacts and Environmental Effects on the biological environment and proposed Mitigation, including description of **key** the impact source, potential impact categories and pathways, receptors and impacts ~~and cumulative operation effects~~, any potential Cumulative Environmental Effects, unavoidable residual impacts and effects that may remain, and the extent to which any potential impacts and effects may occur in areas under a State's national jurisdiction.
- k) An assessment of impacts on the socioeconomic and sociocultural environment and proposed Mitigation, including description of potential impact categories and pathways and impact identification of existing use (fisheries, marine traffic, submarine cables, tourism, ongoing scientific research, sociocultural use, area-based management tools, sites of cultural or historical significance, ecosystem services), **gender** impact on gender and residual impacts,

(k bis) An assessment of any uncertainties associated with assessments detailed in paragraph 4 subparagraphs (i), (j), and (k) under this regulation, including the implications of those uncertainties for the environmental impact assessment and its findings, measures taken to reduce uncertainties in those findings to as low as reasonably practicable and manage any remaining uncertainties,

l. ~~An outline~~ description of hazards arising from natural, accidental and discharge events, for example related to extreme weather, natural hazards, accidental events, maritime safety, emergency response, handling waste and blast water, and the measures taken to prevent or respond to such events and conduct an assessment of residual impacts,

m. A summary of key issues in the Environmental Impact Statement and how they will be addressed in the Environmental Management, and Monitoring Plan and Closure Plan,

n. A description of responsible product stewardship related to the intended use of the mineral-bearing ore once it leaves the Area, including how the Contractor will minimize effects on health, safety, environmental as well as socioeconomic and sociocultural impacts,

o. A **summary** detailed description of the nature, extent, participation and outcomes of consultations that have taken place with Stakeholders, and how their comments have been addressed in the environmental impact assessment ~~and stakeholder engagement and methods~~,...

5. The Environmental Impact Statement of every project, including any revisions, ~~should will~~ be available [for at least 60 days] on the official website of the International Seabed Authority in the interests of transparency of the whole process.]

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

We agree in principle with having the required content for an EIS being moved from the Annex into a Standard; however, we have some issues with how the sections in the EIS Annex have been characterized in paragraph 4 (or been left out completely) and propose some additions to rectify those discrepancies and ensure its clear what content needs to be included in the Standards.

- dbis - we suggest there be a link back to the terms of reference for the EIA, which the applicant previously agreed to with LTC following the review of the scoping report, and also a requirement for the applicant to report in the EIS any divergence from those terms of reference, or the LTC recommendations on the scoping report.
- sub-paragraphs (i) and (j), we suggest to add the need to assess also any potential Cumulative Environmental Effects, unavoidable residual impacts and effects that may remain, and also the extent to which any potential impacts and effects may occur in areas under a State's national jurisdiction.
- kbis – there should be a specific assessment of the uncertainties associated with the assessments, and the implications of those uncertainties.
- sub-paragraph (o), we would recommend expanding the wording to ensure that the nature, extent, participation and outcomes of consultations with Stakeholders are described, as well as a description as to how the outcomes have been addressed as part of the EIA and EIS.