

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

Protection and Preservation of the Marine Environment

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

The Pew Charitable Trusts

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

DR 47 bis alt

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

Environmental Impact Assessment

1. The applicant or Contractor shall, in accordance with the Standards, and taking into account the Guidelines, undertake an impact assessment as described in regulation [47alt(4)], and based on the Terms of Reference agreed in the Scoping report [47alt(4)], to describe the impacts on the marine environment and Underwater Cultural Heritage and to predict the nature and extent of the Environmental Effects of the mining operation, including residual impacts, on the marine environment and Underwater Cultural Heritage, also considering cumulative impacts, including existing and foreseen mining operations, other activities and natural phenomena.] This includes assessing:
 - (i) The intensity or severity of the impact at the specific site being affected;
 - (ii) The spatial extent of the impact relative to the availability of the habitat type affected;
 - (iii) The sensitivity/vulnerability of the ecosystem to the impact;
 - (iv) The ability of an ecosystem to recover from harm, and the rate of such recovery;
 - (v) The extent to which ecosystem functions may be altered by the impact;
and
 - (vi) The timing and duration of the impact relative to the period in which a species needs the habitat during one or more of its life history stages affected for its long survival.

2. In uUndertaking the impact assessment, the applicant or Contractor shall complete:
- a. An analysis of reasonable alternatives ~~remaining post Scoping~~ to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative.
 - b. Identification of measures envisaged to monitor, ~~M~~mitigate and manage ~~prevent, minimize, control,~~ Environmental Effects and risks to as low as reasonably practicable, while within acceptable levels in accordance with environmental Standards, including through the development and preparation of an Environmental Management and Monitoring Plan
 - c. An environmental risk assessment, which adds to the preliminary environmental risk assessment required during scoping by regulation 47bis (4j).
 - d. An analysis of the results of the environmental risk assessment, including identification of ~~high priority~~ risks requiring particular focus, including in the Environmental Management and Monitoring Plan.
- (...)

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

For paragraph 1, We query whether a large part of this text (see brackets) is duplicative of 47alt (4)(b) and if a simple cross reference to that provision would suffice. Similarly, several of the subparagraphs under (2) are duplicative of 47alt(4) so believe further streamlining could be done.

For paragraph 2(b), Mitigate' is a defined term which covers the measures identified here. We suggest it be inserted. Alternatively, another option would be here and throughout the regulations, to use the same terms as BBNJ such as 'prevent, mitigate and manage'. In any case, the terms used here should be consistent with 47alt(4)(b)(iii).

Lastly, with regards to the matrix, it appears there is a suggestion to move the subparas under para 1 to the EIA Guideline. We would not support this, but would support it being moved to a Standard. There does seem to be some overlap of this text with 47alt para 4 generally so would welcome streamlining to avoid duplications or confusions.