



| Document reviewed | |
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| Title of the draft being reviewed: | Guidelines for the preparation of an environmental impact statement |
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| General Comments | |
| <p>Australia confirms its position, as previously stated that these Guidelines can only be approved as part of a package, together with the Draft Exploitation Regulations (Regulations) and other Standards and Guidelines. We note also that to the extent these Guidelines refer to other Guidelines which are yet to be developed, it is appropriate to have a further opportunity to comment on this Guideline in the light of the other Guidelines once they have been prepared.</p> | |
| <p>Until the Regulations are complete, we provide in-principle support of the nature of these guidelines and standards.</p> | |
| <p>Australia reiterates comments made to the draft Regulations and Annex VII and considers that any proposed amendments to the Regulations should also be reflected in the Guidelines.</p> | |
| <p>Paragraph 2 of the Background is missing some words: “[...] and (iv) prepared in <u>accordance with</u> the applicable Guidelines, Good Industry Practice, [...]”</p> | |
| <p>Australia notes that from section 3 onwards, the Guidelines switch to take a high level description of information to be provided. Australia notes that this could lead to inconsistencies between interpretations of what information is to be provided under Annex IV and the Guidelines.</p> | |
| <p>As such, these Guidelines should include a statement to the effect that where the Guidelines seemingly conflict with the Regulations, including its annexes, or any Standards, the Regulations or Standards will prevail.</p> | |
| <p>Terms defined in the schedule to the Regulations should be consistently used and capitalised throughout the Guidelines.</p> | |
| <p>The Guidelines currently do not reflect regulation 47(2), which states that an applicant or a Contractor shall have to prepare the EIS. The Guidelines should be amended to reflect that applicants, not just Contractors, may prepare an EIS as the case may be.</p> | |
| <p>While we understand that not all of the potential impacts to be assessed on the Biological Environment can be feasibly replicated across all three sections of the water column, we suggest checking for toxic effects with metal and other contaminants under potential surface</p> | |

impacts. This is because it is feasible that Mineral Resources may leak contaminants as they are brought to the surface.

Please clarify the purpose of the Appendices to the Guidelines. Is this meant to be a self-assessment by prospective applicants and Contractors to ensure they have provided all relevant information?

Support the document's focus on strong environmental regulation.

Specific Comments

| Page | Line | Comment |
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| 1 | 25 | Please replace "cover the main aspects" with "be in the form", as it is not for the applicant to decide to cover 'main aspects' of Annex IV but to be in the form prescribed by Annex IV (as required by regulation 47(3)). |
| 1 | 39-40 | Please replace "The EIS provides documentation of the reporting process followed during implementation of and the results from the EIA" with "The EIS documents and reports on the results of the EIA". |
| 1 | 42 | Please delete "As such, the EIS is nested within the broader EIA process." This statement appears inconsistent with regulation 47, which states that the EIS reports the outcomes of the EIA and the EIS is based on the results of the EIA. Therefore, the EIS must follow after the EIA. |
| 1 | 44 | Please amend to insert the tracked change "to <u>be</u> stand-alone". |
| 2 | 103 | Seek clarification on the term 'project-specific', including what is expected of the Contractor when undertaking a mining activity. |
| 3 | Right column, table | The Guideline sections listed do not correspond with the numbering system used for the Guidelines. Please amend or clarify. |
| 3 | 119 | Please delete 'Recommended'. |
| 3 | 121 | Please expand 'EMMP' on first use. |
| 4 | 167 | Please replace "provide justification for project execution" with "explain why the project is needed" for consistency with Annex IV. This is because providing justification for project execution means that an explanation is to be provided on how the project is to be conducted. However, that is not the information sought under Annex IV. |
| 4 | 167 | Please insert "to mankind" after "benefits", for consistency with Annex IV and because otherwise the applicant may provide an explanation of their benefits. |
| 4 | 176 | We query whether "EIA" should be replaced with "EIS", as it would be unusual to report on work conducted before the environmental impact assessment. |
| 5 | 181 | Please amend "Component testing conducted <u>(including a description of activities)</u> , if applicable." |
| 5 | 205 | Please replace "Layout" with "Structure" for consistency with Annex IV. |
| 5 | 215, 219 | Please replace "EIA" with "EIS" for consistency with Annex IV. |
| 5 | 224 | Seek clarification on the term 'Mining Areas', including what is expected of the Contractor when undertaking a mining activity. |
| 6 | 242-243 | Please capitalise 'sustainable development goals'. |

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| 6 | 259 | Please replace “Project” with “Proposed Development” |
| 6-7 | 266-293 | <p>Please amend as follows for increased consistency with Annex IV:</p> <ul style="list-style-type: none"> • A statement of the objectives sought by the project, including the underlying purpose and need of the proposed action; • The precise location and boundaries of the proposed project (including the Mining Area(s) and the Contract Area). <u>Including the pact zones and preservation zones</u>, preferably on a detailed bathymetric map, along with the general location of the project on a regional map; • <u>Associated activities and infrastructure required that is outside the direct mining site;</u> • The <u>type</u>, size, shape, tonnage, and grade of the mineral deposit; • The <u>spatial and temporal scale of the mining operation, including the mining sequence and anticipated technologies for exploitation activities;</u> • Volumes of material to be recovered, processed, and deposited and/or discharged into the water column or back to the seabed; • Depth <u>Details of the technologies to be employed that address (amongst other things), the Mining Workplan, timelines, the depth</u> of penetration into the seabed and the proposed mineral collection technique; • The likely extent of any secondary impacts such as sediment plumes; • Method(s) for transporting recovered minerals to the surface; • Proposed <u>on-site processing (including on the sea floor) and</u> shipboard method(s) for separation of the mineral resource, <u>dewatering</u> and seafloor sediment; • Method(s) for trans-shipment or transfers at sea of mineral-bearing ore; • Proposed waste management, transportation, and disposal activities for materials or effluents to be discharged into the marine environment, and management and transportation of shipboard wastes to be transported to shore-based disposal facilities; • <u>Handling and management of hazardous materials, including the nature of the material, its transportation, storage and disposal;</u> • Construction and operation standards for equipment to be used in mining activities, <u>including workforce description, the design codes and procedures for preserving the health and safety of the personnel involved in the exploitation activities;</u> • The workforce, including procedures for preserving the health and safety of the personnel involved in the exploitation activities; • Commitments made by the Contractor for capacity building; <u>Alternatives considered, including mine site, mine production scenarios, transport, materials handling and shipboard processing;</u> • Commissioning and decommissioning procedures; and • Proposed details of any practicable restoration of the project area; <u>and</u> • <u>A detailed development timetable for the entire life cycle of the project / development.-</u> |
| 6 | 269 | Seek clarification on the term ‘Mining Area(s’), including what is expected of the Contractor when undertaking a mining activity. |
| 7 | 318 | Please replace “In the final section” with “In the section on alternatives”. |
| 8 | 347 | Please replace “will need” with “should”. |
| 8 | 358 | Please insert “where relevant” after “site-specific ERAs”. |

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| 8, 9, 13 | 361, 407, 568, 598 | Please correct section numbering, as the referenced section does not correspond with the headings or numbering used in these Guidelines. |
| 8 | 365 | Please amend as indicated: " Each section <u>The sections on the physiochemical and biological environment</u> will include the following <u>common</u> descriptions and discussions:" |
| 9 | 372 | After "database", please insert "; and methods used for completing the studies base don Best Available Techniques". |
| 9 | 373 | Please amend text in brackets: "(physiochemical or, biological, or socioeconomic)." <u>or</u> |
| 9 | 377 | Before "Information specific to [...]", please insert "The section on the socioeconomic environment should also include key messages and a summary of the environment, like the other sections." |
| 9 | 389 | Please insert "and seasonal variability" after "setting". |
| 11 | 494 | Seek clarification on the term 'Mining Areas', including what is expected of the Contractor when undertaking a mining activity |
| 12 | After 534 | Please insert another bullet point: <ul style="list-style-type: none"> the methods used to determine impacts (including assumptions pf any impact modelling undertaken); |
| 12 | 551-557 | Please delete, as these 'topics' are not common across or relevant to all three types of environments. |
| 12 | 558 | Please amend as indicated: "A summary of the residual effects <u>or sociocultural environment</u> (e.g., in a tabular format)." |
| 14 | 617 | The reference to 'final ERA' implies that more than one ERA must take place. Please clarify a minimum or range of ERA to be conducted. |
| 15 | 660 | Please replace "aspects" with "impacts and mitigation efforts". |
| 15 | After 667 | Please insert two further bullet points: <ul style="list-style-type: none"> sites of an archaeological or historical nature; socioeconomic and sociocultural issues; |
| 15 | 682 | Please expand "ERP" on first use. |
| 15 | 683 | Please specify where in the Exploitation Regulations the quoted text can be found. |
| 15 | 690 | Please amend as indicated: " While T <u>the EIS should can</u> refer users to the ERP, <u>the EIS must also and</u> include a discussion [...]". This is consistent with Annex IV. |
| 15 | 701 | Please name or provide other reference method to the relevant Standard & Guidelines. |
| 15 | 701-703 | Please amend as indicated: "-The EIS <u>should provide sufficient information to enable the Authority to anticipate possible environmental management, monitoring and reporting requirements for an environmental approval. The EIS should should refer users to the EMMP and need include only a brief discussion</u> highlighting key issues that will be addressed <u>in detail</u> in the EMMP, including:" |
| 16 | 710 | Please delete "Corrective procedures", as this is not reflected in Annex IV. |

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| 16 | 718 | Noting the suggested change detailed above, please delete “Nevertheless, the EIS is where the impacts of the proposed Project are detailed, and sufficient information needs to be provided to enable the Authority to anticipate possible environmental management, monitoring and reporting requirements for an environmental approval.” |
| 17 | 755 | After “logging,” please insert “summaries of the concerns raised”. |
| 17 | 759-762 | Please move this text to the section on “Policy, legal and administrative context”. |
| 18 | 805 | Australia queries whether this should refer to EIA or EIS. |
| 19 | Third row down, first column from the left | Please replace “IUNC” with “IUCN”. |