

Document reviewed	
Title of the draft being reviewed:	Draft Standard and Guidelines for environmental impact assessment process
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Given Name:	
Government (if applicable):	
Organization (if applicable):	Beijing Pioneer Hi-Tech Development Corporation
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General Comments	
<ol style="list-style-type: none"> 1. The schedules of the development of guidelines under phase 1, enclosed in the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session (ISBA/25/C/19/Add.1) highlights the need to develop guidelines. However, we have found there are many standards contained in the Draft Standard and Guidelines for environmental impact assessment process. It is recommended to give further explanations on the reason of the development of additional standards apart from current guidelines. 2. The flowchart of EIA process in the draft Standard is too simple and should be improved. For example, the flowchart is lack of a corresponding process, if the comments of stakeholder should be reviewed, what kind of responses and explanations should be performed by the contractor or the Authority? 3. It is recommended that a regular communication mechanism between stakeholders, contractors and Authority needs to be clarified. The flowchart of EIA process shows stakeholders are involved in some steps but the procedure is not clear, for example, it is not clear the stakeholder will get involved before or after the contractor's impact assessment. 4. The plume concentration is the key indicator to evaluate the environmental impact. It is recommended to set the threshold in accordance with plume concentration, based on the existing test data and theoretical values. 5. The term "expert" is frequently mentioned in the Draft Standard and Guidelines, it is recommended to clarify the qualifications of the "expert". 6. There is no quantitative evaluation index system in current EIA process, which makes the EIA process difficult to operate. It is recommended to develop a quantitative evaluation index system. 7. There is no criteria for determine the spatial extent of EIA, it is recommended to clarify the spatial extent according to different categories of resources. 	

8. Many contractors are from non-English speaking countries, they have a lot of domestic publications in their native language, which can be helpful to improve the deep-sea mining impact assessment. It is recommended that, the Authority will allow the contractor to submit EIA report with non-English references and give the equal recognition to these references.

Specific Comments

Page	Line	Comment
8	307	The criteria of “effective and comprehensive stakeholder” is not clear, we propose to add the criteria to identify the “effective and comprehensive stakeholder”.
10	377	We agree with the statement of “Hence at least a general description should be provided that will feed into more detail in the EIS”, it is recommended to provide a template for the general description.
14	506	(c) The quantitative indicator of habitat in the table is evaluated solely based on the proportion of the affected area, which may not be enough to explain the extent of its impact.
18	559-560	The statement of “however activities of low risk will require less attention in the EIA” should be modified as “the extent of attention for low risk is not necessarily equal to that of high risk, but the applicant or contractor should decide the extent of attention based on the actual situation, more attention should be given especially for the environmental factors at the critical point between high risk and low risk.”
19	603	The term “sufficient time” is not clear enough. There should be a specific deadline for stakeholders to provide feedbacks, to avoid the exploitation progress blocked caused by the delayed feedbacks.
24	812 813 814 815	The scope of “other marine users in the region” should be clarified, particularly whether all marine users are within the scope of the rights granted by the United Nations Convention on the Law of the Sea or relevant regulations adopted by the Authority. It should be clarified, whether it will grant extra-legal rights to the subjects mentioned above, if their opinions need to be taken.
29	1002	Regarding to the statement, the impact threshold is independently determined by the applicant or contractor, which is lack of guiding standards but makes it difficult to achieve scientific and effective management.
34	1161	It is not appropriate to include “Best Environmental Practices” as a subordinate concept of sustainability in the draft Guidelines. It is recommended that, “Best Environmental Practices” are included at the same level as “Performed with Scientific Integrity and Sustainability Focused”.
35	1212	The statement of “providing appropriate access” should be modified as “providing appropriate access without compromising any commercial secrets or confidential information of the applicant’s and the contractor’s”.
35	1214-1228	Are the following items listed in order? Logically, some items should be re-ordered, for example, “How the incorporation (or otherwise) has been communicated with the stakeholders” should be at the top of the list.

<i>Document reviewed</i>		
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<i>General Comments</i>		
<p>1. The items listed in Environmental Impact Statement in this part are too complex to implement effectively. Firstly, some of the items involve the frontier issues of basic science, such as connectivity, ecosystem function and life-history, which are obviously beyond Contractors' scientific research capacity and beyond their obligations under the contract. Secondly, the assessment of certain items may not be necessary. According to the Draft Regulations on Exploitation, the applicant should ensure that relevant installations "are not established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity." Therefore, neither the exploration area nor the exploitation area would be located within fishing areas or overlapped with sea lanes. Thus it may not be necessary to assess the impact upon fisheries and marine traffic for exploitation. It is proposed therefore that the Annex IV "Environment Impact Statement" of the Draft Regulations on Exploitation and the draft Guidelines for the preparation of an environmental impact statement should delete the unnecessary assessment items. It is also suggested the Environment Impact Statement should differentiate "activities not requiring environmental impact assessment" from "activities requiring environmental impact assessment" in light of the Recommendations for the Guidance of Contractors for the Assessment of the Possible Environmental Impacts Arising from Exploration for Marine Minerals in the Area (ISBA/25/LTC/6) issued by Commission.</p> <p>2. There are more details in Draft Guidelines for the preparation of an environmental impact statement than the Draft Regulations on Exploitation of Mineral Resources in the Area, however, mitigation is only mentioned in the title of Section 6 but lack of guides and requirements in the text part, it is suggested to provide more details.</p> <p>3. It is recommended to delete duplicate contents in the draft Guidelines, which has been mentioned in Regulation 21 (4) of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/19/C/WP.1), Regulation 23 (4) of the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area (ISBA/18/A/11), and regulation 23 (4) of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/15/C/WP.1/Rev.1).</p>		
<i>Specific Comments</i>		
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2	81-82	We suggest "to avoid, minimise and reduce" is modified as "identify, predict, evaluate and mitigate".

3	119-120	Regarding to the Guidelines, avoidance and remediation are included in mitigation, which all should be at the same level. It is recommended to use the wording of Annexes IV 7 (b) of the Draft Regulations on Exploitation of Mineral Resources in the Area, that is, “Measures that will be taken to avoid, remedy or mitigate such impacts”.
6	244	We suggest to use the wording in the Draft Regulations on Exploitation of Mineral Resources in the Area, “List the international agreements applicable to the operation, such as the United Nations Convention on the Law of the Sea and the International Maritime Organization suite of environmental and safety conventions, which includes the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), and applicable regional agreements.”
7	318-326	The description of alternative analysis is relatively simple. It is recommended the framework of alternative analysis should be the same as the preferred option, and add the words such as “adopt the same or similar framework as the preferred option” as illustration.
8	352	We suggest that “should” is modified by “may”, since “should” has certain mandatory implications. Here is a convenient way provided by the ISA for applicant or contractor to check the surrounding information features, no mandatory requirements are needed.
10	436	We suggest “including” should be modified by “including but not limited to”.
11	496-499, 506-507	When applying for the exploration contract area, the applicant has declared that the application area is not located in recognized sea lanes essential to international navigation or in areas of intense fishing activity, and taken reasonable regard for submarine cables, and has been considered by the LTC, so there is no need to re-evaluate it in the EIA statement.