

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft standard and guidelines for environmental impact assessments
<i>General Comments</i>	
<p>The relationship between the ERA and EIA processes and the EIS document should be clearer. Propose adding a clarifying paragraph or visual near the front of the document that lays out the timing and relationship of these three components to one another.</p>	
<p>The standard and guidelines do not sufficiently include alternatives for analysis. Decision makers need to be able to consider and analyze the impacts of a reasonable range of alternatives to the proposed action, including a no-action alternative. The environmental effects of the proposed action and alternative(s) should be presented in comparative form. Without this comparison of impacts, the EIA process and resulting EIS lose their value as decision making tools and become simply pro forma.</p>	
<p>Assessment/description of other activities in the marine environment should be an explicit part of the EIA standard.</p>	
<p>The Standard seems to use the terms “mitigate”, “avoid, minimise, reduce”, and “avoid or minimise” interchangeably, and inconsistently, The United States recognizes the importance of managing adverse environmental effects from commercial exploitation and proposes that the concept of avoiding, minimising, and reducing effects be captured with consistent terminology: “avoid, minimize, and reduce effects.”</p>	

The United States notes that stakeholder involvement during the EIA process is primarily addressed in the Guideline portion of the document, rather than the standard. The United States believes that stakeholder involvement during the environmental review process is critical and should be mandatory; therefore, we would propose that this topic be more fully addressed in the EIA Standard, as well as in the Guideline.

The terms “Environmental Impact Assessment,” “Environmental Impact Statement,” and “Environmental Risk Assessment” are defined in this document and the EIS Guideline. The United States would support including definitions of these terms in the Exploitation Regulations, so that there is a common understanding of the meaning of these terms between the Exploitation Regulations and Standards and Guidelines.

As noted in the other draft standard and guideline documents, this standard contains text providing that it shall be read “in conjunction with” the Exploitation regulations and “other relevant Standards and Guidelines,” and includes a list of relevant Standards/Guidelines. This approach appears problematic, as it could suggest that the Guidelines have a mandatory nature, and it does not provide a resolution for a potential conflict between the documents. The Guideline contains a similar construction that presents similar issues.

Specific Comments

Page	Line	Comment
1	49-50	Propose adding “5) ensure that stakeholders have an opportunity to comment on the EIA process”
1	52	Contractors should consider prevention, mitigation, and management of potential adverse effects, but it is not required as part of the Convention to necessarily include them alongside assessment of impacts and may not always be possible. Also, “impacts” is a neutral term, and this as written presumes it is negative.

		Propose text read instead: “the process of identifying, predicting, and evaluating the effects on the environment, as well as considering the development of measures to mitigate adverse impacts to the extent possible.
2	59	Propose removing “and the residual (remaining) effects that cannot be avoided,” for clarity. The United States understands the purpose of the EIS to be to inform the ISA and the public about the potential environmental impacts of the proposed activity, which is captured at the beginning of the sentence, which states that the EIS process “describes the predicted effects of the project on the environment.”
2	61	Propose removing “characteristics of”, so that line 61 would read “nature and extent of activities and the level of risk to the environment.” It is not clear what the phrase “characteristics of the environment” is referring to beyond “the environment.”
2	62	If there are to be multiple definitions for terms throughout the regulations, standards, and guidelines, then this should be noted in all documents (i.e., the regulations should also note which terms have varying meanings in a standard or guideline document).
3	101	Propose additional bullet point addressing stakeholder consultation and involvement: “Undertakes an effort to identify the concerns and invite participation in the EIA process of stakeholders and any other interested parties”
3	96-100 108-112	Alternatives for analysis should be incorporated here. Propose adding “d) Identify alternatives for analysis at line 100” and modifying lines 108 to read: “includes consideration of alternatives for analysis .”
3	111	An EIA is not decisional, but rather informs decision making. Lines 108-112 should read: “This should include alternatives to elements of the planned project already provisionally decided upon (e.g. the type of mining technologies to be used), as well as aspects that will be considered and decided based on

		information from through the EIA (e.g. details of environmental 111 mitigation measures and mining operation plans);”
3	126	This section should include a paragraph on the analysis of alternatives, not just impacts of the proposed project. The sentence under the following section (E. Mitigation) at line 160 is not sufficient.
4	133	Propose revision to reflect EIS definition by replacing “mitigation” with “measures to avoid, minimize, and reduce effects.”
4	139-140	Direct, indirect, cumulative impacts - the Commission should consider defining these terms
4	147-149	This bullet should be fleshed out as the assessment is likely to frequently draw on modelled responses.
4	156	Propose that “avoid or minimise” be replaced with “avoid, minimise, and reduce,” for a consistent approach to the idea of managing harmful effects.
4	167	Propose removing “residual.”
6	154	Mitigation that requires monitoring to demonstrate effectiveness should be identified.
6	155	Add “and efficacy” after “measures.”
7	243	Define “acceptable levels”

10	373	Please define the “mine site envelope.”
11-12	454	Recognizing that full mitigation may not always be possible, suggest this line read: “...EIA fully quantifies, assesses, and <u>considers mitigationes, to the extent possible,</u> those impacts.”
12	458	Please clarify the interaction of iterative baseline data collection with the EIA. A flow chart could be useful for this.
26	787	Consider expanding the Table 3 bullet “Is the affected area of high importance or value for its human resource use” to encompass intangible values related to cultural /Indigenous/tribal significance.
38	1225	Consider adding “Manner in which engagement opportunities were announced and advertised.”

Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”