



Template for the review of the draft standards and guidelines associated with the draft regulations on exploitation of mineral resources in the Area

I. Background

1. The draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.
2. Stakeholder consultation is an integral part of the process decided upon by the Commission for the development of the standards and guidelines ([ISBA/25/C/19/Add.1](#)).
3. The Legal and Technical Commission will consider the comments received through stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.im, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines**.
7. When submitting comments, please adhere to the following guidance as much as possible:
 - a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
 - b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
 - d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared by the Legal and Technical Commission.
 - e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
 - f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
 - g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
 - h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.
8. Should you have any questions regarding the review process, please contact ola@isa.org.jm.

III. Template for Comments

- 9. Please use the review template below when providing comments.
- 10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

TEMPLATE FOR COMMENTS

| <i>Document reviewed</i> | |
|---|---|
| Title of the draft being reviewed: | Draft Standard and Guidelines for environmental impact assessment process developed by the Legal and Technical Commission |
| <i>Contact information</i> | |
| Surname: | |
| Given Name: | |
| Government (if applicable): | |
| Organization (if applicable): | UK Seabed Resources |
| Country: | United Kingdom |

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|---|-------------|--|
| E-mail: | | |
| General Comments | | |
| UK Seabed Resources is grateful for the opportunity to comment on this draft set of guidelines and appreciates the considerable efforts and expertise that have gone into its production. UKSR has incorporated expert 3rd-party input from MarineSpace in producing this stakeholder response. | | |
| We suggest that definitions and acronyms are placed up front of document to ensure they are fully understood by everyone from the outset. | | |
| We suggest "Environment" definition should be included, and explained that it includes all biological, physical and socioeconomic factors. | | |
| The Draft Guidelines makes comment that the Environmental Impact Statement (EIS) will be divided into two sections, the Environmental Impact Assessment (EIA) and the Environmental Risk Assessment (ERA). The EIA will identify relevant effects, and the ERA will evaluate their extent and level of risk. Can it be confirmed that the EIS will remain as a single document and that the EIA and ERA are not spit into separate individual documents but only separate sections. A single document providing the baseline information, Environmental Impact Assessment and Environmental Risk Assessment together allows the process to be followed in a more logical and coherent way. Therefore, we suggest that these elements are kept together, and updates to the ERA that may be required following licensing should be conducted through the Environmental Monitoring and Mitigation Plans | | |
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| Specific Comments | | |
| Page | Line | Comment |
| 4 | 150-153 | <p><i>The applicant or Contractor shall also identify the impacts (including cumulative effects) of the project at a regional scale. Assessment of impacts shall result in understanding the absolute and relative significance of each impact in such a way to allow mitigation of harmful effects, at the regional level, to be considered.</i></p> <p>"Regional scale" is a broad term, especially within the context of international waters. Further clarification as to the scale at which impact assessment should be conducted is needed, especially if the EIS shows the effects are highly localised.</p> |
| 11 | 414-421 | <p><i>It is important to note that the preliminary ERA may be revisited and updated as the EIA proceeds, for example at key milestones such as following in situ testing of mining equipment, plume modelling and completion of baseline studies and data interpretation. Revisiting and updating the ERA will be especially important for ERAs undertaken very early in a project development process when baseline data and project information may be limited. Hence the level of detail included may differ between the scoping stage and later in the EIA process as it develops from qualitative through to more quantitative assessment, where a final ERA will be included as part of the Environmental Impact Statement (EIS).</i></p> <p>We suggest that the ERAs remain under review through the lifetime of the project, enabling monitoring results and scientific evidence of effects and impacts collected to be fed back into the ERAs as part of the EMMPs. This will allow the constant improvement of monitoring program, and focus the monitoring on the effects and impacts most relevant to the project.</p> |
| 18 | 556-569 | <p><i>...is sufficient, and if not to advise the scope, nature and priority of future studies required to fully inform the EIA.</i></p> |

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| | | We suggest the final sentence is amended to: "...and if not, to advise the scope, nature and priority of future studies required to fully inform the EIA and actions following fulfilment of these studies." |
| 19 | 594-598 | <p><i>Scoping may include a stakeholder identification exercise which provides the applicant or Contractor with a preliminary stakeholder list in relation to the project. Consultation with these identified stakeholders during the scoping phase may then be carried out to inform development of the Scoping Report. This process enables the applicant or contractor to:...</i></p> <p>It would be useful to provide indicative timescales for these consultations, to ensure that reasonable time is allowed for consultation, but that the applications are not held up unduly.</p> <p>There is also often a requirement to publicise the EIA. If this is going to be a requirement, some indication of how this can be achieved should be provided.</p> |
| 25 | 850 | <p>• <i>volumes of sediment removed/</i>area of seabed disturbed;</p> <p>We suggest the addition of the bold text to the second bullet in the list.</p> |
| 29 | 980-985 | <p><i>The issue of environmental performance is a key one for assessing whether mitigation measures (through equipment design, operational methods, avoiding or minimizing an impact at source) will be adequate in reducing impacts to acceptable levels (residual impacts). Threshold criteria (for changes in the receiving environment) will need to be developed as scientific knowledge grows with further exploration and studies proposed to support the EIA or EMMP for the application of an exploitation contract.</i></p> <p>Threshold criteria definition will need substantial baseline data to ensure a sufficient time series is available to make these threshold judgements. These should be developed over time through an adaptive management approach, including remaining responsive to the latest and best data available.</p> <p>In addition, monitoring should only continue where there is continued scientific benefit in doing so. It takes substantial efforts to change these when there is no adaptive element established at the outset.</p> |
| 31 | 1063-1067 | <p><i>Restoration and rehabilitation measures are those taken to reinstate a degraded site following exposure to impacts that could not be completely avoided or minimised. Within this level, a second hierarchy exists:</i></p> <ol style="list-style-type: none"> <i>1. Restoration to return an area to the original ecosystem that existed before impacts; and</i> <i>2. Rehabilitation to restore basic ecological functions and/or ecosystem services.</i> <p>It is important to note that restoration may not in all cases be the preferred options, as it can itself further disturb the seabed and, importantly, set back any recovery that has occurred to date.</p> |
| 35 | 1199-1228 | <p><i>XI. Stakeholder Involvement</i></p> <p>It will be important, here, to understand the languages consultation will need to be conducted in, and reasonable timescales for stakeholders to respond to any consultations.</p> |
| 36 | 1229-1255 | <i>XII. Definitions and Abbreviations</i> |

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| | | Suggest the addition of “ effect ” into the list as defined by IEMA: “ Impacts are defined as the changes resulting from an action, and effects are defined as the consequences of impacts. ” And ensure that this is applied consistently through the document. |
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Comments should be sent by e-mail to ola@isa.org.im