

Annex III: Outline of merging/alignment task (next steps) to undertake on Annex IV

We suggest moving the content of Regulation 48 alt Environmental Impact Statement paragraph 4 to Annex IV.

The group also recommends that the broad issues to be addressed by a meaningful EIS now in many elements of Annex IV should be retained to indicate how applicants and/or contractors will satisfy the regulations in Annex IV. In the below table, we have therefore presented the content moved from Regulation 48alt para 4 on the left hand side, and the content already within Annex IV to be retained in Annex IV on the right hand side.

The next steps will be to:

- merge and align the two columns to create Annex IV, noting there is often overlap between the left and right columns.
- rewording the annex content to reflect that the annexes are requirements not strict formatting templates (e.g. rewording ‘this section should describe the key sources of environmental impacts....’ to ‘describe the key sources of environmental impacts’).

Note: No proposals have been made in this group’s text proposal on the specific content/wording of these sections. Highlights as appear in Annex IV of this outcomes report.

Moved from Regulations to Annex IV (48alt (4))	Annex IV - elements to retain in Annex
<p>4. The Environmental Impact Statement shall, but not limited to, entail the following elements, which are described in greater detail in [Annex IV/ Standard];</p>	<p>Annex IV</p> <p>Environmental Impact Statement</p> <p>1. Preparation of an Environmental Impact Statement</p> <p>The Environmental Impact Statement prepared under these regulations and the present annex shall:</p> <p>(a) Be prepared in clear language and in an official language of the Authority together with an English-language version, where applicable;</p> <p>(b) Provide information [based on data from,] [as a general rule, a minimum of 15 years of] [monitoring], in accordance with the relevant regulations, and taking into account the applicable regional environmental management plan, [—[requirements — of — regional — environmental management plans,] — and —] Standards and [taking into account the relevant] Guidelines and the relevant applicable regional environmental management plan, and taking into account the relevant applicable regional environmental management plan], corresponding to the scale and potential magnitude of the activities, to assess the likely Environmental Effects of the proposed activities. Such effects shall be discussed in proportion to their significance. Where an applicant or Contractor considers an Environmental Effect to be of no significance, there should</p>

	<p>be sufficient information to substantiate such conclusion, or a brief discussion as to why further research is not warranted; and</p> <p>[(c) Include a non-technical summary of the main conclusions and information provided to facilitate understanding of the nature of the activity by Stakeholders.]</p> <p>[(d) Be peer reviewed by competent independent experts, before submission and include a description of the experts, their qualifications, and the results of their review.]</p> <p>2. Template for Environmental Impact Statement</p> <p>[The {required} recommended format and contents for an Environmental Impact Statement is outlined below. It is intended to provide the International Seabed Authority, its member States and other stakeholders with unambiguous documentation of the potential Environmental Effects based on the Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.]</p> <p>The required contents and recommended format for an Environmental Impact Statement is outlined below. It is intended to provide the International Seabed Authority, its member States and other stakeholders with unambiguous documentation of the potential Environmental Effects based on the Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.</p> <p>This document is a template and does not provide details of methodology or thresholds that may be resource- and site-specific. These methodologies and thresholds may also change over time in according to, for example, development of new technologies, or new scientific data or new knowledge, and will be developed as Standards and Guidelines to support the regulations.</p>
<p>(a) An executive summary to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers.</p>	<p>Executive summary</p> <p>One of the main objectives of the executive summary is to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers.</p>
	<p>1. Introduction</p> <p>The purpose of the Introduction section is to set the scene for the Environmental Impact Assessment. This section should contain enough detail for a reader to form an overall impression of the proposed project and how it has developed and understand how the Environmental Impact Assessment is structured. As this section mainly provides a 'roadmap' to more detailed material in the Environmental Impact Assessment, it may be relatively short.</p>
	<p>2. Policy, legal and administrative context</p>

	<p>Provide information on the relevant policies, legislation, agreements, Standards and Guidelines that are applicable to the proposed mining operation.</p>
<p>(b) A description of the proposed project</p>	<p>3. Description of the proposed project</p> <p>Provide details of the proposed project and the area of influence of the project or impact area, including relevant diagrams and drawings. It is understood that most projects will likely involve the recovery of minerals from the Area, with the concentrating process(es) occurring on land within a national jurisdiction (outside the jurisdiction of the Authority). While this section should provide a description of the entire project, including offshore and land-based components, the Environmental Impact Statement should focus on those activities occurring within the Authority's jurisdiction (e.g., activities related to the recovery of the minerals from the Area up to the point of trans-shipment)</p> <ul style="list-style-type: none"> + Location (required as per section 3.1.1), to be incorporated into this paragraph) and associated activities (required as per section 3.1.2, to be incorporated into this paragraph) + Mineral resources (required as per section 3.2, to be incorporated into this paragraph) + Project components (required as per section 3.3, to be incorporated into this paragraph) including project Scale (required as per section 3.3.1, to be incorporated into this paragraph) mining equipment (required as per section 3.3.2, to be incorporated into this paragraph) transport/materials handling (required as per section 3.3.3, to be incorporated into this paragraph) + Commissioning (required as per section 3.4, to be incorporated into this paragraph) including construction and operating standards (required as per section 3.5, to be incorporated into this paragraph) design codes (required as per section 3.5.1, to be incorporated into this paragraph) health and safety (required as per section 3.5.2, to be incorporated into this paragraph) workforce description (required as per section 3.5.3, to be incorporated into this paragraph) + Decommissioning and closure (required as per section 3.6, to be incorporated into this paragraph) + Other alternatives considered (required as per section 3.7, to be incorporated into this paragraph) + Environmental management measures to mitigate impacts (required as per section 3.7bis, incorporated into this paragraph) + Development timetable (required as per section 3.8, incorporated into this paragraph)
	<p>3bis1 Summary of Scoping results, including of the risk assessment process [</p> <p>Provide a brief overview of the results of the scoping exercise including with regard to the sufficiency of the scientific baseline data collected during exploration to support a robust Environmental Impact Assessment</p>

<p>(c) Methodologies</p>	<p>3bis [2] Methodology for Description of the Marine Environment and Assessment of Impacts and Environmental Effects</p> <p>[Methodological approaches should be consistent with established community standards. In the case that novel sampling techniques, new technology, or sampling designs are employed, particularly detailed methodology and justification should be provided in this section.]</p>
<p>(d) A description of the existing oceanographic, physiochemical and geological environment.</p>	<p>4. Description of the existing physiochemical and geological oceanography</p> <p>Give a detailed account of knowledge of the oceanographic (physical, chemical and geological)</p> <ul style="list-style-type: none"> + Meteorological and air quality (required as per section 4.4, incorporated into this paragraph) + Climate change (required as per section 4.11bis, incorporated into this paragraph) <p>conditions at each mining the sitestie and impact area as well as Reference Zones, which should include information from a thorough literature review as well as from on-site studies in accordance with the Regulations and applicable Standard and taking into account the relevant Guidelines to be specified. The Guidelines on baseline data collection as updated from time to time by the Commission, shall guide the drafting of this section by providing information on the minimum amount of detail required for an acceptable baseline description. The account will provide the baseline description of the oceanographic conditions, including physical, chemical and geological oceanographic setting, including its spatial and temporal variability and temporal trends (conditions), against which impacts will be measured and assessed. The detail in this section is based on the prior environmental risk assessment carried out in line with the respective standard and guideline, that will have identified the main impacts, and thus the priority elements that need to be (measured) considered and assessed in the environmental impact assessment.</p> <ul style="list-style-type: none"> + Regional overview/context (required as per section 4.2, incorporated into this paragraph)
<p>(e) A description of the existing biological environment.</p>	<p>5. Description of the existing biological environment</p> <p>Give a detailed account of knowledge of the biological communities' composition and structure and ecosystem functions in the proposed mining sites and impact areas, and the designated Preservation Reference Zones (PRZs),</p> <ul style="list-style-type: none"> + regional context (required as per section 5.2, incorporated into this paragraph) <p>including information from a thorough literature review and baseline data collected from on-site campaigns, in accordance with the Regulations and applicable Standard and taking into account the relevant Guidelines.</p>

(f) A description of the socioeconomic and sociocultural environment, including existing human activities.

6. Description of the existing human activities / the socioeconomic and sociocultural environment

This section should describe the socioeconomic and sociocultural environment aspects and potential impacts of the project based on the existing

- + planned (for which information is publicly available) (required as per section 6.2bis, incorporated into this paragraph)

human activities. This may include consideration of the scale of effects (such as the creation of jobs and estimates of the risk of environmental impacts), extent of duration of impacts in time and space, intensity or severity of social impacts and an assessment of whether impacts are likely to be cumulative. It is important to consider the social equity or distribution of impacts across different populations: in other words, which groups are likely to be affected in which ways.

(g) An assessment of impacts on the physical, chemical and geological environment and proposed Mitigation.

7. Assessment of impacts on the physical, chemical and geological environment and proposed Mitigation

Provide a detailed description and evaluation of potential impacts and Environmental Effects of the operation to components of the physical chemical and geological environment identified in section 4.

- + Environmental management measures to mitigate impacts (required as per sections 8 & 9 but missing in section 7, incorporated into this paragraph)
- + residual effects (required as per section 7.15, incorporated into this paragraph)

This should consider the entire lifespan of the project, i.e. construction/development (precommissioning-) of the mine site, operational and decommissioning phases, and following Closure of the site. The potential for accidental events and natural hazards. The detail in this section is expected to be based on a prior environmental risk assessment prepared, reviewed, and revised in accordance with [Annex 4bis-(b)] Regulation 47ter and respective Standard and Guideline for Environmental Impact Assessment (chapter III Scoping, D).

(h) An assessment of impacts and Environmental Effects on the biological environment and proposed Mitigation.

8. Assessment of impacts and Environmental Effects on the biological environment and proposed Mitigation

Provide a detailed description and evaluation of potential impacts and Environmental Effects of the proposed operation and alternatives considered in section 3.7 to the biological environment components identified in section 5 in the mine site and the Impact Areas. Consider impacts and effects that could happen during the entire lifespan of the project i.e. construction/development (pre-commissioning), operational and decommissioning phases and following Closure of the site. The potential for accidental events and natural hazards should be considered.

	<ul style="list-style-type: none"> + Environmental management measures to mitigate impacts (required as per section 8.6.2, incorporated into this paragraph) + residual effects (required as per section 8.8, incorporated into this paragraph) <p>The detail in this section is expected to be based on a prior environmental risk assessment prepared, reviewed, and revised in accordance with [Regulation 47ter][Annex IVbis(h)] and respective Standards and Guidelines for Environmental Impact Assessment Process. The [description] analysis shall be structured by the depth ranges described in section 5.</p>
<p>(i) An assessment of impacts on the socioeconomic and sociocultural environment and proposed Mitigation.</p>	<p>9. Assessment of impacts on the socioeconomic and sociocultural environment and proposed Mitigation</p> <p>Provide a detailed description and evaluation of potential impacts and Environmental Effects of the operation to the socioeconomic and sociocultural components identified in section 6. This should include projections on the potential impacts in national waters outside the mining area and should also consider the entire lifespan of the project i.e. construction/development (pre-commissioning), operational (including maintenance) and decommissioning phases.</p> <ul style="list-style-type: none"> + Environmental management measures to mitigate impacts (required as per section 9.6.2, incorporated into this paragraph) + Residual effects (required as per section 9.6.3, incorporated into this paragraph) <p>Attitudes towards, and perceptions of, the proposed project are among the variables that should be considered in determining the significance of impacts. The potential for accidental events [and natural hazards] should also be considered.</p>
<p>(j) An outline of hazards arising from natural, accidental and discharge events, for example related to extreme weather, natural hazards, accidental events, maritime safety, emergency response.</p> <p>(k) An outline of waste management.</p>	<p>10. Hazards arising from natural, accidental and discharge events</p> <p>This section should outline the possibility/probability of accidental events and natural hazards occurring, an assessment of the impact they may have, to the mine site and impact area, the measures taken to prevent or respond to such an event and an assessment of the residual impact should an event occur. This should include an overview of potential environmentally hazardous discharges resulting from accidental and extreme natural events as these are fundamentally different from normal operational discharges of wastes and wastewaters. Reference should be made to the ERCP.</p>
<p>(l) A summary of key issues in the Environmental Impact Statement and how they will be addressed in the Environmental Management.</p>	<p>11. Environmental management, monitoring and reporting</p> <p>Provide sufficient information to enable the Authority to anticipate possible environmental management, monitoring and reporting requirements for an environmental approval. Information listed include a</p>

<p>and Monitoring Plan and Closure Plan.</p>	<p>description of the applicant’s environmental management system and should reflect the proponent’s environmental policy and the translation of that policy to meet the requirements of this section and previous sections during different stages of the project life (i.e., from construction to decommissioning and closure and the post-closure period).</p> <p>The Environmental Management and Monitoring Plan is a separate report from the Environmental Impact Statement, but this could be a useful opportunity to highlight some of the key issues from the Statement that will be addressed in the full Environmental Management and Monitoring Plan. Information detailed in this section should include the headings set out below.</p>
<p>(m) A description of responsible product stewardship related to the intended use of the mineral-bearing ore once it leaves the Area, including how the Contractor will minimize effects on health, safety, environmental as well as socioeconomic and sociocultural impacts.</p>	<p>12. Product stewardship</p> <p>Provide a brief description of the intended use of the mineral-bearing ore once it leaves the Area. The description should also address how the Contractor will minimize health, safety, environmental, and socioeconomic and sociocultural effects of the intended product or products to meet standards for environmental management, and should address the following potential impacts:</p> <ul style="list-style-type: none"> (a) Energy and materials consumption; (b) Waste generation; (c) Toxic substances; (d) Air and water emissions. <p>The intention is not to provide a full and highly detailed account, but, where information is known about environmental impacts, these impacts should be described briefly here.</p>
<p>(n) A summary of consultation and stakeholder engagement and methods.</p>	<p>13. Consultation</p> <p>Consultations shall be inclusive, transparent and open to all relevant stakeholders, including States, global, regional, subregional and sectoral bodies, as well as civil society, the scientific community, indigenous peoples and local communities.</p> <ul style="list-style-type: none"> + Consultation methods; <i>(required as per section 13.1, incorporated into this paragraph)</i> + List of Stakeholders, incl. details on selection process; <i>(required as per section 13.2, incorporated into this paragraph)</i> + Reflection on public consultation prior to drafting EIS; <i>(required as per section 13.3, incorporated into this paragraph)</i> + Reflection on Commission consultation; <i>(required as per section 13.4.3bis, incorporated into this paragraph)</i> + Reflection on consultation with States, incl. Coastal States, and Stakeholders; <i>(required as per section 13.5.3ter, incorporated into this paragraph)</i> + Outline of further consultation. <i>(required as per section 13.4, incorporated into this paragraph)</i> <p><i>The group notes that text on Stakeholder consultation needs to be square-bracketed and considered how to be aligned and streamlined in light of how Council adopts the work of IWG Stakeholder consultation (which has now handed its final work over to Council).</i></p>

	<p>14. Glossary and abbreviations</p> <p>Include a glossary of terms, acronyms and abbreviations used throughout the document.</p> <p>so as to ensure that users of the Environmental Impact Statement, including the decision-makers and relevant stakeholders, have a clear understanding of the intention behind the use of certain terms in the Environmental Impact Statement.</p>
	<p>15. Study team</p> <p>Outline the people involved in carrying out the environmental impact assessment studies and in writing the Environmental Impact Statement.</p>
	<p>16. References</p> <p>Evidence obtained from outside sources should be documented throughout the Environmental Impact Statement, with the use of footnotes or other suitable reference mechanism. In addition, all sources used in preparation of the Environmental Impact Statement (including those specifically referenced in the body of the document) should be listed in bibliography format, with full details of the source (including website addresses, if applicable).</p>
	<p>17. Appendices</p> <p>The appendices section should include a list of all the technical reports carried out for parts of the environmental impact assessment or that are used in support of any aspect of the environmental impact assessment (such as prior risk assessments or monitoring activities conducted as part of exploration contracts). Copies of these reports should be provided as appendices to the Environmental Impact Statement, with clear indications as to which section(s) the document is being provided to support.</p>