

FPS Economy, SMEs, Self-employed and Energy
To the attention of Patrik Schotte
Koning Albert II-laan 16
1000 Brussel
Belgium

Brussels, 30th August 2018

EIA from GSR for small-scale testing of nodule collector components on the seafloor

Dear Mr Schotte,

Seas At Risk welcomes the opportunity to comment on the EIA of the upcoming deep sea mining equipment test of GSR in the Clarion Clipperton Zone. With this submission, we focus on the EIA procedure and its link with the decision making process. This EIA procedure will set an important precedent for subsequent test also by other companies. We hope Belgium, as sponsoring state to the contract, will set the example and strive for a 'best practice' EIA procedure, nationally as well as at ISA level. For more detailed comments on the content of the EIA we refer to the submissions by the Deep Sea Conservation Coalition and WWF Belgium.

First and foremost, we understand Belgium is still shaping its formal position on deep sea mining. The workshop you organised on 5th June showed that many aspects of deep sea mining (not in the least the need for it as well as an evaluation of more sustainable alternatives) need to be further investigated. In this context a test seems premature; it would be more prudent to first have a Belgian position on deep sea mining before pushing ahead with this test.

As to the EIA, we would appreciate clarification as to the overall procedure, i.e.

- Which decision is this EIA to inform? We assume the decision on whether or not the test can go ahead, and if so under which conditions (e.g. whether the test needs to be modified in order to avoid or mitigate impacts). We also assume the EIA should also inform a decision about the appropriateness of the monitoring plan. Are both our assumptions correct?
- What are the steps and timeline of the decision making procedure and how are responsibilities shared among Belgian authorities and the ISA?
- On the basis of which criteria will the Belgian and German authorities, and the International Seabed Authority evaluate the EIA and the proposed monitoring plan? Is there a common set of criteria the various organisations will adhere to?
- In order to assess the significance of potential impacts, thresholds need to be identified and this relies on scientific knowledge of the ecosystem, which is often lacking (which the EIS acknowledges in several sections). In case scientific knowledge is not sufficient to define thresholds or to predict impacts, how will the precautionary principle be applied? In our view it calls for a postponement of the test till sufficient research on the ecosystem has been conducted and till alternatives have been investigated as well.

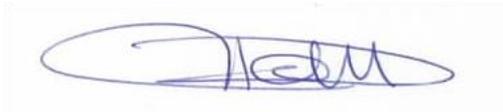
- The EIS uses expressions like ‘no serious harm’, ‘small-scale impacts’, ‘insignificant effects’ etc. How have these qualifiers regarding the significance (or not) of impacts been defined? A few examples:
 - page 3 - no serious harm will be caused to the marine environment at any depth within the water column.;
 - page 3 - small-scale impacts on faunal communities may occur due to (...)
 - page 131 ‘We thus assume that, on a more regional scale, the removal of nodules in the trial area will have an insignificant effect on the physico-chemical regime of the area.’
- We would like to see clarification about which monitoring tasks GSR will carry out and which JPI-O MiningImpact 2? While on the Ministry’s website it is stated that GSR ‘*will be making their own measurements on the environmental effects of their test*’, and JPI-O MiningImpact 2 will do an independent monitoring, the section 7.2.3 Environmental monitoring plan only mentions monitoring work packages of JPI-O MiningImpact 2. All this leads us to conclude that the current (and future) monitoring plans of GSR tests will be conducted under a research project funded by public money. This seems highly inappropriate: whether on land or in the sea, the polluter pays principle requires that the EIA and monitoring are paid by the project developer, and not by public money.
- We understand that the ISA’s LTC has not managed to review the EIA yet (as announced in the ISA annual session in July), and only plans to do so by its next session in March 2019. Given that the GSR test is foreseen for April 2019, it is difficult to imagine that GSR will be able to adapt its test to meet comments made by the LTC. Will the test be postponed in order for GSR to take on board the comments by the LTC?
- How will GSR respond to the comments on the EIA, i.e. will GSR document how comments are treated and how the test plan is being modified in order to meet the requirements of the EIA evaluation?
- Duration of monitoring: scientific research indicates that many impacts of nodule mining will be long term, even irreversible. Also the EIS states for instance on p 151 that ‘... it can be concluded that a total recovery process of meiofauna after anthropogenic impact would take at least several decades.’ During the workshop in Brussels, some indicated that monitoring should therefore be carried out for decades, even hundreds of years. Why is the monitoring of this test limited to 2 years (see page on p 170 where we can read that the Environmental Monitoring Plan (EMP) will focus on the immediate, short- and intermediate-term (2 years) physical and chemical impacts)?
- As to the data collection by GSR and the JPI Oceans project: will these be made publicly available?
- The EIA only addresses one type of technology. Why haven’t alternatives been assessed (as is standard good practice in EIA)?
- In case the test results in serious harm to the environment - will GSR be held financially liable? Has the company set aside funds for this?
- P198 – states that an ‘*Advisory Board with broad stakeholder representation (final composition to be determined) will be set up to follow the Project and provide advice as necessary and assist with public outreach. The Board will be briefed at regular intervals by an independent academic rapporteur who is able to convey the progress of the Project, and ultimately its final results, in accessible language. The Rapporteur will be engaged from August 2018.*’ How will participants and Rapporteur of this Advisory Board be selected?

We look forward to seeing the response to our comments and questions.

Should the independent review of the EIA conclude that the test would result in irreversible harm to the environment, or that the gaps in knowledge and uncertainties are such that the impacts cannot be predicted, we trust Belgium and ISA will not grant permission for the test to go ahead.

We also look forward to next Belgian initiative to continue the public debate about the need – or not – for deep sea mining in the context of the Sustainable Development Goals and Belgium's commitments to circular economy, to sustainable consumption and production and to healthy oceans.

Sincerely,



Ann Dom

Deputy director, Seas At Risk