



Seabed Minerals Authority
Runanga Takere Moana
COOK ISLANDS



NATIONAL ENVIRONMENT SERVICE
TU'ANGA TAPOROPORO
COOK ISLANDS

A decorative graphic at the bottom of the logo consists of a dark blue wave-like shape on the left, a small green mountain peak in the center, and a dark blue wave-like shape on the right.

G18: Environmental Impact Assessment Process

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1. Purpose

A key function of the Seabed Minerals Authority (**Authority**) is to regulate seabed minerals activities in the Cook Islands jurisdiction through monitoring the performance of holders and taking enforcement action as required under the Seabed Minerals Act 2019 (**SBM Act**). A key function of the National Environment Service (**Service**) is to permit or consent or not permit or consent, activities after environmental impact assessment and review as required by the Environmental Act 2003 (**Environment Act**).

This guideline is to assist applicants and other stakeholders with the structure and content of various studies and sub-processes needed to complete an Environmental Impact Assessment process (**EIA**¹), including Environmental Risk Assessment (**ERA**) for Tier 2 and 3 activities, and Environmental Scoping Exercise (**ESE**) and Environmental Impact Statement (**EIS**) for Tier 3 activities under the Environment (Seabed Minerals Activities) Regulations 2023 (**Environment Regulations**). More detailed guidance on the content of an EIS comprises guideline G06.

This Guideline should be read in conjunction with the Authority’s and Service’s publication, “*Information Note: An Operating Framework for Standards and Guidelines relating to Seabed Minerals Activities.*”

¹ Refer to the definition of an EIA process in Environment (Seabed Minerals Activities) Regulations 2023

2. Legislative context

This Guideline is issued by the Authority and the Service pursuant to section 11(e) of the SBM Act: *Functions of Authority*, section 13A: Authority may issue *standards and guidelines* ; Part 9 of the Environment Regulations: *Applicable Standards and applicable guidelines* to assist licence holders with meeting obligations in relation to:

- a) part 5 of the Environment Act 2003: *Environment Assessment*
- b) part 5, Schedule 7 of the Environment Regulations: *Environmental impact assessment*

The contents of this document are for guidance only, and do not constitute formal legal requirements. Licence Holders remain subject to the applicable legal requirements under the SBM Act, Exploration Regulations, Licence conditions, Environment Act and Environment Regulations.

If a Licence Holder chooses not to follow any particular part of this Guideline, the Authority may request an adequate written explanation as to why this is the case, to help assess whether the statutory requirements have been met.

Any information the Licence Holder supplies to the Authority will be managed in accordance with section 17 and 18 of the SBM Act.

3. Scope

This Guideline applies to all Licence Holders, including any associates and affiliates, conducting exploration activities within the Cook Islands Exclusive Economic Zone or Continental Shelf under an Exploration Licence granted by the Cook Islands Government.

This document provides License Holders with guidance in conducting an Environmental Impact Assessment. It includes guidance to assist in obtaining a consent for Tier 2 activities or a permit for Tier 3 activities. These are specified in the Environment Regulations and are also summarised in the table below.

				G18									
licence	consent	permit	Tier	G03	G05	G17	EIA		G06	G09	G08	S08	
				EN	baseline	ERA	ESE	EIS	EMMP	EMS	Closure Plan		
Y			1	Y	C								
Y	Y		2			Y							
Y		Y	3t			Y	Y	Y	Y	D		D	
Y		Y	3			Y	Y	Y	Y	D	D	D	
ENV Regs->	S.5	S.6	S.2,3,4	-*	d	d	-**	d, r. 66	d, r. 67, S.7	d, r.70-86 S.8	d	d, r.87-90 S.9	

licence is exploration licence, EN is environment notice, baseline is environmental baseline, ERA is environmental risk assessment

ESE is environmental scoping exercise and report (includes ERA) ** a scoping exercise is mentioned in the regulations , EIA is environmental impact assessment

EIS is environmental impact statement, EMMP is environmental management and monitoring plan, EMS is environmental management system (includes EMMP)

ENV Regs are Environment (Seabed Minerals Activities) Regulations 2023

* refer to Seabed Minerals (Exploration) Regulations 2020 Schedule 3 (2) (e) Content of Environmental Management Programme

tier 3t	trial mining including trial minerals harvesting	per Environment (Seabed Minerals Activities) Regulations
tier 3	mining including minerals harvesting	d definition
		r. regulation
Y	needed for that tier of activity	S. schedule
C	committed to at that tier of activity	
D	draft needed/recommended	

This guideline sets out the framework of the EIA process and also includes:

- guidance on approach and content of Environmental Risk Assessment (**ERA**);
- guidance on content and reporting of an Environmental Scoping Exercise (**ESE**);
- Context and guidance on content of an Environmental Impact Statement (**EIS**; G06).
- Simplified workflows to obtain consent and permit (Annexes A, and B respectively);
- Simplified workflows to complete an Environmental Impact Assessment (**EIA**; Annex C)

4. General Guidance

In general, the EIA is expected to:

- align with international best practice in EIA for major development projects.
- align with the principles of Cook Islands Sustainable Development Goals and policies with the Pacific Islands nations region and international treaties and conventions.
- where guidelines or international frameworks are used, these are stated and align with best practice, such as reference to internationally accepted water and sediment quality guidelines, Equator Principles, relevant investment banking performance standards, etc.
- be completed by named professionals with scientific subject matter expertise and impact assessment expertise.
- be evidence-based.
- be peer reviewed and therefore be robust to third party scrutiny.
- be accompanied by materials in appropriate format(s) that aid in community consultation meetings across a broad spectrum of stakeholders.

Additional guidance on EIA is available at Secretariat of the Pacific Regional Environment Programme (SPREP) 2016.

5. Environmental Risk Assessment

Environmental Risk Assessment (ERA) is defined and referenced in Environment (Seabed Minerals Activities) Regulations 2023. An ERA is a key part of the EIA process prior to application for either a consent or a permit.

It is expected that an ERA will:

- a) Comprise an assessment of all pressures and risk assessment of resulting effects
- b) Be conducted for all effects identified to be caused and potentially caused by the activities (or pressures) including consideration of mitigation measures;
- c) Extend as appropriate to social economic and cultural aspects as well as receiving environment within the Cook Islands;
- d) In the case of application for a consent, be documented in a fit for purpose report.
- e) be conducted and structured as per G017 Environmental Risk Assessment

An ERA may also:

- a) Include a risk assessment of each effect using a process in line with G02 Hazard Identification and Risk Assessment, if deemed appropriate by the applicant.
- b) Involve effect assessment methods such as significance, compliance criteria.

6. Environmental Scoping Exercise and Report

The Environment Regulations refer at several points to an Environmental Scoping Exercise (ESE) and an associated report, including its requirement prior to application for permit for Tier 3 activities. It is expected that a ESE will:

- a) Result in a report.
- b) Precede the rest of the EIA process early enough so that the ESE report and contained EIA terms of reference, and stakeholder feedback to it, meaningfully informs the EIA.
- c) Include a public review step which involves the Service publishing the report online;
- d) Include an ERA at a level of detail and confidence in line with then current project concepts/studies.
- e) Conclude with terms of reference for what studies and sub studies that will be required in the EIA.

An ESE may also:

- a) include a screening sub-process to explain the need to complete an EIA;
- b) have a report that is structured similarly to the EIS to enable a more straightforward review and assessment.

Additional guidance on scoping reports is available at [ISBA/27/C/4](#).

7. Environmental Impact Statement

Environmental Impact Statement (EIS) is defined and detailed in clause 67 of Environment (Seabed Minerals Activities) Regulations 2023. The EIS is part of an EIA process that is also defined and detailed in clause 66. An EIS is part of the process prior to application for a permit for all Tier 3 activities.

Guidance on the structure and content of an EIS comprises G06: Environmental Impact Statement.

8. Other References

International Seabed Authority (ISA) 2022 Draft standard and guidelines for the environmental impact assessment process, ISBA/27/C/4

SPREP 2016 Strengthening Environmental Impact Assessment Guidelines for Pacific Island Countries and Territories

Disclaimer: This Guideline, developed by the Seabed Minerals Authority in conjunction with the National Environment Service, does not replace, or amend the requirements of the SBM Act, Environment Act, Explorations Regulations, Environment Regulations, or Exploration Licence obligations, which should be read in conjunction with the Guideline.

This Guideline is made available on the understanding that the Cook Islands Government is not thereby engaged in rendering legal or other professional advice. Before relying on this material in any important matter, users should carefully evaluate its accuracy, currency, completeness, and relevance for their purposes, and obtain appropriate legal or other professional advice relevant to their particular circumstances.

It is anticipated the Guideline will be amended from time to time. The most up-to-date version of the Guideline is available at www.sbma.gov.ck.

9. Version Control

Version	Date
Version 1	12 April 2024

10. Annex A: Workflow to obtain a consent

Note that the workflow below is summarised from Environment (Seabed Minerals Activities) Regulations 2023. Each application may have characteristics that may cause it to deviate from the workflow illustrated below.

Workflow will be supplied by NES when finalised

11. Annex B: Workflow to obtain a permit

Note that the workflow below is summarised from Environment (Seabed Minerals Activities) Regulations 2023. Each application may have characteristics that may cause it to deviate from the workflow illustrated below.

The flow sheet below, in essence, covers the review and decision making parts of Annex C.

Workflow will be supplied by NES when finalised

12. Annex C: EIA workflow

Note that the workflow below is summarised from the Environment (Seabed Minerals Activities) Regulations 2023. Each application may have characteristics that may cause it to deviate from the workflow illustrated below.

Workflow will be supplied by NES when finalised