

| Document reviewed | | |
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| Title of the draft being reviewed: | <i>Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee</i> | |
| Contact information | | |
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| General Comments | | |
| For ease of reading the standards and guidelines we suggest one of the following "Environmental Protection Guarantee", "Guarantee" and "EPG" are used consistently throughout the standards and guidelines, particularly as they all have the same definition in Section X. | | |
| There appears to be conflicting statements made throughout the standards and guidelines in regards to whether the "form" is prescribed or not. We suggest, for consistency, to specify what "form" is being referred to in each instance. | | |
| We suggest the use of checklists and process flowchart diagrams would be a helpful addition to the standard, such as those found in Annex I and Annex II of the draft Plan of Work standards. | | |
| We suggest the draft standards and guidelines should include the process for when the information provided does not meet the standard and therefore an EPG cannot be approved. | | |
| Specific Comments | | |
| Page | Line | Comment |
| 5 | 98-100 | We query whether the liabilities listed are an exhaustive list or whether there may be other liabilities that could be considered. If it is the latter, we suggest replacing "Liabilities are considered to include reasonably estimable costs..." with "Liabilities are considered to include, <u>but are not limited to</u> , reasonable estimable costs....." |
| 7 | 439-444 | We suggest it would be useful for the draft standard and guidelines to outline what the review process would be as described at lines 348-349. We consider it would be useful to provide information on the review process for each of the various scenarios that trigger a review. For example, is the EPG review process the same for a transfer of ownership the same as for a Plan of Work adjustment? |

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| Title of the draft being reviewed: | <i>Draft standard and guidelines on the development and application of Environmental Management Systems</i> | |
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| General Comments | | |
| <p>There are multiple areas in the document where the terms ‘Environmental Management and Monitoring Plan’ and ‘Environmental Monitoring Plan’ are used interchangeably. We suggest the use of the term Environmental Management and Monitoring Plan only with an acronym of EMMP. The term EMMP should also be added to the section IX. Definitions and Abbreviations.</p> <p>Under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, the New Zealand Environmental Protection Authority does not impose standards relating to the environmental management systems applied by a contractor. Instead the focus is on managing environmental effects of an activity; the equivalent of which is Regulation 45.</p> <p>Our specific comments are limited to ensuring mandatory considerations in Annex 1.</p> | | |
| Specific Comments | | |
| Page | Line | Comment |
| 2 | 12 | We suggest replacing “The Contractor shall ensure the development of an Environmental Management System that” with “The Contractor shall <u>develop</u> ensure the development of an Environmental Management System...” |
| 2 | 32 | <p>We consider consistent terminology for harmful effect and impact should be used.</p> <p>We suggest replacing “(a) identify and understand the key issues of the seabed mining operation that may have an impact on the marine environment;” with “(a) identify and understand the key issues of the seabed mining operation that may have an impact a <u>harmful effect</u> on the marine environment;”</p> |
| 2 | 37 | <p>Paragraph 4(c) is a key component of the Standard. Terms such as “follow up” and “be able to check” do not provide clear direction to the Contractor. Consideration could be given to linking this back to the outcomes of the EMS specified in Annex I, paragraph 3(a).</p> <p>We suggest replacing “(c) establish monitoring activities to follow up and be able to check and evaluate whether the results achieved are as</p> |

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| | | planned;” with “(c) establish monitoring activities <u>to observe harmful effects on the marine environment</u> and evaluate whether the <u>outcomes</u> are being achieved as planned;” |
| 2 | 40 | We suggest the final key step could be improved by including an active feedback step by amending “(d) assess its operations and identify areas for improvement”, to read “(d) assess its operations, and identify areas for improvement, <u>and alter its operations to ensure harmful effects on the marine environment are not greater than what was planned</u> ”. |
| 5 | 142 | Environmental objectives should be SMART (specific, measurable, achievable, realistic and time-based). We suggest incorporating <i>SMART</i> into the first bullet in paragraph 12: “The Contractor should ensure that environmental objectives are: <ul style="list-style-type: none"> • <u>Specific</u>, measurable (whenever practicable), <u>achievable, realistic, and time-based</u>” • ...” |
| 10 | 333 | We suggest that paragraph 40 be deleted and replaced with the following: <u>“Trends in monitoring data should be evaluated against the environmental objectives annually.”</u> The purpose of monitoring is to confirm whether environmental objectives are being met or whether any criteria may be breached. This allows corrective action to be taken where required. |
| 10 | 336 | We suggest replacing the word ‘regular’ with ‘ <u>annual</u> ’. Monitoring results should be summarized annually. Note that line 359 refers to annual reporting. |
| 10 | 340 | We suggest the addition of a new sentence after the current sentence in paragraph 42: “If the performance criteria are not met, the Contractor should take corrective action to improve the performance and meet the objectives. <u>The Contractor should keep records of the corrective action taken, including evidence showing how the corrective action has resulted in the desired outcome.</u> ” |

| Document reviewed | | |
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| Title of the draft being reviewed: | <i>Guideline on the preparation and assessment of an application for the approval of a Plan of Work for exploitation</i> | |
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| General Comments | | |
| <p>It isn't clear whether the 'applicant assessment' as required by Draft Regulation 13, is intended to be part of the 'Checklist for the preparation of an application for the approval of a Plan of Work for exploitation'. We note that the guidance does not fully match the requirements of Draft Regulation 13.</p> <p>The flow chart on page 9 assumes a successful outcome and does not include what happens if a plan is not approved, as provided for by Draft Regulation 15(4) and (5).</p> | | |
| Specific Comments | | |
| Page | Line | Comment |
| | | n/a |