



**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.jm, 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
<i>Contact information</i>	
Surname:	Jacob
Given Name:	Peter
Government (if applicable):	
Organization (if applicable):	Nauru Ocean Resources Inc. (NORI)
Country:	Nauru

E-mail:	peter@metals.co
General Comments	
<p>NORI would like to thank the International Seabed Authority for the opportunity to comment and extends its appreciation for the work of the Legal and Technical Commission (LTC) in preparing this Standard and Guideline.</p>	
<p>NORI notes that the full mitigation hierarchy has been included within this guideline and is supportive of its inclusion with the caveat that there remains uncertainty about the appropriateness and viability of restoration / rehabilitation, which these Guidelines acknowledge; line 1073 states: “rehabilitation options <u>may</u> be helpful”. Paragraphs 91 also references the uncertainty and feasibility.</p>	
<p>NORI believes that it is the responsibility of the contractor or applicant to put forward how each step has been considered and their applicability. The ISA can then review and determine if the approach proposed is appropriate.</p>	
<p>Including the full mitigation hierarchy, requires that offsets remain and are included.</p>	
<p>It is important to stress that the inclusion of the mitigation hierarchy is intended to provide guidance and not be prescriptive in its use or application.</p>	
<p>NORI notes that the scoping report process outlined does not require the report to be submitted to the LTC for review and comment. NORI would recommend that the Legal and Technical Commission review and provide comments on an applicants or contractor’s scoping report. This will assist the applicant or contractor, member states, the international community and the LTC in ensuring that the scoping report addresses the requirements and meets the expectations of the LTC, which would be useful to all parties and is aligned with international best practice. NORI would recommend that the timeline for this review and comment within 60-120 days.</p>	
<p>NORI supports the requirements for stakeholder consultation and management and is pleased that is has been included.</p>	
<p>NORI strongly supports the statement in line 153 with one addition <i>“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 <u>or ecosystem level</u>, to be considered.”</i></p>	
<p>NORI recommends that clarity be provided throughout the document to reiterate the statement above. For example, the tables on page 13-15 and table 6 on page 27 should clearly note that the consequences are at a regional level.</p>	
<p>The lack of definition of Serious Harm, continues to be a challenging issue for all stakeholders. NORI appreciates that the guidance document acknowledges that thresholds will evolve and develop over time as additional scientific knowledge and environmental knowledge increases. NORI supports this but notes that these thresholds cannot be applied retroactively without the applicant or contractor’s agreement.</p>	
<p>NORI notes that in paragraph 78, there is a reference to thresholds being developed in the future. Future changes to thresholds after the adoption and approval of an EIA/EIS should apply to future applicants and cannot be retroactive without the approval of the applicant or contractor.</p>	

The Standard and Guideline is entitled an ‘Environmental Impact Assessment’ which indicates that only environmental aspects will be addressed. However, in the definition of an EIA (page 1; line 52, it states that socioeconomic considerations should also be addressed. Line 235, 316 and 1153 also reference social impacts. Therefore, this should be an Environmental and Social Impact Assessment – ESIA.

Specific Comments

Page	Line	Comment
4	135-142	Impact assessments also needs to take in to account the sensitivity of the receptor, this is not included in this list. Where for example would the fact that a species in endangered be captured by the bullet points presented here? NORI recommends adding another bullet point added for sensitivity.
4	153	NORI strongly supports the statement in line 153 with one addition <i>“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 <u>or ecosystem level</u>, to be considered.”</i>
27	914	Need to clarify that this is at regional scale
30	1040-1042	At the end of the sentence on line 1044, NORI recommends adding ‘if environmentally, economically, and operationally practical.’
13-15	Tables	Clarity should be provided for tables to confirm that this is at a regional level.
29	985	At the end of the sentence in line 985, NORI recommends adding: “Changes to threshold will apply to future applicants but will not be applied retroactively to existing contracts without the approval of applicants or contractors.”
<i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i>		

Comments should be sent by e-mail to ola@isa.org.jm