



## **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](mailto: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](mailto: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**

<b><i>Document reviewed</i></b>	
<b>Title of the draft being reviewed:</b>	Draft Standard and Guidelines for environmental impact assessment process
<b><i>Contact information</i></b>	
<b>Surname:</b>	Corey
<b>Given Name:</b>	McLachlan
<b>Government (if applicable):</b>	
<b>Organization (if applicable):</b>	Tonga Offshore Mining Ltd. (TOML)
<b>Country:</b>	Tonga

<b>E-mail:</b>	corey@metals.co	
<b>General Comments</b>		
TOML would like to thank the International Seabed Authority for the opportunity to comment and thanks the Legal and Technical Commission (LTC) for preparing this Standard and Guideline.		
TOML is supportive of the inclusion of the full mitigation hierarchy including offsets but notes that there remains uncertainty about the appropriateness and viability of restoration / rehabilitation. This is acknowledged on line 1073 which states: “rehabilitation options <u>may</u> be helpful”. Paragraph 91 also references the uncertainty and feasibility.		
While there remains uncertainty over the applicability of aspects of the hierarchy, TOML believes that the contractor or applicant should put forward how they have considered each step of the hierarchy and their applicability for the ISA’s review and consideration.		
TOML would recommend that the LTC review and provide comments on an applicants or contractor’s scoping report within a 60-120 day period. This will assist all parties and is aligned with international best practice.		
TOML supports the requirements for stakeholder consultation and management and is pleased that it has been included.		
TOML strongly supports the statement in line 153 but would suggest the inclusion of “ecosystem level” as noted:  <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>		
TOML recommends that this be reflected throughout the document.		
TOML supports the acknowledgement that thresholds will evolve and develop over time as additional scientific knowledge and environmental knowledge increases. TOML notes that updated thresholds cannot be applied retroactively without the applicant or contractor’s agreement.		
TOML recommends that this Standard and Guideline should be called an Environmental and Social Impact Assessment – ESIA, to align it with the definition of an EIA on page 1; line 52, which states that socioeconomic considerations should also be addressed. Line 235, 316 and 1153 also reference social impacts.		
<b>Specific Comments</b>		
<b>Page</b>	<b>Line</b>	<b>Comment</b>
4	135-142	TOML recommends adding sensitivity as another bullet point.
4	153	TOML recommends adding “or ecosystem level” to the following sentence: <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	Table 6: TOML requests that that it is clearly stated that this is at regional scale
30	1040-1042	TOML recommends adding ‘if environmentally, economically, and operationally practical.’ at the end of the sentence ending on line 1044.

13-15	Tables	Clarity should be provided for tables to confirm that this is at a regional level.
29	980	Paragraph 78, references thresholds being developed in the future. Changes to thresholds after the adoption and approval of an EIA/EIS cannot be retroactive without the approval of the applicant or contractor.
29	985	TOML recommends adding the sentence: "Changes to threshold will apply to future applicants but will not be applied retroactively to existing contracts without the approval of applicants or contractors." at the end of the sentence in line 985.
<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](mailto:ola@isa.org.jm)*