

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS
DURING THE 29TH SESSION: COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.im.

1. Name of Working Group:

Informal Working Group on Environment

2. Name(s) of Delegation(s) making the proposal:

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

3. Please indicate the relevant provision to which the textual proposal refers.

Annex IV, Section 2

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

2. Template for Environmental Impact Statement

The required contents and recommended format for an Environmental Impact Statement is outlined below. It is intended to provide the Authority, its member States and other stakeholders with ~~clear~~ ~~unambiguous~~ documentation of the potential Environmental Effects based on the Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.

5. Please indicate the rationale for the proposal. [150-word limit]

- We do not consider that the standard for the Environmental Impact Statement should be the provision “unambiguous” documentation. This is too high a bar that would remove from consideration a range of potential sources regarding environmental impact.
- We suggest replacing “unambiguous” with the word “clear”.

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Annex IV, 4.8 bis and 5.4.3.bis

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Annex IV [IWG ENV]

Environmental Impact Statement

[...]

4.8. bis. Rare or sensitive habitats

Identify and describe the physical and chemical characteristics of rare or sensitive habitats in line with the respective international guidelines (FAO 2009, Azores Criteria 2010) ~~and policy decisions (inter alia from UN and; CBD ...)~~ ~~onsuch as hydrothermal vents, ridges, seamounts, as well as oceanographic fronts or eddies, abyss hills and canyons and other geological and oceanographic features.~~

[...]

5.4.3.bis. Rare or sensitive habitats and species

Identify and describe the biological characteristics of rare or sensitive habitats and species potentially affected by the planned Exploitation activities. The identification (as in 4.8bis) shall be guided by the respective international guidelines (FAO 2009, Azores Criteria 2010) ~~and policy decisions (UNGA, CBD)~~ ~~and include features such as hydrothermal vents, ridges, seamounts, as well as oceanographic fronts or eddies, abyss hills and canyons and other geological and oceanographic features.~~ Identify any unique, rare and threatened elements and their potential vulnerability to the effects of mining, outline which habitats and communities can be considered representative and their distribution, indicate existence and connectivity to the same habitats and communities outside the mine site and the potential impact zone.]

5. Please indicate the rationale for the proposal. [150-word limit]

- We consider it would best practice to refer to the respective international guidelines and use that to guide the identification process of rare or sensitive habitats and species for the purpose of the Environmental Impact Statement.
- This will ensure that the Environmental Impact Statement is done in a manner that is consistent with best practice and international guidance and does not mandate issues and matters that may be irrelevant in particular contexts.

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Annex IV, Executive Summary, paragraph (c)

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Annex IV [IWG ENV]

Environmental Impact Statement

[...]

Executive summary

One of the main objectives of the executive summary is to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers. Information provided in the executive summary should include:

[...]

(c) A description of anticipated and cumulative, risks and impacts of the activity, as assessed by experts, (including, but not limited to, oceanographic, geological, biological, socioeconomic and sociocultural) including the expected spatial extent and duration of impacts and cumulative impacts in relation to the identified baselines, and the expected recovery rates of the system ~~to its original state;~~

5. Please indicate the rationale for the proposal. [150-word limit]

- As with any extractive industry, it is not reasonable to expect the recovery of all systems back to their original state. Given the timeframes involved in the formation of nodules, it is not possible for the system in the short or medium term to recover in terms of nodule abundance to match its pre-collection state.
- To reflect this reality, we propose to delete the reference to “original state” in this Annex.

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Annex IV, Section 8.7bis.4

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Annex IV [IWG ENV]

Environmental Impact Statement

[...]

~~8.7bis.4 Restoration and Rehabilitation measures~~

~~Practicable Restoration and Rehabilitation of the project area — approach. The Restoration and Rehabilitation of the project area should be considered as a part of the Mitigation hierarchy. At this stage in the Environmental Assessment Process, there might be no final knowledge on the potential of Restoration and Rehabilitation in the area, so a plan should be proposed to develop this knowledge throughout the lifespan of the project and to prepare the decision on the issue at the end of the project. This should be done in accordance with applicable Standards and taking into consideration Guidelines.]~~

5. Please indicate the rationale for the proposal. [150-word limit]

- We do not consider that Section 8.7bis.4 is necessary for the Environmental Impact Statement.
- To require a plan for cataloguing and developing knowledge regarding restoration and rehabilitation during a project of this type is superfluous. Any decision on restoration and rehabilitation should be made at the appropriate point in time and in advance to the closure of the project. At that point in time the relevant information will be collected and analysed to determine an appropriate approach and what may be feasible as part of restoration and rehabilitation measures.