

**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 Xbis (3), (4) and (8)

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.

Annex X bis ~~ter~~ [Alt.] [IWG ENV]

Design Criteria for Impact Reference Zones (IRZs) and Preservation Reference Zones (PRZs)

Applicants must establish suitable and effective Impact Reference Zones (IRZs) and Preservation Reference Zones (PRZs) in order to monitor the Environmental Impacts of their activities. The following parameters shall apply in the designation of IRZs and PRZs.

[...]

3. To designate representative IRZs/PRZs requires characterisation of the pelagic and benthic environment including all sub-habitats that may be impacted by ~~Exploitation activities mining operations, and determination of regional distributions and patterns of connectivity of communities~~. Temporal variation must also be evaluated over multiple years.

4. IRZs must be zones where direct impacts from mining are predicted to occur once mining commences or have already occurred during test mining.

[...]

8. PRZs must be areas that will not be impacted by Exploitation activities from any Contractor, including impacts from operational and discharge plumes and including during the post-closure period. Member States and the Authority will also take all measures available to them to ensure that PRZs ~~must also be~~ are free from impacts of other industrial activities. PRZs must ~~have to~~ remain unimpacted by Contractors throughout the post-mining monitoring period.

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

- In relation to paragraph 3, we are concerned that a requirement to determine “regional distributions and patterns of connectivity of communities” would likely not be feasible, it also has not previously been suggested as a requirement under the Draft Regulations. This requirement is unnecessary for the designation of reference zones, and we propose this requirement be removed.
- In relation to paragraph 4, we have proposed amendments that ensure that the Regulations recognise that there are Impact Reference Zones from test mining as well as those made during commercial production.
- In relation to paragraph 8, Contractors have limited powers and rights to control certain activities in the Area, as set out in UNCLOS and the Rules, Regulations and Procedures of the Authority. Any requirements associated with Impact Reference Zones and Preservation Reference Zones (PRZs) must take account of those limitations.
- Given the limits on the powers and rights of Contractors it is not possible for them to guarantee there will be no other industrial activities that impact upon PRZs (for example, Contractors do not have the power to stop submarine cables being laid on the seabed). As such, we propose to amend paragraph 8 in Annex Xbis to clarify that it is Member States and the Authority that will ensure PRZs are protected from other industrial activities, and that Contractors are obliged to ensure that they do not impact upon PRZs during the post-mining period.

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Annex X bis, paragraphs 8, 13, 13Alt and 16

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.

Applicants must establish suitable and effective Impact Reference Zones (IRZs) and Preservation Reference Zones (PRZs) in order to monitor the Environmental Impacts of their activities. The following parameters shall apply in the designation of IRZs and PRZs.

[...]

8. PRZs must be areas that will not be impacted by Exploitation activities from any Contractor, including impacts from operational and discharge plumes and including during the post-closure period. Contractors shall use their best efforts to ensure that PRZs ~~must~~are also ~~be~~reasonably free from impacts of other industrial activities. PRZs must have to remain unimpacted throughout the post-mining monitoring period.

[...]

13. The longevity of PRZs and duration of post-mining are important. The duration of post-mining monitoring should last until ~~[monitoring results show a trajectory towards recovery. Post-mining monitoring should be described in the final EMMP and/or Closure Plan]~~ no measurable difference between IRZ and PRZ can be detected anymore.

~~[13 Alt. Post mining monitoring shall continue until [monitoring show a trajectory towards recovery of] ecosystem function [returns to the level of the pre-mining condition] agreed within the EMMP/Closure Plan and taking into account the time taken to reach a new equilibrium state.]~~

[...]

~~16. An applicant will need to be able to demonstrate knowledge of species' ecological requirements (e.g. for successful reproduction); an average population density alone will not suffice.~~

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

- We consider that Annex Xbis is overall far too technical and not yet properly developed. We propose that as such it should not be included in the Regulations and instead be moved to a Standard.
- We suggest including a qualifier into paragraph 8 to ensure that the requirements are reasonably feasible for Contractors to achieve. Contractors may not be able to ensure absolute protection of PRZs from impacts of other industrial activities as such activities may be out of the control and power of Contractors.
- We oppose the deletion of the wording in paragraph 13 as it would create an unrealistic standard for PRZs by requiring post-mining monitoring until there is no measurable difference between the IRZ and PRZ (which may never occur).
- We strongly oppose the inclusion of paragraph 16 into Annex X bis. Paragraph 16 is misplaced and out of context. A Contractor's knowledge of a species' ecological requirements is only needed to the extent it is proportional and relevant to the anticipated impact. There is no basis for an expansive requirement on Contractors to collect and demonstrate broad biological knowledge that is not relevant to IRZs and PRZs.