

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART II**

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.jm.

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

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

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

Draft Regulation 46 (3)(b)bis and 3(c bis)

3. 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.

Regulation 46 ~~7-alt.~~ [previously 47 Alt.] [IWG ENV]

Environmental Impact Assessment Process

3. The Environmental Impact Assessment [Process] shall:

[...]

(b) bis Be based on the best available [~~science and~~] scientific information, and, [~~if applicable, taking into account where available,~~] relevant traditional knowledge of Indigenous Peoples and local communities;

(c) Include an Environmental Risk Assessment [~~and a survey of the seabed to identify Underwater Cultural Heritage,~~] that takes into consideration the region as a whole taking into account the objectives and measures of the relevant [~~and applicable~~] Regional Environmental Management Plan;

(c bis) Include an underwater survey of the specific parts of the contract area where exploitation activities are proposed to be undertaken, to identify human remains and/or [underwater] cultural heritage, including intangible [underwater] cultural heritage, that are associated with the proposed activities;

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

- On paragraph 3(b)bis, we suggest removing the square brackets around the terms “*if applicable, taking into account*” because it is important that Environmental Impact Assessments only be required to take into account relevant traditional knowledge of Indigenous Peoples and local communities, where this is applicable.
- We also understand that there have been intersessional discussions regarding a proposed requirement for the Environmental Impact Assessment to include an underwater survey to identify human remains and/or underwater cultural heritage that are associated with proposed exploitation activities.

- We consider that any underwater survey to identify human remains and/or underwater cultural heritage should only be required to be performed in regard to specific areas where exploitation activities are proposed to take place; the entire contract area should not need to be surveyed.
- At the application stage, this would mean that the applicant undertakes surveys of the parts of their proposed contract area where mining is intended to commence. Should a contractor later wish to expand its exploitation activities into other parts of its contract area, it would be required to undertake new surveys prior to receiving approval for such an expansion.
- We consider this to be an efficient approach that will allow Contractors and the Authority to have the most up to date data regarding mining areas before exploitation activities commence.
- We therefore propose introducing a new sub-paragraph 3 (c bis) in Draft Regulation 46 to reflect this proposed requirement.