

New Zealand comments on the draft regional environmental management plan (REMP) for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits.

Contact Information		
Surname		
Given name		
Government (if applicable)	New Zealand	
Organization (if applicable)		
Country	New Zealand	
Email	abby.hutchison@mfat.govt.nz	
General Comments		
<p>When preparing the general comments, stakeholders are invited to consider the following:</p> <ol style="list-style-type: none"> 1) The structure and layout of the draft REMP. 2) The level of detail of the draft REMP, while avoiding being too prescriptive. 3) The goals and objectives in the draft REMP in providing for long-term, effective protection of the marine environment in the Area of the northern Mid-Atlantic Ridge. 4) The management measures and their ability to achieve the goals and objectives in the draft REMP. 		
<p>The Regional Environmental Management Plan (REMP) specifies several management measures that aim to manage mining activities in the REMP area. Many of these measures appear to be aimed at Contractors. It's unclear whether Contractors will be required to undertake/comply with these management measures or whether they are purely recommendatory. Suggest this is clarified and made consistent across the document.</p> <p>The draft Exploitation regulations make multiple references to REMPs and the need to conduct activities 'in accordance' with REMPS (eg. In regulation 48 on Environmental Management and Monitoring Plans, reg 49 pollution control, reg 52 review of EMMPs). If the management measures specified in REMPs are intended to be mandatory and to be included within a Contractors EMMP then the REMP document should say so. In any event, the relationship between REMPs and the draft Exploitation Regulations should be elaborated upon to provide clarity for contractors and decision-making bodies on the extent to which the REMPs should be complied with.</p>		
<p>The objectives appear to sit at multiple levels and to meet these objectives multiple parties will need to work together. We propose a flow diagram or a visual is prepared to illustrate the different levels of objectives and how they cascade/relate to each other. Regional goals and objectives are likely to sit at the top of such a diagram with site specific objectives to sit further down. Responsibility for meeting/promoting particular objectives should be clearly assigned to the relevant parties (eg the Authority, the LTC, Secretariat, Contractors etc).</p>		
Specific Comments		
Page	Line	Comment
6	110	More clarity on the purpose is required. It is unclear how the Regional Environmental Management Plan (REMP) will work alongside the regulations to manage mining activities in the REMP area in a way that provides for effective protection. The relationship between the regulations and the REMP could be elaborated upon

		<p>upfront in this document. As mentioned in the general comments the regulations often require that activities need to be done ‘in accordance’ with the relevant REMP – but how does this work in practice?</p> <p>Need to set out clearly what the REMP contains and who is responsible for delivering on elements of the REMP (e.g. The Authority, Contractors, the LTC, the Secretariat, Scientific community)</p>
7	125	Suggest figure is expanded to depict the geographic location of the REMP area more clearly.
9-10	217 -246	<p>In many cases, the objectives refer to processes and activities that will be undertaken rather than goals or outcomes that the REMP will seek to achieve.</p> <p>Objectives should be SMART (Specific, Measurable, Achievable, Repeatable, Timebound) and should not simply describe a process for doing something.</p> <p>As an example, Objective (h) discusses a process to <i>‘compile, analyze and synthesis data and information, in collaboration thereby enhancing the understanding of ecosystem structure and functioning at a regional level.’</i></p> <p>A SMART objective however would look more something like <i>‘In order to understand ecosystem functioning, a food web and energy pathway for the benthic and pelagic ecosystems will be constructed by X date.’</i></p>
10	248	Who is responsible for delivering on the operational objectives for the contract areas? Presumably the contractors - this should be stated. The REMP could elaborate on how these operational objectives will be considered by contractors and whether they should be reflected in individual EMMPs or ‘contracts’.
10	262	States that management measures ‘prescribed’ in this plan need to take account of contractor’s security of tenure. Prescribed implies that the measures in the REMP are mandatory but it’s hard to see how these measures will be required from contractors.
11	272	The statement that the REMP does not include ‘Area – based management tools’ identified through the application of network criteria raises questions for us. We would welcome clarification about the intended timing of the application of network criteria and the logic of sequencing after the operationalization of the REMP.
11	298-302	Timeframes for developing AINPs and a zoning scheme should be provided. We suggest this is an important component of a final REMP and needed before any exploitation can commence.
12	320	SINPs to be protected from direct and indirect impacts of exploitation – we suggest that REMP and management measures should manage the direct and indirect impacts at each stage of the mining life cycle from prospecting/exploration to closure. This should be clearly expressed up front.
12	318-337	The REMP would benefit from clarity on how these measures will be required of contractors and monitored during exploitation activities.

		It is unclear how contractors will be required to undertake the measures prescribed in this list, and who will ensure these measures are undertaken.
13	375	Obligation to adhere to a precautionary approach should apply regardless of where a contractor is operating.
13	380	<p>The REMP states that non-spatial management measures will be applied, including several yet to be developed thresholds. This implies that such measures/thresholds are necessary to manage mining activities, but it raises a question of whether mining should/could proceed in the absence of such thresholds. If mining can proceed, how should a lack of appropriate thresholds be compensated for to ensure effective protection? Suggest the REMP provides clarity/guidance on the application of non-spatial management measures in the absence of appropriate thresholds. For example, how should mining discharges be managed without firm information on toxicant thresholds/thresholds for particulate matter.</p> <p>Who will apply these management measures at a regional scale and who will be responsible for developing these thresholds? This needs to be clearly articulated within a plan for implementation.</p>
13	392	Acceptable levels of toxic contaminants and particulates impacting on biota in SINPs and AINPs is listed as a threshold. But other thresholds (to line 398) do not link specifically to SINPs and AINPs – are there envisaged to be multiple threshold levels depending on whether an area is categorized as a SINP/AINP or no ‘category’ is applied.
13-15	400 - 447	Para 49 states that non-spatial management measures will apply at the scale of contract areas. The language in the following bullets mixes mandatory with discretionary language. In some cases, contractors ‘will’ be required to do something and in other cases contractors ‘should’ do something. It is unclear which of the measures will be required and which are recommendations.
15-17	450 onward	Implementation strategy – priorities identified are comprehensive. It is unclear what the most immediate priorities are and whether this work could be staged and over what timeframes. Suggest the implementation strategy is clearer on short, medium, long-term priorities, research staging, and timeframes for the research. This would enable more effective implementation and review of progress.