

Annex VIII – Closure Plan

Written submission by the African Group [date]

FACILITATORS TEXT (LATEST VERSION) New text in bold , suggested deletions are struck through	PROPOSED AMENDMENTS New text in Facilitator’s Text in bold , suggested deletions in Facilitator’s Text are struck through . New text from AG in blue	RATIONALE/COMMENTS
<p>1. The Closure Plan shall be prepared and implemented in accordance with the Standards and taking into account the relevant Guidelines and the relevant regional environmental management plan and shall include the following information:</p>	<p>1. The Closure Plan or Final Closure Plan shall be prepared and implemented in accordance with regulation 7, with the Environmental Management System, Standards and taking into account the relevant Guidelines and the relevant regional environmental management plan and shall include the following information:</p>	<p>COMMENT: we note that the DRs are separated into requirements for a Closure Plan or a Final Closure Plan. We have included the Final Closure Plan here for consistency.</p> <p>Related text from DR59: 1. A Contractor shall prepare a Closure Plan which shall accompany an application for approval of a Plan of Work in accordance with regulation 7, and shall set out the responsibilities and actions of a Contractor for the decommissioning and closure of activities in a Mining Area, including the post-closure management and monitoring of residual Environmental Effects as required by the applicable Standard. Closure also includes a temporary suspension of mining activities.</p>
<p>(a) A description of the closure objectives and how these relate to the mining activity and its environmental and social setting;</p>	<p>(a) A description of the closure objectives to ensure that the closure of mining activities is a process that is incorporated into the mining life cycle, any measures agreed or proposed to implement these, and how these relate to the mining activity and its environmental and social setting;</p>	<p>ADDITION: 1(a) and 1(n) overlap. Text from 1(n) has been included here.</p> <p>CLARITY NEEDED: This language needs to be tightened. Currently it is unclear how are closure objectives expected to relate to social settings. Where are those expectations recorded? Regs?</p> <p>Related text from DR59: 2. The objectives of a Closure Plan are to ensure that: (a) The closure of mining activities is a process that is incorporated into the mining life cycle, including by undertaking activities scheduling studies to inform Closure throughout the period of Exploitation and is conducted in accordance with Good Industry Practice, Best Environmental Practices, Best Available Techniques and Best Available Scientific Evidence;</p>
<p>(b) The period during which the plan will be required, which shall be determined by reference to a specified duration, achievement of a specified event or target indicator or compliance with specified terms agreed with the Authority;</p>	<p>(b) The period during which the plan will be required, which shall be determined by reference to a specified duration, achievement of a specified event or target indicator or compliance with specified terms agreed with the Authority and shall relate to the objectives of the EIA;</p>	
<p>(c) A plan with coordinates showing the area(s) subject to the closure objectives;</p>	<p>(c) A plan with cCoordinates of the area(s) subject to the closure objectives accompanied by a map;</p>	<p>A map should be required</p>

(d) A summary of the relevant regulatory requirements, including conditions previously documented;		
(e) Details of the closure implementation and timetable, including descriptions of the arrangements for the temporary suspension of mining activities or for permanent closure decommissioning arrangements for vessels, Installations, plant and removal of all any equipment (where applicable);	(e) Details of the closure implementation and timetable, including descriptions of the arrangements for the temporary suspension of mining activities or for permanent closure <i>as well as</i> decommissioning arrangements for vessels, Installations, plant and removal of all <i>any</i> equipment (where applicable);	COMMENT: We suggest that 'temporary suspension' of mining activities should be added to the Schedule in order that there is clarity regarding what would trigger the need for a Closure Plan to be operationalised. COMMENT: The wording in this subparagraph needs to be extremely clear – and aligned with the text of DR59 and Part III of the Regulations- to allow minimisation of harm to the marine environment.
(f) Data and information relating to baseline conditions for monitoring measures;	(f) <i>Summary of data</i> and information relating to baseline conditions for monitoring measures;	COMMENT: Much of this info should be included in the EIS and EMMP and only needs linking here.
(g) An updated environmental impact assessment for the activities that will be undertaken during closure, if any, together with details of the identifiable residual Environmental Effects, including any relevant technical documents or reports;		
(h) Details of monitoring to be undertaken during and after closure that specify the sampling design (spatial and temporal sampling), the methods to be used and the duration of the post-closure activities;		
(i) Details of the management measures to Mitigate mitigate prevent, reduce and control the residual Environmental Effects;	(i) Details of the management measures to Mitigate mitigate prevent, reduce and control the residual Environmental Effects;	COMMENT: This subparagraph will need to align with decisions made in the IWG regarding wording of similar paragraphs for the DRs. As such, we do not feel that it is yet appropriate to suggest wording here.
(j) Details of the restoration and remediation objectives and activities;	(j) Details of the restoration and remediation objectives and activities; <i>building on those detailed in the EIS and EMMP.</i>	ADDITION: the additional text is included here to ensure that there is not duplication among documents.
(k) Information on reporting and management of data and information post-closure including information on how data will be archived and made available post-closure;		
(l) Details of the persons or entity (subcontractor, consultant(s)) that will carry out the monitoring and management measures under the Closure Plan, including their qualification(s) and experience, together with details of the budget, project management plan and the protocols for reporting to the Authority under the Closure Plan;	(l) Details of the persons or entity (subcontractor, consultant(s)) that will carry out the monitoring and management measures under the Closure Plan <i>or Final Closure Plan</i> , including their qualification(s) and experience, together with details of the budget, project management plan and the protocols for reporting to the Authority under the Closure Plan <i>or Final Closure Plan</i> ;	COMMENT: This subparagraph needs to align with requirements in the EMMP Draft Regulations, Annex and S&G. This currently is not the case, and this alignment will need to occur once the EMMP DRs have been negotiated.
(m) Details of the amount of the Environmental Performance Guarantee provided under these regulations;		

(n) Details of any measures agreed or proposed to achieve the agreed closure objectives; and	(n) Details of any measures agreed or proposed to achieve the agreed closure objectives; and	DELETION: The contents of this subparagraph are now included in 1(a)
(o) Details of consultations with Stakeholders in respect of the plan.		
2. The level of detail in the Closure Plan is expected to differ between cases involving a temporary suspension of mining operations and cases involving final mine closure. The content of the Closure Plan is to be commensurate with the nature, extent and duration of activities associated with the level of closure and maturity of the project.	2. The level of detail in the Closure Plan or Final Closure Plan is expected to differ between cases involving a temporary suspension of mining operations and cases involving final mine closure. The content of the Closure Plan or Final Closure Plan is to be commensurate with the nature, extent and duration of activities associated with the level of closure and maturity of the project.	COMMENT: As per comments above, would like to suggest that 'temporary suspension' of mining activities should be added to the Schedule in order that there is clarity regarding what would trigger the need for a Closure Plan to be operationalised.