

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:

COUNCIL - PART 3

Informal Working Group - Protection and Preservation of the Marine Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

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

Annex – VIII Closure Plan.

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.

Annex VIII Closure Plan

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:

;

(a)

...

(j)

(j) bis Details of any anticipated residual impacts that will remain even after Mitigation measures.

(k) Information on reporting and management of data and information postclosure including information on how data will be archived and made available postclosure;

(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;

(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

(o) Details of consultations with Stakeholders in respect of the plan.

Annex X ter: Design Criteria For Impact Reference Zones And Preservation Reference Zones

Contractors must establish impact reference zones (IRZs) and preservation reference zones (PRZs) in order to monitor the environmental impacts of their activities. The following parameters shall be followed in the designation of IRZs and PRZs.

1. IRZs and PRZs must be situated within the Contract Area (and the Contract Area may need to be selected around the need for appropriate IRZ/PRZs, especially where multiple or large zones are required).
2. IRZs must be sites where direct impacts from mining are likely to occur.
3. For each type of impact identified in the environmental impact statement, there must be at least one corresponding IRZ which will enable the Contractor to monitor that impact. This is likely to require multiple IRZs (or a very large IRZ).
4. PRZs will be important in identifying natural variations in environmental conditions against which impacts will be assessed. Their species composition, habitat types, and occurrence of mineral resource, must be comparable to that of the impacted areas.
5. PRZs must be areas that will not be impacted by mining activities, including impacts from operational and discharge plumes.
6. If a Contract Area consists of several disjunct sub-areas that are isolated from each other, then each of those areas would require a corresponding PRZ.
7. Use of multiple PRZs should be considered for increase in statistical rigour, and chance of detecting effects and adding redundancy in case of unexpected variation/plan changes.
8. The area of the PRZ needs to be sufficiently large to contain (and buffer) sufficiently large populations to guarantee long-term survival.
9. In theory, all species within the IRZ and PRZ will need to be monitored to quantify impacts. In practice, some representative set might suffice. To establish an adequate baseline and find suitable indicator species (e.g. the sensitive species that will suffer most from an impact) it will be necessary to catalogue most species in the IRZ and PRZ in question. This will require an extensive sampling effort to collect sample sizes that allow for a meaningful comparison (i.e., with high statistical power)
10. The longevity of PRZs is important. The duration of post-mining monitoring should until no measurable difference between IRZ and PRZ can be detected anymore.

11. Isolation of PRZs is important: any PRZ will by definition have to remain unimpacted throughout the post-mining monitoring period.

12. To designate representative IRZs/PRZs requires characterisation of pelagic and benthic communities within all sub-habitats that may be impacted by mining operations, and determination of regional distributions and patterns of connectivity. Temporal variation must also be evaluated annually over multiple years (for at least one test-mining site, and the PRZ site).

13. A Contractor 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.

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

- Impact Reference Zones (IRZ) and Preservation Reference Zones (PRZ) should be designated during the exploration phase, as they will be needed to assess the impacts of test mining under an exploration contract. As such, rules for the design of these zones may be better placed in another instrument that pertains more specifically to Exploration Contractors. But in the current absence of such a regulatory document, we do have some provisional ideas for parameters for their design which we might provisionally incorporate as additional annex to these draft regulations pending the opportunity to find them a better home. There is an urgency to elaborate this aspect of the regime, as Contractors should be taking these design decisions now during testing, but at present confusion continues to persist over what the terminology means and what their designation entails.