

**Comments of Ministry of Earth Sciences (Government of India) on Draft
Regulations on Exploitation of Mineral Resources in the Area**

Draft Regulation 4 (Page 5)

Form of applications and information to accompany a Plan of Work for Exploitation

Existing

5. Where the proposed Plan of Work proposes multiple non-contiguous Mining Areas, the Commission shall require separate documents under paragraph 3(b) and (g) above for each Mining Area, unless the applicant shows, to the satisfaction of the Commission, that a single set of documents from an applicant is appropriate according to the application guidelines.

Proposed

5. Where the proposed Plan of Work proposes multiple non-contiguous Mining Areas, the Commission shall require separate documents under paragraph 3(b) and (g) above for each Mining Area, unless the applicant shows, to the satisfaction of the Commission, that i) a single set of documents from an applicant is appropriate according to the application guidelines or ii) the different blocks are within single application area.

Draft Regulation 9 (page-8): Performance Guarantee

Comments: There is no rationale for multiple actions for non performance. If a contractor fails to comply with the obligations, the Authority already has options to deal with the situations. Performance Guarantee as an additional tool is therefore unnecessary and will be an unnecessary burden on the contractor.

Draft Regulation 19 (Page 16)

Environmental Impact Statement

Existing

2. The Environmental Impact Statement shall include:

(a) The results of the Environmental Impact Assessment in respect of the Environmental Impact Area;

Proposed

2. The Environmental Impact Statement shall include:

(a) The results of the Environmental Impact Assessment in respect of the Environmental Impact Area will include baseline conditions as well as projections of any experimental data available from the area.

Existing

3. The applicant shall submit the Environmental Impact Statement (EIS), together with the Environmental Management and Monitoring Plan (EMMP) and Closure Plan (CP) as part of its application for approval of a Plan of Work under regulation

Proposed

3. The applicant shall submit the Environmental Impact Statement (EIS), together with the Environmental Management and Monitoring Plan (EMMP) and Provisional Closure Plan (CP) as part of its application for approval of a Plan of Work under regulation.

Draft Regulation 49 Para 2 (page 30)

Comments: Annual fixed fee computation based on total size of the contract area is irrational. It must be replaced by active mining area for a given period as per the approved mining plan. More importantly, the computation of annual rate per square kilometre must also take into account the relative richness of the mineral deposit for the period. The annual rate therefore must be suitably rationalised by a factor based on the dollar value of contained metals per square kilometre for the given period.

Draft Regulation 49 (5) and Regulation 50 (page 30)

Regime of Annual Fixed Fee and Royalty is confusing and not clear. In other words, applicability of royalty and Annual fixed fee needs to be defined clearly.

Draft Regulation 53: Royalty Rate

Comments: The royalty rate also must be rationalised by the same factor as for the annual rate (the factor based on dollar value of contained metals per square kilometre for the given period).

The proposed rationalisation process will ensure level playing field and equality of treatment for the contractors

Annex IV Environmental Scoping Report (Page 63)

(q) A report of an independent expert verifying its contents and assessing its conclusions.

Suggestion: This may be deleted as all the reports will be assessed by ISA experts.