

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

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 of Working Group:

Informal Working Group – Environment.

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

Submitted by Nauru Ocean Resources Inc. and Tonga Offshore Mining Ltd.

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

Draft Reg. 47(3)(b)

4. 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.

(b) Describe the results of the environmental impact assessment; ~~as well as those of the survey of the seabed to identify Underwater Cultural Heritage;~~ including a description of the methodology used for the identification and evaluation of the identified environmental impacts, and main uncertainties and knowledge gaps, and also include comments received through the Stakeholder consultation process and explain how each comment has been incorporated or otherwise addressed;

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

- We reiterate our prior rationale for the deletion of an explicit reference to Underwater Cultural Heritage.
- We do not understand the necessity for including a reference to Underwater Cultural Heritage in Draft Reg. 47(3)(b) and consider the reference redundant.
- The identification of cultural heritage is already an integral component of the EIS. It does not warrant an explicit mention here and should be deleted.

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Draft Reg. 47(3)(c)

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(c) Identify substantive and relevant comments received through the Stakeholder consultation process and an explanation of how such comments have been taken into account and addressed by the applicant or Contractor, as the case may be, also including a description of the analysis of alternatives, including a no-action alternative;

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

- We reiterate our previous rationale for the inclusion of “*and relevant*” for the scope of stakeholder comments to be addressed by a Contractor.
- It is not practicable or preferable for a Contractor to address all substantive comments received during Stakeholder consultation. This would include comments that are clearly irrelevant to the environmental impact statement.
- It is reasonable, however, for a Contractor to explain how it has addressed substantive and relevant comments.

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Draft Reg. 47(6)(a)-(b)

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6. Where predictive models have been used to inform an environmental impact assessment:

~~(a) These shall be reviewed by competent independent experts, with the results provided to the Authority as annexures to the Environmental Impact Statement; and~~

~~(b) The monitoring programme proposed in the Environmental Impact Statement shall describe how predictions made by models will be validated.~~

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

- We reiterate our prior rationales concerning the use of independent experts to review or validate elements of the plan of work prior to submission to the Commission.
- We consider independent expert review of predictive models prior to submission of a Contractor’s Environmental Impact Statement to the Commission is overly burdensome, impractical, and expressly infringes on the role of the Commission itself.
- If the Commission lacks the necessary skills and experience to assess the plan of work, it should obtain its own independent experts. This is the process contemplated under the Convention.