

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS FOR THE 28TH SESSION: COUNCIL -
PART II

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

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

Submitted by World Organization of Dredging Associations (WODA)

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

Draft Regulation 48 Environmental Management and Monitoring Plan

- Para 48.3.(e) and 3.(f).
- Para 48 3.bis

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.

Original text

(e) Incorporate site-specific environmental objectives and environmental performance standards, which are compatible with and designed to achieve the environmental policy and objectives of the Authority and applicable Standards;

(f) Incorporate measurement criteria, internal thresholds and reflect its methodology to determine whether the environmental objectives are being met and that the operation is compliant with applicable environmental Standards and other Rules of the Authority;

Proposed text to replace whole of the original text

3.(e) Incorporate site-specific environmental objectives, environmental performance standards, and methodology to assess compliance, designed to achieve the environmental policy/objectives and applicable Standards and other rules of the Authority;

[delete 3.f]

Original text

3bis. In addition to the Monitoring required to be performed by the Contractor, Tthe Environmental Management Plan shall contain a supplementary monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards. The Contractor shall conduct monitoring for the entire duration of exploitation and comply with any post-closure monitoring requirements.

Proposed text to replace whole of the original text

3bis. The Contractor shall conduct monitoring for the entire duration of exploitation with the monitoring tailored to results showing the need for increased or decreased monitoring and possible changed focus, including management actions. The monitoring programme should be verified by

ISA, with outreach to independent experts to review and comment upon the proposed monitoring programme.

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

- Para 48.3.(e) and 3.(f). are almost saying the same thing and can be combined.
- Para 48.3.bis is revised to start with what monitoring is required by the contractor.
- The monitoring program should not be fixed at 7 years, as monitoring should be tailored to results over time that shows the need for increased or decreased monitoring and possible changed focus, including management actions.
- Monitoring by independent experts raises several practical issues (e.g., qualifications of experts; safety responsibilities on site, duplication of activity on site, how the work is funded, what inputs the Contractor has into the details of the program, contingency if the independent expert cannot continue work etc) so it is recommended that the requirement be changed to verification of the monitoring program by ISA with outreach for review and comment by independent experts as deemed (by the ISA) to be necessary.