

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS  
DURING THE 29<sup>TH</sup> 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.im](mailto:council@isa.org.im).

**1. Name of Working Group:**

Informal Working Group on Environment

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Regulation 59(1.bis)(a) Alt., (d) and (d) Alt.

**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.**

**Regulation 59 [IWG ENV]**

**Closure Plan**

[...]

1.bis The objectives of a Closure Plan are to ensure that:

~~[(a) Alt. the Marine Environment will be set at a clear and healthy status following the end of mining activities.]~~

[...]

~~[(d) Tthe mined site is returned to its natural state, or [at least as close as possible with commitments for remediation, restoration and rehabilitation included]returned to its natural state to the extent possible, through Rrehabilitation and Rrestoration, [where technically and economically feasible; and]~~

[(d) Alt. The Mining Area is returned, where [the Contractor in consultation with the Commission determines it to be](#) technically and economically feasible, to a condition resembling its pre-mining condition through active Restoration. Where active Restoration is [determined to not be](#) feasible, the Mining Area is rehabilitated, to the extent it is technically and economically feasible to facilitate passive Restoration.]

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

- The language in subparagraph 1.bis(a)Alt is unclear and subjective. It would only complicate the preparation of Closure Plans and make it more difficult to ensure they comply with the Regulations.

- The phrase “clear and healthy status” has no clear standard or objective or meeting. We propose to delete subparagraph 1.bis(a)Alt.
- We also oppose the requirement that a mined site be “returned to its natural state, or returned to its natural state to the extent possible, through rehabilitation and restoration” in sub-paragraph (d). This is an impossible objective to achieve, particularly in the context of polymetallic nodules, which are generated over significant periods of time. Therefore, we propose to delete sub-paragraph (d).
- We also propose clarification amendments to sub-paragraph (d) Alt in relation to active restoration. Our amendments make clear that it is the Contractor in consultation with the Commission is to determine whether active restoration is technically and economically feasible.