

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART II**

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(s) of Delegation(s) making the proposal:** United States of America
2. **Please indicate the relevant provision to which the textual proposal refers.**

Draft Regulation 59, Part IV
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.**

Part VI

Closure plans

Regulation 59

Closure Plan

- 1.
- ~~2. In developing the Closure Plan, the Contractor shall, in accordance with the requirements of Annex VIII, set out the responsibilities and actions of a Contractor during any temporary suspension, and also for the Decommissioning and Closure of activities in a Mining Area, including the post-closure management and monitoring of remaining Environmental Effects. In fulfilling these responsibilities, the Contractor shall, *inter alia*:~~

[2. Alt. In developing the Closure Plan, the Contractor shall, in accordance with the requirements of Annex VIII, clearly outline the responsibilities and actions required during any temporary suspension, as well as the Decommissioning and Closure activities in the Mining Area. This must include detailed provisions for post-closure monitoring and management of remaining Environmental Effects, ensuring a thorough understanding of environmental impacts and recovery processes. In fulfilling these responsibilities, the Contractor shall, *inter alia*:]

Rationale: This change provides clarity on the expectations for the Contractor’s responsibilities, emphasizing the need for detailed provisions on monitoring and management post-closure which acknowledges the importance of comprehensive planning and environmental monitoring.

(a) Undertake activities and the scheduling of studies, based on available baseline data, to inform about Closure before and throughout Exploitation;

~~(a) bis Undertake a gap analysis of existing environmental data to determine if additional information and/or surveys will be required;~~

[(a) Alt. Conduct a gap analysis of existing environmental data to determine if additional surveys and information are necessary for effective Closure planning and execution.]

Rationale: Conducting a gap analysis ensures that all relevant data is collected and utilized to inform the Closure Plan.

(a) ter Utilise [Good] Industry Practice and Best Environmental Practices;

(b) Set a date ~~[of for the]~~ cessation or suspension of Exploitation, [ensuring that which point a] an adaptive management and monitoring plan must also be in place for the period prescribed in the Closure Plan and in accordance with the applicable Standards and taking into consideration the Guidelines and results obtained in previous monitoring activities;

[(b) Alt. Set a date for the cessation or suspension of Exploitation, ensuring that a detailed management and monitoring plan is implemented, including specific timelines, responsibilities, and adaptive management strategies to address emerging issues in accordance with applicable Standards and guidelines with previously gathered monitoring data.]

Rationale: This revision emphasizes the need for adaptive management strategies which highlights the importance of flexibility and responsiveness in environmental management efforts.

~~(c) Final environmental condition of the area, including the state of remaining [resources, the oceanographic, geological, biological, socioeconomic and sociocultural condition, and ensure the risks relating to residual Environmental Effects are identified, quantified, assessed and managed in accordance with Best Available Scientific Information, Best Available Techniques and Best Environmental Practices, which includes the gathering of information relevant to Closure or suspension;~~

[(c) Alt. Assess the final environmental condition of the area comprehensively, including the status of remaining resources, oceanographic, geological, biological, socio-economic, and socio-cultural conditions. This assessment must ensure that risks related to residual Environmental Effects are identified, quantified, assessed, and managed using the Best Available Scientific Information, Technologies, and Industry Practices.]

Rationale: Strengthening this requirement ensures a robust evaluation of residual impacts, aligning with best practices and the comprehensive assessment principles aimed at achieving environmental protection benchmarks.

~~(e) Report [to the Authority] on the identification, monitoring, and quantification of significant remaining Environmental Effects [to the Authority], including data to inform about recovery or lack thereof, over a period established in the Closure Plan, and [that necessary] management responses are implemented in a timely manner, including plans for further surveys, data collection, Mitigation, or remediation where appropriate in accordance with the applicable Standard and taking into account the Guidelines;~~

[(e) Alt. Report to the Authority on the identification, monitoring, and quantification of significant remaining Environmental Effects, including comprehensive data on ecological recovery or lack thereof. This assessment must occur over a period established in the Closure Plan, ensuring timely management responses are executed, including plans for additional surveys, data collection, and remediation as necessary, based on applicable Standards and guidelines.]

Rationale: This ensures that all significant environmental impacts are communicated effectively and that responsive measures are enacted quickly.

~~2. bis The Contractor shall [ensure] transparency during the Closure process and in fulfilling these responsibilities, the Contractor:~~

[2. Bis Alt. The Contractor shall proactively ensure transparency throughout the Closure process. This includes:]

~~[(a) Shall consult with all States and Stakeholders in accordance with Regulation 93bis on the Closure Plan and any revisions as required under Regulation 57 before submission for approval; and~~

[(a) Alt. Consulting with all States and Stakeholders in accordance with Regulation 93bis on the Closure Plan and any revisions required under Regulation 57 before submission for approval;]

~~(b) During the development of the Closure Plan, shall engage with [potentially directly affected] Stakeholders, and in accordance with Regulation 93 ter, Standards, and taking into consideration the Guidelines, consult Stakeholders in the Closure Plan, design, review, and implementation.~~

[(b) Alt. Engaging with Stakeholders directly affected by the Closure process in accordance with Regulation 93 ter, ensuring their feedback informs the design, review, and implementation of the Closure Plan.]

Rationale: Enhancing stakeholder engagement is crucial for fostering trust and ensuring that local communities and interest groups are informed and involved in the decision-making process.

Comment

Draft regulation 59 has been subject to significant discussions during the second part of the twenty-ninth session. Also, several written proposals have been provided. The discussions and proposals have been implemented to the extent possible and the draft regulation is presented in a clean version to ensure better clarity.

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