

## Public Communication

Friday, December 10, 2021

Mr. Lochan  
Chair  
Environmental Assessment Board  
c/o of the Environmental Protection Agency

Mr. Kemraj Parsram  
Executive Director  
Environmental Protection Agency  
epa@epaguyana.org

Dear Sirs:

It is now December 10, and the period for public feedback on Esso Exploration Production Guyana Ltd.'s (EEPGL) Yellowtail Environmental Impact Assessment closes on December 15, 2021. As Mr. Parsram would recall, many participants at the November 11, 2021 virtual meeting asked questions to which answers were never given. These remain unanswered even though participant Janette Bulkan recommended that the EEPGL's consultant Environmental Resources Management (ERM) undertake to provide answers in writing before the closure of the public comment period. The Stabroek News carried a list of some of these questions on November 15, 2021 (Exxon Mobil's Yellowtail Environmental Impact Assessment (EIA): Questions for Which Answers in Writing are Demanded)-attached.

The public relies on provision of information to make an informed evaluation on the adequacy of the EIA during the 60-day feedback process. The ERM states in the Yellowtail EIA volume I revision 0-2, October 2021, page is 4-7, that EEPGL "seeks to support open dialogue and receive stakeholder feedback, opinions, concerns, and knowledge regarding the way the Project may interact with the natural and social environment. Through consultation, EEPGL's objective is to identify key stakeholder issues and concerns. Consultation or dialogue activities involve a two-way flow or exchange of information between stakeholders and EEPGL or the Consultants". However, this has not been our experience with EEPGL or its consultant, ERM. Instead, we were treated to a sustained period during and since the virtual consultation in which they did not provide answers to the actual questions we asked and have ignored requests to provide answers as a follow-up to the virtual meeting.

We have combed the EIA document and could not find a transparent record in the form of transcripts of discussions held with other stakeholders during the preparation of the EIA to determine if the questions or concerns that other stakeholders raised were in fact addressed. At this point in time with just days remaining, relevant information is being withheld. We list a few critical issues in the form of clear answerable questions as well as serious queries that have arisen since considering the statements made by EEPGL, ERM, and the EPA at the Virtual Consultation.

1. **Impacts of total volume of waste brought to shore for the lifetime of the Yellowtail project:** What is the exact quantity of waste that will be brought on shore for the life of the project? What is the constituent component of that waste? How will the waste be transported and offloaded at treatment site(s)? What specific risks does its transport pose at the specific sites of treatment giving surrounding receptors? What are the specific toxicities and risks to human health and ecology of each component, and specifically how will the waste be treated to remove toxic components? What

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discharges will there be to air, water, and ground during treatment and what are the chemical compositions of these discharges and what risk do they pose to human health and ecology? Will any discharge be directly into rivers and estuaries with protected forest species, and if so, what threats do they pose to such bodies over the full life of the Yellowtail project? Will this discharge affect fisheries and other activities into any estuary? What is the chemical composition and risks of the residues that will be taken to a landfill? What is the total volume of waste bound for landfills during the life of the project? What is the total land demand for such landfill given the volume of waste produced over the life of the project? What are the standards for operation of such landfill, and what are the risks of these standards are violated?

2. **The cumulative impacts of total volume of waste brought to shore for treatment and disposal for the lifetime of Liza1, Liza 2, Payara, and Yellowtail:** What is the total volume of waste produced by all four production platforms, and what would be the cumulative impact of transport, treatment, and disposal of the total volume of waste? What is the total amount of land that will be required for waste disposal and how will this land use requirement be met in terms of volume of waste and land fill requirements?

3. **Baseline information on Guyana's fisheries sector:** Where is the baseline data on the fisheries industry that specifies total number of informal and informal operators, size, catch per unit effort in the dry versus the wet season, economic value of formal and informal production, livelihood dependency, economic linkages, and total economic value of the sector considering linkages with other sectors? Where are the nearshore and offshore fish nurseries located and mapped by geospatial coordinates? What are the life cycle migration patterns relative to the offshore oil blocks and locations of offshore and nearshore nurseries? Where is the document proving that this information was collected and analysed and publicly ventilated for feedback from fisherfolk prior to extensive 2015 seismic surveys and disturbances conducted by EEPGL? Where is the ongoing monitoring and evaluation data since 2015 covering the start-up and production at Liza 1 and all exploratory drilling activities conducted to date, their effects on said nurseries in population samples collected and the change in catch per unit effort of fisheries? Where has this data been made available for public scrutiny? Where are the offshore and near shore fish nurseries for the species of commercial fish and their prey located on a map with geospatial coordinates relative to the Yellowtail production area, effluent discharge, and current patterns?

What is the cumulative geospatial area of production areas for Liza 1, Liza2, Payara, Yellowtail and other exploratory well operations in relation to offshore and nearshore nurseries and current patterns and what is the cumulative effect of effluent discharge on these areas? Where is the geospatial assessment of no-go areas for fisheries to avoid offshore activities and service vessels in the offshore, nearshore and Demerara Estuary and the cumulative geospatial exclusion area of Liza 1, Liza 2, Payara, Yellowtail and all exploration drilling activities? Where is the log of the fishers who use those areas and the cumulative amount of time and geospatial area they have been excluded from since the 2015 seismic surveys commenced? Where is the monitoring information on how periods of exclusion have affected fisheries vessels, catch, and the income of

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informal and formal fishers? Where is the monitoring log of affected fisheries vessels for all exclusion areas to date?

- 4. Baseline for fisheries loss claims:** Where is the baseline data on formal and informal production that will be used for claims of losses from fishermen in the event of an oil spill? How has this data been produced? Where is the proof that the methodology has been subject to public scrutiny? Where is there proof that the claims process has been consulted upon and agreed to by fisherfolk and other impacted parties? Where is the baseline data on fisheries value in neighbouring Caribbean countries that could be impacted and claim losses in the event of an oil spill?
- 5. EIA 2020 Guidelines for offshore oil development.** The EIA 2020 Guidelines were in effect when EEPGL applied for an Environmental Permit for Yellowtail on April 1, 2021. The public consultation process was launched in May of 2021. The 2020 EIA guidelines were in effect for the 28-day public comment period and were the tool upon which stakeholders relied for their expectations of the standard of work that EEPGL's consultants would perform. Yet these guidelines were suddenly suspended and pulled from public view and moved off the EPA's website in June of 2021: Why were they removed without credible explanation, or any effort made to restore them since? Did EEPGL refuse to adhere to the international best practice standards contained in the EPA's 2020 Guidelines and specifically, the consideration for consultation with affected parties on transboundary impacts?

How does the EPA justify running the 28-day initial public comment period with these guidelines in effect, but then permitting ERM to revert to the old 2000 guidelines for the conduct of the study? Is this not procedurally unfair and a breach of public trust? ERM stated at the virtual consultation in November 2021, that the scope of their work pertains to what is covered in the laws of Guyana. The petroleum 2020 guidelines for offshore oil development were developed within the EPA's authority under the Environmental Protection Act specifically because Guyana lacked necessary laws and regulations that address offshore oil development. These guidelines while not laws, were an instrument of the law. What does it mean to say one is obeying the Guyana's laws when one knows full well that the existing laws are grossly deficient on offshore oil production, and the 2020 guidelines meant to remedy that were set aside while the Yellowtail EIA study was in progress?

- 6. Selection of ERM as consultants:** Please provide the evidence that ERM was shortlisted by the Environmental Protection Agency among consultants qualified to conduct EIAs through the prescribed process in the Environmental Protection Act, which requires a review of their credentials and capacity by qualified international environmental organisations? Please provide evidence of when this was done for the EPA's approval of the ERM.
- 7. Independence of ERM:** The records show that EEPGL has only ever chosen ERM from a list of consultants to conduct all its Environmental Impact Assessments and management plans to date. Where is the evidence that EEPGL selected the ERM from the pool of EPA approved consultants by open bidding? What evidential basis does the EPA have for determining that ERM is sufficiently independent of EEPGL in accordance

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with the requirement for independence of consultants in the Environmental Protection Act?

8. The ERM admitted in an apology letter, ventilated in the Kaeiteur News on November 28, 2021, to placing the signature of People's Progressive Party Executive Committee Member and well-known Environmental Consultant Mr. Shyam Nokta on the cover of the public summary of the Yellowtail EIA without his knowledge or consent. How does the EPA view the ERM's credibility considering this serious breach of professional ethics and public trust?
9. The EEPGL applied for an Environmental Permit for the Yellowtail Development on April 1, 2021. On May 9, 2021 the EPA indicated that an EIA was required. On June 28, 2021, the ERM was approved as the consulting firm to carry out the study, and on September 10, 2021, the EPA issued the Final Terms and Scope for the Yellowtail Development Environmental Impact Assessment. One month later in October, 2021 the ERM submitted its EIA document for the statutory 60-day public scrutiny process, which commenced on October 15, 2021. How could the ERM have possibly done a credible EIA study according to statutory provisions of the Environmental Protection Act within one month of the issuance of the Final Terms and Scope for the study?
10. The public relies on knowledge of the Final Terms and Scope for the Yellowtail Development Environmental Impact Assessment to make an informed decision on the adequacy of the EIA presented by ERM. Without this the 60-day public comment period is defeated. Yet the Terms and Scope can be found nowhere. Contrary to basic professional practice it is not disclosed in the Environmental Impact Assessment document submitted by ERM. Why is this information being withheld from the public by EEPGL and its firm ERM, and the EPA?

The Environmental Assessment Board cannot possibly consider that the current 60-day period for public scrutiny of this EIA is valid when the Final Terms and Scope remains hidden from the public. In fact, we submit that that entire process has been miscarried and call upon the EAB to declare it null and void and reset EEPGL's application for Environmental Authorisation. The ERM's professional capacity, ethics, and independence from EEPGL are in serious doubt and is evidenced in the poor-quality EIA study that lacked original research on impacts, and the contempt ERM has shown for the people of Guyana by cobbling together paper to submit a lengthy EIA document in a mere month without even regard for disclosing the Terms of Scope for works in the document.

This Yellowtail EIA process is a travesty that, among other things, brings into serious question the conduct of the Environmental Protection Agency and the nature of its relationship with EEPGL and its consulting firm ERM. The EPA must account to citizens for the transgressions it has condoned.

Yours sincerely,

**Concerned Citizens & Participants at the November 11, 2021 Public Consultation on the EEPGL's Yellowtail Development Environmental Impact Assessment Study**

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