



CSCO AND ENR- CSO NETWORK

SUMMARY COMMENTS ON THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT REPORT OF THE TILENGA PROJECT

GENERAL COMMENTS

1. Failure to comply with EIA Regulations and Guidelines in selection of Presiding officer

- We appreciate efforts of NEMA and PAU to conduct public hearings on ESIA report for TILINGA project in Buliisa and Nywoya. However, we are concerned about the failure to adhere to the the Environmental Impact Assessment(EIA) Public Hearing Guidelines with the appointment of Dr. Kabagambe – Kaliisa as the presiding officer at the two public hearing sessions.
- Clause 5(3) of the Guidelines stipulates that “the presiding officer so appointed to preside over a public hearing shall not be an employee or have direct interest in the activities of the developer, the lead agency or the Authority.”

- Dr. Kabagambe –Kaliisa is not only an immediate Permanent Secretary of the Ministry of Energy and Mineral Development, he is also the Senior Presidential Advisor on Oil and Gas.
- As Permanent Secretary of MEMD, Dr. Kabagambe was a part of the team that worked diligently to ensure that Uganda exploits her oil and gas resources wherein production licenses were issued to project developers, among which was Tilenga.
- Dr. Kabagambe's current work as Presidential Advisor and his past work render him as per Clause 5(3) of the EIA Public Hearing Guidelines (1999), ineligible for the role of Presiding officer because of his direct interest in the sector.

This conflict of interest could fail NEMA in coming up with the appropriate decision for the project basing on the report from the presiding officer as per Regulation 22(8) of the EIA Regulations(1998).

It is recommend that in subsequent public hearings, NEMA and PAU appoint presiding officers in accordance with the law to avoid legal action and possible rejection of NEMA's decision.

2. Inadequate time allocated for the review process.

- Time allocated for the review and submission of comments was not enough to allow for meaningful consultations for over 12 developments associated with the project;
- The law provides for 21 days for review of a single EIA. The Tilenga EIA has more than one project and this should have been put into consideration.

It is recommended that lesson's should be learnt and documented to guide future decisions on lamp-sum projects because the existing laws do not recognize this kind of approach.

SPECIFIC ISSUES



Issue	Recommendation
<p>3. ESIA report is non-committal</p> <ul style="list-style-type: none"><i>The language used in the report does not indicate total commitment by the developer.</i><i>For instance; phrases like “where possible”, “where applicable”, “where feasible...”, should be avoided.</i><i>ESIA report mentions developing plans and strategies as mitigation measures. This undermines review & decision-making</i>	<p>ESIA report should indicate what exact activities to constitute mitigation measures in the plans and strategies that are proposed before the project is approved.</p>



Issue	Recommendation
<p>4. Lack of adequate project specific details in the aggregated ESIA report e.g. the feeder roads.</p> <ul style="list-style-type: none">• <i>precise routing of the feeder pipeline is not disclosed.</i>	<p>(a) Analysis of project specific impacts and adequate mitigation actions must be put in place before approval of the ESIA Report.</p> <p>(b) Detail should be provided per each of the 12 different projects, and the approval process should be in phases based on a case by case project than approving the entire development at once</p>

5. The ESIA does not underscore the challenge of proceeding with oil development decisions in absence of adequate policy and legal framework.

Eg

- The National Environment Management Policy
- The national Water Policy
- The National Fisheries Policy
- The National Environment Act

It is recommended that the report recognises that Current laws and policies cited in report do not adequately address oil and gas issues.



Issue	Recommendation
<p>6. ESIA presents a number of limitations in different volumes and sections of the document without providing redress approaches or measures of addressing such limitations.</p>	<p>More data should be acquired and analyzed before the report is approved.</p>

Issue	Recommendation
<p data-bbox="63 194 1081 347">7. Inadequate analysis of Trans-boundary issues.</p> <ul data-bbox="63 425 1097 1353" style="list-style-type: none"><li data-bbox="63 425 1097 782">• The ESIA report does not have sufficient analysis of the trans boundary implications of the project especially conflicts over the resources and security concerns.<li data-bbox="63 846 1097 1353">• Based on the limited scope of the technical detail of the ESIA and the fact that Riparian States were not consulted, the statement that “there will be minimal trans-boundary impacts”, may be misleading.	<p data-bbox="1143 268 1846 775">The report should have a comprehensive analysis of the negative trans boundary implications of the project in order to provide for adequate mitigation measures</p>

Issue	Recommendation
<p>8. Limited analysis of the baseline environmental conditions e.g. Air quality, Climate and noise, e.t.c <i>citing gaps in available data.</i></p> <ul style="list-style-type: none">• There is no evidence to show that existing data e.g. the Albertine baseline report 2-2015 and other reports within MDAs were analysed.	<p>More analysis should be done on the environmental baseline conditions before the report is approved</p>

Issue

9. Inadequate analysis on the implications of water abstraction from L. Albert and from ground water in the already water-stressed Buliisa.

- **The plan to establish a water abstraction facility/works to provide water for only “oil development works” should be re-considered, to incorporate access to water for locals.**

Recommendation

Further analysis must be done to establish the risk posed by abstracting water in respect of the water inflows and outflows into lake Albert, and impact of underground abstraction before the report can be approved.



Issue	Recommendation
<p>10. The ESIA does not provide sources of information such as base maps and other forms of data as provided in the report.</p> <ul style="list-style-type: none">• Indicating the source of data enables the review team to assess the credibility and reliability of information provided.	<p>Indicate sources of data and information in the ESIA to guide decision-making by the Authority and other lead agencies.</p>



Issue	Recommendation
<p>11. The rationale behind constructing new roads north of Victoria Nile and their impact is not given.</p> <ul style="list-style-type: none">• The new roads C-1(10km),C-2 and C-3 (Tangi gate) increase the environmental footprint and habitat uptake of the project and the report does not provide the rationale and impact mitigation measures.	<p>Analysis of project specific impacts and adequate mitigation plans for the roads must be done before project approval.</p> <p>Consider using existing roads under UWA management to reduce on environmental footprint.</p>



Issue	Recommendation
<p>12. No evidence that the ESIA has been benchmarked with the Physical Development Plan for the Albertine Graben of 2014 - 2040 .</p>	<p>The ESIA should be benchmarked with the Physical Development Plan for the Albertine Graben Plan 2014/2040 to avoid inconsistencies.</p>

Issue	Recommendation
<p data-bbox="81 511 1000 745">13. Lack of Geographical Positioning System(GPS) coordinates for the locations.</p> <ul data-bbox="81 831 1027 1116" style="list-style-type: none"><li data-bbox="81 831 1027 1116">• The ESIA report lacks GPS coordinates which are useful for verification of data and future monitoring.	<p data-bbox="1124 582 1787 868">The ESIA report should provide accurate GPS coordinates before approval.</p>



Issue	Recommendation
<p>14. Although the ESIA deals with the impacts of project on climate, the report does not make any attempt to analyze the impact of climate on the different project activities:</p> <ul style="list-style-type: none"><i>Climate is a double edge sword. It is impacted on and it also impacts on the project.</i>	<p>There is urgent need to analyse the impacts of climate (the specific Climatological characteristics of region K) on the different project activities, as well as appropriate mitigation measures</p>

Issue

Recommendation

15. Inappropriate data used to analyze air quality and climate

- The climate data used in the ESIA study is from Bugoma, Kisinja and Mbegu. These areas belong to a different climatological zone from the project area. The more appropriate data should have been from Butiaba and Pakwach weather stations since Buliisa and Nwoya districts are located in climatological zone K. This means impacts and mitigation measures provided thereto are not accurate
- *The secondary data used was for Isimba and Agago Hydropower project which are far away from the project area. Impact estimates and proposed mitigation are therefore not accurate.*

The ESIA report should use and reference the appropriate data from the relevant climatological zone (K).

16. The ESIA Report generally assumes there will not be Impacts during pre-commissioning (*5 years phase*), *clearing and leveling of the sites*, and other stages of the projects

Although there are 7 different phases of the project, the ESIA only considers impacts during Construction, Operation, and Decommissioning and leaves out impacts that may occur during other phases

There is need to address potential impacts and mitigation measures across all the 7 phases of the project before approval of the ESIA Report



Issue	Recommendation
<p>17. Non- recognition of indigenous groups.</p> <ul style="list-style-type: none"><i>There are communities in the proposed project area including the Bagungu, Bakobyia, the Batiaba and the Bakibiro who fit in the description of the Indigenous communities.</i>	<p>The ESIA should recognize the indigenous peoples living in the project area, and accord them commiserate protection of their rights and freedoms pursuant to <u>Performance Standard 7 of the IFC.</u></p>

Issue	Recommendation
<p data-bbox="79 456 1124 706">18. Waste management is not adequately addressed in the report.</p> <ul data-bbox="79 714 1124 1235" style="list-style-type: none"><li data-bbox="79 714 1124 935">• <i>Report does not benchmark the challenges faced during the exploration phase.</i><li data-bbox="79 1021 1124 1235">• <i>Potential impact of waste on public health not adequately underscored.</i>	<p data-bbox="1124 585 1854 1106">ESIA report should clearly categorise the types of wastes that will be produced, the volumes and how each category will be managed.</p>

Issue

Recommendation

19. Noise and Vibration:

- The ESIA report does not provide analysis of negative impacts of noise and vibration on wildlife.

The ESIA report should evaluate impacts of noise and vibration on wildlife and provide clear mitigation measures based on analysis of available data and information.



Issue	Recommendation
<p data-bbox="79 478 710 549">20. Animal Crossing</p> <ul data-bbox="79 639 1045 996" style="list-style-type: none"><li data-bbox="79 639 1045 996">• The study recommends use of wildlife crossing structures but there is limited analysis and guidance on where the proposed structures will be located.	<p data-bbox="1164 549 1870 911">The ESIA report should identify potential areas of location for the wildlife crossing structures as well as site impacts.</p>



Issue	Recommendation
<p data-bbox="63 419 1151 565">21. Inadequate analysis of impacts on wildlife</p> <ul data-bbox="63 679 1186 1172" style="list-style-type: none"><li data-bbox="63 679 1186 851">• The study misrepresents the project area as if it is wholly located outside the Protected Areas.<li data-bbox="63 868 1186 1172">• E.g. Vol.6. Appendix 04 mentions that “the potential impacts on species are concentrated in Landscape Context A(MFNP), B(Savannah corridor),C(Lake Albert and associated wetlands) and F(mixed landscapes).	<p data-bbox="1232 479 1889 993">An analysis that clearly makes use of already existing literature on wildlife distribution and critical habitats should be undertaken before project approval.</p>



Issue	Recommendation
<p data-bbox="79 491 977 701">22. Limited analysis of the challenges with the current grievance handling mechanisms.</p> <ul data-bbox="79 868 1058 1229" style="list-style-type: none"><li data-bbox="79 868 909 982">• Relation with existing grievance handling mechanism missing.<li data-bbox="79 996 1058 1229">• Conflicts with existing mechanism e.g. district leaders being part of committees responsible for dispute resolution.	<p data-bbox="1122 568 1812 1008">Analyse the challenges with the current mechanisms and provide appropriate mitigation measures before the report is approved</p>

Issue

Recommendation

23. Inadequate adaptation mechanism for nationals.

- Report addresses impacts associated with influx of people but does not address the culture and orientation of people when resettled.
- Cultural integration of nationals from other regions or PAPs who opt for relocation not provided for.

ESIA report should have clear mitigation mechanisms for adaptation of PAPs and workers(national) from other regions.

Issue

24. Inadequate analysis of project implication on aquatic life.

- *ESIA report mentions impact on fisheries but details on e.g. implication of fish movement on breeding grounds are not provided.*
- *Inadequate information on potential impacts on other aquatic life such as tortoises, crocodiles, hippopotamii.*
- *Report mentions that testing and monitoring will be done on fish but does not mention other aquatic life.*

Recommendation

- Detailed analysis should be undertaken on potential impacts on existing aquatic life before project approval.
- Testing and monitoring of water intake should not only be considered on fish alone but also on other aquatic life.

Issue

24. Inadequate analysis of proposed project on the Tourism sector.

- *The report does not adequately underscore the potential impact of the project on the tourism sector.*

Recommendation

The ESIA should indicate the possible impact of the project (both positive and negative) on the tourism sector and propose adequate mitigation measures to address the negative impacts before approval.



Issue	Recommendation
<p data-bbox="67 492 879 649">26. Inadequate analysis of Decommissioning impacts</p> <p data-bbox="67 721 1043 1021"><i>The report only considers decommissioning at the <u>end of the project</u> (after 25 years) yet in practice, Decommissioning takes place at the end of each project phase. (The Tilenga project has 7 distinct phases)</i></p>	<p data-bbox="1110 549 1825 906">Decommissioning should be done at the end of each project phase and its impacts should clearly be analyzed per phase</p>