

Comments Received on the ESIA¹ and DFC's Responses:

- I. No Beneficial Development Impact**
 - a. Local Communities Worse Off*
 - b. No Improvement to Energy Access for Local Communities*
 - c. This Project Has Already Resulted in Land Grabs*
 - d. The Gas Development Has Caused an Increase in Violence and Militarization in the Region*

- II. Rovuma LNG and Associated LNG Projects Will Have Devastating Impacts on the Environment**
 - a. This Project Will Release Massive Amounts of Greenhouse Gas Emissions, Contributing to Climate Change*
 - b. Rovuma LNG Will Destroy Important Ecosystems and Species*

- III. OPIC Has Failed to Comply with NEPA and the ESA**
 - a. Funding of Rovuma LNG Requires Evaluation of Impacts Pursuant to the National Environmental Policy Act*
 - b. Funding Rovuma LNG Requires Consultation Regarding Impacts on Endangered and Threatened Species, pursuant to the Endangered Species Act*
 - c. The Project Does Not Conform with OPIC's Environmental and Social Policy Statement and IFC Performance Standards for Biodiversity and Sustainability.*
 - d. The EIA's Alternatives Assessment Is Flawed*

Comment I (a): *This project will require a huge investment by the Mozambican government beyond the project itself, which would be better spent on social programs and renewable energy development. The project itself will require an investment of up to US\$ 30 billion. As the assessment states, this large investment could make this project the single largest investment project in Mozambique, a country where the overall literacy rate is 47 percent and a mere 28 percent for females.¹³ This project will divert funds that should be going to education and other social necessities to build and maintain needed infrastructure for this project. When these projects occur, governments always have to spend huge amounts of money beyond what private investors provide.*

Very few, if any, of the jobs that are created through this project will go to local communities. As the assessment states, most of the people who live in the district surrounding the project have received no formal education and much of the population is illiterate. In addition, the local population generally has little to no experience with the private sector. Therefore, few will have the skills or education level to perform the jobs that this project will create, and there are no plans to upskill the communities.

Not only will the LNG project provide a minimal number of local jobs, if any, it will also remove the sources of income that local communities depend on. The assessment finds that the majority of the local communities are "highly dependent" on fishing, small scale agriculture, and other natural resources to make a living. Since the project will have devastating impacts on local resources, displaced local communities will no longer be able to access these resources that they depend on, including forests and areas for fishing. In addition, as the assessment states, local communities will

¹ The ESIA was posted for public comment September 26, 2019 to November 25, 2019.

lose income they currently get from tourism.¹⁴ In 2018, the sector generated 8.1 percent of the total economy.¹⁵ That same year, travel and tourism supported over 727,000 jobs directly, which was 7.3 percent of total employment. With that in mind, the Government opted to ensure that all future development projects in tourism have a strong component of social responsibility. The province of Cabo Delgado, as one of the country's priority areas for the development of tourism sector, has been receiving considerable investment in tourism. Yet, the project will greatly hinder those economic impacts by driving tourists away through high levels of noise, vessel traffic, and pollution, as well as the destruction of the pristine local reef. Therefore, the tourism income created from snorkeling and diving, as well as beachgoers will be reduced if not eliminated.

Moreover, the construction of LNG plants relies on the influx of thousands of workers, often male, who are typically paid far more than others in the community, which typically causes hyper inflation of housing, food, and other basic necessities. Other than the relatively few local people lucky enough to get a job on the project, this hyper inflation will result in most local people being relatively worse off financially, even with (and indeed because of) the large influx of investment into the construction project. The local communities will be further harmed by the increased strain on health care facilities and water resources, greater crime, and more sexually transmitted diseases.¹⁶ This strain will put local populations at greater risk of health problems from tainted water and sanitation issues.

Response to Comment I(a): The loss of land, livelihoods and natural resources has been identified as a major project impact and DFC is working closely with the Project to ensure appropriate mitigation measures and plans are developed and implemented. DFC will require that the Project demonstrate ongoing compliance with PS 5, particularly in achieving restoration or improvement of livelihoods of displaced persons. To this end, the Project plans to implement a robust Livelihood Restoration program that involves three dedicated, multi-year programs supporting (i) agricultural livelihoods, (ii) fisheries, and (iii) economic diversification. In addition, the Project has developed a dedicated program to provide additional support to identified vulnerable groups. Implementation of these programs are actively underway and monitoring and reporting is ongoing on a monthly basis. External outcome evaluations will be conducted on the livelihood restoration plans after 18 months of implementation to assess program effectiveness and a final evaluation after 36 months of implementation will assess the need for program extension or new programs to address evolving livelihood needs. There is and will continue to be regular monitoring by the third-party Independent Environmental and Social Consultant (IESC) for compliance against the IFC Performance Standards.

A Community Development Fund will be established to fund compensatory measures to offset any loss to communal assets and resources. The Project is currently in process of helping resettlement-affected communities establish legal entities to be able to administer and govern the Fund. A total of approximately 550 million MZN has been allocated for the Fund.

Recognizing the need for skills development at the local level, the Project has a Local Workforce Development Strategy that includes training, job readiness, and recruitment measures. The Project anticipates hiring 5,000 local workers during construction. For longer-term jobs during operations, the Project has set a target of 85% local hires. Given the disproportionately high reliance on subsistence-based livelihoods, income from waged employment within the Project area is reported by only 4% of the local population (see Ch. 9-5 of the EIA). Broader skills development and job readiness of the local population is a core aspect of the Diversified

Livelihood Restoration Plan. The Project's ongoing worker development efforts and plan implementation will be covered by regular IESC monitoring and project reporting.

Recognizing the significant impact that major worker influx can potentially trigger, the Project has developed a Project In-migration Plan as well as opted for utilization of a self-contained, 'closed' worker accommodation camp to limit the potential adverse impacts of worker influx into the Project area. All contractors are also required to establish adequate worker accommodation for its workforce including for expatriate staff, temporary staff and visitors. All worker accommodation facilities are required to have, at a minimum, adequate health care clinics, sanitation infrastructure, and recreational and leisure facilities. Workers will be prohibited from leaving accommodation camps for non-work-related activities, thereby minimizing the risk of increased crime and high-risk behavior that can adversely affect surrounding communities. The Project-induced In-migration Plan also sets out a number of other mitigation measures to address the root causes of opportunistic influx. These include, but are not limited to, standardized codes of conduct, standardized local recruitment and contracting procedures, and collaboration with the Mozambican government to issue local residents with national identification cards.

The Project is committed to collaborating with the provincial and district level government to help support their development plans and to mitigate any indirect impacts caused by in-migration to the region.

***Comment I (b):** The Rovuma LNG project does not even pretend to help Mozambique and its people economically benefit from its energy production. Over 70 percent of the country lacks access to electricity. In rural Mozambique, access to electricity is basically nonexistent at two percent. Even for the 27.5 percent that is considered to have access, many of those people cannot actually afford the electricity, leading to millions more Mozambicans without electricity. Despite this incredibly low electricity rate, the project does not even attempt to improve that dismal figure. The stated purpose of the project is to “gather, process, and export natural gas in liquid form known as LNG . . . [to] be used as a fuel source in other countries” [emphasis added]. While this project will heavily damage the natural resources that local communities depend on, they will receive none of the benefit of the gas. The LNG will be exported to other countries, most likely markets in Asia, which have already agreed to purchase LNG from northern Mozambique.*

Moreover, natural gas does not even make sense to improve energy access in Mozambique. About two thirds of the population in Mozambique lives in rural areas far from the centralized grid. Therefore, any theoretical increase in the production of natural gas, which requires large centralized power stations, would not help to improve the country's access to electricity. Furthermore, Mozambique lacks the pipeline infrastructure that would be needed to transport natural gas from the very north of the country where the natural gas deposits are to Maputo in the south or any other part of the country. To build such a pipeline network is prohibitively expensive, and if it were accomplished would cement dependence on fossil fuels for decades to come. To increase access to electricity, the country would need to invest in small distributed systems. Small solar systems would make the most sense in a country like Mozambique, which has abundant solar resources.

Response to Comment I (b): The Project will result in a number of economic benefits for the country. Commercialization of the gas has the potential to transform the economy of Mozambique for the benefit of its people. Mozambique, with a per capita GDP of \$475 in 2018,² is one of the poorest countries in the world and is ranked 137th out of 141 countries in the World Economic Forum’s 2019 Global Competitiveness Index.³ The Project and the related upstream development are expected to increase government revenues substantially, which, if managed properly, would greatly improve the macroeconomic health of the country. The Project will generate revenues for the Government of Mozambique (GoM) amounting to approximately \$79.7 billion from the receipt of royalties, taxes, and fees.⁴ The GoM is expected to use these revenues to invest in its population and infrastructure to promote inclusive economic development. Once developed, the Project is expected to lead to an increase in Mozambique’s GDP by approximately \$15 billion per annum on average.⁵ Importantly, 60% of associated GDP benefits are expected to accrue to sectors other than oil and gas.⁶ The Project is also expected to be a means to service the GoM’s existing sovereign external debt of approximately \$14 billion.

The Project will be a catalyst for industrialization and will provide the local population with employment and training opportunities. Construction is expected to create 5,000 local jobs with workers receiving approximately 2 million hours of training. During operations, the Project is anticipated to create 1,100 direct, long-term jobs.

ExxonMobil will provide \$3 million to USAID to design and administer programs that improve social and economic development in Mozambique.⁷ USAID will apply its experience and strong expertise to promote stability, governance and development initiatives tailored to help community needs. USAID is committed to deepening collaboration with the private sector in areas ranging from economic growth, energy, agriculture and global health to humanitarian assistance, women’s empowerment and education.

The Project will contribute to improving energy access in direct and indirect ways. During the production phase, the Project expects to provide up to 17,000 tons of liquefied petroleum gas (LPG) per year in Mozambique from Area 4 resources, which is currently about 50 percent of the country’s LPG imports, dramatically improving access to energy. The Project sponsors also plan to distribute up to 5,000 LPG burners and cooking stoves in the Afungi area to replace the burning of wood.⁸

² IMF Country Report No 19/166, June 2019, pg. 23.

³ World Economic Forum, The Global Competitiveness Report 2019, pg. 45.

⁴ Standard Bank conducted a study evaluating the economic impact of the Project (the “Standard Bank Report”). The statistics provided in the Standard Bank Report are estimates provided for the years 2024-2049. <https://www.standardbank.co.mz/en/content/download/94420/2328915/file/Standard%20Bank%20Rovuma%20LNG%20Project%20English%20short%20version.pdf>

⁵ Ibid.

⁶ Ibid. The leading non-oil and gas sector beneficiaries are anticipated to be Agriculture (14%) and Trade & Accommodation (13%).

⁷ https://corporate.exxonmobil.com/News/Newsroom/News-releases/2019/0619_ExxonMobil-to-provide-3-million-to-USAID-programs-in-Mozambique

⁸ https://corporate.exxonmobil.com/News/Newsroom/News-releases/2019/0514_Rovuma-LNG-development-plan-approved-by-Mozambique-government

Mozambique currently imports the vast majority of refined fuels consumed domestically. The Project will deliver to the government of Mozambique (GoM) 150 million standard cubic feet per day of gas per annum (“Domestic Gas”). Mozambique's gas master plan identifies potential domestic use of natural gas to promote economic and industrial growth. A portion of the Domestic Gas is likely to be used to for electrification. The Project will therefore play a fundamental role in supplying gas for domestic consumption.

Although current domestic power generation comes mostly from hydropower, Mozambique has identified the significant upside its growing gas wealth presents to meeting its population's power demands. Planned investment in a number of gas-fired power plants is expected to help drive consumption.⁹ Beyond electrification, the availability of Domestic Gas from the Project is expected over the long-term to foster development of the gas-to-liquids, methanol, and fertilizer industries, which will play an important role in the diversification of the Mozambican economy.

As noted above, the Project will provide the GoM with vast revenues. The GoM will decide how to use such revenues and Domestic Gas to further access to energy, electrification, and infrastructure.

***Comment I (c):** Discussions with local communities and Justiça Ambiental, Friends of the Earth U.S., Centro Terra Viva (CTV), Centro Integridade Publica (CIP), Associação do Meio Ambiente (AMA), and Provincial Unions of Peasants (UPC) of Cabo Delgado have revealed that communities have not been properly consulted or compensated for their lost land and livelihoods¹⁷. Consultations with the communities have not been done properly. During the first consultations, civil society organizations were expelled or inhibited in their participation, community members felt intimidated and did not understand well enough what was discussed. In one community (Senga) there was no participation of women. There are no complete minutes of all the consultations for the communities.*

Many of the existing agreements with communities have not been implemented. Compensation has not been fully paid as promised, resettlements have been postponed, and fishermen have lost access to their fishing grounds. The compensation processes are unclear to many of the inhabitants of the villages that will be resettled. The fact that people get individual compensation for their fields and houses creates tension within families. Also, some individuals received compensation money before they received new land, and spent money on direct needs, resulting in a lack of funds to invest in the new land. Others were promised to receive compensation, but did not yet receive anything. Furthermore, an increase of armed attacks increases the pressure on land and hampers the availability for land compensation. One of the communities that was supposed to yield land to the company for resettlement now refuses to do so, as it is the only land that people feel safe enough to work on.

As similar projects have shown, these projects result in the destruction of communities with insufficient compensation. For instance, the OPIC-supported Azura Edo natural gas power plant in Nigeria has resulted in local communities losing their land in order for the project to be built¹⁸. Some communities received insufficient compensation, while others, as of the timing of a recent report, had not received any compensation. These kind of land grabs are unacceptable as

⁹ Fitch, Oil and Gas Sector Report, Q2 2019.

they allow large multinational corporations to take away peoples' homes with little care about the impacts.

Response to Comment I(c): DFC's due diligence process includes reviewing the EIA, Resettlement Plan, the IESC due diligence reports, and the Stakeholder Engagement Plan to verify that adequate community consultation has taken place. As part of the EIA disclosure package, the Project developed and disclosed a Public Participation Report that documents its stakeholder engagement and public disclosure activities associated with the EIA process. Public engagement for the EIA and resettlement planning were carried out prior to the introduction of the Project and was executed by the Area 1 Operator. In that report, meeting records include photos and minutes were provided for all community meetings held on the Afungi Peninsula. Photos of community-level consultation meetings confirm the attendance of both men and women as well as the participation of women-focused NGOs. The meeting minutes also capture questions asked by civil society members that were in attendance of various local level public consultation meetings including CTV and other NGOs such as Advocacy Association Network and the Uthende (Ruth) Social Lobby, Natural Resources Platform, WWF, Forum of Bay Fishermen, Provincial Forum to Fight AIDS, Association of Paralegals in Palma, Red Cross, Forum Mulher, and several others. The Lenders' independent environmental and social consultant (IESC) has also reviewed and confirmed that stakeholder consultation was sufficient and compliant with PS 1. DFC is not aware of any reported acts of intimidation or retaliation in the consultation process on the part of the Project or Area 1 operator. Should allegations emerge DFC would investigate and take corrective actions as appropriate.

The compensation and household relocation process are currently underway, and the overall resettlement process is following a multi-phased approach. The current security situation and the presence of COVID-19 presents challenges to the ongoing compensation and resettlement process. Compensation packages are verified at a household level through the signing of household-level agreements prior to compensation payment and prior to use and access of land by the Project. The compensation process includes financial management training and the provision of free legal services to affected households on a voluntary basis. Given the staged process, it is logical that some households have not yet signed agreements and have not yet been paid. The Project has represented that all compensation rates and amounts conform with the requirement of full replacement cost. This has been further verified by the IESC and will be subject to ongoing monitoring by the IESC. The grievance mechanism is also currently active and compensation-related grievances are being captured and resolved in a timely manner.

With regards to replacement land, the Project has already secured replacement land for the Resettlement Village and replacement agricultural land. Construction of the resettlement village is already well underway. The Project has represented to DFC that it has secured adequate replacement agricultural land and is in process of allocation of replacement agricultural plots. Status of implementation continues to be monitored via monthly reports and through the IESC.

The resettlement process is being monitored by a coalition of local and national NGOs called the Civic Coalition on Extractive Industries, a group made up of the Centre for Public Integrity (CIP), the Centro Terra Verde (CTV), the Christian Council of Mozambique (CCM) and the Kuwuka-JDA Youth Development and Environment Association. As part of its ongoing

monitoring duties, the group released a statement in March 2018 stating that “in general, the process of implementing the Resettlement Plan on the Afungi Peninsula in this phase has been effective, open and transparent.” (<https://clubofmozambique.com/news/mozambican-organisations-welcome-resettlement-of-1500-people-in-lng-project/>)

Comment I(d): *Over the last two years, there have been many attacks on communities in the gas region that have left over 200 people dead¹⁹. While the Mozambican government has classified these attacks as Islamic terrorism, the reality is more complex. Communities in the area have highlighted how the government’s action of disrespecting peoples’ rights, neglecting communities’ needs, stealing farmers’ lands and fisher folk access to the sea have created a breeding ground for extremism and created conditions that have led to these attacks. This is all further aided by the extreme levels of corruption and flaunting of wealth by Mozambican political elites in the midst of poverty. Some community members even believe that these attacks are linked to the gas industry, as they only began once the industry players became present in the area and have facilitated some of the gas companies progress like the resettlement, where some communities left the project area due to the attacks. All this has led to a large military presence, although communities have said that soldiers focus more on protecting the gas investments than the people, and their presence itself is increasing the atmosphere of fear and causing issues to the local community.*

This situation has also opened the doors for a new private security industry to enter the region – most recently, the Russian military company, the Wagner Group, which has links to Russian President Vladimir Putin²⁰. Yevgeny Prigozhin, who the U.S. has sanctioned for his attempts to influence the 2018 midterm elections, is believed to finance the Wagner Group²¹. These and other private security companies have entered the country, and their presence has raised numerous questions around the legality, as their very entrance and import of foreign arms has strict legal requirements that some believe have not been met. In response, the Mozambican government has yet again diverted funds away from social services to the military and security in the region.

Response to Comment I(d): DFC is closely monitoring the ongoing security context surrounding the project and are aware of the risks that a significant security force presents to social risk and impact management. With regards to Project security, the Project has in place a Security Management Plan as well as a tri-partite MOU between the Operators and the Government of Mozambique. The MOU governs the obligations of the Joint-Task Force and sets out a number of requirements regarding training, deployment, contracting and oversight of private and public security forces. One requirement is that host government security forces are prohibited from subcontracting security providers which would preclude the involvement of entities like Wagner Group. To the extent the Government of Mozambique is in contact with private security companies as part of their broader response to the insurgency in the region, this work is beyond the scope of the project’s MOU.

Comment II(a): *This project has the potential to result in a huge release of greenhouse gas emissions, especially methane, not just over the next few years, but for decades to come over the lifespan of the project. Not only will this shift investment from renewables to natural gas, as happened in the United States, but it will also disincentive future renewable opportunities²². In a*

country that is largely rural and has significant renewable resources, including solar, this is a major lost opportunity to increased electricity access to clean and sustainable forms of electricity.

The assessment underestimates the impact of the methane that will be released during the extraction, processing, and transportation of the natural gas off the coast of Mozambique. The assessment states that it uses the same global warming potential figures as used in the IPIECA Petroleum industry guidelines for reporting greenhouse gas emissions and the American Petroleum Institute's 2009 Compendium of Greenhouse Gas Emissions²³. These two documents use a global warming potential for methane of 25 times as potent as carbon dioxide, based on the outdated 2007 Intergovernmental Panel on Climate Change (IPCC)²⁴. According to the most recent report from the IPCC, methane is a greenhouse gas that is 87 times as potent as carbon dioxide over a 20 year timeframe²⁵. The assessment estimated direct emissions from the project at 12.9 million tons of CO₂ equivalent emissions per year, starting in 2022, the first full year of operation²⁶. Therefore, this project's direct emissions will be closer to 44.9 million metric tons when using the more accurate IPCC global warming potential.

Unfortunately, this assessment is not alone in underestimating the methane from a project. Methane emissions are a major problem for the oil and gas sector; some estimates put methane leakage from oil and gas production at 17 percent²⁷. Studies have found that regulators in the United States are not properly estimating these emissions for natural gas fields in parts of the country²⁸. In part because a device commonly used to measure the methane that leaks from industrial sources may greatly underestimate those emissions²⁹. The release of large amounts of methane led to a Cornell University review of the scientific research that found conventional natural gas has a greater climate impact than coal³⁰. Contrary to what one might think, the newer the gas well, the more likely the well is to leak methane³¹. These wells will continue to leak methane long after Exxon and other energy companies have stopped using them to extract natural gas³².

This project does not just involve the extraction and burning of natural gas, it also involves liquefying it for export. The LNG project lifecycle processes of production, transport, liquefaction, shipping, re-gassification, and power plant combustion is incredibly energy intensive. The U.S. Department of Energy estimates that the liquefaction, transport, and regasification process increases the total lifecycle of greenhouse gas emissions from the natural gas industry by 15 percent³³. Another study by the Center for American Progress found the liquefaction stage of a typical U.S. LNG project is a mere 10 percent of the project's total lifecycle emissions³⁴. Yet, the assessment only considers the direct emissions of the Mozambique liquefaction plant, estimated at 12.9 million tons of CO₂ equivalent emissions per year³⁵. If this is 10 percent of total lifecycle emissions, then this project will be over 120 million tons of CO₂ equivalent per year.

Response to Comment II (a): For the purposes of DFC greenhouse gas accounting, as described in DFCs Environmental and Social Policies and Procedures, DFC accounts for 100% of the emissions associated with operations over which a DFC client has operational control. This inventory boundary is informed by the project definition which, in this case, is the development, construction, operation and maintenance on an onshore natural gas liquefaction plant with two

trains each having a capacity of 7.6 million tons per annum, inlet facilities, onshore feed gas pipelines and storage facilities. The Project represents the midstream operation associated with the integrated development and commercialization of gas reserves in Area 4 of the Rovuma basin. The greenhouse gas inventory boundary does not include the upstream operations, which are under the operational control of another entity, nor any future downstream use of the LNG. This approach is consistent with DFCs (and OPICs) approach to GHG accounting since 2008.

The current CO_{2e} estimate for the midstream component is between 0.23 and 0.29 million tons per annum (MTA) CO_{2e}/1 MTA LNG. This estimate considers all major process facility emissions sources (e.g., electrical power generation, refrigerant compressor driver gas engines, thermal oxidizers). Calculations are based on the preliminary fuel gas balance that considers estimated load and required fuel by individual emissions sources. The preliminary fuel gas balance is based on model-specific vendor information for all gas turbines and preliminary design assumptions for thermal oxidizers.

The Project continues to identify CO_{2e} reduction opportunities as engineering progresses. Some examples include the following:

- There will be no routine hydrocarbon flaring or venting.
- The refrigerant compressor has full pressure restart capability, which will result in minimal flaring during trips and restarts.
- The thermal efficiency of the gas turbine compressor drivers are 2-5% more efficient than turbines used in the majority of LNG projects.
- Waste heat recovered from gas turbine exhausts will supply process heat demand.
- Low pressure off-gas generated by condensate recovery will be recovered and recompressed for liquefaction in the LNG trains.

Comment II(b): *This project will have a huge impact on the local environment. The sheer area of the project is massive; the assessment calculates that the footprint of the project is “approximately 3,600 ha, within the allocated approximately 7,000 ha DUAT area³⁶. The assessment incorrectly finds that most of the impacts will be either minor or reduced to minor with mitigation measures. There is no way that such a massive energy extraction project will not result in many major negative environmental impacts. The EIA’s suggestion otherwise minimizes and brushes over the true impacts that this project will have—impacts that will never be undone.*

The zone where the three parts of the projects are located encompasses an area inhabited by a large number of flora and fauna species, as well as special ecosystems. The coastline of eastern Northern Mozambique’s coral reefs are also largely intact and are some of the most species-diverse coral reefs in the region, particularly in the Quirimbas Archipelago of Cabo Delgado Province where the Project will occur. The area’s particularly productive sea grass beds also provide nursery grounds and foraging habitat for fish and turtles. Recognizing these ecological

attributes, as well as the area's cultural history, UNESCO designated the Quirimbas Archipelago as a Biosphere Reserve.

Africa, including particularly the northern coast of Mozambique, is home to incredible biodiversity. Roughly 60 percent of eastern Africa's remaining mangrove forests are in Mozambique, providing excellent habitat and tremendous ecosystem services³⁷. Northern Mozambique's coral reefs are also largely intact and are some of the most species-diverse coral reefs in the region, particularly in the Quirimbas Archipelago of Cabo Delgado Province where the Project will occur³⁸. The area's particularly productive sea grass beds also provide nursery grounds and foraging habitat for fish and turtles³⁹. Recognizing these ecological attributes, as well as the area's cultural history, UNESCO designated the Quirimbas Archipelago as a Biosphere Reserve⁴⁰.

The project area particularly has a wide diversity of animals including whales, dolphins, turtles, sea birds, and fish⁴¹. Furthermore, the environmental impact statement indicates that the nearshore and offshore areas include a number of species that are considered imperiled by the IUCN, including sei whales, Indian yellow nosed albatross, loggerhead, green turtles, leatherback, and hawksbill turtles. The EIA also notes that "a number of fish and benthic species [that] have been observed appear to be new to science and have not previously been taxonomically described."⁴² The project will destroy areas of pristine coral reefs, mangroves, and sea grass beds. Fewer and fewer places in the world contain these ecosystems, so protecting them is more important than ever. This project will require dredging, disposal of waste materials, and the construction of subsea, near shore, and on shore structures and infrastructure that will devastate these ecosystems. This will also harm the species through habitat degradation, noise and ship strikes and force species to leave the area. Moreover, if there is a spill or gas accident, which have become prevalent at energy extraction sites, the impacts will be even more catastrophic⁴³. None of the impacts are fully considered, assessed, or mitigated in the EIA.

Response to Comment II(b): The posted ESIA for the Afungi LNG Park concerns the upstream and midstream facilities associated with two natural adjacent gas concessions (Area 1 and Area 4) in the Rovuma Basin. The joint ESIA represents an effort made by the Area 1 and Area 4 operators to coordinate in managing environmental and social risks. The Project under consideration for DFC financing concerns only the midstream facility of Area 4, which includes two LNG trains, storage tanks, pipeline corridor, and a construction camp.

DFC expects the Project to mitigate risks to biodiversity to acceptable levels through compliance with IFC PS 6. The Project Company has expressed its commitment to implementing the mitigation hierarchy, and to achieving no net loss (NNL) of Natural Habitat and net gains (NG) for Critical Habitat as required in PS 6. In accordance with PS 6, the Project has completed a Critical Habitat Assessment (CHA) and preliminary Residual Impacts Assessment (RIA) and is preparing a comprehensive Biodiversity Action Plan.

The Project intends to offset significant residual impacts to achieve NNL and NG as required by PS 6. In accordance with PS6, offset design will follow the principle of "like-for-like-or-better," will be informed by the best available information, and will involve consultation with external

experts in offset design and implementation. Preliminary offset locations have been screened for suitability.

As noted in the posted EIA (Section 6.10) and in accordance with DFC's categorical exclusions, the Project is not expected to impact internationally or nationally recognized protected areas, including the Quirimbas National Park or Quirimbas Archipelago Biosphere Reserve, which are south of the area of influence of the Project.

Onshore mitigation measures are described in the ESIA. These measures include establishing and demarcating wetland buffer zones, demarcating and avoiding disturbance to mangroves, and restoring degraded sites in a timely manner. The layout original of onshore infrastructure and gas pipeline corridor were revised to avoid and minimize impacts to sensitive ecosystems (ESIA Section 10.4). The revised onshore footprint, which includes the onshore components of both Area 1 and Area 4, reduced potential disturbance of sensitive areas on the Afungi Peninsula from 2,340 ha to 1,695 ha, notably wetlands on which most species at the site heavily rely.

The Project will further mitigate risks to onshore biodiversity through implementation of Environmental and Social (E&S) Requirements for Contractors, including annexes on Wildlife Protection, Weed and Pest Management, and Site Development and Construction (previously disclosed on the OPIC website and which now may be found at <https://www.dfc.gov/what-we-offer-eligibility-our-investment-policies/environmental-and-social-impact-assessments>).

Although the midstream project is not expected to significantly impact the offshore marine environment, the ESIA on the development of the larger Afungi LNG Park addresses mitigation measures for the marine environment including the specific activities below:

- Dredging risks will be mitigated through avoidance of seagrass beds and coral reefs, implementing the recommendations of a coral specialist, possible relocation to achieve Net Gains, and adhering to international standards for acceptable turbidity levels for such ecosystems. The project will use silt screens, where needed, to mitigate dredging impacts on corals and other sensitive marine ecosystems.
- Risks associated with construction will be mitigated through demarcation and avoidance of sensitive habitats (corals, seagrass) and ensuring installed structures are suitable for colonization by corals (e.g., use of "eco-blocks" or quarried stone).
- The Project will comply with MARPOL regulations for waste disposal. In addition, the E&S Requirements for Contractors (Marine Operations) include provisions for proper waste storage and disposal and prevention of leaks and spills, including routine daily inspection of equipment, keeping a spill kit aboard the vessel, and training all crew members in spill and emergency response protocols.
- To mitigate risks of ship strikes to whales, dolphins, and turtles, vessel operators must develop a Marine Fauna Observation Procedure and Marine Mammal Observation Procedure using Good International Industry Practices (GIIP). Trained observers will be deployed, and when sensitive fauna are present, vessels will slow or divert their travel.
- A 20-minute "soft-start" protocol for pile driving is currently recommended to allow whales, dolphins, and turtles to move out of the range of noise disturbance.

Comment III(a): *The National Environmental Policy Act (“NEPA”) requires each federal agency, including OPIC, to produce an “environmental impact statement” to evaluate “every . . . major Federal action[] significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). “Major federal actions” include “projects or programs entirely or partly financed, assisted, . . . or approved by federal agencies.” 40 C.F.R. § 1508.18(a) (emphasis added). Further, NEPA applies to agency conduct, such as financing, that “occurs within the United States . . . , [e]ven where the significant effects of the regulated conduct are felt outside U.S. borders.” *Env’tl Def. Fund v. Massey*, 986 F.2d 528, 532 (D.C. Cir. 1993). Additionally, because the project’s substantial greenhouse gases emissions will mix in the atmosphere, climate change impacts from the Projects will be felt not only in Eastern Africa, but also in the United States. See *Friends of the Earth v. Mosbacher*, 488 F. Supp. 2d 889 (N.D. Cal. 2007) (finding climate impacts of foreign project occur within the U.S., triggering NEPA). Before financing the project, OPIC must fully evaluate the project’s impacts as required by NEPA⁴⁴. OPIC’s financing, which will likely represent a considerable portion of the overall investment for each project, constitutes a “major Federal action,” and the Projects “significantly [e]ffect[]” the environment, including rare habitats, ESA-listed species, water resources, and the global climate. 40 C.F.R. § 1508.18(a).*

Response to Comment III (a): DFC undertook a comprehensive analysis of the environmental and social impacts of the midstream project. This review benefited from the environmental and social impact analysis undertaken by the Export Credit Agencies lender group, which includes the U.S. Export Import Bank, the environmental and social impact analysis undertaken by the ECA lenders’ independent environmental and social consultant, and technical analysis by an independent engineer. Initial assessment work began in 2014 and in the ensuing years additional studies have been completed to address gaps in the analysis, designs have been altered to avoid impacts as required under the mitigation hierarchy and strong management plans have been developed to avoid future, unforeseen impacts.

DFC is not providing direct financing to the Project. DFC is providing up to \$500 million in political risk insurance (net reinsurance) to an U.S. Statutory Business Trust, which will lend to a special purpose vehicle that will lend to the foreign enterprise developing the Project. The DFC support for the project does not represent a “considerable portion of the overall investment”. Total project costs are estimated to be \$25.456 billion. The \$500 million of DFC exposure represents approximately 2% of total project costs.

Comment III(b): *Section 7 of the Endangered Species Act (“ESA”) requires all federal agencies to “consult” with the Fish & Wildlife Service (“FWS”) or the National Marine Fisheries Service (“NMFS,” or collectively, “the Services”) to “insure that any action authorized, funded, or carried out” by an agency “is not likely to jeopardize the continued existence” of any listed species. 16 U.S.C. § 1536(a)(2) (emphasis added); 50 C.F.R. § 402.02 (defining “agency action” to mean “all activities or programs of any kind authorized, funded . . . in whole or in part”).*

To facilitate compliance with Section 7, an “agency shall . . . request” from the Services information regarding whether any listed species “may be present” in a proposed action area, and if so, the “agency shall conduct a biological assessment” to identify species likely to be affected. 16 U.S.C. § 1536(c); see also 50 C.F.R. § 402.12(b) (requiring preparation of a BA for “major construction activities”). An agency must then initiate formal consultation with the Services if a proposed action “may affect” a listed species. 50 C.F.R. § 402.14(a). The “may affect” threshold is extremely low; consultation is triggered by “[a]ny possible effect, whether beneficial, benign, adverse or of an undetermined character.” 51 Fed. Reg. 19,926 (June 3, 1986). After formal consultation, the Services issue a biological opinion to determine whether the agency action is likely to “jeopardize” any species’ existence. If so, the opinion may specify reasonable and prudent alternatives to avoid jeopardy. 16 U.S.C. § 1536(b). Even if jeopardy will not occur, the Services may “suggest modifications” to the action to “avoid the likelihood of adverse effects.” 50 C.F.R. § 402.13.

Before committing to funding Rovuma LNG, OPIC must consult with the Services regarding the project’s impacts on any ESA-listed species that “may” be affected by this enormous industrial development taking place inside a pristine and ecologically significant area. OPIC’s funding of the project will clearly constitute an “agency action” triggering consultation. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.02. Further, the Project, which includes major construction, clearly “may affect” ESA-listed species. Id. § 402.14(a). Several ESA-listed species inhabit the area, including endangered sperm, humpback, and sei whales; endangered green, hawksbill, and leatherback sea turtles; as well as threatened loggerhead and olive ridley sea turtles⁴⁵, and possibly endangered dugong. In fact, green and hawksbill sea turtles have been documented nesting on Vamizi, Rongui and Macaloe islands, within and immediately south of Project area.

In fact, green and hawksbill sea turtles have been documented nesting on Vamizi, Rongui and Macaloe islands, within and immediately south of Project area⁴⁶. Endangered humpback whales calve in the area and have been sighted within Palma Bay, where the LNG facility will be located⁴⁷.

Proponents of the project frankly acknowledge substantial short-and long-term impacts, including noise disturbance, habitat destruction, vessel strikes, and lighting impacts from the various aspects of the project, including offshore drilling, cutting trenches for pipelines and shipping channels, construction of the LNG facility and associated shipping terminal, and operation of the facility⁴⁸. Accordingly, OPIC is required to consult with both FWS and NMFS regarding the projects’ impacts on listed species⁴⁹.

*OPIC is required to consult, despite the project’s location. While the Services’ consultation regulations purport to limit Section 7’s applicability to agency actions “in the United States or upon the high seas,” the regulation clearly conflicts with the ESA’s plain language and is therefore unlawful. 50 C.F.R. §§ 402.01(a); 402.02; see *Defenders of Wildlife v. Lujan*, 911 F.2d 117, 125 (8th Cir. 1990) (rejecting the regulation because “Congress intended for the consultation obligation to extend to all agency actions affecting endangered species, whether within the United States or abroad”), *rev’d on other grounds by Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). Accordingly, OPIC cannot rely on the Services’ regulation to avoid consultation, as Section 7 clearly applies to federal agency actions in foreign countries.*

*Additionally, even if the Service’s regulatory limitation were valid, OPIC is still required to consult regarding the project’s impacts. Specifically, OPIC’s deliberation and ultimate decision to fund the projects has occurred or will occur within the United States, and thus the ESA applies. See *Env’tl Def. Fund v. Massey*, 986 F.2d 528, 532 (D.C. Cir. 1993) (finding NEPA applies to agency project in Antarctica because “the decision making processes of federal agencies take place almost exclusively in this country”).*

Further, portions of the project occur on the “high seas,” triggering the Service’s consultation regulation. The drilling and pipeline construction associated with the project appear to occur outside of Mozambique’s 12nm territorial sea, in addition to increased international shipping and seismic activities⁵⁰. 50 C.F.R. § 402.01(a). Accordingly, the ESA required OPIC to consult regarding the project’s impacts.

*Finally, if the project continues, Exxon, a U.S. company headquartered in Texas, is liable for “take” of ESA-listed species, which could result in substantial penalties. Specifically, Section 9 of the ESA prohibits “any person subject to the jurisdiction of the United States” from “tak[ing] any [ESA-listed] species upon the high seas.” 16 U.S.C. § 1538(a)(1)(B). The term “person” includes any “corporation, partnership, trust, association, or any other private entity . . . or any other entity subject to the jurisdiction of the United States.” *Id.* § 1532(13). “Take” is defined to mean “to harass, harm, pursue, . . . wound, kill, . . . or to attempt to engage in any such conduct,” including through habitat destruction. *Id.* § 1532(19). Because portions of the project will occur on the high seas (more than 12nm offshore) and because the project will no doubt “harm,” “harass,” and even potentially “kill” ESA-listed species through noise, vessel strike, and habitat destruction, Exxon will violate the ESA. Such violations are actionable pursuant to citizen suit. *Id.* § 1540(g).*

Response to Comment III (b): The Project is the development, construction, operation and maintenance on an onshore natural gas liquefaction plant and includes the rights of access to and usage of certain facilities that will be shared with the Area 1 operator (i.e., airstrip, marine offloading facility and export jetty). All project infrastructure, including shared facilities, are located within the territorial boundaries of Mozambique; therefore, DFC does not believe the Section 7 requirements of the Endangered Species Act are triggered. Notwithstanding that position the Interagency Coordinator on Section 7 consultations has been notified of DFC’s potential support for the Project.

Comment III (c): *We have serious concerns that this project does not comply with OPIC standards for biodiversity protection and mitigation. First, under OPIC’s Environmental and Social Policy Statement, OPIC must “ensure through its processes that projects receiving OPIC support: [1] Are environmentally . . . sustainable, [2] Are compatible with low and no-carbon economic development.”⁵¹ It is unclear how developing a massive and carbon-polluting industrial facility in an otherwise relatively pristine environment could be deemed either “sustainable” or “low [or] no-carbon.”*

Further, a project must comply with all IFC Environmental and Social Performance Standards, including particularly Performance Standard 6 regarding protection of endangered species and avoidance of critical habitat for those species. This standard establishes different requirements,

depending on whether the project area is “modified,” “natural,” or “critical” habitat. It is unclear from the EIA which category the project proponents believe the area’s habitat should be considered; however, the area’s habitat is “critical” habitat.

As the Mozambique government has stated when it proposed the Quirimbas Archipelago as a World Heritage site:

the Quirimbas Archipelago is considered a key biodiversity site (seascapes) of global importance . . . From its extensive complex of reefs with high coral diversity (> 48 genera), diverse range of habitats including mangroves, seagrasses, sandy and rocky shores, the site is considered to be of outstanding universal value in terms of its terrestrial and marine biodiversity. The Quirimbas Archipelago is important feeding area for turtle, crab plovers and migratory birds. The site is also known to be important nursery area for bottlenose and humpback dolphins and whales. The Quirimbas Archipelago is clearly a significant habitat for a significant diversity of African biota⁵².

Another assessment produced pursuant to the Convention on Biological Diversity found the area has “the highest diversity of corals recorded” in the Western Indian Ocean (WIO), “with almost The area has the “highest fish diversity in the WIO,” “notable” sea turtle nesting and foraging sites, and an “important humpback mother/calf nursing zone.” The report further concluded to area to have “high” levels of biodiversity, uniqueness and rarity, and vulnerability. 300 species in 60 genera.”⁵³ The area has the “highest fish diversity in the WIO,” “notable” sea turtle nesting and foraging sites, and an “important humpback mother/calf nursing zone.” The report further concluded to area to have “high” levels of biodiversity, uniqueness and rarity, and vulnerability⁵⁴.

These characteristics strongly suggest the area qualifies as “critical habitat” under IFC standards: habitat that has “high biodiversity value, including (i) habitat of significant importance to Critically Endangered and/or Endangered species; (ii) habitat of significant importance to endemic and/or restricted-range species; (iii) habitat supporting globally significant concentrations of migratory species. . .species; (iv)highly threatened and/or unique ecosystems; and/or (v) areas associated with key evolutionary processes.”⁵⁵

Because the area should be deemed critical habitat, the strictest standards apply: the proponent “ will not implement any project activities unless,” inter alia:” (1) there are no viable alternative locations,(2)the project will “not lead to measurable adverse impacts” on the area’s biodiversity values,” (3) the project will not cause regional-level population decline of endangered species, and (4)there a “robust” monitoring program.⁵⁶ This project simply does not meet these standards and must be rejected.

Response to Comment III(c): The Project is expected to comply with all applicable IFC Environmental and Social Performance Standards, including PS 6 requirements to achieve NNL for natural habitat and NG for Critical Habitat as required by PS 6 (see response to Comment V (ii) above). The IFC defines Critical Habitat using quantitative thresholds found in PS 6 Guidance Notes 56-83. The Critical Habitat Assessment was conducted using these thresholds and took a precautionary approach where data or information were lacking to ensure that all risks were considered. Mangroves, coral reefs, and seagrass beds qualified for CH designation, as did

the Green Turtle, Hawksbill Turtle, Indian Ocean Humpback Dolphin, and several other IUCN-listed species. Several species of stakeholder concern, including the Humpback Whale, did not qualify for CH designation, but were included for special consideration. Mitigation will be adaptively managed and monitored via implementation of the Biodiversity Action Plan. The Independent Environmental and Social Consultant will verify the Project's compliance with Biodiversity Action Plan.

The Project was screened against DFC's Environmental and Social Policy Statement and deemed to be in compliance. As noted in the posted EIA (Section 6.10) and in accordance with DFC's categorical exclusions, the Project is not anticipated to impact internationally or nationally recognized protected areas, including the Quirimbas National Park or Quirimbas Archipelago Biosphere Reserve, which are south of the area of influence. The carbon intensity of the Project is discussed above in response to Comment II (a).

***Comment III(d):** While the project considers a few different alternatives, there is no mention of the option to pursue cleaner forms of energy development⁵⁷. Considering the amount of investment and infrastructure that will be required for this project, this assessment should have considered the potential impacts of investing in renewables instead and how that would better benefit the country. Investing in small renewable projects, such as small solar installations, would be able to bring real energy access to communities throughout Mozambique. Rather than investing in projects that will merely benefits other countries, investment in renewables would bring benefit to local communities in a way that they desperately need. Electricity will also improve healthcare access, as well as education opportunities.*

In light of the concerns raised in this letter, we urge OPIC to reject financing for the Rovuma LNG project.

Response to Comment III (d): The ESIA posted on the DFC website is a comprehensive document that addresses all aspects, activities and facilities that make up the Project. The ESIA is based in part on ESIA's for individual facilities that make up the LNG Projects in Cabo Delgado and which have been submitted to the provincial authorities for licensing and permitting. The local and national governments and private sector companies in Mozambique are pursuing several renewable and other cleaner forms of energy development and there is no reason to believe that the Rovuma Project will hinder the development of any clean energy project. Investments in renewables are being designed to bring energy access to communities throughout Mozambique and revenue to the local and national governments from the Rovuma Project will support these clean energy projects.

Rovuma has considered alternatives for producing liquefied natural gas. These alternatives, including site selection for processing of gas, are detailed in Chapter 5 of the ESIA. DFC's review included consideration of alternative gas processing sites and technologies and it did not identify any deficiency in the Projects' selected alternatives.

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- ¹³ USAID, Where We Work: Mozambique – Education, <https://www.usaid.gov/mozambique/education> (last updated Aug. 19, 2019).
- ¹⁴ Impacto & ERM, Environmental Impact Assessment (EIA) Report for the Liquefied Natural Gas Project in Cabo Delgado: Final EIA Report – Volume II Impact assessment, Management, Implementation and Conclusions, Ch. 13 Socio-economic Impact Assessment and Mitigation, sec. 13.3 (Feb. 2014), https://www3.opic.gov/Environment/EIA/rovuma/Volume_2/Chapter_13_LNG_Final_EIA_Sept_2014_Eng.pdf.
- ¹⁵ World Travel & Tourism Council, Mozambique – 2019 Annual Research: Key Highlights, <https://www.wttc.org/-/media/files/reports/economic-impact-research/countries-2019/mozambique2019.pdf>.
- ¹⁶ E.g., John Eligon, An Oil Town Where Men Are Many, and Women Are Hounded, N.Y. TIMES, Jan. 13, 2013.
- ¹⁷ Kate DeAngelis, Report from the Field: Perspectives and Experiences of Mozambican Communities and Civil Society on Liquefied Natural Gas Exploitation (Sept. 2016); Both ENDS, Analysis Environmental Impact Assessment and Resettlement Plan Mozambique LNG (Mar. 2019) (on file with author).
- ¹⁸ Nosa Tokunbor, Osayande Omokaro, & Godwin Ojo, Environmental Rights Action/Friends of the Earth Nigeria, Azura Edo IPP, Field Report #352, Apr. 2014 (on file with author).
- ¹⁹ Ilya Arkhipov, Matthew Hill & Borges Nhamire, Russia Denies It Has Any Troops Stationed in Mozambique, BLOOMBERG (Oct. 9, 2019), <https://www.bloomberg.com/news/articles/2019-10-08/russia-denies-it-has-any-troops-stationed-in-mozambique>.
- ²⁰ Jane Flanagan, Mozambique Calls on Russian Firepower, THE TIMES, Oct. 2, 2019, <https://www.thetimes.co.uk/article/mozambique-calls-on-russian-firepower-t2205dxh9>; Russia has been increasing its role in Mozambique – both with regards to debt relief and military involvement. Jasmine Opperman, An Expanded Russian Interest in Northern Mozambique Could Be a New Game Changer, DAILY MAVERICK, Oct. 14, 2019, <https://www.dailymaverick.co.za/article/2019-10-14-an-expanded-russian-interest-in-northern-mozambique-could-be-a-new-game-changer/>.
- ²¹ Donna Borak & Nicole Gaouette, US Sanctions Putin's 'Chef' for Attempting to Influence 2018 Midterm Elections, CNN, Sept. 30, 2019, <https://www.cnn.com/2019/09/30/politics/us-yevgeniv-priogzhin-sanctions/index.html>.
- ²² Haewon McJeon et al., Limited Impact on Decadal-Scale Climate Change from Increased Use of Natural Gas, 514 NATURE 482 (2014), <http://www.nature.com/nature/journal/v514/n7523/full/nature13837.html>; Steven J. Davis & Christine Shearer, Climate change: A Crack in the Natural-Gas Bridge, 514 NATURE 436 (2014), <http://www.nature.com/nature/journal/v514/n7523/full/nature13927.html#close>; Seth Borenstein, Abundant Natural Gas Won't Slow Climate Change, Study Says, ASSOC. PRESS, Oct. 15, 2014, http://www.huffingtonpost.com/2014/10/15/natural-gas-climate-change_n_5990888.html.
- ²³ Impacto & ERM, Annex C: Baseline Methodologies, sec. C3.2.1 (2014), https://www3.opic.gov/Environment/EIA/rovuma/Volume_3/Annex_C_LNG_Final_EIA_Sept_2014_Eng.pdf.
- ²⁴ American Petroleum Institute (API), Compendium of Greenhouse Gas Emissions Methodologies for the Oil and Natural Gas Industry, tbl. 3-1 (2009), http://www.api.org/~media/Files/EHS/climate-change/2009_GHG_COMPENDIUM.pdf; International Petroleum Industry Environmental Conservation Association (IPIECA) & API, Petroleum Industry Guidelines for Reporting Greenhouse Gas Emissions, tbl. 5-1 (2d ed. 2009), <http://www.ipieca.org/publication/guidelines-greenhouse-gas-reporting-2011>.
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- ²⁷ Oliver Schneising et al., Remote Sensing of Fugitive Methane Emissions from Oil and Gas Production in North American Tight Geologic Formations, 2 EARTH'S FUTURE 548 (2014), <http://onlinelibrary.wiley.com/doi/10.1002/2014EF000265/pdf>
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- ³³ 29U.S. Department of Energy, National Energy Technology Laboratory. Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States, DOE/NETL-2014/1649, (2014)<http://www.energy.gov/sites/prod/files/2014/05/f16/Life%20Cycle%20GHG%20Perspective%20Report.pdf>.
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- ³⁵ Impacto & ERM, Chapter 12: Onshore Environmental Impact Assessment and Mitigation, tbl. 12.7, https://www3.opic.gov/Environment/EIA/rovuma/Volume_2/Chapter_12_LNG_Final_EIA_Sept_2014_Eng.pdf.
- ³⁶ Impacto & ERM, Environmental Impact Assessment (EIA) Report for the Liquefied Natural Gas Project in Cabo Delgado: Final EIA Report–Volume 1, p. 6 (Feb. 2014),https://www3.opic.gov/Environment/EIA/rovuma/ESIA/EIA_NonTechnical_Summary_Sept_2014_Eng.pdf.
- ³⁷ M. Samoilys at al., Resilience of Coastal Systems and Their Human Partners in the Western Indian Ocean. Nairobi, Kenya: IUCN ESARO, WIOMSA, CORDIO and UNEP Nairobi Convention (2015).
- ³⁸ *Id.*
- ³⁹ *Id.*
- ⁴⁰ UNESCO, Quirimbas Biosphere Reserve, Mozambique, <https://en.unesco.org/biosphere/africa/quirimbas>.
- ⁴¹ Impacto & ERM, Chapter 7: Environmental Baseline -Offshore and Near Shore, pp. 7-95, 7-32,https://www3.opic.gov/Environment/EIA/rovuma/ESIA/Chapter_7_LNG_Final_EIA_Feb_2014_Eng.pdf.
- ⁴² Impacto & ERM, Chapter7: Environmental Baseline-Offshore and Near Shore, p. 7-1 (2014),https://www3.opic.gov/Environment/EIA/rovuma/ESIA/Chapter_7_LNG_Final_EIA_Feb_2014_Eng.pdf.
- ⁴³ For an example of the types of harm caused by oil and gas drilling, see the Center for Biological Diversity and its partners' NEPA comments on a recently proposed oil and gas facility off Alaska. On file with the authors. While the Alaskan and Mozambique ecosystems are very different, the types of harm (GHG emissions, noise disturbance, risk of oil spill, etc.) are similar.
- ⁴⁴ While each proponent produced an “Environmental Impact Statement” for the Projects, these documents do not meet NEPA’s environmental review requirements, as they are not issued by OPIC and fail to provide sufficient detail or opportunity for public input. See, e.g., 40 C.F.R. §§ 1502.15;1502.16;1503.1.
- ⁴⁵ *Id.* ch. 7
- ⁴⁶ *Id.* ch. 7 at7-96.
- ⁴⁷ *Id.*
- ⁴⁸ *Id.*ch. 11.
- ⁴⁹ 4445We note further that, during consultation, OPIC is prohibited from “mak[ing] any irreversible or irretrievable commitment of resources” toward a project that would “foreclos[e] the formulation or implementation of any reasonable and prudent alternative measures.” 16 U.S.C. § 1536(d).
- ⁵⁰ Impacto & ERM, Chapter 4: Project Description (2014),https://www3.opic.gov/Environment/EIA/rovuma/ESIA/Chapter_4_LNG_Final_EIA_Sept_2014_Eng.pdf.
- ⁵¹ OPIC, Environmental and Social Policy Statement, sec. 1.3 (Jan. 2017), [https://www.opic.gov/sites/default/files/files/final%20revised%20ESPS%20001132017\(1\).pdf](https://www.opic.gov/sites/default/files/files/final%20revised%20ESPS%20001132017(1).pdf).
- ⁵² UNESCO, The Quirimbas Archipelago, <https://whc.unesco.org/en/tentativelists/5380/> (last visited Oct. 22, 2019).
- ⁵³ The Clearing-House Mechanism of the Convention on Biological Diversity Information Submission Service (CHM), Ecologically or Biologically Significant Areas (EBSAs): Pemba Bay-Mtwara (part of the Mozambique Channel),Jun. 12, 2015,[https://chm.cbd.int/database/record? DocumentID=204003](https://chm.cbd.int/database/record?DocumentID=204003).

⁵⁴ *Id.*

⁵⁵ IFC, Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources, Jan. 1, 2012, https://www.ifc.org/wps/wcm/connect/3baf2a6a-2bc5-4174-96c5-ee8085c455f/PS6_English_2012.pdf?MOD=AJPERES&CVID=jxNbLC0.

⁵⁶ *Id.*

⁵⁷ Impacto & ERM, Chapter 5: Consideration of Alternatives (2014), https://www3.opic.gov/Environment/EIA/rovuma/ESIA/Chapter_5_LNG_Final_EIA_Sept_2014_Eng.pdf.