

UPSTREAM Session 10a. Introduction to Reg. 216 & Screening Activities Under Reg. 216

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Objective

Understand Reg. 216 as USAID's mandatory pre-obligation EIA process, and further understand that environmental mitigation and monitoring conditions established by this process become required elements of activity design and implementation. Become familiar with the entire Reg. 216 process and in particular the first step in this process: screening.

Format

Presentation and demonstration/discussion Summary

Summary

Reg. 216 (22 CFR 216) is a US federal regulation that sets out USAID's mandatory pre-obligation/ pre-implementation EIA process. The Regulation applies to all USAID programs or activities, including non-project assistance *and* substantive amendments or extensions to ongoing activities.

The Reg. 216 process results in environmental review documentation (a Request for Categorical Exclusion (RCE), an Initial Environmental Examination (IEE), an Environmental Assessment (EA)), that must be approved by the Mission Director and by the BEO. The IEE is USAID's version of a preliminary assessment. The EA is a full EIA study.

No "irreversible commitment of resources" can occur to implement an activity unless the activity is covered by appropriate, approved Reg. 216 documentation.

When IEEs are approved with mitigation and monitoring conditions attached to one or more activities, those conditions become a required part of project design/implementation. (EAs always have such conditions.)

This session briefs Reg. 216 as a specific implementation of the EIA process, with particular attention to (1) the *screening process and criteria* established by the Regulation, and (2) the nature of the environmental documentation determined by this screening process.

Reg. 216 documentation is developed both by Mission staff, Partners and contractors, depending on the situation. Most IEEs that cover a sector portfolio in a mission (SO- or FO-level IEEs) are developed by Mission staff or 3rd-party contractors. (Note: such IEEs are being phased out in some missions (e.g. USAID/Sudan) and in some regions (e.g. Asia and the Middle East).

Partners are often asked to develop Reg. 216 documentation for new project components. 3rd-party contractors are almost always engaged to undertake EAs.

Reg. 216 Screening and the IEE Assistant. The on-line *IEE Assistant* is introduced as a key resource to facilitate the screening process and Reg. 216 documentation development. To show the use of the tool and

to practice the screening process, we will work together to screen one or more of the following example activities:

1. An NGO will sponsor training in rodent control.
2. A group of transporters and two villages have formed a cooperative association and plan to rehabilitate a 20 km road, passing through cultivated fields, a wetland, and several smaller communities, in order to link the villages to a market town.
3. Open-ended grants are to be given to district councils, who will determine various projects to be funded with the grant monies. The principal criteria are that the projects must be designed in a participatory manner; respond to a broad range of community interests and concerns; target a community in need; and provide for the repair of war-torn infrastructure.
4. An NGO with USAID funding will drill 200 boreholes and install hand pumps to provide water for 200 schools in a province

(Not all screening decisions are obvious. For some of these examples, we will discuss what additional information is required to make a well-informed decision.)

Initial Environmental Examinations. The most frequent result of the screening process is that an *IEE is required*. This session presents the basic structure of the IEE and the nature of the *recommended determinations* it may reach regarding the environmental impact of the proposed activities. The IEE is briefed in more detail in Session 13.

Key resource:

The on-line *IEE Assistant* (www.encapafrika.org/assistant.htm). The key screening guidance from the *IEE Assistant* is reproduced on the following pages.