

# Session 6.

## Reg. 216: USAID's Pre-Implementation EIA Process

### Objectives

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..

### Format:

Presentation, Q&A and informal Quiz

### 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 *Reg. 216 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.) . Note that unless IEE and EA conditions are implemented, (1) the activity is out of compliance; (2) the Reg. 216 process is largely meaningless; and (3) the objective of the environmental procedures (ESDM) is not achieved.

For this reason, the ADS requires C/AORs to REMEDY or HALT activities where IEE/EA conditions are not being implemented, or which are otherwise out of compliance.

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 3<sup>rd</sup>-party contractors. (Note: such IEEs are being phased out or limited in some missions and in some regions (e.g. Asia and the Middle East).

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