Special Topic:

Subproject Review: Using the Africa Bureau Environmental Review Form (ERF) & Report

GEMS Environmental Compliance-ESDM Training Series

USAID/Malawi ▪ March 2013

Session Objectives

- Understand the subproject concept and the environmental compliance challenge it presents
- Discuss use of the Africa Bureau *Environmental Review Form* (ERF) process for subprojects
- Review the ERF screening process
- Explain preparation of the *Environmental Review Report* (ERR)

What are subprojects?

Subprojects are. . .

Smaller activities executed under a larger project or program

e.g., a subgrant program, an "umbrella project"

!

Subprojects are a problem for Reg. 216.

Why?

What is the problem?

1. **Subprojects are often not defined when the project is proposed and the IEE written**

2. **But the first step of any EIA process (including Reg. 216) is understanding the activity!**

Understand the proposed activity

Why is the activity being proposed?

What is being proposed?

Screen the activity

Based on the **nature** of the activity what level of environmental review is indicated?

! **3. Reg. 216 requires review of activities BEFORE funds are obligated**

How do we resolve “prior review” issue?

Two conditions must be met:

1. **General nature of subproject activities must be known.**
2. **These activities must have low or easily controllable potential adverse impacts.**

IF these conditions are met, subproject activities can be approved conditionally.

- *That is, the IEE contains a* ***negative determination with conditions***
- *Condition is that each subproject is subject to simplified environmental review*

What is a "simplified environmental review process"

The Environmental Review Form (ERF) is the most commonly used subproject review instrument/process.

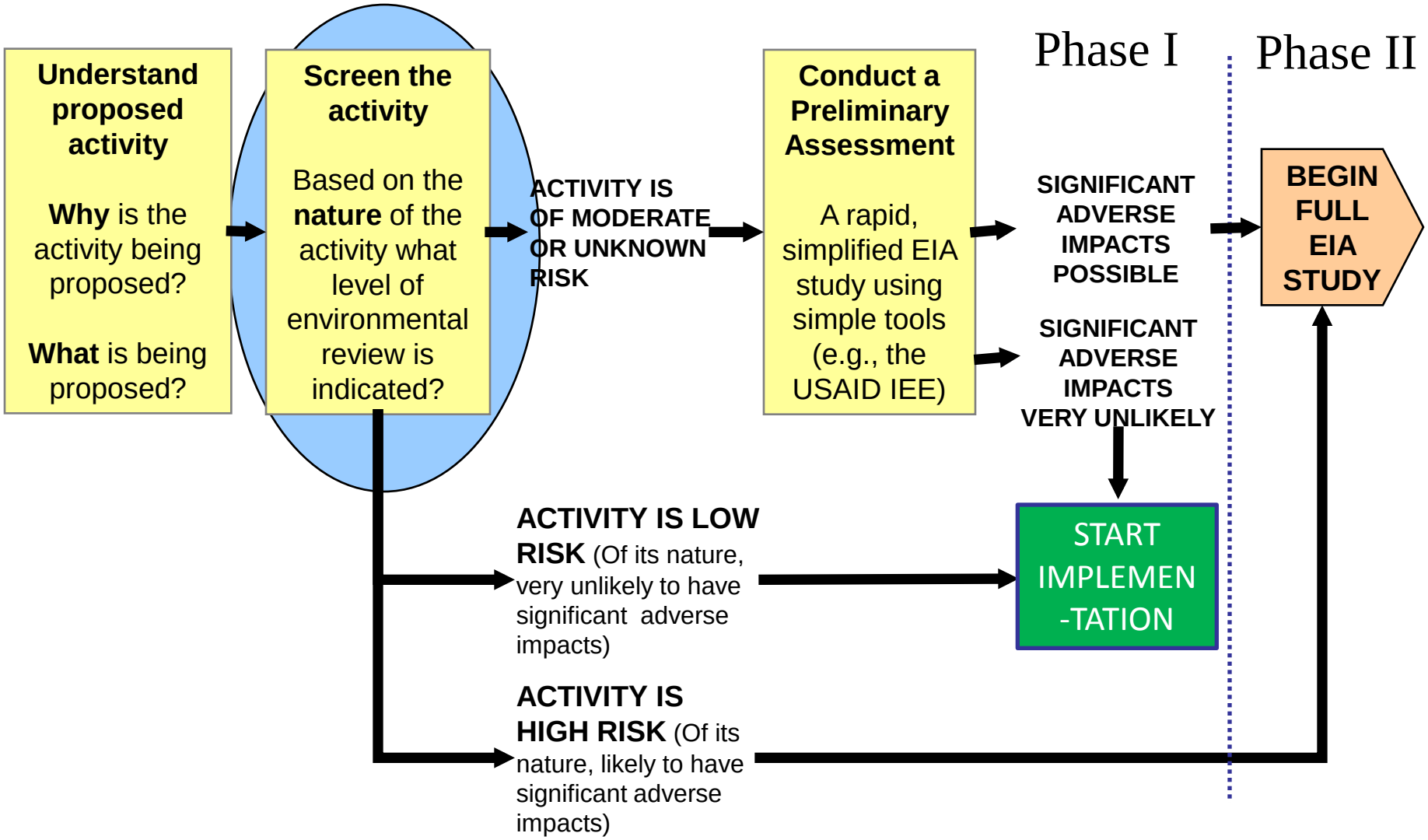
The ERF is usually completed by the IP or their sub-grantee.

ERF was recently updated—included in sourcebook

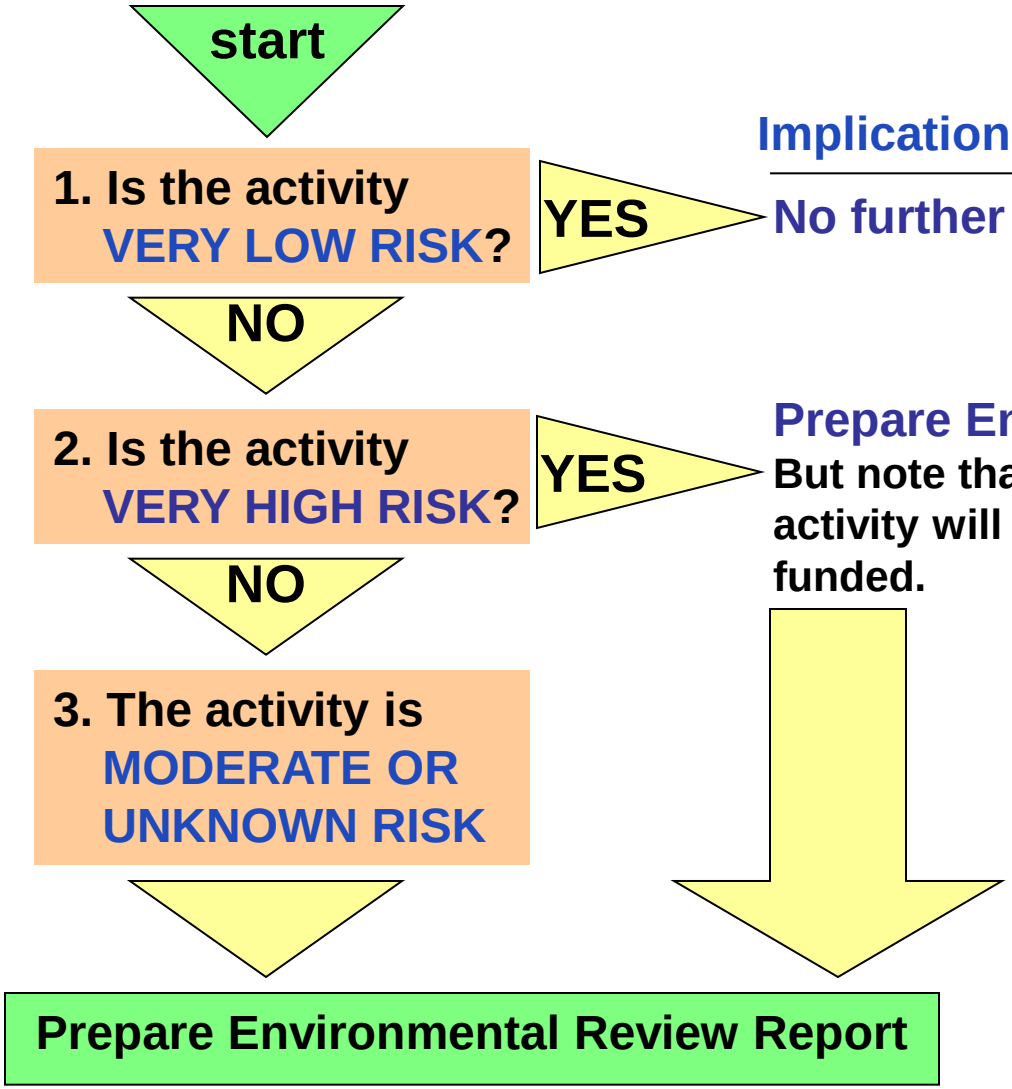
Getting started with the ERF

Subproject review starts the same way that all EIA processes start. . .

… understand, then screen



Screening under subproject procedures



*Environmental Review Report = a "preliminary assessment"

How do we screen?

The ENVIRONMENTAL REVIEW FORM (ERF) guides the process step-by-step:

1. **LIST each activity**
2. **CHECK EACH activity against two lists**
   - A list of “very low risk” activities
   - A list of “very high risk” activities
3. **RECORD the screening result for each activity**
   - 3 possible results:
     very low risk,
     very high risk,
     moderate/unknown risk

B. Activities, screening results, and findings

Proposed activities (Provide DESCRIPTIVE listing. Continue on additional page if necessary)	Screening result (Step 3 of instructions)			Findings (Step 6 of instructions. Complete for all moderate/unknown and high-risk activities ONLY)		
	Very Low Risk	High-Risk*	Moderate or unknown risk*	significant adverse impacts are very unlikely	With specified mitigation, significant adverse impacts are very unlikely	Significant Adverse impacts are possible
1.						
2.						
3.						

What is an activity?

✓ **An activity is:**

a desired accomplishment or output

(e.g., a road, seedling production, or river diversion to irrigate land)

Accomplishing an activity requires a set of actions

ACTIVITY:	ACTIONS:
market access road rehabilitation	Survey, grading, culvert construction, compaction, etc.

! Screening is done at the activity level, NOT the action level.

Examples: very low, high risk activities

Some “very low risk” activities

- Education, technical assistance or training (except for activities directly affecting the environment)
- Community awareness initiatives
- Technical studies not involving intrusive sampling of endangered species or critical habitats

Some “VERY HIGH RISK” activities

- River basin or new lands development
- Planned resettlement of human populations
- Penetration road building
- Drainage of wetlands or other permanently flooded areas

What about "moderate or unknown risk" activities?

By definition, if an activity is

- **NOT "very high risk"**
- **AND NOT "very low risk,"**

THEN it IS "moderate or unknown risk"

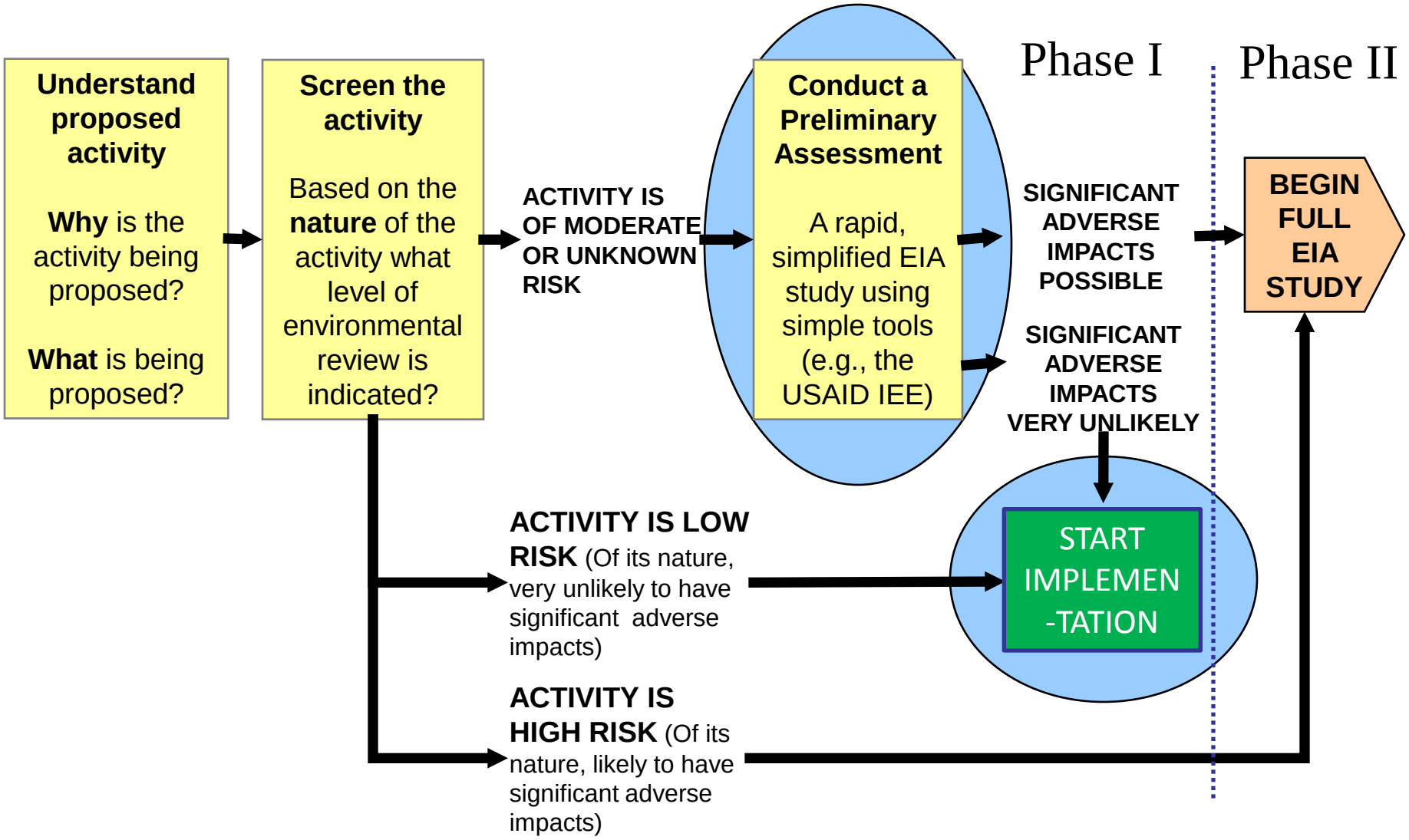
The form lists some REPRESENTATIVE moderate-risk activities

! This list is not exhaustive!

Moderate-risk activities include. . .

- **Small-scale infrastructure with known potential to cause environmental harm**
- **Field agricultural experimentation of MORE than 4 ha.**

After screening, what next?



After screening, two possibilities …

1. **If <u>all</u> activities are "very low risk," environmental review process ends→ sign and submit!**

2. **If <u>any</u> activities are:**
   - **moderate/unknown risk, or**
   - **very high risk**

an Environmental Review Report (ERR) must be completed.

Environmental Review Report (ERR):

1. Summary of Proposal
2. Description of Activities
3. Site-specific environmental Situation & Host Country Requirements
4. Environmental Issues, Mitigation Actions, and Findings
5. EMMP
6. Other information (photos, references, individuals consulted)

Purpose of Env. Review Report (ERR)

Like any preliminary assessment the purpose of the ERR is to. . .

Provide documentation and analysis that:

- **Allows the preparer to recommend <u>whether or not significant adverse impacts are likely</u>**
- **Allows the reviewer to agree or disagree with the preparer's recommendations**
- **Sets out mitigation and monitoring for adverse impacts**

What recommendations result from an ERR?

ERR Findings

For EACH activity of:

- **Moderate or unknown risk**
- **Very high risk**

The preparer recommends one of three findings:

ERR Findings:

1. **Significant adverse impacts very unlikely**
2. **With specified mitigation and monitoring, significant adverse impacts very unlikely**
3. **Significant adverse impacts are possible**

Final steps: the preparer …

RECORDS the findings

SIGNS the certification

SUBMITS the Environmental Review Form & ERR to the COR or AOR

WAITS for approval before expending any resources on the activity

B. Activities, screening results, and findings

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1.						
2.						
3.						

What about the signed certification?

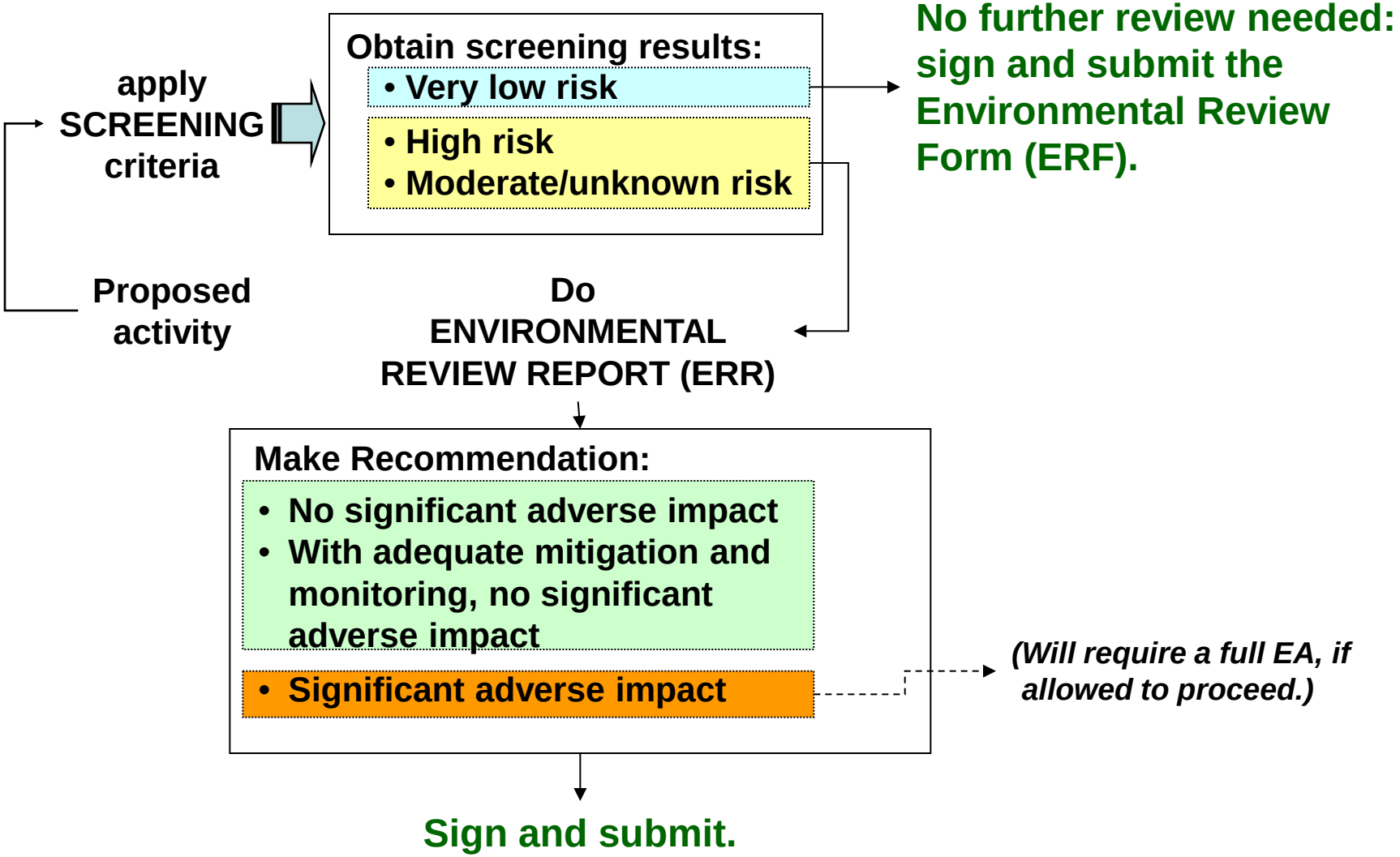
The certification:

- **Affirms that the ERF and ERR are correct and complete**
- **Commits the IP to implementing the mitigation and monitoring measures specified in the ERR**
- **Commits the IP to making sure that field staff, managers and partners understand environmentally sound practices for the activities in question**

Who approves?	
C/AOR	Always
MEO	
REA	
BEO	if any screening results are “high risk”*, or if there are any findings of “significant adverse impacts possible”*

*should be very rare

Overview of the ERF and ERR process



Adapting ERF process to project needs

The ERF is a GENERAL form. It should be adapted each time it is used.

For example:

1 Customize screening lists

to reflect specific subproject activities, and specific local environmental issues.

2 Create "standard mitigation" (best practices) for specific subproject activities

- Standard mitigation or best practices for specific activities can save the effort of drafting repetitive ERRs
- Such activities *could* fall into a fourth screening category: "moderate risk with standard mitigation" …

  Activities in this fourth category would not require an ERR, but would be required to follow the standard mitigation measures developed by the project

3 Don't use the ERF at all!

Project-specific checklists and other approaches are possible.