



SESSION 4.

INTRODUCTION TO USAID ENVIRONMENTAL PROCEDURES – REG. 216 AND THE IEE

Dakar, Senegal • June 2018



GLOBAL ENVIRONMENTAL
MANAGEMENT SUPPORT

SESSION OBJECTIVES

- Explain USAID implementation of the EIA process
- Discuss threshold determination definitions
- Understand preparation of USAID environmental compliance documentation
- Discuss sub-project review

USAID ENVIRONMENTAL PROCEDURES

- Specifies an Agency-wide approach to environmental management of USAID-funded activities.
- “Environmental Procedures” Encompass:
 - 22 CFR 216 (“Reg. 216”)
 - Foreign Assistance Act (FAA) Sections 117, 118 & 119.
 - USAID-internal Automated Directives System (ADS)
 - Regional Best Practices



“USAID Environmental Procedures” refers generally to all relevant laws, Agency guidance, and prevailing best practices.

APPLYING THE EIA PROCESS

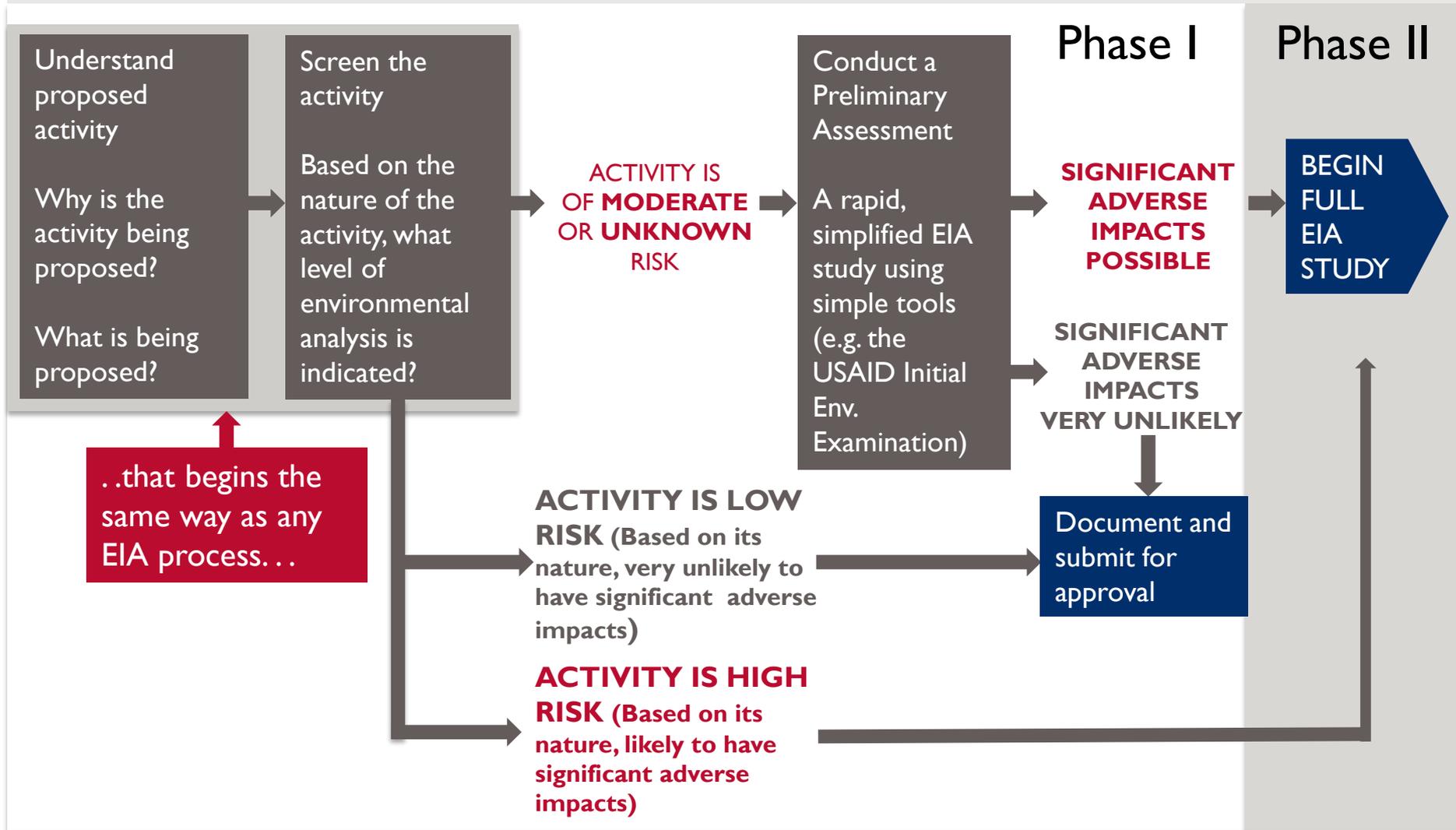
- The USAID approach to EIA is established in Reg. 216
- Reg. 216 defines a pre-implementation EIA process
- This process applies to:
 - **All** USAID programs or activities, (including non-project assistance.)
 - New activities
 - Substantive amendments or extensions to ongoing activities



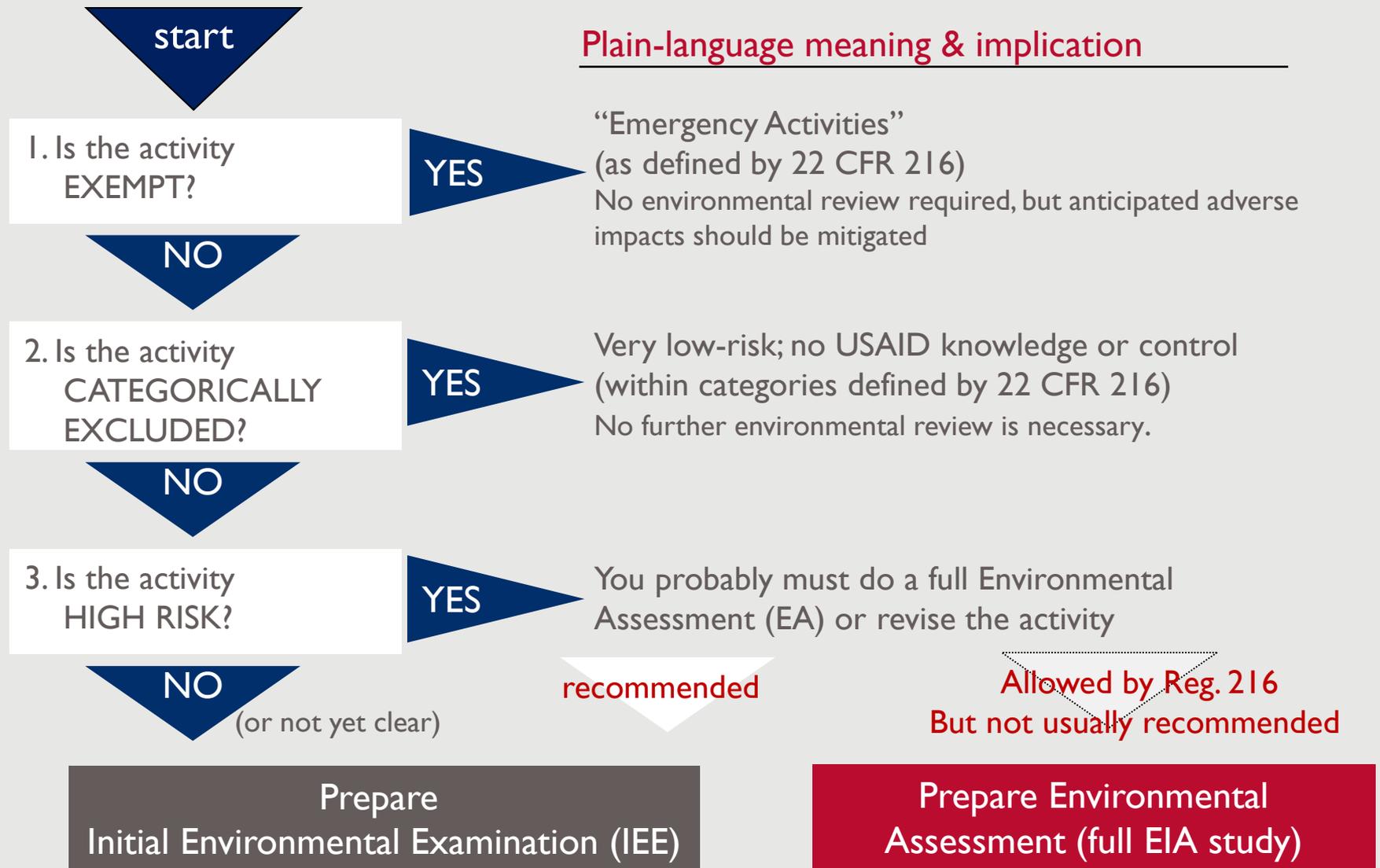
Reg. 216
(22 CFR 216) is a
US FEDERAL REGULATION.
Compliance is mandatory.

REG. 216

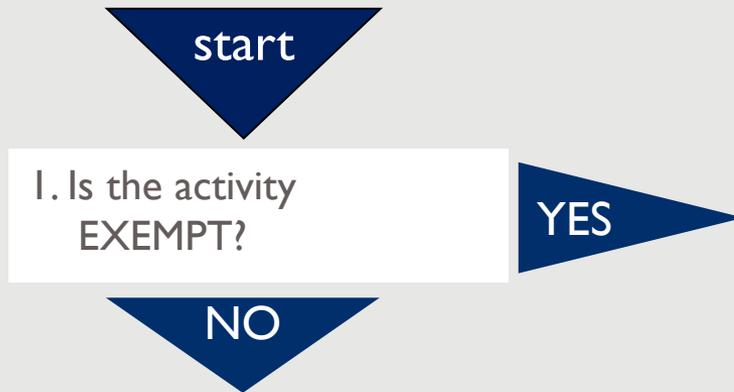
USAID'S IMPLEMENTATION OF GENERAL EIA PROCESS...



THE USAID SCREENING PROCESS



SCREENING UNDER 22 CFR 216: EXEMPTIONS

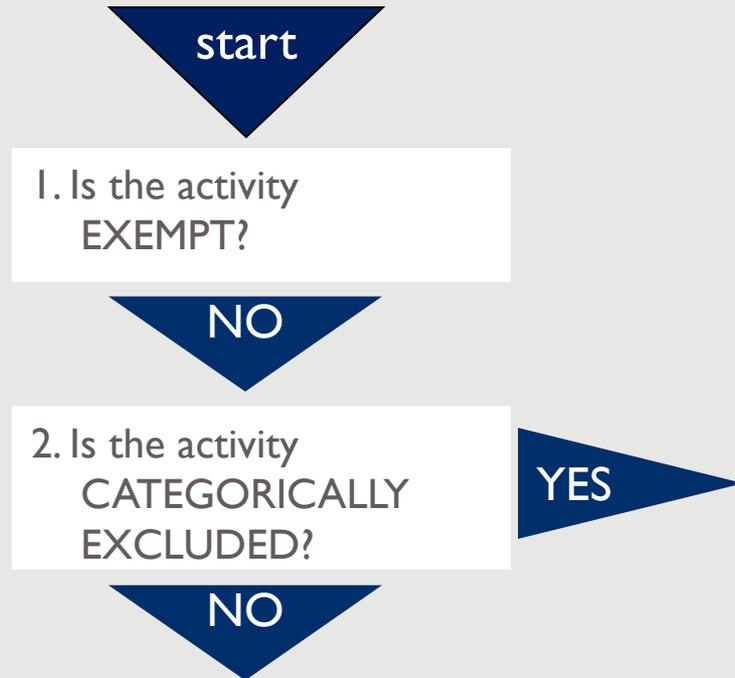


Under Reg. 216 EXEMPTIONS are ONLY...

1. International disaster assistance
2. Other emergency situations
requires Administrator (A/AID) or Assistant Administrator (AA/AID) formal approval
3. Circumstances with “exceptional foreign policy sensitivities”
requires A/AID or AA/AID formal approval

! “Exempt” activities often have significant adverse impacts. Mitigate these impacts where possible.

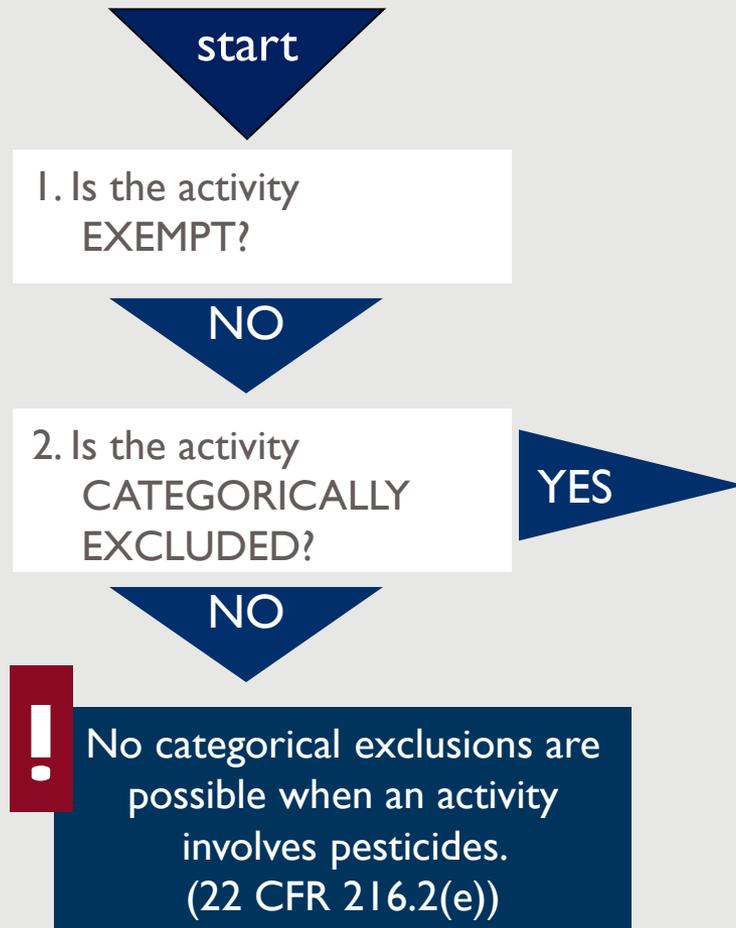
SCREENING UNDER 22 CFR 216: CATEGORICAL EXCLUSIONS



ONLY activities fitting in a set of 15 specific categories MAY qualify for categorical exclusions, including. . .

- Education, technical assistance, or training programs (as long as no activities directly affect the environment)
- Documents or information transfers
- Analyses, studies, academic or research workshops and meetings
- Nutrition, health, family planning activities except where medical waste is generated

CATEGORICAL EXCLUSIONS: LIMITATIONS



An activity may “fit” into a categorically excluded class...

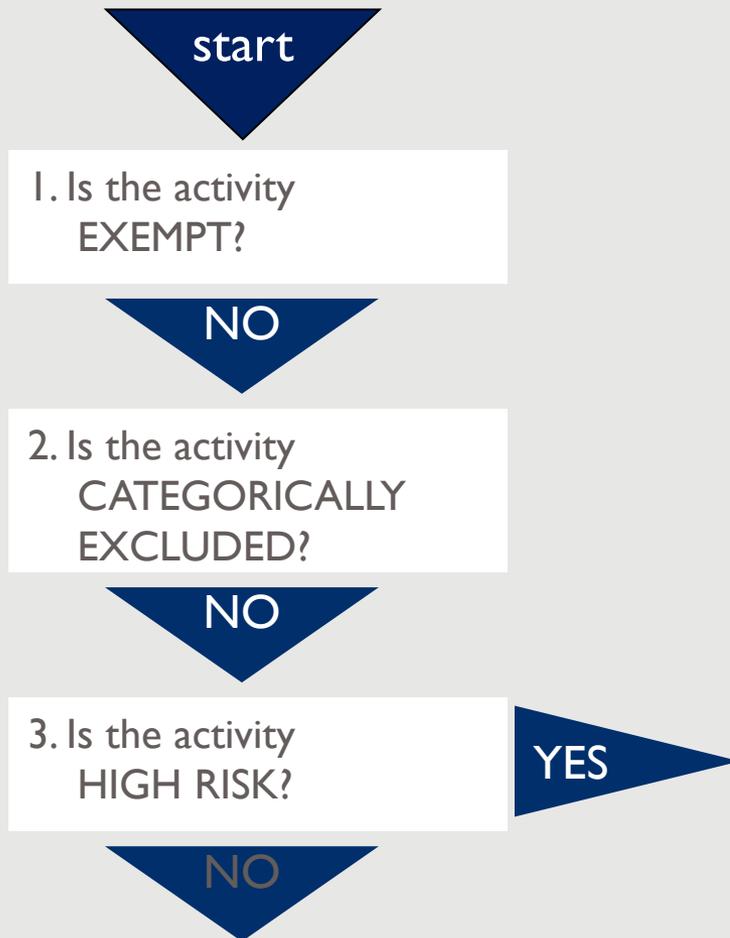
... but if adverse impacts are reasonably foreseeable, the activity will NOT receive a categorical exclusion.

Why would categorical exclusions NOT apply if USAID funds...

- A technical advisor to the ministry of environment and energy with co-signature authority over mining concession awards?
- Midwife training in management of 3rd-stage labor?
- Credit support to large-scale agro-processing?

SCREENING UNDER 22CFR216

“HIGH RISK” (EA LIKELY REQUIRED)



“HIGH RISK” = activities “for which an EA is normally required” per 22 CFR 216
OR other activities which clearly present high environmental risks

- Penetration road building or improvement
- Irrigation, water management, or drainage projects
- Agricultural land leveling
- New land development; programs of river basin development
- Large scale agricultural mechanization
- Resettlement
- Powerplants & industrial plants
- Potable water & sewage, “except small-scale”

What if my activity is “high risk”?

3. Is the activity
HIGH RISK?

YES

You probably must do a full Environmental Assessment (EA) or revise the activity

NO

(or not yet clear)

recommended

Allowed by Reg. 216

But not usually recommended

Prepare
Initial Environmental Examination (IEE)

Prepare Environmental
Assessment (full EIA study)

Can proceed directly to an EA
(USAID’s full EIA study)

But unless the activity is VERY clearly
“high risk”, do an IEE (USAID’s
preliminary assessment) instead

WHY a preliminary assessment?

An IEE will:

- Allow you to determine if impacts can be easily controlled below a significant level—if so, an EA is not necessary
- Gather information needed to jump-start the EA process

WHAT IS CLEARLY “HIGH RISK”?

EA DEFINITELY REQUIRED

- New 500Ha irrigation scheme
- Major expansion of a 100MW thermal power plant & construction of new transmission lines
- Widening 30km of a 2-lane road to 6-lane tollway thru an urban area

NOT CLEAR—proceed to IEE

- Rehabilitation of 50Ha irrigation scheme
- Mini-hydro installations of 500 kw total
- Rehabilitation of multiple short segments of rural feeder road

Sections 118 & 119 of the Foreign Assistance Act REQUIRE an EA for..

- Activities involving procurement or use of logging equipment
- Activities with the potential to significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas

ONCE EACH ACTIVITY HAS BEEN SCREENED...

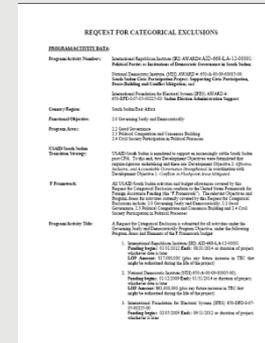
ACTIVITY*	EXEMPT	CATEX	IEE REQ'D	EA REQ'D
1. Small clinic rehabilitation			X	
2. Borehole Installations			X	
3. Training in patient record-keeping		X		
4. Construct provincial medical waste disposal facility				X

*Use a table like this. It helps.

DEVELOP YOUR 22 CFR 216 DOCUMENTATION...

...AS DETERMINED BY THE OUTCOME OF YOUR SCREENING PROCESS

OVERALL SCREENING RESULTS	22 CFR 216 DOCUMENTATION REQUIRED
All activities are exempt	Statement of Justification
All activities categorically excluded	Categorical Exclusion Request + FACESHEET
All activities require an IEE	IEE covering all activities + FACESHEET
Some activities are categorically excluded, some require an IEE	An IEE that: <ul style="list-style-type: none"> Covers activities for which an IEE is required AND Justifies the categorical exclusions + FACESHEET
High-risk activities	<ul style="list-style-type: none"> Initiate scoping and preparation of an EA



CATEGORICAL EXCLUSION REQUEST

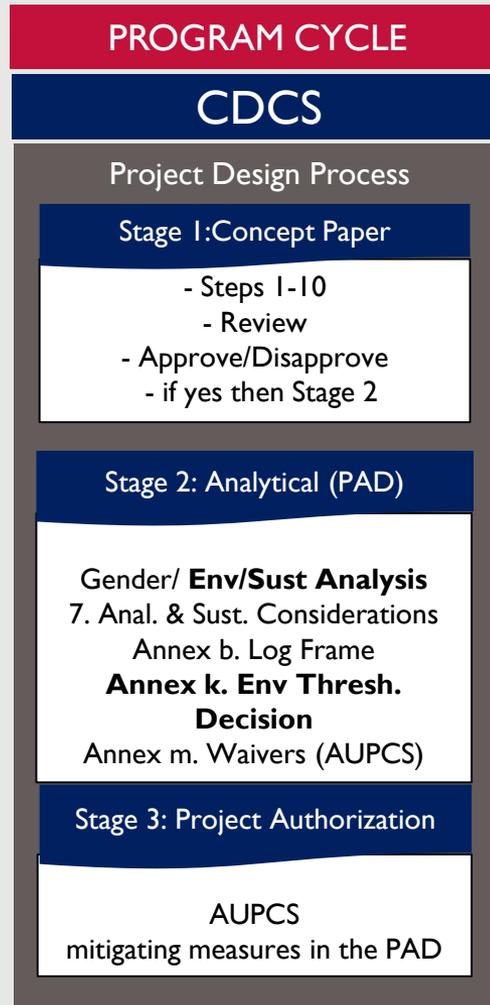
Very simple; 1-2 pages.
Describes the activities.
Cites 22 CFR 216 to justify the catex.



Initial Environmental Examination (USAID's preliminary assessment)

TIMING OF 22 CFR 216 DOCUMENTATION...

USAID's project design process requires approved Reg. 216 documentation as annex to the Project Appraisal Document



Environmental Planning, FAA 117, 118, 119

Threshold Decision

THE IEE: USAID'S PRELIMINARY ASSESSMENT

BASIC IEE OUTLINE

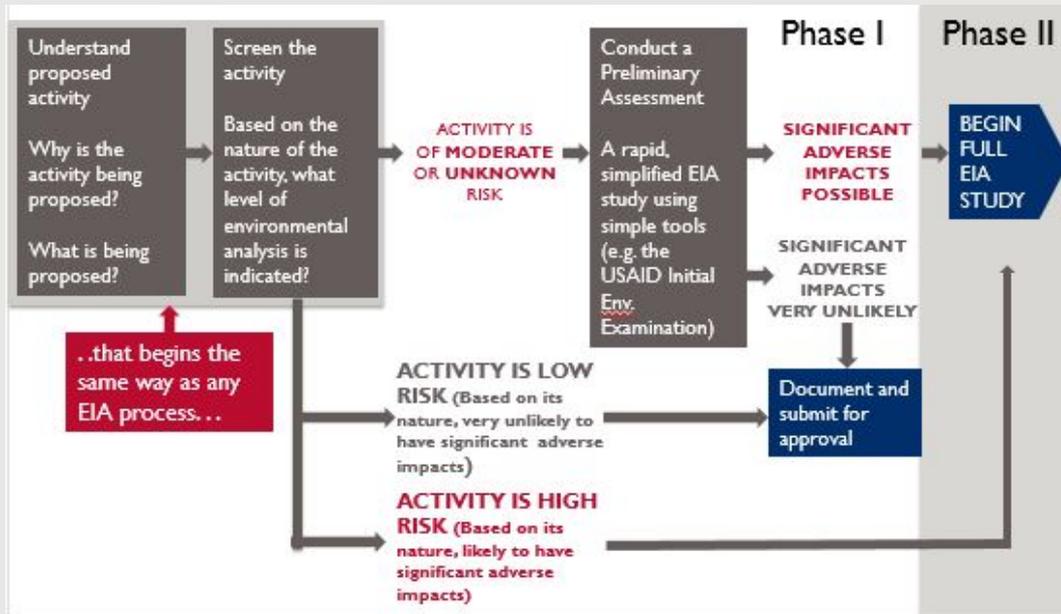
1. Project/Activity Description
 - Purpose & Scope of IEE
 - Overview
 - Description of activities
2. Baseline Environmental information
 - Locations affected and environmental context
 - Partner country policies and procedures
 - Country/Ministry/Municipality Capacity Analysis
3. Analysis of Potential Environmental Impacts
4. Environmental Determinations
 - Recommended environmental determinations
 - Climate risk management
5. Conditions and Mitigation Measures
 - Conditions
 - Agency Conditions
 - Mitigation Measures
6. Limitations of this IEE
7. Revisions



What does it look like?

The IEE is very similar to preliminary assessments required by other donors and governments.

PURPOSE OF IEE



Provides documentation and analysis that:

- Allows the **preparer** to determine whether or not significant adverse impacts are likely
- Allows the **reviewer** to agree or disagree with the preparer's **determinations**
- Sets out mitigation and monitoring for adverse impacts



WHAT DETERMINATIONS RESULT FROM AN IEE?

FOR **EACH** ACTIVITY ADDRESSED, THE IEE MAKES ONE OF 4 RECOMMENDATIONS REGARDING ITS POSSIBLE IMPACTS

If the IEE analysis finds. . .	The IEE recommends a. . .	Implications (if IEE is approved)
No significant adverse environmental impacts	NEGATIVE DETERMINATION	No conditions. Go ahead.
With specified mitigation and monitoring, no significant environmental impacts	NEGATIVE DETERMINATION WITH CONDITIONS	Specified mitigation and monitoring must be implemented
Significant adverse environmental impacts are possible	POSITIVE DETERMINATION	Do full EA or redesign activity. Conditions imposed by the EA must be implemented.
Not enough information to evaluate impacts	DEFERRAL	You cannot implement the activity until the IEE is amended

PLUS, the IEE will address any CATEGORICAL EXCLUSIONS carried over from the screening process.

REG. 216 DOCUMENTATION & APPROVAL

IMPORTANCE:

No activities may be implemented without APPROVED Reg. 216 environmental documentation in hand.

APPROVED =

- **Mission Director (or Washington equivalent) & Bureau Environmental Officer (BEO) signatures**
- BEO concurrence *not* automatic or guaranteed
- Dialogue is sometimes required

WHO SIGNS?

Clearances:

- COR/AOR or Team leader
- Mission Environmental Officer (for Missions)
- Regional Environmental Advisor (depending on mission)
- Mission Director or Washington equivalent*

Concurrence:

- Bureau Environmental Officer*

Approval:

- General Counsel (rarely)

*required by Reg 216

WHEN THE IEE IS DULY APPROVED...

**Recommended determinations &
categorical exclusions become
THRESHOLD DECISIONS**

**Conditions become REQUIRED
elements of project implementation
& monitoring** (ADS 204.3.4(b))

The IEE is posted to USAID's
environmental compliance database*

**Conditions are written into or
referenced in solicitation & award
documents** (ADS 204.3.4(a)(6))

IEE conditions provide the bedrock
on which life-of-project mitigation and
monitoring criteria are established.

AORs/CORs oversee implementation
(ADS 204.3.4(b))

*www.usaid.gov/our_work/environment/compliance/database.html

WHAT IF I NEED TO DO AN ENVIRONMENTAL ASSESSMENT*?

- First step: a formal scoping process (22 CFR 216.3(a)(4))
- Scoping Statement must be approved by Mission Director, Bureau Environmental Officer.
- Informs the SOW for the Environmental Assessment itself.
- EAs are far more detailed than IEEs. They must address alternatives to the proposed activities. Public consultations are required.



*If a proposed action may affect the US environment or the global commons, an EIS is required, not an EA. (EIS = **Environmental Impact Statement**, per the US National Environmental Policy Act (NEPA)). This is RARE. (22 CFR 216.7.)

WHAT ARE SUBPROJECTS?

SUBPROJECTS ARE...

Smaller activities executed under a larger project or program

e.g., a subgrant program, an “umbrella project”



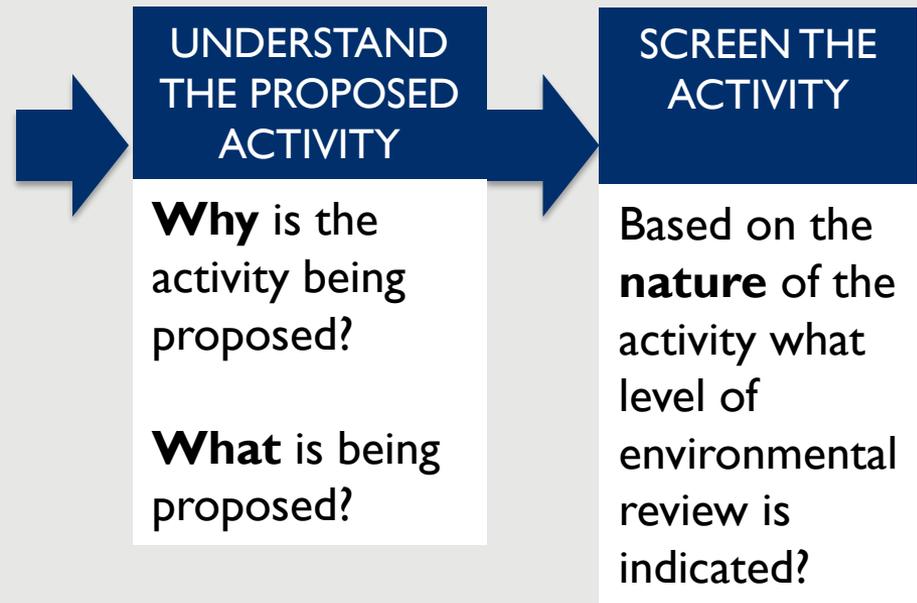
Subprojects are a problem for Reg. 216.

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!
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.

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 whether or not significant adverse impacts are likely
- 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?

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.						

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

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.						

AFTER SCREENING, TWO POSSIBILITIES ...

1. If all activities are “very low risk,” environmental review process ends →
sign and submit!
2. If any 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)

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



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USAID
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