



# EIA and “USAID Environmental Procedures”: the Initial Environmental Examination (IEE) and Beyond

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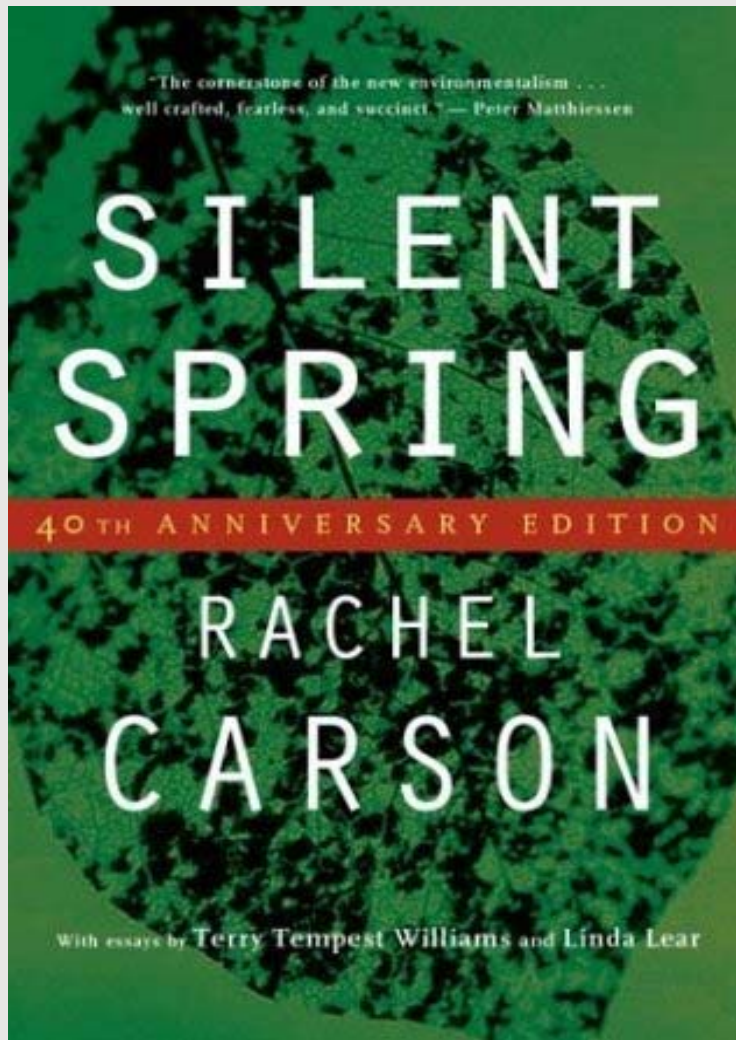
GEMS Environmental Compliance-  
ESDM Training Series

Ghana ▪ January, 2017

## SESSION OBJECTIVES:

- Understand the background which led to the creation of USAID environmental compliance procedures, in particular Regulation 216 (Reg. 216)
- Explain how USAID environmental procedures capture the EIA process
  - *Baseline characterization*
  - *Identifying impacts of concern*
  - *Developing a mitigation strategy*
- Understand preparation of USAID environmental compliance documentation

## BACKGROUND



In the United States in the 1960's:

- Environmental movement takes off with Rachel Carson's 1962 book "Silent Spring"
- All sectors of US society became alarmed

## BACKGROUND: NEPA AND USAID



- In 1975, inappropriate use of the pesticide Malathion by USAID/Pakistan project resulted in 5 deaths, and hundreds are sickened.
- Consortium of U.S. NGOs sued USAID
- USAID settled out of court by agreeing to apply NEPA to its activities

# USAID ENVIRONMENTAL PROCEDURES

- Developed Environmental Procedures via **22 CFR 216 (Reg. 216)**
- Specifies an Agency-wide approach to environmental management of USAID-funded activities, including establishment of an Agency Environmental Coordinator and Bureau Environmental Officers
- USAID's "Environmental Procedures" are not limited to Reg. 216:
  - 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

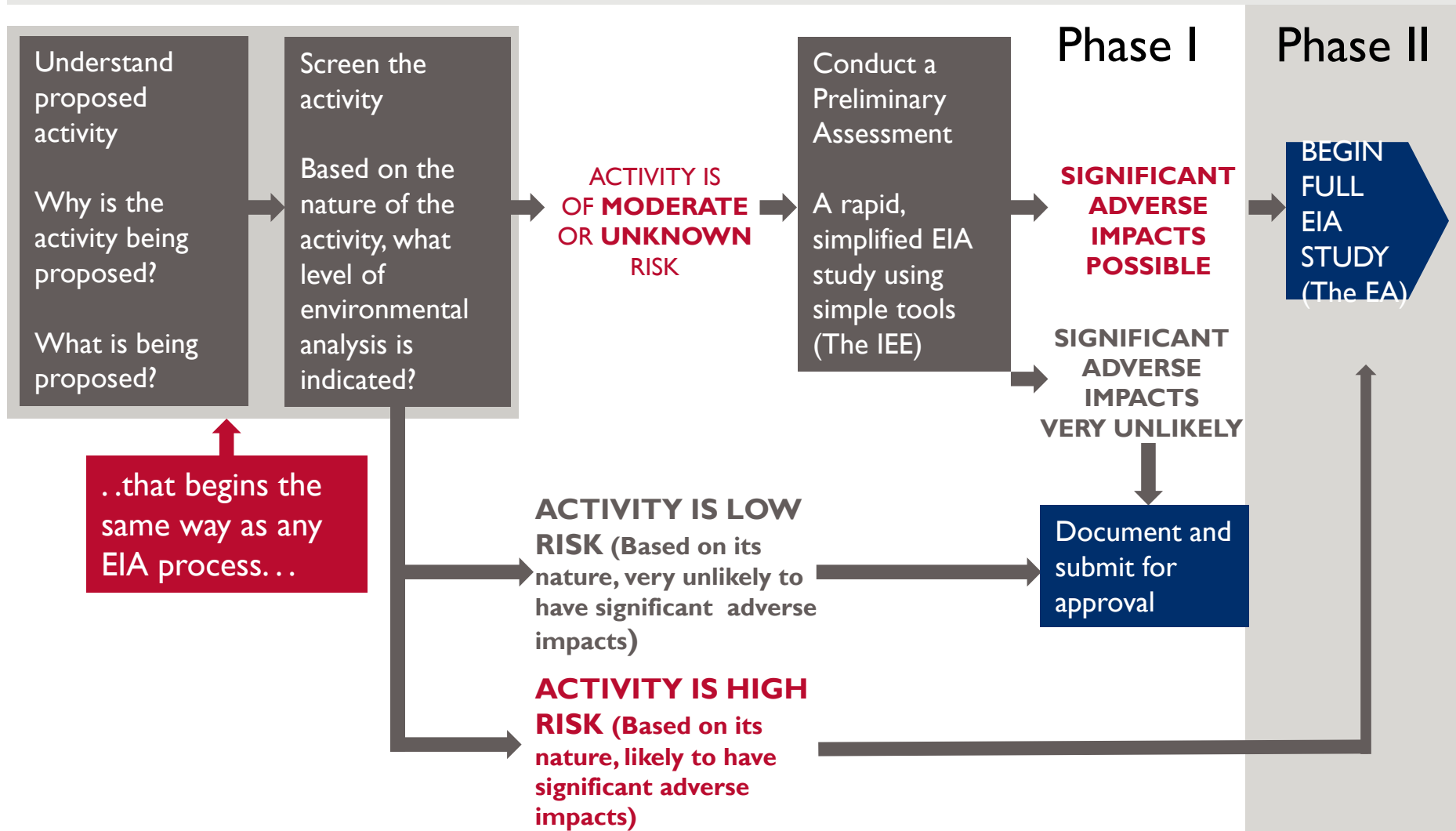
- Reg. 216 mandates an EIA process prior to project implementation
- This process applies to:
  - **All** USAID programs or activities
  - New activities
  - Substantive amendments or extensions to ongoing activities



**All USAID-financed activities  
require an environmental  
review and approval prior to  
obligation of funds.**

# REG. 216

## USAID'S IMPLEMENTATION OF GENERAL EIA PROCESS...



Question: Who is responsible for ensuring this Reg. 216 documentation is in place?

Answer: The A/CORs.

The Mission Environmental Officer is not responsible for developing IEEs, EAs, or related documents, but advises the process and clears the final documents.

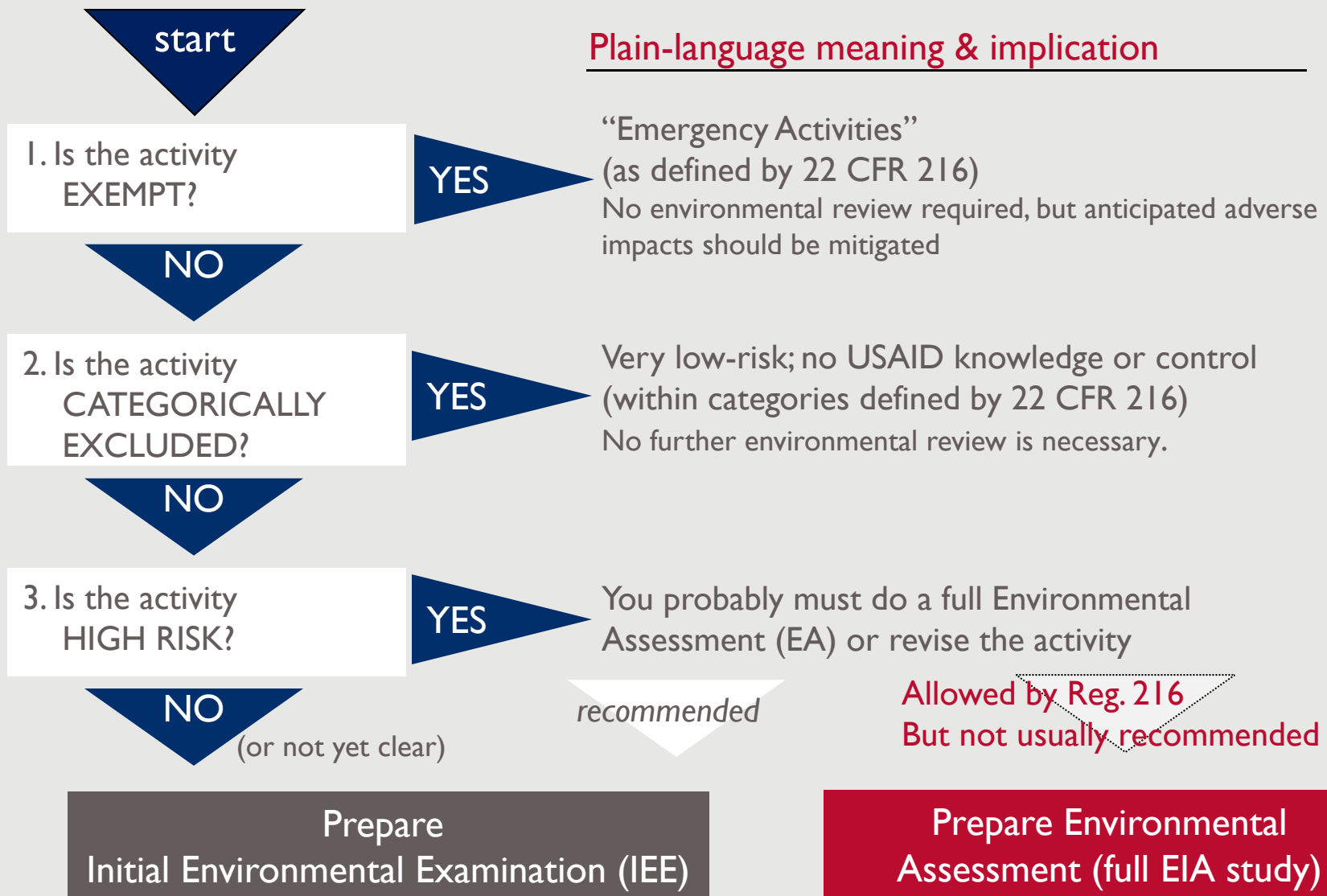
Question: Does the A/COR have to write the IEE, EA, or other documentation?

No. The A/COR can engage a consultant/ contractor to develop them.  
EAs are almost always developed by 3rd party consultants

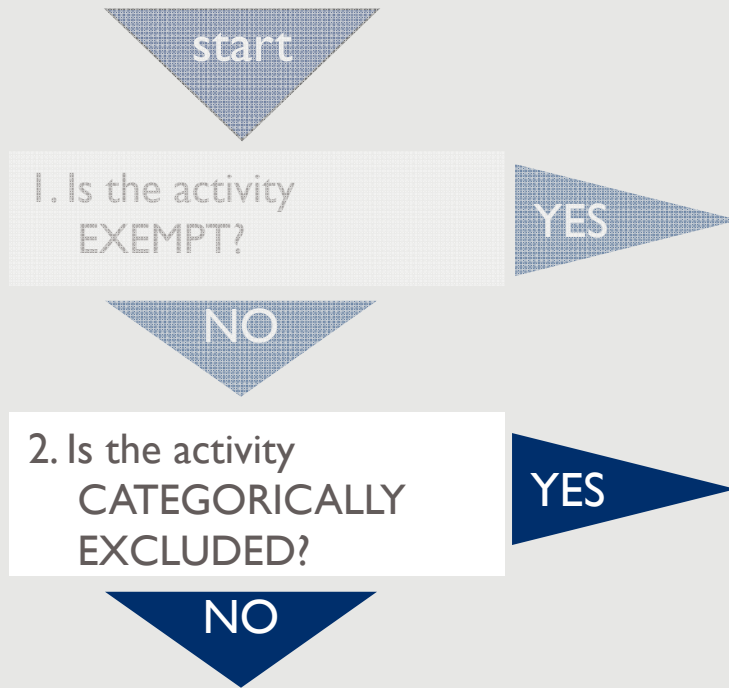
BUT...USAID is responsible for contents/determinations  
NO MATTER WHO DEVELOPS IT!



# THE USAID SCREENING PROCESS



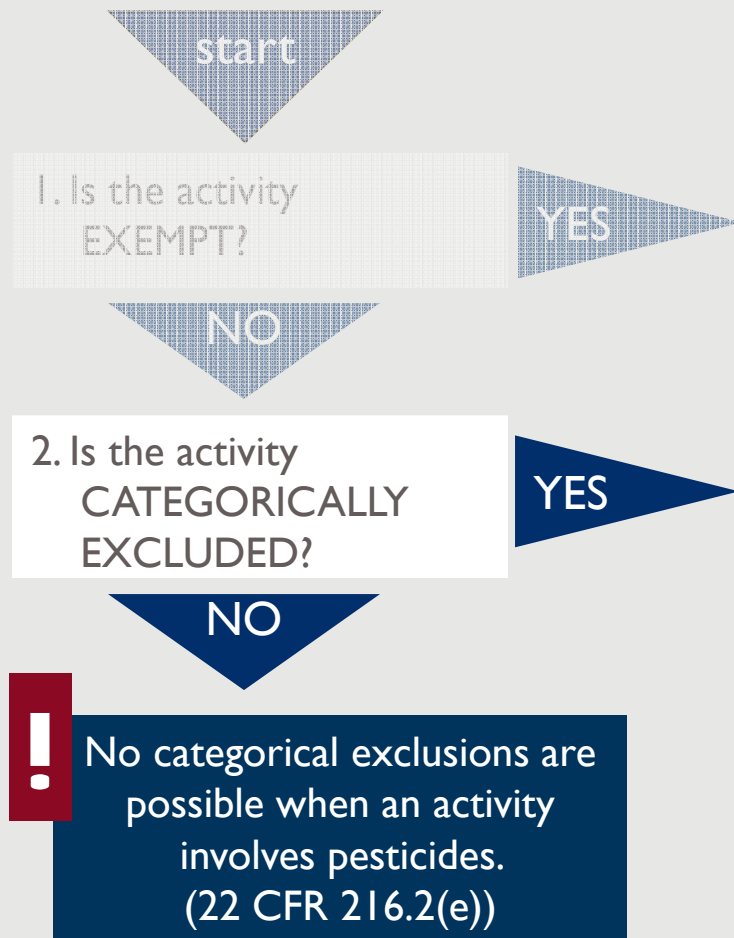
# SCREENING UNDER 22 CFR 216: CATEGORICAL EXCLUSIONS



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 3<sup>rd</sup>-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

## NOTE:

We will discuss EAs in greater detail in a subsequent session.

## ONCE EACH ACTIVITY HAS BEEN SCREENED...

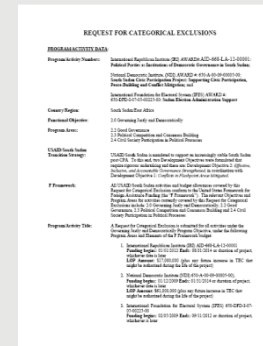
ACTIVITY*	EXEMPT	CATEX	IEE REQ'D	EA REQ'D
1. Small clinic rehabilitation			X	
2. Borehole Installations			X	
3. Training in patient record-keeping		X		
4. Construct provincial medical waste disposal facility				X

\*Use a table like this. It helps.

# DEVELOP YOUR REG. 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	<b>Categorical Exclusion Request + FACESHEET</b>
All activities require an IEE	<b>IEE covering all activities + FACESHEET</b>
Some activities are categorically excluded, some require an IEE	An <b>IEE</b> that: <ul style="list-style-type: none"> <li>Covers activities for which an IEE is required AND</li> <li>Justifies the categorical exclusions</li> </ul> <b>+ FACESHEET</b>
<b>High-risk activities</b>	<ul style="list-style-type: none"> <li>Initiate scoping and preparation of an EA</li> </ul>



### CATEGORICAL EXCLUSION REQUEST

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

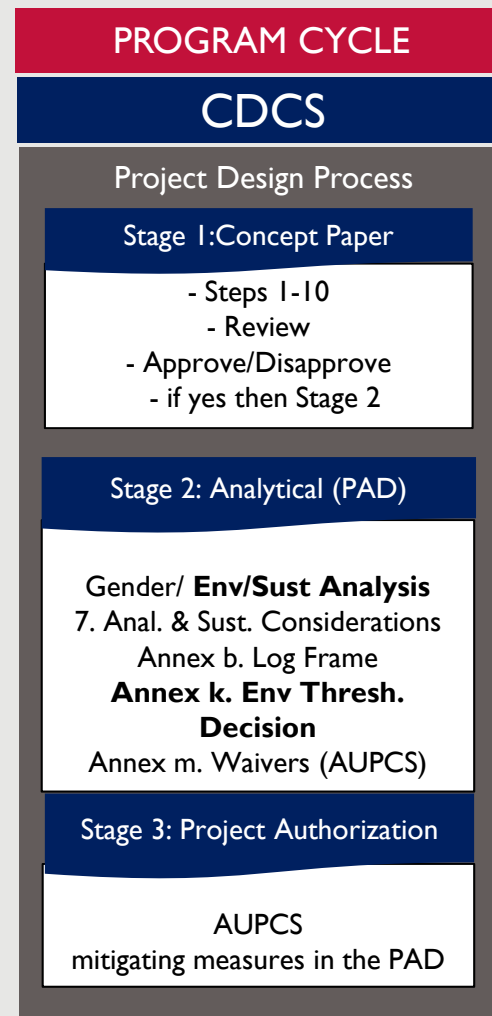


Initial  
Environmental  
Examination  
(USAID's  
preliminary  
assessment)



# TIMING OF REG. 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. Background & Activity Description

- Purpose & Scope of IEE
- Background
- Description of activities

### 2. Country & Environmental information

- Locations affected
- National environmental policies and procedures

### 3. Evaluation of potential environmental impacts

### 4. Recommended threshold decisions and mitigation actions

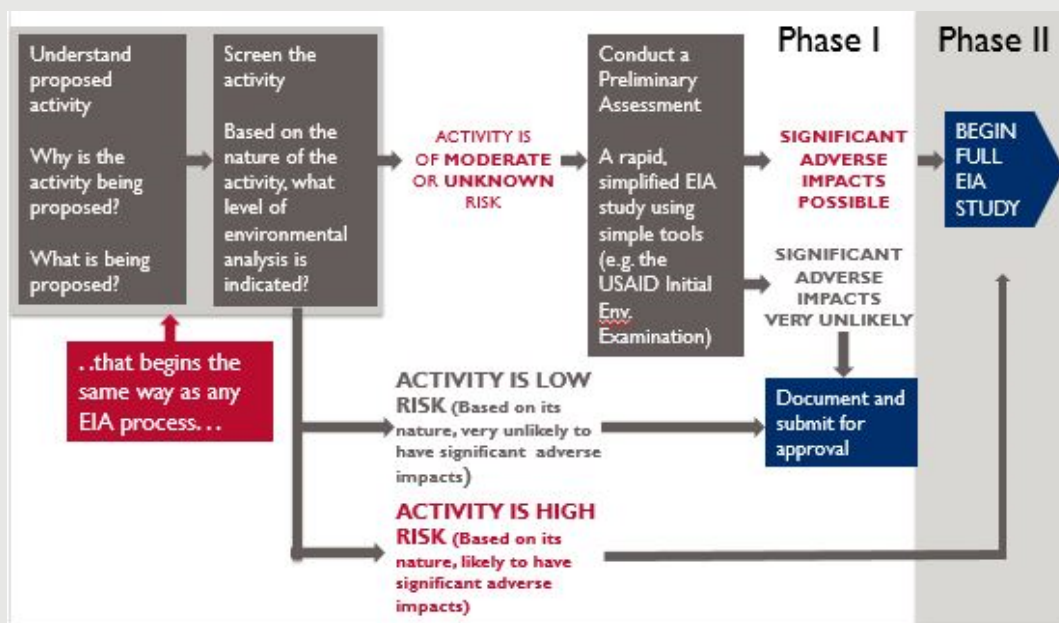
- Recommended threshold decisions and conditions
- Mitigation, monitoring & evaluation



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	<b>NEGATIVE DETERMINATION</b>	No conditions. Go ahead.
With specified mitigation and monitoring, no significant environmental impacts	<b>NEGATIVE DETERMINATION WITH CONDITIONS</b>	Specified mitigation and monitoring must be implemented
Significant adverse environmental impacts are possible	<b>POSITIVE DETERMINATION</b>	Do full EA or redesign activity. Conditions imposed by the EA must be implemented.
Not enough information to evaluate impacts	<b>DEFERRAL</b>	You cannot implement the activity until the IEE is amended
<b>PLUS, the IEE will address any CATEGORICAL EXCLUSIONS carried over from the screening process.</b>		

# REG. 216 DOCUMENTATION & APPROVAL

**NOTE:** 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](http://www.usaid.gov/our_work/environment/compliance/database.html)

# SUMMARY

- Reg. 216 establishes the pre-implementation USAID environmental review process
- This reflects the general EIA methodology
- It begins with a systematic screening and decision-making process with more detailed review, if needed
- USAID documentation and approval processes are clear and mandatory
- Reg. 216 documents define project environmental management criteria, most frequently as IEE conditions



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2/20/2017

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# Group Discussion Question

- What is the purpose of the IEE from a USAID regulatory standpoint?
- And In the context of ESDM?