

Session 4.

USAID Environmental Procedures: the Initial Environmental Examination (IEE) and Beyond

Technical presentation and dialogue

Important note

Note that in this workshop, the term “USAID Environmental Procedures” does not refer only to 22 CFR 216 (Reg. 216), but collectively to Reg. 216, relevant FAA requirements, and to the mandatory procedures and directives contained in the USAID-internal ADS.

Summary

The preceding workshop sessions have:

- Described ESDM as a key objective for the ethical and effective practice of development
- Explained the EIA process and the fundamental skills of baseline characterization, impact identification, and mitigation design
- Highlighted EIA as the framework for achieving ESDM in project-based development activities

USAID is *required by both court settlement and US law* to utilize an EIA-based process to “fully take into account” environmental sustainability in the design and implementation of its development programs. USAID Environmental Procedures represent the Agency’s unique implementation of the EIA process throughout the life of activity or project (LOP).

Specifically, USAID Environmental Procedures dictate a process that must be applied to all activities **before** implementation. The output of this EIA process, defined by 22 CFR 216 (“Reg. 216”), is USAID-approved Reg. 216 environmental compliance documentation. This documentation includes:

- Requests for Categorical Exclusion (RCE)
- Initial Environmental Examinations (IEEs)—the USAID version of a preliminary assessment
- Environmental Assessments (EAs) and Programmatic Environmental Assessments (PEAs)

Most IEEs and all EAs/PEAs specify environmental management conditions, which are essentially mitigation measures. These measures—“IEE/EA conditions”—must be implemented and monitored over the LOP. While implementation is the responsibility of the IP, USAID C/AORs are required to actively manage and monitor compliance with IEE/EA conditions. This process is the cornerstone of project environmental compliance.

More about Reg. 216 (22 CFR 216)

Reg. 216 is a US federal regulation that sets out USAID’s mandatory 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.

When an IEE or EA is approved with mitigation and monitoring conditions attached to one or more activities, those conditions become a required part of project design/implementation.

Across USAID programs, **Reg. 216 documentation is developed both by Mission staff and Partners**, depending on the situation. Title II IPs, for example, are required to develop IEEs as part of their Development Food Assistance Programs (DFAPs), and other partners are often asked to develop Reg. 216 documentation for new project components. Reg. 216 documentation covering multiple projects at the sector program level is developed by Mission staff or 3rd-party contractors.

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.

Objectives

- Understand the legal mandate of USAID Environmental Procedures, including 22CFR216 ("Reg. 216").
- Link application of the EIA-based Environmental Procedures to the goals of ESDM and broader USAID development efforts.
- Gain familiarity with the environmental compliance requirements established by USAID Environmental Procedures, including IEEs and related documentation.
- Illustrate how the USAID IEE and related environmental compliance documents determine project environmental management requirements.

Key resource

- The *Environmental Procedures Briefing for Mission Staff* is a succinct summary of LOP environmental compliance. This training draws heavily from the *Briefing*. It is included in this Sourcebook and available at <http://www.usaidgems.org/rolesRespons.htm>.

Discussion Questions

In plenary, the GEMS facilitator will lead a brief (5-10 min) discussion responding to the following questions.

- There are quite a few concepts covered in this presentation. Are there any questions or clarifications needed?
- What is a Categorical Exclusion? What is a Request for Categorical Exclusion?
- What is the purpose of the IEE? From USAID regulatory standpoint? In the context of ESDM?

In small groups with the workshop participants sitting at your table, please discuss the following questions (5 minutes).

- Are you familiar with your project's IEE? What kinds of conditions does it stipulate? How does your project address those conditions?