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Pointers and Pitfalls

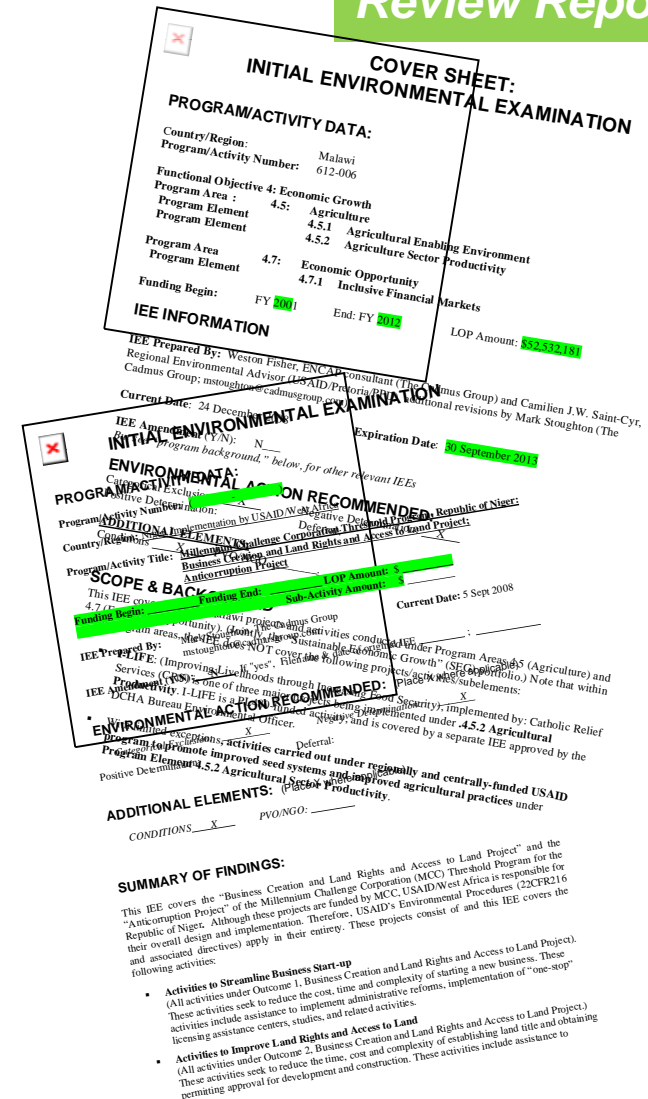
A guide to successful & effective IEEs

Environmental Compliance/ESDM Training Workshops
Lake Naivasha, Kenya ■ January & February 2010



Objective

- ❖ Illustrate the key attributes of good and poor IEEs with examples of language from submitted IEEs
- ❖ As an IEE author or user, you want:
 - **A successful IEE.**
An IEE that is approved so work can start!
 - **An effective IEE.**
An IEE that is a basis for effective action to control the adverse impacts of the activities.





The Initial Environmental Examination (IEE)

Basic IEE outline

- 1. Background & Activity Description**
 - 1. Purpose & Scope of IEE**
 - 2. Background**
 - 3. Description of activities**
- 2. Country & Environmental information**
 - 1. Locations affected**
 - 2. National environmental policies & procedures**
- 3. Evaluation of potential environmental impacts**
- 4. Recommended threshold decisions & mitigation actions**
 - 1. Recommended threshold decisions & conditions**
 - 2. Mitigation, monitoring & evaluation**



Note:

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

5 basic rules of good IEEs

- 1. Make a determination for each activity**
- 2. Specify a mitigation for each impact**
- 3. Make mitigation commensurate to impacts**
- 4. Use clear, uncluttered language**
- 5. DON'T copy blindly**

1. A determination for each activity

- ❖ Remember, the IEE requires a recommended determination for **EACH** activity

Outcome	Reg. 216 terminology	Implications (if IEE is approved)
No significant adverse environmental impacts	<i>NEGATIVE DETERMINATION</i>	Activity passes environmental review
With specified mitigation and monitoring, no significant environmental impacts	<i>NEGATIVE DETERMINATION WITH CONDITIONS</i>	With the inclusion of the specified mitigation and monitoring, the activity passes environmental review
Significant adverse environmental impacts are possible	<i>POSITIVE DETERMINATION</i>	Do full Environmental Assessment or redesign activity
Not enough information to evaluate impacts	<i>DEFERRAL</i>	You cannot implement the activity until the IEE is finalized

1. A determination for each activity

- ❖ Therefore, clearly state the specific activity and corresponding recommendation!

“A **negative determination with conditions** is recommended...for **activities in cluster formation**. This component includes . . . introducing grading and quality control facilities, and promoting the use of post harvest and handling facilities.”

Good!



“A **categorical exclusion** is recommended for **training activities**. APEP intends to train farmers belonging to producer organizations in financial and business management. These activities will have no effect on the environment.”

Good!



1. A determination for each activity

- ❖ Don't make the IEE reviewer search for the activity that corresponds to the recommendation

“For **activities involving increased production**, include the condition to monitor the impact of activities on land use to ensure that expansion of crop area does not lead to land degradation, destruction of forest or other adverse impacts.”

UNCLEAR



What is the problem?

This paragraph does not state clearly **which** activities involve increased production.

2. Mitigation for each impact

- ❖ Mitigation measures should be clearly matched to impacts

“For **activities supporting improved milling and processing technologies** where waste disposal could result in adverse environmental impacts, XXX will conduct training of staff and will ensure that an environmental management plan (EMP) is developed and implemented.”

OK. . .



And even better. . .

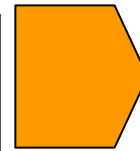
The **RESPONSIBILITY** for these mitigation measures is also clearly established.

3. Mitigation commensurate to impacts

- ❖ Strong, rigorous mitigation measures are needed to minimize potentially significant impacts.

Consider. . .

“For activities that might result in expansion of the agricultural frontier into sensitive or relatively undisturbed habitat, ensure that farmers understand concepts of soil erosion control.



What do you think?



OR



Is this mitigation measure commensurate with the impact?

3. Mitigation commensurate to impacts



NO! This is a potentially significant environmental impact!

The mitigation measure is not rigorous enough

! This example has the same problem. . .

IMPACT: “there will be an increased risk of significant adverse environmental impacts if activities result in increased agricultural production without corresponding investments in sustainable natural resource use.”

MITIGATION: Monitor the impact of activities on land use to ensure that crop expansion is not leading to land degradation, destruction of forest or other adverse impacts.

3. Mitigation commensurate to impacts

? What about this one?

IMPACT: Misuse of fertilizers could negatively impact the soil ecology and result in pollution of watercourses and wetlands.

MITIGATION: Therefore, this IEE recommends that training in proper use be an integral part of any program to introduce fertilizers.



BASIC CRITERIA FOR MITIGATION MEASURES

Mitigation measures should be. . .

1. Commensurate with the potential impact **AND**

2. MONITORABLE

Implementation of the measure can be monitored

3. MEASURABLE

Their effectiveness can be measured

4. REPORTABLE

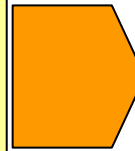
to USAID

4. Use clear language



Consider . . .

“The **negative determination** is also conditioned on the provision of supplemental project technical assistance and training support to augment existing efforts aimed at the establishment of appropriate, sustainable policies and programs stimulating agricultural productivity and economic growth.”



If you read this, what is your reaction?



4. Use clear language

Unclear and cluttered language makes the reviewer suspicious and confused.

The reviewer reaches 1 of 2 conclusions:



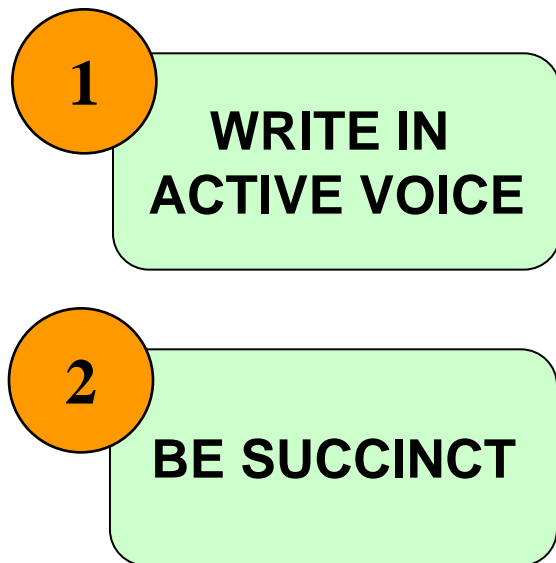
**Either the author doesn't know
what they are trying to say**

or

**They are trying to hide
something!**

4. Use clear language

Using clear language in an IEE means following 2 basic rules:



"It will be monitored..."



"In coordination with the COTR, the MEO will monitor..."

The passive tense hides responsibility and cause and effect. The active voice requires you to explain WHO monitors, and HOW they monitor.



4. Use clear language

- 1 **WRITE IN ACTIVE VOICE**
- 2 **BE SUCCINCT**

NEPA says it best. . .

“concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.”

Give precisely enough information so that the reviewer can make an informed decision.

Be analytic, not encyclopedic

4. Use clear language

To paraphrase NEPA:



The purpose of environmental review is “not to generate paperwork, even excellent paperwork, but to foster excellent action...”

5. Don't copy blindly!



Consider . . .

Monitoring. “As required by ADS 204.5.4, the SO team will ‘actively monitor and evaluate whether the environmental features designed for the activity...are being implemented effectively and whether there are new or unforeseen consequences....’ If additional activities not described in this document are added to this program, an amended environmental examination must be prepared and approved.”

What is the problem?

This text is copied directly from the ADS. It does not specify:

WHO will monitor

HOW they will monitor

HOW they will determine if there are “new or unforeseen circumstances”

5. Don't copy blindly!

Simply copying language from from previous IEEs or from USAID IEE guidance causes the reviewer to lose confidence:

The reviewer reaches 1 of 2 conclusions:



Either the author has given no thought to the issue,

or

they are deliberately avoiding making specific commitments.

Either way, this IEE will NOT “foster excellent action.”



Caveats. . .

❖ IEEs that follow these 5 rules will not be accepted automatically.

- *An informed reviewer may have a different opinion than you regarding the likely impacts of your activities.*
- *Different MEOs, REAs, and BEOs interpret the regulations differently.*
 - Categorical exclusions, and the sufficiency of IEE conditions are all subject to interpretation
 - Although USAID is moving towards more conformity, we have not yet achieved it!

Guidance & resources for writing IEEs

Presentation: “Writing the IEE”	Available at www.encapafrika.org/ESDM/day2.htm (under Module 9)
EPTM	Available at
Archive of approved AFR IEEs & EAs	www.encapafrika.org
On-line IEE Assistant	Available at
Other resources in the MEO Resource Center	www.encapafrika.org