

## **Annex D**

### **Environmental Review and Compliance Information**

#### **I. Background on Regulation 216**

USAID's Environmental Procedures (known as 22 CFR 216 or Reg. 216) are meant to ensure that (1) the environmental consequences of USAID-funded activities are identified during the design stage, and that these consequences are considered prior to funding approvals and a decision to proceed with activity implementation; and (2) if possible, activities are identified that preserve or restore the natural resource base where the activity is located.

#### **II. Title II Compliance with Regulation 216**

Compliance with USAID's Environmental Procedures (known as 22 CFR 216 or Reg. 216) is required of all Title II development activities, whether they are supported by food assistance or Section 202(e) funding. All Title II Development Assistance Program (DAP) proposals must include an Initial Environmental Examination (IEE). If the IEE of the original DAP was cleared without conditions or a categorical exclusion was granted, the Cooperating Sponsor (CS) should only state, "No changes" in the Environmental Compliance section of the CSR4 submission.

In all other situations, the CS should include, as an appendix to the CSR4, an Environmental Status Report (ESR) detailing the actions they have undertaken with regard to the previously approved IEE. The ESR is only required for years 2,3, and 4 of the 5-year DAP cycle, and should indicate whether mitigation plans are on schedule, as well as detail the monitoring and evaluation measures being undertaken by the CS. The ESR should be between 2-10 pages. However, if a CS's submission contains changes that require a DAP amendment, an IEE amendment should be submitted with the DAP amendment. Please see sections A through D below for further details. Either the Mission Environmental Officer or the Food for Peace Officer must sign the ESR face sheet, and cleared ESR copies must be sent to the DCHA/Bureau Environmental Officer (BEO) for its official files.

CSs should seek Mission review and clearance on DAP IEEs prior to official submission of the proposal to DCHA/FFP. The same is true for CSR4 ESRs and IEE amendments for CSR4s or DAP Amendments. Environmental documentation, marked "draft," should be submitted informally through the Mission to the BEO. If environmental documentation is submitted with the DAP proposal, DAP amendment or R4 without having been cleared by the Mission, the CS should insure that it is clearly labeled as "draft -- not cleared by Mission." All draft Reg. 216 documentation must be returned to the Mission for required clearance and the Mission may request revisions to ensure that Mission objectives, consideration of local conditions, and consistency with environmental documentation of other CSs in the same country is achieved.

### **A. New DAPs**

To meet this requirement, all DAP proposals must include an IEE, which must be cleared by the Mission Director or his/her designate. A statement as to whether the Mission concurs/does not concur with the CS's ESR (if applicable) should be included in the Mission's approval/comments cable to FFP. The CS is expected to submit the cleared document with their operational plan to FFP for clearance. FFP will obtain clearance from the FFP Director and forward the IEE to the DCHA/ BEO for final concurrence. Note, however, that if CSs and Missions are interested in getting feedback from DCHA or a Regional Environmental Officer (REO) on a draft IEE prior to formal submission, they are encouraged to submit a copy for informal review to one or both BEOs or to the REO, where they exist. A review by the Geographic BEOs is unnecessary and will be seen to by the DCHA/BEO if deemed warranted. An IEE face sheet should accompany the IEE.

### **B. DAP Amendments**

All DAP amendments must include an IEE amendment if a change has occurred from what was submitted in the original IEE. The same clearance process is followed as described above for DAP proposals. If no change has occurred, the process as described below for CSR4s should be followed.

### **C. Cooperating Sponsor CSR4 Submission**

If the IEE of the proposal was cleared without conditions or a categorical exclusion was granted, the CS should only state "No changes" in the Environmental Compliance section of the CSR4.

In all other situations, the CS should include an ESR as an appendix to the CSR4, detailing the actions they have undertaken or that need to be taken with regard to the previously approved IEE or Environmental Assessment /Programmatic Environmental Assistance where they might exist. In 2-10 pages, the ESR should indicate whether steps need to be taken to modify previous environmental documentation and whether conditions are being met (e.g., mitigation plans are on schedule and monitoring and evaluation measures are being undertaken by the CS) (see Section A.5, the "orange pages," of the *Environmental Documentation Manual*). The CSs should include a matrix, or chart, in the ESR outlining that mitigation plans are being implemented as submitted in previous environmental documentation, i.e., the IEE. An Environmental Compliance face sheet is used for IEE amendments.

#### **D. Deferrals**

For those CSs who received a deferral on one or more activities of their program from the DCHA BEO, an amended IEE should be included with their following year's CSR4 to resolve each deferral or indicate that the activity will not be conducted, if that is the case.

#### **III. IEE Preparation Resources**

While these guidelines take precedence, the *Environmental Documentation Manual* also provides guidance on completing the IEE, IEE amendment, and ESR. The Manual also covers more in-depth environmental reviews, and defines many of the environmental compliance issues and terms used in these instructions. *A Field Guide to USAID Environmental Compliance Procedures* is a shorter field guide. In addition to these documents, both the Mission and BEOs, and where they exist, REOs, should be consulted.

**Title II Environmental Compliance Forms  
(January 1999)**

**Templates for Use by  
USAID Bureau for Democracy, Conflict and Humanitarian Assistance  
DCHA/FFP/DP Cooperating Sponsors**

- 1. Title II Environmental Compliance Facesheet**
- 2. Request for a Categorical Exclusion**
- 3. Outline of the IEE Narrative: Template**
- 4. Annotated IEE Narrative**
- 5. Environmental Status Report Facesheet**
- 6. Environmental Status Report Instructions and Format**

**TITLE II ENVIRONMENTAL COMPLIANCE FACESHEET**

**Title of DAP/CSR4 Activity:**

**CS name/Country/Region:**

**Funding Period:** FY \_\_\_\_\_ - FY \_\_\_\_\_

**Resource Levels:** Commodities (dollar equivalent, incl. monetization):

\_\_\_\_\_ Total metric tonnage request:

\_\_\_\_\_ 202(e) grant: \$ \_\_\_\_\_

**Statement Prepared by:** Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Title \_\_\_\_\_

**IEE Amendment (Y/N)?** \_\_\_\_ **Date of Original IEE:** \_\_\_\_\_

**Environmental Media and/or Human Health Potentially Impacted** (check all that apply):

*air* \_\_\_\_ *water* \_\_\_\_ *land* \_\_\_\_ *biodiversity* (specify) \_\_\_\_\_ *human health* \_\_\_\_ *other* \_\_\_\_ *none* \_\_\_\_

**Environmental Action(s) Recommended** (check all that apply):

\_\_\_\_\_ 1. *Categorical Exclusion(s)*

\_\_\_\_\_ 2. Initial Environmental Examination:

\_\_\_\_\_ *Negative Determination:* no significant adverse effects expected regarding the

prepared: proposed activities, which are well defined over life of DAP/PAA. IEE

good \_\_\_\_\_ without conditions (no special mitigation measures needed; normal practices and engineering will be used)

\_\_\_\_\_ with conditions (special mitigation measures specified to prevent unintended impact)

\_\_\_\_\_ *Negative Determination:* no significant adverse effects expected, but multiple sites and sub-activities are involved that are not yet fully defined or designed. "Umbrella IEE" prepared [go to Annex B and Annex F for examples]

environmental monitoring. \_\_\_\_\_ conditions agreed to regarding an appropriate process of capacity building and screening, mitigation and

of \_\_\_\_\_ *Positive Determination*: IEE confirms potential for significant adverse effect one or more activities. Appropriate environmental review needed/conducted. \_\_\_\_\_ EA to be / being / has been (circle one) conducted. Note that the activities affected cannot go forward until the EA is approved.

\_\_\_\_\_ *Deferral*: one or more elements not yet sufficiently defined to perform environmental analysis; activities will not be implemented until amended IEE is approved. Briefly describe the nature of the deferred activities:

\_\_\_\_\_

**Summary of Findings:**

Briefly describe (in 1 or 2 paragraphs) the activities being implemented or proposed and those deferred. Justify the reason for the recommended action(s) and cite appropriate sections of Reg. 216 as needed. For IEEs, reproduce here the Summary from Section 5 of the IEE narrative, and/or Section 2 of the Request for Categorical Exclusion.

**USAID APPROVAL OF ENVIRONMENTAL ACTION(S) RECOMMENDED:**

**Clearance:**

Mission Director: \_\_\_\_\_ Date: \_\_\_\_\_

Food For Peace Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Concurrence:**

Bureau Environmental Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
(DCHA)

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

**Optional Clearances:**

FFP Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Mission Food Aid Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Mission Environmental Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Regional Environmental Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Geographic Bureau Environmental Officer: \_\_\_\_\_ Date: \_\_\_\_\_

General Counsel: \_\_\_\_\_ Date: \_\_\_\_\_

## **REQUEST FOR A CATEGORICAL EXCLUSION**

### **1. Background and Activity Description**

More in-depth information than what was provided on the cover sheet, especially if activities are relatively diverse, complex, and likely to operate for several years. This will allow the environmental recommendation to be more self-explanatory and free-standing, especially for the BEO's record keeping and tracking purposes.

### **2. Justification for Categorical Exclusion Request**

Refer to appropriate guidance from Reg. 216, especially 22 CFR 216.2(c)

## **Outline of the IEE Narrative: Template**

### **INITIAL ENVIRONMENTAL EXAMINATION**

#### **Program/Project Data:**

DAP/PAA Program/Activity:

CS Name, Country/Region:

- 1. BACKGROUND AND ACTIVITY DESCRIPTION**
  - 1.1 Background**
  - 1.2 Description of Activities**
  - 1.3 Purpose and Scope of IEE**
  
- 2. COUNTRY AND ENVIRONMENTAL INFORMATION (BASELINE INFORMATION)**
  - 2.1 Locations Affected**
  - 2.2 National Environmental Policies and Procedures (of host country both for environmental assessment and pertaining to the sector)**
  
- 3. EVALUATION OF ACTIVITY/PROGRAM ISSUES WITH RESPECT TO ENVIRONMENTAL IMPACT POTENTIAL**
  
- 4. RECOMMENDED MITIGATION ACTIONS (INCLUDING MONITORING AND EVALUATION)**
  - 4.1 Recommended IEE Determination**
  - 4.2 Mitigation, Monitoring, and Evaluation**

*FOR UMBRELLA IEE, THE FOLLOWING MIGHT BE USED:*

  - 4.1 Recommended Planning Approach**
  - 4.2 Environmental Screening and Review Process**
  - 4.3 Promotion of Environmental Review and Capacity Building Procedures**
  - 4.4 Environmental Responsibilities**
  - 4.5 Mitigation, Monitoring, and Evaluation**
  
- 5. SUMMARY OF FINDINGS**
  - 5.1 Environmental Determinations**
  - 5.2 Conditions**

## **Annotated IEE Narrative**

### **INITIAL ENVIRONMENTAL EXAMINATION**

#### **Program/Project Data:**

DAP/PAA Program/Activity:

CS Name, Country/Region:

The following narrative should be organized around the major activity sub-headings, if the activity categories are rather distinct, e.g., road construction, agricultural development, and irrigation works. As in sample IEEs (Annex B.4 & B.5), treat each major activity under each section. Alternatively, one could organize by activity and then each major heading would cover the Sections 1 to 4. The summary in Section 5 is to cover all categories addressed, with an overview of the summaries at the end.

**If you are preparing an “Umbrella” IEE, please refer to Annex F for the detailed description of what the outline might include.**

#### **1.0 BACKGROUND AND ACTIVITY DESCRIPTION**

Describe why the activity is desired and appropriate, and outline the key activities proposed for Title II funding. A current activity description should be provided and the purpose and scope of the IEE indicated (amendment, why needed, what it covers).

#### **2.0 COUNTRY AND ENVIRONMENTAL INFORMATION**

This section is critical and should briefly assess the current physical environment that might be affected by the activity. Depending upon the activities proposed, this could include an examination of land use, geology, topography, soil, climate, groundwater resources, surface water resources, terrestrial communities, aquatic communities, environmentally sensitive areas (e.g., wetlands or protected species), agricultural cropping patterns and practices, infrastructure and transport services, air quality, demography (including population trends/projections), cultural resources, and the social and economic characteristics of the target communities.

The information obtained through this process should serve as an environmental baseline for future environmental monitoring and evaluation. Be selective in the country and environmental information you provide, as it should be specific to the activity being proposed and more information is not necessarily better.

Finally, indicate the status and applicability of host country, Mission, and CS policies, programs and procedures in addressing natural resources, the environment, food security, and other related issues.

### **3.0 EVALUATION OF ACTIVITY/PROGRAM ISSUES WITH RESPECT TO ENVIRONMENTAL IMPACT POTENTIAL**

This section of the IEE is intended to define all potential environmental impacts of the activity or project, whether they be considered direct, indirect, beneficial, undesired, short-term, long-term, or cumulative.

### **4.0 RECOMMENDED MITIGATION ACTIONS (INCLUDING MONITORING AND EVALUATION)**

For each proposed activity or major component recommend whether a specific intervention included in the activity should receive a categorical exclusion, negative determination (with or without conditions), positive determination, etc., as well as cite which sections of Reg. 216 support the requested determinations.

Recommend what is to be done to avoid, minimize, eliminate or compensate for environmental impacts. For activities where there are expected environmental consequences, appropriate environmental monitoring and impact indicators should be incorporated in the activity's monitoring and evaluation plan.

### **5.0 SUMMARY OF FINDINGS**

This should summarize the proposed environmental determinations and recommendations.

## TITLE II ENVIRONMENTAL STATUS REPORT FACESHEET

**Title of Activity:**

**CS name/Country/Region:**

**Funding Period:** FY \_\_\_\_\_ - FY \_\_\_\_\_

**Resource Levels:**

Commodities (dollar equivalent, incl. monetization): \_\_\_\_\_

Total metric tonnage request: \_\_\_\_\_

**Status Report Prepared by:** Name: \_\_\_\_\_ Title \_\_\_\_\_  
Date: \_\_\_\_\_

**Date of Previous Status Report:** \_\_\_\_\_

**A. Status of the IEE/Categorical Exclusion/EA or PEA**

IEE Reference: Date of most recent IEE or Categorical Exclusion (If all activities were CEs):  
\_\_\_\_\_

\_\_\_\_\_ No revisions or modifications needed. IEE/CE or CE and all activities still applicable

\_\_\_\_\_ Amended IEE submitted, based on attached report, summary, etc., (referencing the body).

\_\_\_\_\_ EA or PEA needs to be amended to cover additional or modified activities. [Note: If yes, immediately notify the MEO, REO (where one exists) or the BHR BEO. Amended EA or PEA submitted, based on \_\_\_\_\_]

**B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring**

\_\_\_\_\_ Environmental Status Report describing compliance measures taken is attached.

\_\_\_\_\_ For any condition that cannot be satisfied, a course of remedial action has been provided within an IEE Amendment. [Note: For conditions under an EA or PEA, consult the MEO, REO (where one exists) and/or BEO].

## **USAID APPROVAL OF ENVIRONMENTAL STATUS REPORT:**

### **Clearance:**

Mission Environmental Officer:\* \_\_\_\_\_ Date: \_\_\_\_\_

Food For Peace Officer: \_\_\_\_\_ Date: \_\_\_\_\_

\*or USAID Environmental Representative, if MEO does not exist.

## **ENVIRONMENTAL STATUS REPORT (ESR)**

### **INSTRUCTIONS AND FORMAT**

In 2-10 pages or less, the Environmental Status Report should indicate whether steps need to be taken to amend previous environmental documentation and whether conditions are being met, e.g., mitigation plans are on schedule and the monitoring and evaluation measures being undertaken by the Cooperating Sponsor. In a Mission's PAA comments and/or approval cable to BHR/FFP, the Mission should state whether it concurs with the Environmental Status Report.

### **Section A. Status of the IEE/Categorical Exclusion/EA or PEA**

Use the answers to the following questions to determine if the status of the IEE has changed.

Use the same instructions for a Categorical Exclusion submission in the event all CS activities were Categorical Exclusions.

If any activities are covered under an EA which is typically activity or site-specific or a broader sectoral, thematic or geographic PEA, the questions below need to be interpreted in the context of the specific activity, sector or area.

#### **A1. Modified or New Activities:**

Have new activities been added or activities substantially modified?

Note what these are and reference an amended IEE, if the DAP or PAA has an approved IEE. Reference a Categorical Exclusion Document in the event the DAP or PAA required only a Categorical Exclusion Document **and** the new/modified activities are also categorically excluded. If they are not, a full IEE will need to be prepared.

Note: An amended DAP requires an IEE Amendment. Also remember that activities can be changed or added that do not require an amended DAP, but which do alter Reg. 216 threshold decisions and would require an IEE Amendment.

#### **A2. Resolution of Deferrals:**

Did the previous IEE have deferrals? List these.

State if they are being resolved through an amended IEE to be submitted with this year's PAA. If not, indicate when an amended IEE will be submitted in order to be able to go ahead with the activities.

If the deferred activities have been dropped from the sponsor's program, amend the current IEE to state that and recommend to the BEO that the deferral is no longer applicable.

**A3. Conditions:**

If experience has shown that conditions in the IEE cannot be complied with, note and reference an amended IEE, which discusses what substitute conditions are recommended in order to comply with the spirit of the original conditions (to avoid or reduce environmental effects).

Many conditions in IEEs relate to **Mitigation and Monitoring**. If based on Section B2 below, it proved not feasible to carry out all mitigation and monitoring and the sponsor desires to change the conditions for mitigation and monitoring spelled out in the IEE, discuss and reference an amended IEE.

**A4. Amendments:**

Based on the above, is an amended IEE needed?

Yes (If yes, attach here.)       No

If the previous documentation was a Categorical Exclusion Submission, is an amended Categorical Exclusion needed to deal with new Categorical Exclusions for new activities?

Yes (If yes, attach here.)       No       Not Applicable

Is the Sponsor unable to meet recommendations and/or conditions that are part of an EA or PEA or does the Sponsor believe an EA or PEA needs to be amended to cover additional or modified activities?

Yes       No       Not Applicable

If yes, immediately notify the MEO, REO (where available) or the BHR BEO.

**A5.** Remember it is necessary to obtain the Mission's concurrence on an Environmental Status Report prior to proposal approval. Be sure to complete the ESR Facesheet. Proceed to Section B.

## **Section B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring**

Take this opportunity to re-evaluate your mitigation and monitoring plan. Make sure the commitments made in the IEE are doable and realistic, in other words, not beyond the capabilities and resources of the CS to implement. Mitigation and monitoring can be part of normal visits to an area to check on activities, unless specific testing, surveys or the like have been required. Alternatively, experience to date may indicate that the IEE's mitigation and monitoring plan is not sufficiently specific or is lacking in some respect. If conditions or mitigation and monitoring are part of an activity-specific EA or sectoral PEA, the instructions below still apply.

- B1.** For each component of the program, list or reproduce (as an Annex to this report) the mitigative measures and monitoring or other conditions. [For activities placed under an umbrella process according to EDM Annex F, do not reproduce the standard Environmental Screening Form and Review conditions; follow instructions at B3 below.]
- B2.** Describe status of complying with the conditions. Examples of the types of questions a Sponsor should answer to describe "status" follow.
- 1) What mitigative measures have been put in place? How is the successfulness of mitigative measures being determined? If they are not working, why not? What adjustments need to be made?
  - 2) What is being monitored, how frequently and where, and what action is being taken (as needed) based on the results of the monitoring? In some situations, a CS will need to note that the monitoring program is still being developed with intent to satisfy the conditions. Alternatively, it could happen that the conditions cannot be achieved because of various impediments.

Sponsors are encouraged to construct table(s) of relevant status indicators.

**For any conditions that cannot be satisfied, propose a course of remedial action and amend the IEE.** In the case of an EA or PEA, consult the MEO, REO (where available), and the BHR BEO, as amending an EA or PEA is a more elaborate process.

- B3.** If the CS is using Environmental Screening Forms (ESFs) and environmental reviews, prepare: i) a table listing the ESFs prepared and submitted; (ii) the Category(ies) the activity(ies) was/were placed in; and (iii) whether the ESF has been approved by the MEO. For any Category 2 or above activities, the chart should include the status of the Environmental Reviews, e.g., in preparation; submitted to MEO; approved by MEO; MEO referred to REO and BEO; and the date of approval by MEO or by REO or BEO, if appropriate.

**Section C. Cooperating Sponsor Recommendations for Beyond Compliance and Institutionalization of Environmentally Sound Practices**

Please outline plans or recommendations (in a page or less) for institutionalizing environmentally sound design and management practices in future activities of a similar nature.