GUIDANCE NOTES
FOR IMPLEMENTATION OF REG. 216 FOR PL 480 TITLE II PROGRAMS

The goal for Title II programs from an environmental perspective is to do no significant harm through the intended or unintended environmental consequences of P.L. 480 activities. Ultimately, the desired effect on the environment will be benign to beneficial, resulting in enhanced sustainability for the land and ecosystems of the vulnerable target populations. Design considerations for Title II programs should be informed by the environmental considerations, and one process should inform the other. Design of programs and consideration of environmental impact should be done in conjunction with each other to the extent possible. The purpose of these Guidance Notes is to highlight what is necessary for applying Regulation 216 to P.L. 480 Title II programs, which should encourage the design of programs that have considered potential environmental consequences and possible mitigation measures at length.

For Development Programs:

As a result of the FFPIB, nothing will have changed with regard to current procedures or processes for applying Regulation 216, USAID's Environmental Procedures to new and existing Development Programs.

For Emergency & Developmental Relief Programs:

As a result of the FFPIB, changes in programming may or may not be required. Specifically, if the emergency response qualifies as a "rapid onset" disaster and specifically falls under the categories that would lead to an "exemption" declaration, nothing changes. The number of proposals that would qualify for an "exemption" is small though, and in general, most new activities will require a screening process. To clarify, "exemptions" are essentially emergency situations and include International Disaster Assistance (IDA), i.e., situations in which an immediate response is required and no immediate alternatives are available. Examples include emergency relocation of flood victims, establishment of refugee camps for rural populations caught in civil strife, emergency medical infrastructure, materials and equipment for victims of war. See 22 CFR 216.2 (b) (2) for other applicable situations and procedures. For persistent, protracted, or complex emergencies lasting more than a year, then the regular Title II Environmental Status Reporting (ESR) process would be invoked.

Resources to help prepare documentation:

The guidance provided below draws heavily from existing documents, specifically The Environmental Documentation Manual for PL 480 Title II Cooperating Sponsors (USAID/FAM Environmental Working Group, February 1999), and the USAID

Environmental Procedures Training Manual AFR Edition, (EPTM) March 2002. The EPTM and several other valuable Regulation 216 training materials are available on the ENvironmental Assessment CAPacity Building Program (ENCAP) website.

Please use this short guidance as an introduction to the process. The real instruction for preparation of an IEE should come from one of the sources listed above, which will guide you through the step-by-step process to environmental compliance.

Steps to preparation and compliance:

What follows are highlights of the steps required to ensure Regulation 216 compliance of a Title II program.

Determining who is responsible for documentation is the first step.

- The IEE and accompanying documentation for Title II programs is the responsibility of the cooperating sponsors.
- Environmental documentation must be provided for nearly all Title II programs before an "irreversible commitment of resources" can take place.
- Partners should seek Mission review and clearance prior to official submission of the proposals to Washington. Partners should first submit the documentation to the USAID Mission Environmental Officer (MEO). The MEO reviews, and at his option, passes it on to the Regional Environmental Officer (REO), if one exists, for clearance. The signature of the Mission Director is required. Then the FFPO or MEO passes it to the DCHA Bureau Environmental Officer (BEO). For non-presence countries, the REO needs to clear. For Food for Peace Programs, the Mission Food For Peace Officer should also clear prior to submission the DCHA BEO.

- To summarize: *required* signatures at the Mission are the MEO and Mission Director. Signatures required at the DCHA level are the Food for Peace Office Director, and the DCHA BEO/W.

All other signatures on the Environmental Compliance Face Sheet are optional, and others can be added if the situation calls for it.

What forms need to be filled out and in what order?

Initial Screening
There are a series of steps to determine the appropriate response for the specific activities proposed. In short, the process begins with a screening step where all activities are elaborated and the risk analyzed for the life of the activity (LOA). Generally, all but the lowest risk activities require further analysis. The screening process will help identify activities which may be exempt, or categorically excluded due to the inherently low risk nature of the activity. For a complete listing of activities which usually qualify for

categorical exclusion, see the EPTM (2-5). Some examples include training and direct feeding.

The initial screening will allow for complete listing of all actions intended by the Title II program, and the likely mitigation actions and threshold determinations.

The Environmental Compliance Face Sheet
The cover document necessary for compliance of Title II programs is the Compliance Face Sheet**.** It summarizes the activities proposed and discusses the outcomes of an initial screening process. The Initial screening "examines the nature of activities and sorts them into risk categories."

If ALL of the activities are **exempt**, no environmental documentation is required. This will be rare.

If ALL activities for the Life of the Activity are **categorically excluded**, only the Facesheet and Categorical Exclusion request forms must be completed. *The Categorical Exclusion Request* is required when screening indicates that ALL activities should be categorically excluded. This form will require a brief description of the activities and a justification for the exclusion request based on the relevant provision of the Regulation 216 legislature.

For all other cases, if there is an activity that is not exempt or categorically excluded, an Initial Environmental Evaluation must be completed (IEE). For complete definitions and clarification on exemptions, see the guides referenced.

The IEE or IEE Amendment is required unless screening shows that ALL activities are exempt or categorically excluded. An IEE is a review of the reasonably foreseeable effects on the environment of a proposed action. The basic outline will be covered here. For a detailed description of the parts of the IEE, as well as a step-by-step guide to completing your IEE, see the EPTM. It is important to remember that the IEE should reflect only pertinent information related to the proposed activities, not an entire ecological and environmental study of all of the ecosystems of a given country. They should be location and activity specific. It is preferred if the IEEs are kept to under 20 pages.

An outline of the major parts to be included in the IEE follows.

IEE Outline (*EPTM 3-5*):
Compliance Face Sheet
1. *Background and Activity Description*
Background
1.1 Description of Activities
1.2 Purpose and Scope of IEE

2. *Country and Environmental Information (baseline)*
2.1 Locations Affected

2.2 National Environmental Policies and Procedures (of host country)

3. *Evaluation of Environmental Impact Potential*

4. *Recommended Mitigation Actions*

4.1 Recommended IEE determinations (includes justification of categorical exclusions identified during screening)

4.2 Mitigation, Monitoring and Evaluation

Once the IEE is completed and submitted, it is the responsibility of the Country Backstop Officers and SO teams to ensure that the clearance process proceeds and to oversee implementation of mitigation measures discussed in the IEE. This process is enhanced by yearly reporting in the form of an Environmental Status Report.

The Environmental Status Report (ESR) is submitted as part of the annual program report. It is required for all previously approved programs whether those were approved under a categorical exclusion, an IEE, EA or PEA. Before any renewal or extension of an existing emergency or developmental relief program is approved, an ESR should be submitted and approved as well.

Suggestions for Ease of Implementation:

At the Mission level and within the PVOs, there already exists a wealth of experience for performing IEEs and preparing environmental documentation. This knowledge should be shared by those who have it and sought by those less familiar with the process proposed.

There are some excellent documents available that cover preparation of IEEs and terminology, including examples of completed paperwork. These should be consulted, as should the BEO and REO.

This process should not hold up the submission of a proposal or significantly delay any proposal review. By using IEE guidance such as the Environmental Documentation Training Manual, it should be possible to quickly produce a draft. Remember, the information provided should cover activities and potential impacts and mitigation measures for these activities, not address all environmental issues within a given country.

The clearance process for the IEE need not be a lengthy one, especially if it is well prepared. Ideally the IEE will accompany the Emergency and DRP package and must accompany the DAP package. But the IEE can/should be sent around also, separately, concurrently, to those on the IEE clearance track. Then when the IEE is cleared (and the DRP/DAP is making its rounds, perhaps having been revised itself), prior to final clearance, the revised/cleared IEE can be reconnected with the proposal. But in any case, the IEE needs to be cleared as a separate document. This approach allows us to maintain more flexibility, so the two clearance/review processes move on parallel tracks.

The concept of preparing multi-agency IEEs through an alliance of Title II PVOs in a given country has begun to be introduced as a valid potential approach to streamlining the documentation process. We recommend it be considered by willing parties.

The idea of determining the potential environmental impacts of each activity may appear daunting yet much information already exists on this process. The first step would be to consult the PVO and mission environmental staff or MEO in country.

Additionally, there are several manuals available on the ENCAP website that detail typical activities and suggest some potential negative impacts. Some examples include "Environmental Guidelines for Small Scale Activities in Africa", Bureau for Africa, September 2003 (draft), and "Environmental Guidelines for Development Activities in Latin America and the Caribbean", EPIQ/ USAID, May 2002, draft. This would be a good place to start to begin to identify potential issues, which should be monitored. Best Practice guidelines for different types of activities should also be consulted. Some examples are found at the ENCAP resources page and the Latin America and Caribbean Bureau Environmental Compliance and resources page, and include documentation on topics such as "*Low-Volume Roads Engineering: Best Management Practices Field Guide*," "*Inorganic Fertilizer Use in Africa Environmental and Economic Dimensions*," and *Environmental Guidelines for Micro-hydroelectric Projects*, as well as other sector-specific guidance.

Finally, it is important to remember that the goal of using environmental regulations and procedures is to ensure that attention is given to potential negative impacts and possible mitigation measures or alternative programming possibilities. The goal is not to prevent every potential impact on the environment, but certainly "to do no significant harm."

Resources to Consult:

- The Environmental Documentation Manual for PL 480 Title II Cooperating Sponsors,
- "A Cooperating Sponsor's Field Guide to USAID Environmental Compliance Procedures" (PDF, 165K), developed by Catholic Relief Services and FAM (Food Aid Management),
- The USAID Environmental Procedures Training Manual (AFR Edition, May 2003),also available at www.afr-sd.org/Publications/EDM/EDM_FRNT.pdf

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