

Level of detail in IEEs

General Counsel, 2003

“The several last-minute urgent requests to USAID/W for IEE approvals to enable imminent obligations is inconsistent with Reg. 16’s intention regarding IEEs. ...

Under Reg. 16, IEEs are early, preliminary design documents, and are NOT intended to be the last step prior to obligation. IEEs are intended to be PID-level documents, which at a very early point can identify potential environmental problems so that a design can take those into account or avoid them. With last-minute IEEs, it is not possible to structure the activity design to take into account the IEE’s recommendation – rather there is only the option to reject the IEE and thus the proposed design.

Similarly, Reg. 16 does NOT contemplate that the IEE will be a definitive discussion of every detailed aspect of a designed activity [emphasis added]. Rather, it is a trip-wire that identifies broad potential issues and provides a basis for proceeding. An IEE can fairly provide that further environmental reviews or actions must occur prior to obligation or implementation, but these can be under the IEE and do not have to come back for the formal IEE approval. (There is also the option of a deferral.) Many of the last-minute IEEs in fact are extremely detailed, at a level that would be appropriate for post-IEE environmental analysis, rather than the initial IEE.

Hopefully we can get back to the point of broad IEEs at an early point, with any necessary follow-up at a level below the IEE approval. The concerns are consistency with the intention of Reg. 16, as well as allowing mission obligations to proceed without last-minute concerns about IEE approval. Thanks.”

B. Hirsch, Dec 2003

The high level of detail often used to delineate the organizational position of individual activities (i.e. which IR they fall under) when spelling out the threshold decision and the mitigation and monitoring measures seems to be unnecessary. Detail is needed, and sometimes missing, in the description of the activities to be undertaken, in Section 1. But it would seem that the mitigation and monitoring section can simply refer to that list of activities without repeating it, and can group activities according to the appropriate threshold decision. For example, all the Categorical Exclusions can be grouped (with appropriate citations), and all the Negative Determinations can be grouped. The important points to focus on in that section are not which IR the given activity belongs in, but what the risk factors are and how the risks are going to be mitigated.