

ADS 204 - Environmental Procedures

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ADS 204 - Environmental Procedures

- * This chapter provides policy and essential procedures about how to apply 22 CFR 216 to the new USAID assistance process in order to ensure that assessments of the environmental consequences of all programs, activities, and substantive amendments thereto, are in full accordance with the requirements of Title 22 of the Code of Federal Regulations, Part 216. **(See Mandatory Reference [22 CFR 216](#))**

204.1 Authority

1. [Section 117 of the Foreign Assistance Act of 1961](#), as amended.
2. National Environmental Policy Act, [42 USC 4371](#), et seq.
3. [Executive Order 12114](#) dated January 4, 1979, regarding environmental review of Federal agency actions outside the United States.
4. [Title 22 of the Code of Federal Regulations, Part 216 dated October 9, 1980](#), codifies USAID's environmental procedures (cited as 22 CFR 216).

204.2 Objective

Environmental sustainability is integral to USAID's overall goal. To meet this goal environmental considerations shall be incorporated into results planning, achieving, and monitoring. This Chapter defines what USAID and its operating units will do to integrate environmental issues into its programs to meet USG environmental requirements.

204.3 Responsibility

- * 1. Operational Bureaus

Operational Bureaus are responsible for overseeing and supporting their Operating Units to ensure that environmental review in accordance with 22 CFR 216 is fully integrated into the decision-making process, including planning and approval of all programs and activities needed to implement the Bureau and its Operating Units' Strategic Plan. **(See Mandatory Reference [22 CFR 216](#))**

- 2. Operating Units

Operating Units are responsible for allocating adequate staff and

financial resources to their Teams to effectively implement the Agency's environmental procedures. Operating Units also hold their Strategic Objective Teams accountable for meeting these requirements and continuously monitoring their results.

3. Strategic Objective, Strategic Support Objective, or Special Objective Teams (SO Teams)

SO Teams are responsible for ensuring full compliance with 22 CFR 216, the Agency's environmental procedures. This includes designing, monitoring, and modifying all programs, results packages, and activities to ensure that the environmental consequences of all actions taken by USAID are considered and that appropriate environmental safeguards are adopted. The SO Team is also responsible for keeping their relevant Bureau Environmental Officer informed on upcoming 22 CFR 216 actions through informal contacts and the R4; and for ensuring that all of its 22 CFR 216 environmental reviews are accomplished in a timely fashion so as not to unnecessarily delay implementation of any activities.

4. Mission Environmental Officer and Regional Environmental Officer (MEO and REO)

MEOs and REOs are responsible for advising SO Teams on how best to comply with 22 CFR 216 requirements, how SO Teams can effectively monitor implementation of approved mitigative measures, and how SO Teams can obtain additional environmental expertise to assist them. MEOs and REOs also liaise with their relevant Bureau Environmental Officers on 22 CFR 216 issues affecting SO Teams in their Operating Units.

5. Bureau Environmental Officer (BEO)

BEOs are responsible for overseeing the effective implementation of 22 CFR 216 throughout all Operating Units in their Bureau through timely decision making and adherence to consistent and strong environmental principles that lead to environmentally sound development.

6. Agency Environmental Coordinator (AEC)

The AEC is responsible for overseeing the effective implementation of 22 CFR 216 throughout the Agency. This includes monitoring its implementation, resolving disputes, advising in selection of BEOs, and liaising with the President's Council on Environmental Quality

and the public.

204.4 Definitions (See [ADS GLOSSARY](#))

ACTIVITY
CEQ REGULATIONS
ENVIRONMENT
ENVIRONMENTAL ASSESSMENT
ENVIRONMENTAL IMPACT STATEMENT
ESSENTIAL PROCEDURE
INITIAL ENVIRONMENTAL EXAMINATION
MINOR DONOR
OPERATING UNIT
PROGRAM ASSISTANCE APPROVAL DOCUMENT (PAAD)
PROGRAM ASSISTANCE INITIAL PROPOSAL (PAIP)
PROJECT IDENTIFICATION DOCUMENT (PID)
PROJECT PAPER (PP)
RESULTS PACKAGE
RESULTS REVIEW AND RESOURCES REQUEST (R4)
SIGNIFICANT EFFECT
SPECIAL OBJECTIVE
STRATEGIC OBJECTIVE
STRATEGIC OBJECTIVE TEAM
STRATEGIC PLAN
STRATEGIC SUPPORT OBJECTIVE
THRESHOLD DECISION

Acronyms used in this chapter are:

22 CFR 216 - Title 22 of the Code of Federal Regulations, Part 216. These are USAID's environmental procedures and are sometimes referred to colloquially as Reg 16.

AEC - Agency Environmental Coordinator

BEO - Bureau Environmental Officer

EA - Environmental Assessment

EIS - Environmental Impact Statement

IEE - Initial Environmental Examination

MEO - Mission Environmental Officer

REO - Regional Environmental Officer

SO - Strategic Objective/Strategic Support
Objective/Special Objective

SO Team - The team managing an SO. See the ADS glossary for further detail.

204.5 POLICY

The following are the official Agency policies and corresponding essential procedures:

204.5.1 MANDATORY COMPLIANCE WITH 22 CFR 216

- * The environmental procedures are codified in a Federal regulation. USAID must and shall fully comply with 22 CFR 216, except to the extent some of its terms are not used in the new operations assistance processes (i.e. PID, PP, etc.). In those cases the terms used in this chapter of the ADS (which are intended to be as parallel as possible to the original terms) are used instead. However, 22 CFR 216 is controlling in the event of a conflict between this chapter and 22 CFR 216. If there are questions, consult your BEO, the AEC, or Agency legal counsel. **(See Mandatory Reference [22 CFR 216](#))**

E204.5.1 Mandatory Compliance with 22 CFR 216 - N/A

204.5.2 OPERATIONAL BUREAUS

Incorporated into their normal Results Review and Resources Request (R4) process each operational Bureau shall review and approve, with the guidance of their Bureau Environmental Officer, the R4 environmental section described below in 204.5.3

Bureaus shall provide each Operating Unit the resources necessary to complete environmental reviews for programs and activities in the Strategic Plan or any modification of it.

E204.5.2 Operational Bureaus - N/A

204.5.3 OPERATING UNIT

Each USAID Operating Unit shall prepare and submit an environmental section as an integral part of their R4. This section will consist of two parts:

- the first part will include a discussion of any issues that the Operating Unit may wish to raise with respect to implementation of mitigation measures, monitoring provisions or other implementation requirements agreed to pursuant to 22 CFR 216 during activity design; and,
- * - the second part will be an illustrative schedule of upcoming activities that may require 22 CFR 216 review. While this schedule will necessarily be notional due to the desired flexibility in allowing

teams to revise and develop new activities, it will allow the BEO to better plan for work loads in order to have shorter turn around times on reviews and approvals of 22 CFR 216 documents. The schedule will also serve the operating unit as a planning document for budgeting its time and money resources to ensure that all 22 CFR 216 requirements are met in a timely way and will not become an impediment to speedy action. **(See Mandatory Reference [22 CFR 216](#))**

Operating Units shall take necessary steps to ensure that each SO Team integrates timely and effective environmental review in the decision-making process for programs and activities and that sufficient money and staff are allocated to the SO Teams to accomplish the work.

Operating Units shall also take necessary steps to ensure that no irreversible commitments of resources for programs or activities are made by any of its Teams before environmental review is completed and its findings considered for the program or activity.

Operating Units shall undertake the required environmental planning analyses for its strategic plan as outlined in chapter 201.5.10g.

E204.5.3 Operating Unit - N/A

204.5.4 STRATEGIC OBJECTIVE, STRATEGIC SUPPORT OBJECTIVE AND SPECIAL OBJECTIVE TEAMS (SO TEAMS)

* Each SO Team shall actively plan how it will comply with 22 CFR 216 requirements for each activity it undertakes, actively monitor ongoing activities for compliance with approved IEE, EA, or EIS recommendations or mitigative measures; and modify or end activities that are not in compliance. When an SO Team chooses to create Results Package (RP) Teams, it may delegate the implementation of these responsibilities to them. In these cases the SO Team is responsible for ensuring that the RP Teams have adequate time, staff, authority, and money to implement these responsibilities. **(See Mandatory Reference [22 CFR 216](#))**

E204.5.4 Strategic Objective, Strategic Support Objective and Special Objective Teams (SO TEAMS)

Operating Unit and SO Team Procedures

Each Operating Unit and SO Team shall develop effective essential

procedures to:

- *
 - ensure that adequate time and resources are available to complete all environmental work required under 22 CFR 216 before funds are obligated (this environmental work includes IEEs, Categorical Exclusions, requests for deferrals or exemptions of environmental reviews and if appropriate, Scoping Statements and their related EAs or EISs) (**See Mandatory Reference [22 CFR 216](#)**). More specifically these environmental reviews include;
 - completing an IEE or justification for a Categorical Exclusion or Exemption, in accordance 22 CFR 216, for each program or activity at the earliest time in the planning and design process when sufficient information is known about the program or activity to permit a meaningful environmental threshold determination; it is essential that this review be done as early as possible in the design process in order to allow adequate time for more detailed subsequent environmental review and concurrence, as well as integrating environmental mitigations into the design process, should this be required;
 - completing Scoping Statements and EAs or EISs (if required) at the earliest time in the design process when sufficient information is known or being developed to undertake these analyses;
 - forwarding each environmental document to the BEO for review and concurrence, allowing a reasonable amount of time for this process;
 - providing reasonable notification to the affected public and, as feasible, encouraging public participation, review and comment on Scoping Statements and their related EAs or EISs. Public is defined for EAs to include directly affected people in the host country, host country governments. It is USAID's policy that interested U.S. parties should also be involved when they show an interest. For EISs including the U.S. public is a regulatory requirement.
 - considering the content and findings of environmental documents in the design and approval of each program and activity before an irreversible commitment of resources is made for the program or activity;
 - incorporating environmental features and mitigative measures identified in IEEs, EAs, and EISs, as appropriate, in the

final design and implementation of programs or activities.

- Actively monitor and evaluate whether the environmental features designed for the activity resulting from the 22 CFR 216 process are being implemented effectively and whether there are new or unforeseen environmental consequences arising during implementation that were not identified and reviewed in accordance with 22 CFR 216.
- Based on the above described monitoring and evaluation initiate, modify or end activities as appropriate.
- Provide the Operating Unit with any issues on environmental compliance and a schedule for any activities which must be reviewed under 22 CFR 216 to facilitate advance planning and provide information for the environment section of the R4.

204.5.5 MISSION ENVIRONMENTAL OFFICER (MEO) AND REGIONAL ENVIRONMENTAL OFFICER (REO)

* Each Mission Director shall appoint a Mission Environmental Officer. These officers normally serve as a core member of each SO Team in the Operating Unit in order to advise the Teams on specific needs and approaches to meet 22 CFR 216 requirements. The MEOs frequently take the lead in overseeing 22 CFR 216 document preparation on new activities and monitoring compliance on ongoing activities. However, the ultimate responsibility and accountability for successfully meeting 22 CFR 216 requirements belongs to every member on the Team and in particular to the team leader. **(See Mandatory Reference [22 CFR 216](#))**

In some cases a regional support mission may exist and have a Regional Environmental Officer who is available to the cluster of Operating Units it supports. In these cases the Regional Environmental Officer provides technical support and regional coordination to Mission Environmental Officers.

E204.5.5 Mission Environmental Officer (MEO) and Regional Environmental Officer (REO) - N/A

204.5.6 BUREAU ENVIRONMENTAL OFFICER (BEO)

* After consultation with the AEC, the Assistant Administrator (AA) for each operational Bureau in Washington shall appoint a qualified BEO based in Washington. This includes all regional Bureaus plus all operational Central Bureaus (i.e. G and BHR). The BEO

reviews and provides guidance on the environmental section of the R4; monitors overall 22 CFR 216 compliance of all Operating Units in the Bureau; approves all 22 CFR 216 documents, and performs the other specific functions described in 22 CFR 216. When staffing patterns permit, each AA shall also appoint a qualified Deputy BEO who can act on official 22 CFR 216 actions when the BEO is absent. **(See Mandatory Reference [22 CFR 216](#))**

E204.5.6 Bureau Environmental Officer (BEO) N/A

204.5.7 AGENCY ENVIRONMENTAL COORDINATOR (AEC)

* The AEC shall oversee Agency-wide implementation of 22 CFR 216 to support the process in achieving its intended results. The AEC shall advise the Administrator, AAs, and other senior Agency management about issues that arise under 22 CFR 216, and with advice from the Office of the General Counsel, interprets how 22 CFR 216 should be applied to new or unusual situations. Specific additional responsibilities are described in 22 CFR 216. **(See Mandatory Reference [22 CFR 216](#))**

E204.5.7 Agency Environmental Coordinator (AEC) - N/A

204.5.8 DECISION-MAKING AUTHORITY

Within the operating unit the officer who has the authority to obligate funds for a program or activity signs the request for IEE, Categorical Exclusion or Exemption of the program or activity; and, if appropriate the Scoping Statement and EA or EIS (note: all of these 22 CFR 216 terms are defined in within 22 CFR 216). This officer submits these documents to the BEO for review and written concurrence. In certain cases outlined in 22 CFR 216 additional reviews and approvals in Washington may be required (e.g. requests for Exemptions, Deferrals, and EISs). After receiving the BEO's written concurrence the Operating Unit's decision-making officer must consider the environmental findings and recommendations made in the approved IEE, EA, or EIS when designing and approving funding for a program or activity. Additional decision procedures are described in 22 CFR 216. **(See Mandatory Reference [22 CFR 216](#))**

E204.5.8 Decision-Making Authority - N/A

***204.6 Supplementary Reference - N/A**

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