

Chapter 2. Screening and Classifying Activities Under Regulation 216

As mentioned in Chapter 1, Regulation 216 is a particular implementation of the general environmental impact assessment (EIA) process, conforming to norms of good EIA practice.³ EIA processes—and thus Regulation 216 compliance—begin with an initial SCREENING of proposed activities or projects. The purpose of screening is to separate activities which, *by their nature*, pose inherently low risks of environmental harm from those which pose moderate or high risks of environmental harm.

In EIA, very low-risk activities identified by screening require no further analysis. Other activities are subject to a preliminary study. In USAID parlance, this preliminary study is called the *Initial Environmental Examination*. In many cases, the preliminary study determines that the proposed activities pose little threat of significant environmental harm. Where the preliminary study identifies a possibility of significant harm, however, a full-scale EIA study is required. Such a study (called an *Environmental Assessment* by USAID) requires the efforts of a professional team over at least several months.⁴ This series of steps, from screening to full study, is depicted in Figure 2-1, below:

**Figure 2-1: the EIA process:
screening to full impact study**

	Stage of the EIA process	Performed on	USAID terminology
Increasing complexity ↓	Screening	All activities	
	Preliminary Study	All but emergencies and the lowest-risk activities	IEE (Initial Environmental Examination)
	Full EIA study	Highest-risk activities (as identified by screening or the preliminary study)	EA (Environmental Assessment study)

All EIA processes begin with screening. . . and Regulation 216 compliance is no exception.

Screening examines the nature of activities and sorts them into risk categories.

All but the lowest-risk activities require further analysis.

³ See, for example, USAID’s *Topic Briefing: Introduction to EIA* available for download at www.encapafrika.org.

⁴ For certain enumerated activities, Regulation 216 permits skipping the IEE entirely and proceeding directly to a full EIA study, or *Environmental Assessment*. As explained subsequently in the text, this guide recommends always completing the IEE first.

This chapter first provides a step-by-step guide to screening under Regulation 216. *This is the critical first step in Regulation 216 compliance.* You will see that Regulation 216 enumerates types of activities “normally having a significant [adverse] effect on the environment,” as well as those for which environmental impacts are expected to be not significantly adverse. Regulation 216 sets out particular terminology for these screening outcomes and classes of activity. This chapter introduces this terminology.

The chapter then overviews the possible results of the *Initial Environmental Examination* and introduces IEE terminology. Again, the IEE is conducted for all but the lowest risk activities.

Once (1) screening is completed, and (2) the basic IEE concepts are understood, the reader turns to **Chapter 3**. Chapter 3 matches screening results to the type of environmental documentation required for the proposed intervention.

NOTE: Please read through the entire chapter before starting to classify your activities.

Screening must be performed on a COMPLETE list of activities

- include associated activities
- include the entire life-of-project

In this manual, “activities” = desired accomplishment or output (e.g., a road, placing land under irrigation, etc.)

Activities consist of a number of actions, occurring over various phases of the activity (e.g., planning, construction, etc.)

You do not screen at the level of actions, however. You screen at the level of activities.

2.1. Step I: Identify & summarize ALL of your proposed activities.

The essential first step is to list out ALL proposed activities and provide some basic information about each. This basic information includes location and an indication of the size of the activity.

This information should be organized in a *summary table*. A sample Summary table is provided (Table 2.1). Annex E includes an example of a completed summary table. Note that a summary table is typically a part of the final environmental documentation.

Definitions of terms and explanations of how to fill out these tables are provided in the instructions that follow.

What is an activity?

To list out your proposed activities, you must understand what is meant by the term “activity” in a Regulation 216 context.

In this manual, “activity” refers to the desired accomplishment or output such as a road, seedling production, forestry planting, or river diversion to irrigate land. An activity is independent, although it may be linked to other activities.

Activities consist of or include a set of *actions*, which occur over the whole lifecycle of the activity. Consider a road activity: Actions begin with the planning and design phase (e.g., site selection, choice of materials and equipment, community consultation, obtain rights-of-way, etc.). Additional actions occur during the construction phase: (clearing, digging, filling, transporting materials or even establishing a construction workers’ camp). Other actions occur during operation or implementation (vehicular traffic, maintenance).

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When you screen activities, you must be aware of the actions that each activity includes or consists of. You do not screen at the level of actions, however. You screen at the level of activities.

How do I make sure my activity list is complete?

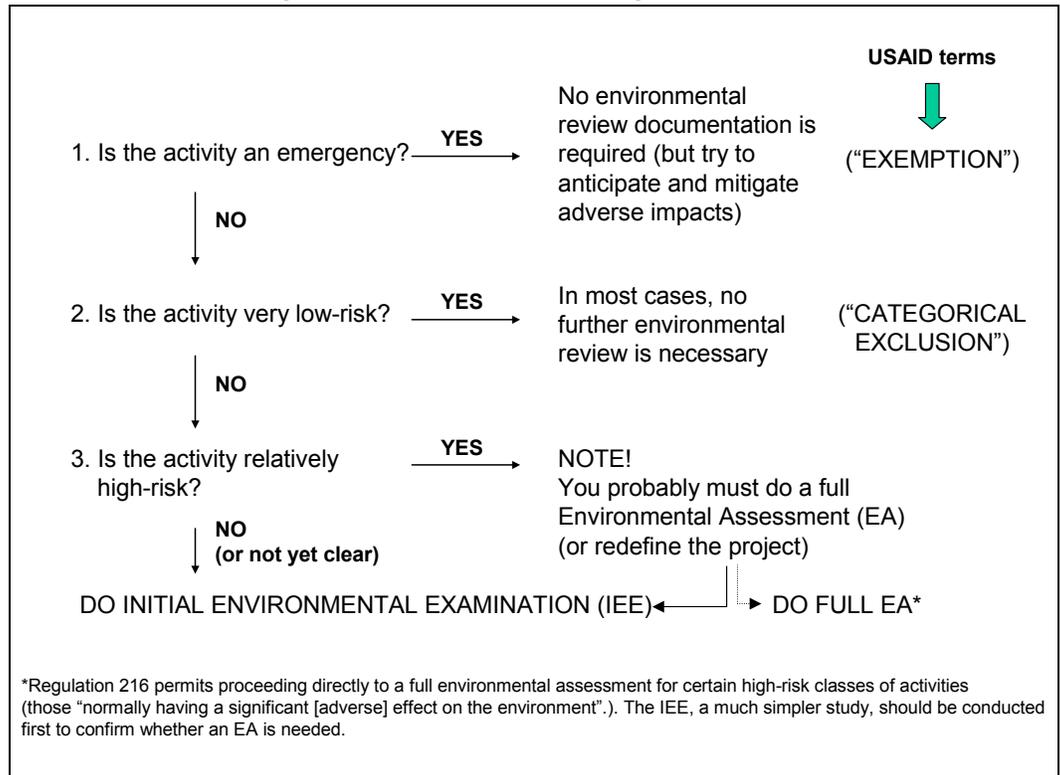
To make sure that your activity list for screening is complete, follow these rules:

- Include any associated activities related to the primary activity. For example, if you are assisting with small-scale irrigation, is a road being built as part of the irrigation activity?
- Make sure your activity list includes all the major *components* of your project. For example, a small scale irrigation project might involve construction of a diversion or a dam, water distribution canals, leveling of land, possible relocation of farmers, and so on.
- Your list should include the entire life-of-project (LOP) activities, even if some were begun long before submission of Reg. 216 documents.

Table 2.1: Sample environmental compliance summary table

Project or IR name Proposing organization		site information		indications of typical quantity & scale @ each site		screening result				Recommended IEE Threshold Decision				
Activity	number of sites	location (if multiple sites, where distributed)	e.g., budget, size in Ha	unit	note	Exempt	Categorical Exclusion	IEE required	IEE required & high-risk	if categorical exclusion, provide Reg 216 citation	Negative determination	Negative determination w/ conditions	Positive determination	Deferral
e.g. rehabilitation of market access rd	5 to 8	Central Region	5	km	average segment length		X							
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Figure 2.2: USAID Screening Procedures



2.2. Step II: Classify each activity under Reg. 216

The purpose of screening is to determine what level of environmental review, if any, will be required. In screening, these decisions are made on the basis of the *general nature of the proposed activities*.

For *each* activity listed in your summary table, you must follow the screening procedure summarized in Figure 2.2, and described in detail below.

CAUTION: You do not have the freedom to decide on your own whether your proposed activities are “emergencies,” or whether they are intrinsically “low risk.”

Instead, Regulation 216 defines the activities that fall into these various categories, as well as the USAID terminology that describes them. Terminology and definitions are presented below.

Key USAID terminology for screening:

Reg. 216 defines two several types of environmental decisions (also called classes of action in the regulation) applicable to screening. These are:

- **Exemptions:** Exemptions apply to activities conducted on an emergency basis or other unusual situations. In these situations, an immediate response is required and no alternative are available.

As the name implies these actions are not subject to Reg. 216. Nevertheless, prudent and sound environmental practices should be applied. See Box 2.A and discussion below.

- **Categorical Exclusions:** Categorical Exclusions are classes of actions that, by their nature, typically pose a very low risk or have no effect on the environment—e.g., studies, seminars, or training. They require only brief documentation that supports the applicability of the exclusions as defined in Reg. 216. See Box 2.B and discussion below.

Note. Categorically excluded activities may contribute to future/indirect environmental impacts of associated activities. For example, consider training in latrine or road construction. The training itself is categorically excluded, but the future construction activities arising from the training will certainly have environmental impacts. For this reason, the training should communicate principles of environmentally sound design.

1. Are Any of Your Activities Exempt from USAID Environmental Procedures?

As Figure 2.2 shows, the first step in screening is to determine whether ANY of your activities are exempt from USAID’s environmental regulations. Again, exemptions essentially apply to emergency situations. They are relatively uncommon. If you are using this guide, your activities are **probably NOT exempt**.

Box 2.A lists the general categories of activities which may be exempt. **If any of your activities seem to fit these categories, consult Annex A for the full definition of exempt activities.**

Now, enter “exempt” in the “screening outcome” column of the summary table for any activities which meet the formal exemption criteria described in the annex. Note that a single activity proposal should NOT contain a mix of exempt and non-exempt activities.

2. Do Any of Your Activities Qualify for Categorical Exclusions?

The second step in screening is to determine if any activities are “categorical exclusions.” Again, categorical exclusions are activities which, by their nature, typically pose negligible risk to the environment.

Box 2.B summarizes the types of activities usually qualifying for categorical exclusions. Box 2.B is only a summary of Regulation 216 language. **If any**

Box 2.A Summary of “EXEMPTIONS”

Exemptions are essentially emergency situations, and include:

- International disaster assistance—i.e., situations in which an immediate response is required and no immediate alternatives are available. E.g:

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

- Other emergency situations (requires Administrator (A/AID) or Assistant Administrator (AA/AID) formal approval
- Circumstances with “exceptional foreign policy sensitivities” (requires A/AID or AA/AID formal approval.)

- **NOTE: See Annex B.2 for information about “exemptions” as they apply to Title II-funded Emergency and Developmental Relief Programs. Activities carried out in response to persistent, protracted or complex emergencies lasting more than a year are likely NOT exempt.**

Box 2.B
Summary of activities normally qualifying for categorical exclusions

- Education, training or technical assistance
- Limited experimental research
- Analysis, studies, workshops, meetings
- Documents or information transfer
- General institutional support
- Capacity building for development
- Nutrition, health, population and family planning activities (except for construction)

NOTE: Categorical exclusions also include situations in which USAID has no direct control over the activity. Examples include:

- Support to intermediate credit institutions if USAID does not review or approve loans
- Commodity Import Programs (CIPs), when USAID has no knowledge of or control over use;
- Support to intermediate credit institutions if USAID does not review or approve loans; Projects where USAID is a minor donor;
- Food for development programs under Title III, when USAID has no specific knowledge or control; and
- Grants to PVOs where USAID has no specific knowledge or control.

of your activities seem to fit these categories, consult Annex A for the full definition of categorically excluded activities.

Please note that **no categorical exclusions are possible for projects involving the procurement or use of pesticides.**

Now, enter “categorically excluded” in the “screening outcome” column of the summary table for any activities which meet the formal criteria described in the annex. **You MUST cite the proper section of Regulation 216 justifying the exclusion.** Annex A contains these citations.

Please note: Categorical Exclusions are not a right; they are granted at the discretion of the Bureau Environmental Officer.

What now?

At this point, you have now checked to see whether each activity may be (A) exempt, or (B) categorically excluded. Look at your summary table.

- **If ALL your activities are exempt**, no environmental documentation is needed. (Note: Proposals should not contain a mix of exempt and non-exempt activities.)
- **If ALL your activities are categorically excluded**, you need only complete the categorical exclusion documentation. (This is the “Facesheet” and the Categorical Exclusion request form.

These forms direct you to (1) briefly describe the activities and (2) cite the Reg. 216 section number(s) that justify the exclusion (e.g., 216.2(c)(iii)). There is no need to read further. You can skip ahead to the next chapter, which describes these documentation requirements in more detail.

- **Otherwise, you prepare an Initial Environmental Examination (IEE).** If you have ANY activities which are not exempt or categorically excluded, you must conduct an IEE.

An IEE is a review of the *reasonably foreseeable effects* on the environment of a proposed action. IEEs also identify the mitigation and monitoring actions needed. An IEE is a streamlined, simplified version of a full environmental assessment (EA) study (see below). EAs are only conducted if the IEE indicates that an activity is likely to result in significant, adverse environmental effects.⁵

For projects including the procurement or use of pesticides, the procedures set forth in §216.3(b) will be followed, in addition to the IEE procedures.

Enter “IEE” in the “screening outcome” column of the summary table next to ALL activities which are neither exempt nor categorically excluded.

⁵ Regulation 216 permits proceeding directly to an EA in certain cases. This manual does not recommend this approach, for reasons discussed subsequently.

3. Are any of your activities likely to require a full Environmental Assessment?

Before you begin an IEE, it is useful to know whether any of your activities are likely to require a full environmental assessment (EA).

EAs are conducted for activities likely to have significant adverse impacts on the environment. They are much more detailed than IEEs, and thus also more time and resource-intensive. EAs require a professional, multi-disciplinary team, and typically take a minimum of several months to complete.

A “Standard EA” assesses a single, discrete project. Three specialized types of EAs exist that have broader scopes. Additional information on these specialized EAs preparation can be found in Annex F.

- **Programmatic Environmental Assessments (PEAs)** may be carried out if there are many similar activities either within a particular program, or where several USAID Partners have similar activities.
- **Strategic Environmental Assessments (SEAs)** may be undertaken to assess overall environmental impacts from a set of proposed policies or programs.
- **Regional Environmental Assessment (REAs)** may focus on the potential impacts of development within a specific geographic region or ecological zone.

USAID has identified a set of activities which, by their nature, typically require an EA. These activities are summarized in Box 2.C. Before you conduct your IEE, you should know whether your project falls into this category.

If you believe that any of your activities fall into these or other similar high-risk categories, consult the fuller description contained in Annex A. In the summary table, star or underscore any activities meeting the criteria set out in Annex A. These activities must receive special attention during the IEE process (discussed next).

Note that for these “high-risk” actions, Reg. 216 permits the preparation of an EA without first preparing the IEE. **However, this guide recommends always preparing an IEE first. The screening instructions of this chapter are written accordingly.** The IEE may indicate that the environmental issues posed by the project can be addressed by incorporating clearly effective mitigation and monitoring measures into the project design. Thus, from a practical point of view and as a matter of Agency practice, an IEE should always be completed before an EA is considered.

This argument particularly applies to PVO activities: Because PVO activities are typically small in scale, the examples cited in Box 2.C may not trigger an EA. (Note that no definitive standards or written criteria exist to distinguish “small-scale” from “large-scale” and “non-significant” from “significant.” It is the role of the IEE to address these issues through informed judgment.)

Box 2.C. Common Development Activities that May Trigger an EA

Development activities could well invoke an EA if they involve the following types of actions:

- Irrigation or water management including dams
- Agricultural land leveling & Drainage
- Large scale agricultural mechanization
- New land development
- Resettlement
- Penetration road building or road improvement
- Power plants
- Industrial plants
- Potable water and sewage, unless small scale
- Activities jeopardizing endangered and threatened plant and animal species, biodiversity or critical habitat
- Use or procurement of pesticides
- Activities adversely affecting relatively un-degraded tropical forest

Box 2.D
What is an IEE?

An IEE is a review of the *reasonably foreseeable effects* on the environment of a proposed action. IEEs also identify the mitigation and monitoring actions needed.

An IEE is a streamlined, simplified version of a full environmental assessment (EA) study (see below). EAs are only conducted if the IEE indicates that an activity is likely to result in significant, adverse environmental effects.

Regulation 216 terminology for the IEE:

A negative determination means the activity will have no significant adverse effects on the environment

A negative determination with conditions means that specified mitigation and monitoring will prevent significant adverse effects on the environment

A positive determination means the activity may have significant adverse effects on the environment

You have now finished the screening process.

The “screening outcomes” column of the summary table should be completely filled in.

2.3. The Initial Environmental Examination (IEE)

You must conduct an IEE unless screening shows that ALL your activities are either exempt or categorically excluded. This section overviews the outcomes of the IEE, and IEE terminology. Chapter 4 provides detailed instructions for preparing the IEE.

Purpose of the IEE

IEEs are prepared to provide a first look at possible effects of activities on the environment, and to commit partners to appropriate environmental mitigation and monitoring.

IEEs should be regarded as useful design tools for improving the long-term success of development interventions, and not simply as documents necessary to comply with USAID environmental procedures. An important function of an IEE is to identify design modifications and appropriate ways to avoid or reduce potential impacts. It is also used to identify any needed monitoring.

IEE outcomes

A single IEE can—and most often does—assess more than one activity. **For each activity assessed**, the IEE has four possible outcomes, as depicted in Figure 2-3:

As the figure indicates, Regulation 216 defines a specific sets of terms corresponding to these outcomes.

- **Negative determination:** The IEE returns a **negative determination** if the activity has no significant (adverse) effects on the environment.
- **Negative determination with conditions.** If the determination is negative, but some specific conditions merit monitoring (one cannot predict everything) or if there are some specific mitigative measures (i.e., measures that can be taken to minimize, avoid, or compensate for adverse effects during construction or implementation), the negative determination can be made with conditions. For example, a condition might be that water quality be monitored or that measures be taken to prevent erosion and siltation.

A “Negative determination with conditions” can apply when there are multiple small-scale activities, the details of which are not known when the IEE is prepared. Under these circumstances, the conditions specify subsidiary environmental reviews. Additional guidance for environmental reviews of multiple small-scale

activities is provided below in *Table 4.2: Guidelines for choosing the type of IEE you write* and in Annex G.

Negative determinations with conditions are probably the most common IEE outcome.

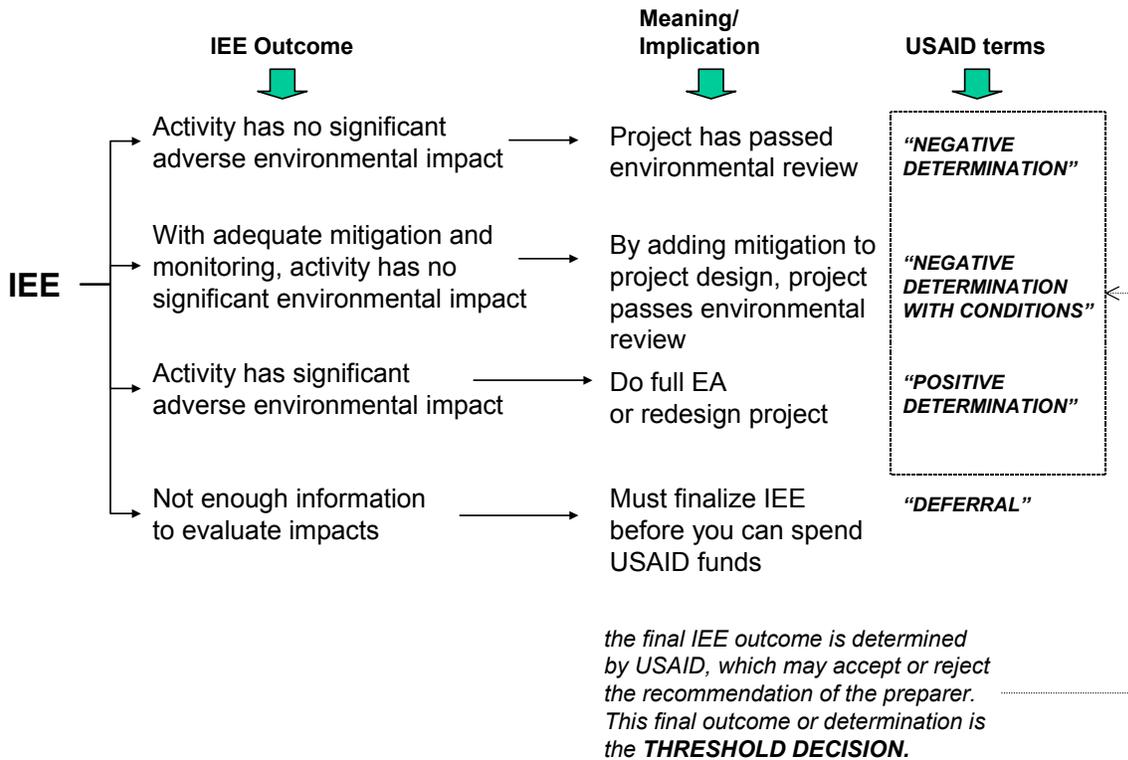
- **Positive Determination:** A positive determination results if the IEE indicates there could be significant adverse effects. This means that an Environmental Assessment (EA) must be completed and approved⁶ before USAID can obligate funds or an activity can be implemented. *No irreversible commitments of resources can be made before the EA is completed and approved.*

During the screening process, you should have starred or underscored any activities falling into USAID's definitions of "high-risk" activities. (I.e., the specific list of actions in Reg. 216 defined as normally having a "significant effect.") These actions will likely result in positive determinations unless project design changes are made, or adequate mitigation and monitoring measures can be devised.⁷

⁶ Under Reg. 216, an EA is prepared for USAID actions outside the U.S., but this does not apply when these actions might affect the U.S., the global environment, or areas outside the jurisdiction of any nation, such as oceans. Where such effects might occur, as determined by the Agency Environmental Coordinator,⁶ Reg. 216 calls for preparation of an Environmental Impact Statement (EIS). The EIS requirement is very rarely invoked—only one has been done in USAID's history

⁷ As noted previously, Reg. 216 permits the preparation of an EA for these "high-risk" actions without first preparing the IEE. Again, however, this guide recommends always preparing an IEE first. The rationale for this is that the IEE may indicate the activity or project actually can be given a negative determination with conditions. (The "conditions" in this case are clearly effective mitigation and monitoring measures built into the activity or project design.) Thus, from a practical point of view and as a matter of Agency practice, an IEE should always be completed before an EA is considered.

Figure 2-3: Four possible results of the IEE



Notes regarding Reg. 216 terminology

“Negative” vs. “Positive” determinations. Reg. 216 uses the terms “negative” and “positive” in the same sense as medical tests. Thus, a negative result is the best outcome, in the same way that a negative test for TB or HIV indicates that the individual does NOT have the disease.

“Significant” Effect. In standard English usage, “Significant” has no implication of harm or benefit. However, the language of Regulation 216 defines “significant effect” as meaning that an action is likely to do significant *harm* to the environment. An effect is not considered significant when activities are **not** expected to do significant harm to the *biophysical environment*—under normal conditions and with good practices. To avoid confusion in this manual, we always add (adverse) to the Regulation 216 language. (E.g. “significant (adverse) effect.”)

- **Deferral.** Finally, an IEE can result in deferral. A deferral applies when activities are not yet sufficiently well defined to assess their probable environmental impact. Deferrals require documentation explaining *why* sufficient information is not available and when resolution of the deferral can be expected.

Declaring a “deferral” also means deferring implementation of the affected activity; under a deferral, USAID *cannot obligate funds*. Thus, deferrals only postpone the inevitable—one must return to do an amended IEE to resolve the outstanding deferral of a decision. In some cases, particularly for small-scale activities, the negative determination with conditions that require subsidiary environmental reviews is preferable.

USAID Partners submitting an IEE recommend or request one of the four IEE outcomes for EACH activity covered by the IEE. The appropriate Bureau Environmental Officer (BEO) at USAID makes the final determination on these outcomes, and can accept or reject the recommendation. This final determination is called a **THRESHOLD DECISION** in Regulation 216. (Note that a deferral is not a threshold decision. Rather, a request for deferral is a request to *defer* the threshold determination.)

At this point, you are ready to begin preparing your IEE or other environmental documentation. Proceed to Chapter 3.

Deferrals are only recommended when the activity is yet sufficiently defined to evaluate environmental impacts

An amended IEE must be filed assessing the activity before any funds can be obligated to that specific activity.

Figure 2-4: Screening Process with USAID terminology

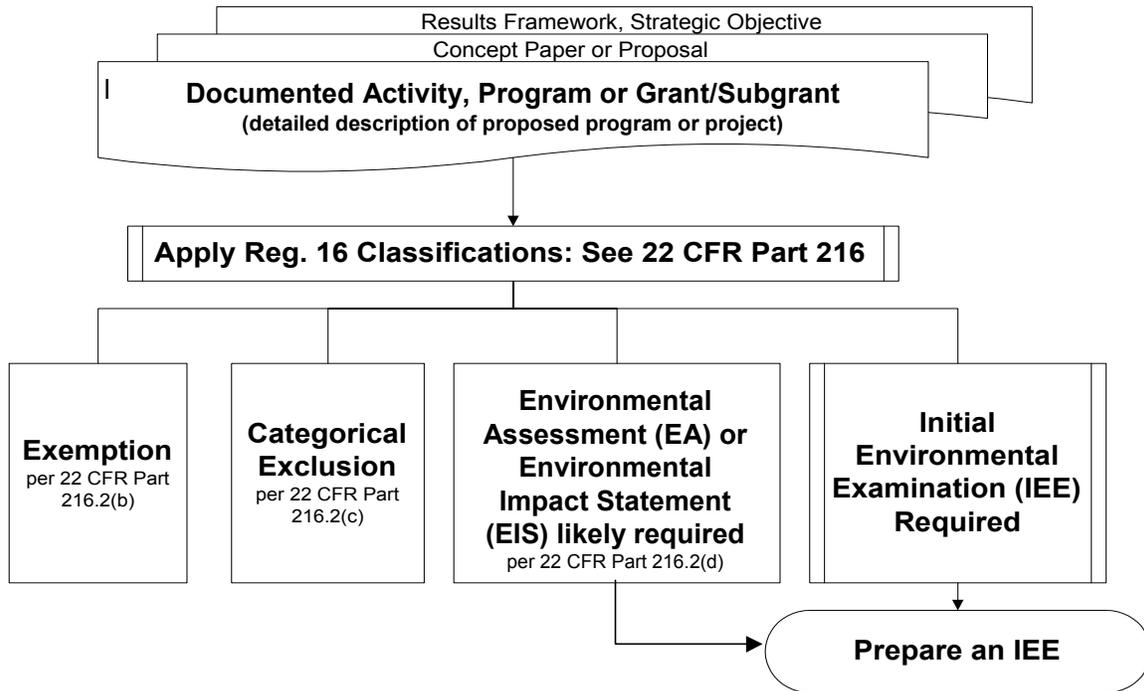


Figure 2-5: IEE outcomes with USAID terminology

