

Chapter 3.

Required Documentation: Determination and Overview

In Chapter 2, you *screened* your activities and filled in the summary table. This Chapter describes the environmental documentation you must prepare and submit to USAID as a result of this screening process.

3.1. What environmental documentation must you submit?

New activities

Recall that the screening process results in one of three outcomes for each activity: (1) exempt, (2) categorical exclusion, or (3) IEE required. At this point, the “screening outcomes” column in your *summary table* (Table 2.1) should be completed. A screening outcome should be indicated for each activity.

The screening outcomes determine the environmental analysis that must be conducted and the environmental documentation that must be submitted. Examine your summary table and identify the overall screening outcome that applies to you:

Table 3.1: Screening determines required environmental documentation

| Overall screening outcome | Environmental documentation required |
|---|--|
| All activities are exempt* | None |
| All activities are categorically excluded | Facesheet AND Categorical exclusion request |
| All activities require an IEE | Facesheet AND IEE covering all activities |
| Some activities are categorically excluded, some require an IEE | Facesheet AND IEE covering activities for which an IEE is required AND justifying the categorical exclusions. |

*there should be no instances in which a mix of exempt and non-exempt activities are submitted in a single proposal document.

Note: if the IEE finds that the project or activity may have significant adverse effects on the environment, a full Environmental Assessment (EA) study will be required. ←

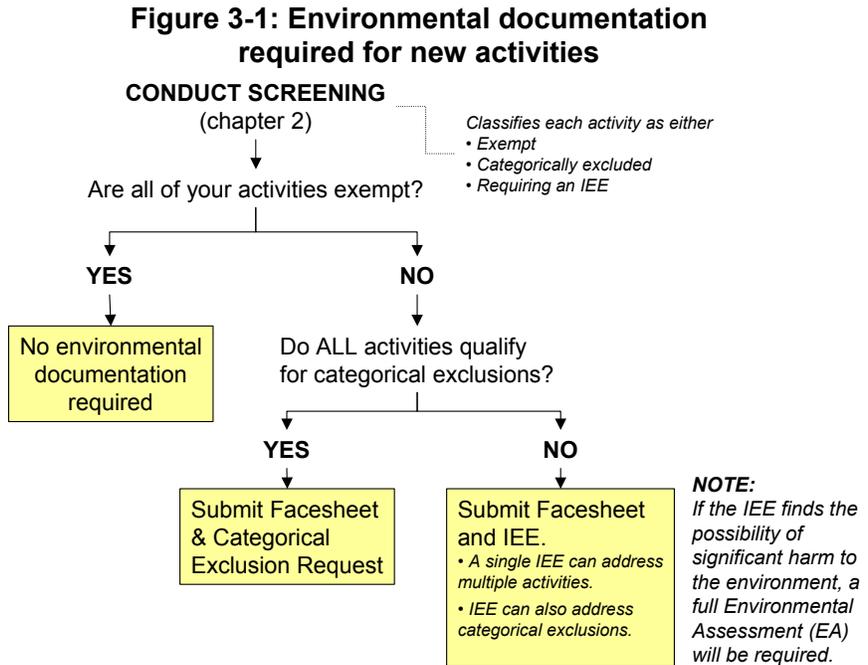
For New Activities:

Match your screening results to required environmental documentation.

Read the description of the documentation which follows later in this chapter

The table identifies three basic types of environmental documentation (the Facesheet, the Categorical Exclusion Request, and the IEE). Section 3.2 describes each of these basic documents.

Table 3.1 can be understood as the result of the decision tree depicted in Figure 3-1.



For Modified Activities:

Screen the activities again

Submit an IEE or Categorical Exclusion request amendment, as indicated.

Modified activities

When a project or program is formally modified, an IEE or Categorical Exclusion amendment should be submitted that specifically addresses the changes:

- Conduct screening again on the modified activities, using the screening procedure presented in the previous chapter
- Submit the environmental documentation indicated by the screening result. (Consult Table 3.1)
- Indicate on the compliance facesheet that an IEE or Categorical Exclusion AMENDMENT is being submitted.

Continuing activities

Annual Environmental Status Reports. The Bureau for Democracy, Conflict and Humanitarian Assistance requires that annual Environmental Status Reports be submitted for all Title II-funded activities. These reports are intended to assure that the mitigation and monitoring measures specified in the IEE are being carried out. The ESR is also intended to identify any unusual circumstances or changes to project implementation that may call into question the Categorical Exclusion(s) which may have been given, the

determinations reached by the IEE, or the adequacy of mitigation and monitoring measures. If such circumstances or changes are identified, the ESR directs implementing organizations to file an amended IEE or Categorical Exclusion request.

At the current time, no other Bureaus consistently require annual environmental status reporting.

Updating environmental documentation to reflect year-to-year changes in implementation. Even in the absence of formal modification, implementation of continuing activities may change from year to year in a way that would affect its treatment/classification under Reg. 216. It is good practice to examine environmental documentation each year to assure it is still operative and applicable, and that it addresses all activities actually being implemented. If such examination indicates that environmental documentation is no longer complete or accurate, proceed as follows:

- Conduct screening again on the modified activities, using the screening procedure presented in the previous chapter
- Submit the environmental documentation indicated by the screening result. (Consult Table 3.1)
- Indicate on the compliance facesheet that an IEE or Categorical Exclusion AMENDMENT is being submitted.

3.2. The four basic environmental documents: an overview

The overview of environmental documentation requirements presented above identified four basic documents:

- The compliance facesheet
- The Categorical Exclusion Request (or Categorical Exclusion Request Amendment)
- The IEE (or IEE Amendment)
- The Environmental Status Report

Each is briefly described in this section.

The compliance facesheet

The compliance facesheet is required in all cases, *except* where ALL activities are exempt. The facesheet simply summarizes the following information:

- Basic activity or project information
- Whether the facesheet supports a new activity, or whether it is submitted in support of a modified activity (and thus amends preexisting environmental documentation).

At this time, only BDCHA requires annual environmental status reports

However, environmental documentation for projects under all USAID Bureaus and Missions should be updated to reflect year-to-year changes in implementation of continuing activities.

The compliance facesheet is found in Annex C.

It is used in all cases, except where activities are exempt.

- Screening outcomes
- Recommended IEE determination, if applicable.

The facesheet should be completed AFTER completing the Categorical Exclusion request, and/or an IEE. It summarizes information taken from these documents.

The facesheet is found in Annex C. Examples of prepared facesheets are located in Annex D.

The Categorical Exclusion request is found in Annex C.

It is used when ALL activities qualify for categorical exclusions.

The Categorical Exclusion request

The Categorical Exclusion request is required when screening indicates that ALL activities should be categorically excluded. The Categorical Exclusion request should cover ALL these activities.

The Categorical Exclusion request requires you to (1) describe the activities briefly; and (2) justify the request for Categorical Exclusion by citing the relevant provision of Reg. 216. For example, providing health information, training farmers or supporting primary school curriculum development would typically qualify for a Categorical Exclusion.

Note, however, that even a proposal in which all activities are Categorical Exclusions may need to incorporate provisions for monitoring and application of sound environmental principles and practices. In the example above, for instance, the Categorical Exclusion request would document that farmer training will include principles and practices of environmentally sustainable agriculture.

The IEE

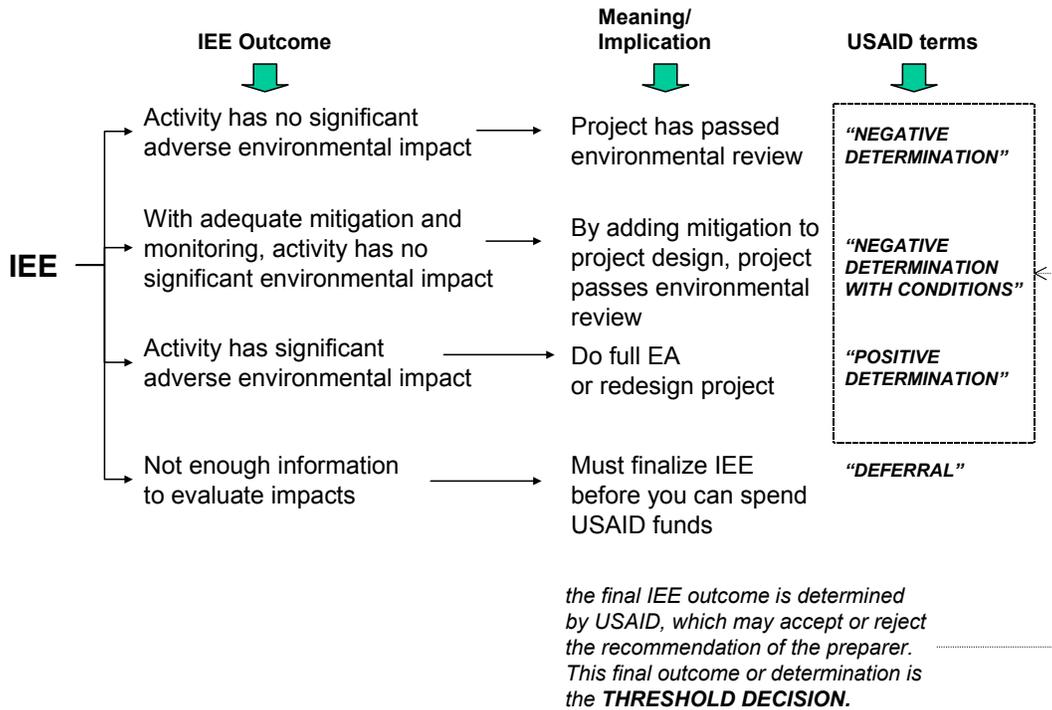
You must conduct an IEE unless screening shows that ALL your activities are either exempt or categorically excluded. The IEE should cover ALL activities whose screening result is “IEE required.” Writing the IEE is the subject of the next chapter.

Purpose of the IEE. As noted earlier, an IEE is a review of the reasonably foreseeable effects on the environment of a proposed action. The IEE process has one of four outcomes, as indicated in Figure 3-2. The IEE preparer recommends one of these outcomes for *each* activity covered by the IEE. The IEE must provide enough information so that USAID can accept or reject these recommended determinations. IEEs document monitoring and mitigation measures, and the adequacy of these measures will significantly influence the determination given to the activity. IEE terminology is described in detail in Chapter 2.

Basic outline. Box 3.1 contains the standard IEE outline. The next chapter is a guide to writing the IEE, and contains detailed information about each element of this outline.

Variations. Note that there are many variations on the basic IEE, depending on particular characteristics of the proposed activities. These are also addressed in the next chapter.

Figure 3-2: The four possible outcomes of the IEE process



Box 3.1
Basic IEE outline

Program/Activity/Preparer Data:

1 Background and Activity Description

- 1.1 Purpose and Scope of IEE
- 1.2 Background
- 1.3 Description of Activities

2 Country and Environmental Information (Baseline Information)

- 2.1 Locations Affected
- 2.2 National Environmental Policies and Procedures (*of host country, both with respect to environmental assessment generally, and any requirements particular to the sector/activity.*)

3 Evaluation of Environmental Impact Potential

4 Recommended Determinations and Mitigation Actions

(Includes Monitoring and Evaluation)

- 4.1 Recommended Threshold Determinations & Conditions (*includes justification of categorical exclusions identified during screening*)
- 4.2 Mitigation, Monitoring and Evaluation

Mitigation and monitoring are often not given sufficient attention by IEE preparers, perhaps because of pressures associated with meeting submission deadlines, insufficient technical understanding of mitigation and monitoring options, or the natural tendency to focus more on the urgency of initiating present activities than on thinking carefully about potentially adverse effects. It is important that you devote proper time and care to this task.

On the other hand, some preparers go too far in the other direction, creating unrealistic mitigation checklists and a host of superfluous factors to be monitored. It is best to start with a doable mitigation strategy, and then limit your monitoring to only that which realistically will help you determine if your mitigation is working. Mitigation and monitoring are singled out for attention here, because every Partner or Mission should **revisit their environmental mitigation and monitoring strategy or management plan annually**.

Note that since June 1998, USAID has required water quality testing of USAID-funded potable water sources. This required monitoring measure must be noted in the IEE. See Box 4.L on this topic.

The Environmental Status Report (applies to BDCHA only)

As noted above, BDCHA projects and programs (i.e., those funded under Title II/monetized food aid) require an annual *Environmental Status Report (ESR)*. The ESR is submitted as an appendix to the project or program annual report. It must be submitted for *all previously approved programs*, whether those programs were approved under a Categorical Exclusion, an IEE, an EA or PEA.

The ESR is intended to assure that mitigation and monitoring as specified in the IEE are being carried out. The ESR is also intended to identify any unusual circumstances or changes to project implementation that may call into question the Categorical Exclusion(s) given the project, the determination reached by the IEE, or the adequacy of mitigation and monitoring measures. If such circumstances or changes are identified, the ESR directs implementing organizations to file an amended IEE or categorical exclusion.

In 2-10 pages or less, the Environmental Status Report narrative 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 that the specified monitoring and evaluation measures are being undertaken by the Partner. In a Mission's comments and/or approval cable on annual reports or project or program modifications, the Mission should state whether it concurs with the Environmental Status Report. See Section 3.6, below.

The 'Environmental Status Report Instructions and Format' and the 'Environmental Status Report Facesheet' are provided in Annex C.

Before the completing an ESR, read the guidance on formulating IEE mitigation and monitoring plans contained in Chapter 4.

3.3. Preparation, submission and approval process

Basic roles and responsibilities. All environmental documentation **must first be approved at the Mission level**, and then by the relevant USAID Bureau Environmental Officer (BEO) in Washington. Approval by the BEO is required by Regulation 216. Both the Mission and headquarters may request revisions. Reasons for revision may include adequacy, completeness, or consistency with overall documentation for the Mission program.

The Mission Director typically designates the Mission Environmental Officer (MEO) as the individual responsible at the Mission level for approving environmental documentation. In a non-presence country, the role of the MEO is filled by the Regional Environmental Officer (REO). The USAID Mission may choose to have the REO assist the MEO in assessing environmental documentation. Once the Mission has approved the documentation, the Mission typically takes responsibility for forwarding documents to USAID/Washington.

Primary responsibility for preparation of documentation varies by USAID Region.

- In **Asia and the Near East**, most projects are larger in scale and executed directly by the Mission. Mission personnel thus typically have responsibility for IEE preparation.
- In **Africa**, most projects are smaller in scale and executed through USAID Partner organizations (typically PVOs). Typically, the USAID Partner is responsible for drafting environmental documentation and finalizing it based on comments received from USAID.

It is possible, however that the Mission may prefer to prepare the documentation itself, based on input from Partners (e.g., in the case of new programs or initiatives). In either case, Partners should discuss environmental impact issues with the Mission, typically the Mission Environmental Officer (MEO), prior to the preparation of environmental documentation.

In either case, the screening process and documentation requirements are identical. This section is generally written as if the USAID partner is responsible for preparing this documentation. The slightly simpler case of Mission preparation is easily abstracted from the following discussion. See Chapter 5 (Frequently Asked Questions) for more on role and responsibilities.

Timing of submission. Environmental documentation is submitted concurrent with project proposals or amendments. Amendments to projects/proposals should be accompanied by environmental documentation amendments.

Deferrals should be resolved (using an IEE or Categorical Exclusion amendment) as soon as the necessary information is available.

Consultation with the Mission is STRONGLY recommended. As emphasized above, USAID partners are expected to work with the Mission

Where projects are carried out via USAID partners, the Partners are usually responsible for drafting documentation.

Where projects are executed directly by the Mission, the Mission is responsible for drafting documentation.

Environmental documentation is approved first at the Mission level, and then by the appropriate Bureau Environmental Officer in USAID/ Washington.

in drafting environmental documentation. The principal points of contact are usually the MEO and/or the Program Officer. When no MEO is available, partners should feel free to contact the appropriate Bureau Environmental Officer (BEO) in Washington.

Clearly mark and date draft documentation!

All drafts circulated for comment and/or information should be clearly marked with the date and **“DRAFT—Not Yet Approved by Mission”**

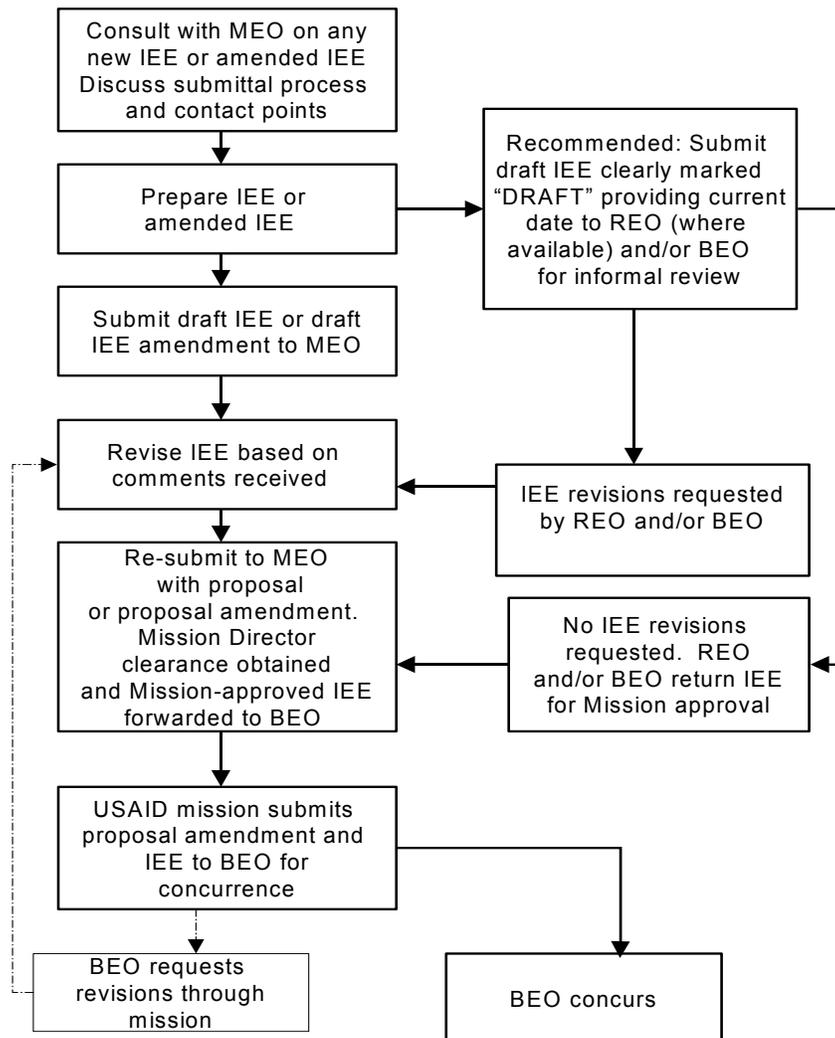
Advance USAID review of draft documentation is recommended.

Partners are encouraged to submit DRAFT environmental documentation for informal review by the MEO/Mission, as well as the BEO or REO. Review of drafts encourages a constructive dialogue and ensures that issues are addressed early.

Note: any documentation submitted in draft form **must be re-submitted** to the Mission for formal consideration and approval.

Figure 3-3 depicts an IEE submission and approval process incorporating consultation with the Mission and opportunity for comments on draft documentation.

Figure 3-3: IEE submission and approval process*



3.4. What if the IEE results in a Positive Determination?

A positive determination indicates that a proposed activity has the potential for creating significant, adverse effects on the environment, and that these issues cannot be resolved by the IEE. In this case, Regulation 216 *requires* that a full Environmental Assessment (EA) or Programmatic Environmental Assessment (PEA) be conducted.⁸ The affected activity *cannot proceed* until the EA is completed and approved, although normally the other activities in the project or program may proceed once the IEE is approved.

An EA or PEA implies a substantial commitment of resources and time. Thus, a potential positive determination should be discussed with the MEO as soon as possible.

Assuming that an EA or PEA is needed, read Reg. 216.6 thoroughly to gain an understanding of the process and the content of the EA document. The first step in the process is *scoping*, which is discussed in detail below.

Scoping Statement

Under standard EIA procedures, a *scoping exercise* is the first step in preparing a full assessment study. Scoping identifies the key issues to be treated in the full study. Here again, Regulation 216 implements standard EIA practice. A scoping statement must be approved by the BEO before work on the EA proper can commence.

The purpose and content of the scoping statement is set out in Reg. 216, §216.3(a)(4). The statement must characterize the “scope and significance of issues to be analyzed” and eliminate from further discussion issues that will not have a significant effect on the environment. It provides a description of: (1) the timing of the preparation of the environmental analyses, including phasing if appropriate, (2) variations required in the format of the Environmental Assessment, and (3) the tentative planning and decision-making schedule. It also provides a “*description of how the analysis will be conducted and the disciplines that will participate in the analysis.*”

Scoping process

The scoping statement is the result/summary of the *scoping process*. The scoping process gathers information from a variety of public and private sources, locally and nationally. It also provides a mechanism for public and technical concerns to be raised and evaluated to assist decision-making and priority setting. It informs and involves people potentially affected, takes into account local values, considers reasonable approaches and practical alternatives, determines the procedures for consultation and analysis, and

A positive determination means that the activity has the potential for causing significant adverse environmental impacts.

In this event, Reg. 216 requires a full environmental assessment (EA) study.

EAs require a professional team and significant resources

Consult with the MEO regarding all positive determinations

Scoping is the first step in conducting a full EA

It should be a consultative and public process.

⁸ If the activity is one of a kind, then a project-specific EA is suitable. If there are many similar activities either within a particular program, or where several USAID Partners have similar activities, a PEA might be more applicable. Additional information on PEA preparation is provided in Annex C. If the activity directly affects the U.S., the global environment, or areas outside the jurisdiction of a country, an EIS (Environmental Impact Statement) will be required.

establishes the terms of reference (preferably for both the EA and each member of the EA Team).

Thus, good EIA practice and Regulation 216 dictate that the process should be *consultative*:

- Regulation 216 specifies that “Persons having expertise relevant to the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, and the USAID Mission staff and contractors.)
- Good practice requires that scoping should also involve consultation with the general public and all potentially affected parties.
- In general, Regulation 216 requires collaboration with the host country “to the maximum extent possible” (§216.6(b). If USAID has required an EA or PEA, your host country may also require a similar document. This is an issue that should be addressed in the scoping statement so that one document satisfies both USAID and host country procedures.

Box 3.2
**EAs as capacity-
building opportunities**

Host country environmental management capacity is essential to the success of economic development efforts. Limited opportunities for host country professionals to practice these skills is one of the largest barriers to capacity-building in this area.

Therefore, scoping and EA processes should employ host country expertise to the greatest extent possible.

Collaboration with the host country throughout the scoping and EA process helps to build institutional capacity and developing country-specific approaches to environmental assessment, mitigation, and strategic management.

The completed EA or PEA should be shared with the host country authorities. Public dissemination and review of the document is encouraged

Who prepares the Scoping Statement and the EA?

Scoping statements are typically prepared by the *responsible party* directly. This may be a USAID Partner, or it may be undertaken by Mission staff directly. In the case of a USAID Partner, the process should be designed in close consultation with the MEO and the Project Officer.

Professional contractors are typically engaged to carry out the technical work of the EA itself; the Scoping Statement forms an important part of the contractor’s scope of work. The BEO should be able to provide sample contractor scopes of work and past EAs.

Expected level of effort

Approximately six to eight person-months of effort is typical for a good quality EA or PEA process; three person-months is an absolute minimum. This typically requires a calendar year, although with aggressive workers and committed reviewers, six calendar months is feasible.

If document translation is required to achieve host country participation, more effort is needed.

Despite the time commitment required, the EA or PEA should not discourage you from carrying out important development initiatives. Rather, the EA or PEA should be viewed as a key element of sound design.

Additional resources

The World Bank *Environmental Assessment Sourcebooks* (3 volumes) (1991) provides guidance on approaches to EA, as do numerous other sources. (See USAID’s *Topic Briefing: An Introduction to EIA*” available for download at www.encapafrika.org.)