

Participants' Sourcebook:

Life of Project Environmental Compliance and Environmentally Sound Design and Management

A training workshop for USAID Staff and Partners

Bangkok

6–9 October 2009

Sponsors:

USAID/RDMA and USAID/ANE/TS

Technical Assistance provided by

The Environmental Management Capacity-Building (EMCB) Program of USAID/ANE/TS.
Chemonics, Inc., prime contractor and The Cadmus Group, Inc., subcontractor.
EPIQ Task Order EPP-I-00-03-00014-00.

***Disclaimer:** This sourcebook contains materials produced by The Cadmus Group, Inc. under contract to Chemonics, Inc. for review by the United States Agency for International Development (USAID). The views expressed do not necessarily reflect the views of USAID or the United States Government.*

***Acknowledgement:** Many of the training materials in this sourcebook were adapted from those developed under USAID/Africa Bureau's ENCAP program (www.encapafrika.org). Contract Number EPP-I-00-03-00013-00, Task Order No. 11 and predecessor instruments.*

Agenda & Table of Contents:

(version 18 Sept 2009)

Life of Project Environmental Compliance and Environmentally Sound Design and Management

A training workshop for USAID Staff and Partners

Bangkok, 6-9 October 2009

Day 0: Monday 5 Oct 2009

Out-of-town participants arrive

Day 1: Tuesday, 6 Oct 2009

Module 5. Start/End	Module 6.	Session No. and Name
8:00 – 8:30		Registration & Coffee
8:30 – 9:15	1	Introductions, overview & expectations
		What is Environment? and
		Why Environmentally Sound Design and Management? (ESDM)
9:15– 10:15	2	<i>Arriving at a common understanding of "environment" and motivating ESDM as a necessary and explicit objective for effective development.</i>
		Includes 12-min case study segment from "Env Considerations: Toward a Sustainable Future" Video
10:30 – 10:30		TEA BREAK
		Environmental Impact Assessment (EIA) and ESDM
10:30 – 11:00	3	<i>Overview of the EIA process; why EIA is the internationally accepted standard framework for achieving ESDM in project-based development</i>
		USAID'S Environmental Procedures : The Big Picture
11:00 – 11:15	4	<i>Overview of key life-of-project (LOP) environmental compliance requirements created by Reg. 216 and the ADS & who has responsibility for implementing them. Collectively, these EIA-based procedures are intended to assure that ESDM receives explicit and systematic attention over LOP .</i>
11:15 – 12:30	5	CORE EIA Skills: Characterizing the Baseline Situation, Evaluating Environmental Impacts; Principles of Environmental Mitigation and Monitoring
12:30 – 13:30		LUNCH
13:30 – 15:30	6	Practicing Core EIA Skills: Virtual Field Visit <i>Virtual field visit to practice the "Core EIA Skills" of baseline characterization and identification of potentially significant impacts. Does NOT require knowledge of or address the specifics of USAID's environmental procedures.</i>
15:30 – 15:45		TEA BREAK
15:45 – 17:00	7	Intro to Reg. 216 <i>Reg 216 sets out USAID's mandatory pre-obligation EIA process. Environmental mitigation and monitoring conditions established by this process become required elements of activity design and implementation .</i>

Day 2: Wednesday, 7 Oct 2009

Module 3. Start/End	Module 4.	Session No. and Name
8:30 – 8:45		Day 1 Review, orientation to Day 2
8:45 – 9:45	8	Case Study Part 1: Screening Activities under Reg 216 <i>Screening activities for a proposed project using Reg. 216 criteria. (Working groups). The project will be based on the Day 3 field visit.</i>
9:45 – 10:30	9	Effective IEEs: Well-considered and well-written <i>The IEE is USAID's "Preliminary Assessment" and the most common type of env. review documentation required by Reg. 216. Overview of the IEE (Structure, purpose, nature of "determinations") + characteristics of well-written, well-considered IEEs. (These characteristics also apply to subproject environmental review reports.)</i>
10:30 – 10:45		TEA BREAK
10:45 – 12:30	10	Case Study Part 2: IEE Review <i>For the project screened under "Case Study Part 1," now review and critique a draft IEE. (provided in 2-page bullet format)</i>
12:30 – 13:30		LUNCH
13:30 – 15:00	11	Implementing IEE and EA Conditions: A. The central role of the EMMP <i>(Env Mitigation and Monitoring Plan): Effective IEEs are implemented. This requires that a complete EMMP exists, budgets and workplans implement the EMMP, and that PMPs measure EMMP implementation. (The basic concept of the EMMP is also briefed) B. Environmental Compliance: Language for Procurement Instruments (ECL). Incorporating EMMP development and implementation requirements into procurement language is the best way to "mainstream" the environmental compliance process--and the ADS requires it. The second part of this session focuses on the ECL, a new ADS 204 "help document" which provides a combination of boilerplate language and step-by-step guidance to develop env compliance language for procurement instruments.</i>
		<i>Hands-on exercise with the ECL, generating compliance language for a mock procurement. (40 min.)</i>
15:00 – 15:15		TEA BREAK
15:15 – 16:30	ST	Special Topic: Global Climate Change, ESDM and Environmental Compliance
16:30 – 17:00	12	Field Visit Briefing (Case Study Part 3: EMMP Development)

Day 3: Thursday, 8 Oct 2009

Module 1. tart/End	Module 2.	Session No. and Name
8:30 – 8:45		Day 1 Review, orientation to Day 2
8:30 – 8:45		Day 2 Review, orientation to Day 3
8:45 – 9:45	ST	Special Topic: Subproject Review <i>Discussion of sub-project review requirements in IEEs and the responsibilities they place on partners and COTRs. Use of the Environmental Review Form and development of Environmental Review Reports for sub-project review.</i>
9:45 – 10:30	ST	Special Topic: Pesticides <i>Discussion of the special env compliance requirements that apply to Pesticides and key elements of best practice in Pesticide use.</i>
10:30 – 10:45		TEA BREAK
10:45 – 17:00	12	Case Study Part 3/Field visit <i>Field visit focused on understanding impacts and and environmental and other management processes. (Lunch on the road.)</i>

Day 4: Friday, 9 Oct 2009

Module 7. tart/End	Module 8.	Session No. and Name
8:30 – 8:45		Day 1 Review, orientation to Day 2
8:30 – 8:45		Workshop-to-date Review, orientation to final Day
8:45 – 10:30	12	Case Study Part 3/Classroom Follow-up: EMMP Development <i>Based on field visit observations, working groups develop EMMPs responsive to IEE conditions.</i>
10:30 – 10:45		TEA BREAK
10:45 – 11:30	ST	Special Topic: IEE/EA Conditions and Env Comp. Best Practice for "Tricky Areas" <i>e.g., Policy development; Trade; SME Support; Private Sector Credit Support including DCA.</i>
11:30 – 12:30	13	Env Compliance/ESDM Knowledge Game <i>ESDM and environmental compliance review session in the form of a group competition</i>
12:30 – 13:30		LUNCH
13:30 – 13:45	14	Resources for ESDM and Env. Compliance
13:45 – 14:45	15	Going forward: Environmental Compliance/ESDM in RDMA & Bilateral Missions A <i>synthesis & wrap-up discussion with the BEO/REA</i>
14:45 – 15:15	16	Evaluation
15:15 – 15:30		TEA BREAK
15:30 – 16:00		Certificates & Closing

Acronyms

ADS	(USAID) Automated Directives System	SO	Strategic Objective
AFR	USAID Bureau for Africa	USAID	United States Agency for International Development
AFR/SD	USAID Bureau for Africa, Office of Sustainable Development		
AOTR	Agreement Officer's Technical Representative		
AOTR	Agreement Officer's Technical Representative		
BEO	Bureau Environmental Officer		
BPR	Environmental Procedures Best Practices Review		
CFR	Code of (US) Federal Regulations		
COTR	Contracting Officer's Technical Representative		
EA	Environmental Examination or East Africa		
EIA	Environmental Impact Assessment		
EMMP	Environmental Mitigation & Monitoring Plan		
ENCAP	Environmentally Sound Design and Management Support for Africa (AFR/SD Program under the EPIQ II IQC.)		
ERF	Environmental Review Form		
ESDM	Environmentally Sound Design & Management		
FO	Functional Objective (under the Foreign Assistance Programming Framework)		
IEE	Initial Environmental Examination		
IRS	(Anti-malarial) Indoor Residual Spraying		
ITN	Insecticide-Treated (bed) Net		
LOE	Level of Effort		
LOP	Life-of-Project		
M&E	Monitoring & Evaluation		
MEO	Mission Environmental Officer		
NRM-EG	(USAID/Tanzania) Natural Resource Management-Economic Growth SO Team		
PEPFAR	President's Emergency Plan for AIDS Relief		
PERSUAP	Pesticide Evaluation Report and Safe Use Action Plan.		
POC	Point of Contact		
PMI	Presidential Malaria Initiative		
REA	Regional Environmental Advisor		
Reg. 216	22 CFR 216		

Session 1.

Course Objectives, Participant Introductions & Expectations

Summary

This session introduces the course objectives and approach, surveys the agenda, introduces us to each other, and highlights expectations. Specific elements of the session are:

- Overview of Course Objectives, Approach, Agenda and Materials (Facilitators).
- Participant & Facilitator Introductions: Please be prepared to describe yourself briefly in one minute or less, noting professional background, institutional affiliation, and current responsibilities (All).
- Expectations of participants (see below).
- Logistical details (Course Organizers).

Course Objectives and Approach:

This workshop is an intensive training in the life-of-project (LOP) implementation of USAID’s mandatory environmental procedures and in the objectives of these procedures: environmentally sound design and management (ESDM) of USAID’s activities.

Objectives & Structure. The overall goal of the workshop is to strengthen environmentally sound design and management of USAID-funded activities in Asia by assuring that participating staff and partners have the *motivation, knowledge and skills necessary to (1) achieve environmental compliance over life of project, and (2) otherwise integrate environmental considerations in activity design and management to improve overall project acceptance and sustainability.*

Towards this goal, the agenda has four main components, each corresponding to key workshop objectives.

Agenda component	Corresponding objectives: By the end of the workshop, we will be able to:
<p>1. Motivating LOP environmental compliance. USAID’s environmental procedures exist to assure environmentally sound design and management (ESDM) of development activities. The workshop begins by defining ESDM and establishing why ESDM must be a necessary and explicit objective for successful development.</p>	<ul style="list-style-type: none"> • Articulate the ESDM concept and common causes of failure to achieve ESDM. • Explain why ESDM must be a necessary and explicit objective for successful development.
<p>2. Building Core EIA Concepts & Skills. USAID’s environmental procedures are a specific implementation of the general environmental impact assessment (EIA) process. An understanding of the basic EIA process and mastery of a set of core EIA skills are required for effective compliance over life-of-project. .</p>	<ul style="list-style-type: none"> • Explain the relationship between ESDM and the EIA process. • Describe the key elements of the EIA process. • Demonstrate basic proficiency in the core EIA skills of identifying significant impacts and design of mitigation and monitoring measures.

<p>3. Mastering LOP Compliance Requirements. The agenda addresses key life-of-project environmental compliance requirements sequentially. The emphasis and culmination is on implementation of environmental management conditions. The <i>environmental mitigation and monitoring plan</i> is the key instrument for systematic implementation of these conditions—and thus for achieving ESDM.</p>	<ul style="list-style-type: none"> • Describe the basic elements of LOP compliance, and attendant roles and responsibilities • Demonstrate basic proficiency in the pre-implementation environmental review process established by Reg. 216 • Develop and critique environmental mitigation and monitoring plans
<p>4. Understanding key “special topics” in compliance. The agenda addresses the environmental compliance and management aspects of current, complex and emerging issues in the USAID portfolio and operating environment.</p>	<ul style="list-style-type: none"> • Explain the key issues involved in each special topic, and articulate recommended best practice.

Components 1 and 2 are sequential and occupy most of the first day of the workshop. Days 2 thru 4 are a blend of components 3 and 4.

Learning approach. The workshop is intended to be highly participatory:

- Skills briefed in the presentations will be practiced in exercises and working groups. The exercises build to a field visit on day 3.
- *Even presentation-centered sessions are intended to be interactive.* Please ask questions and, as importantly, share and discuss your own experiences and perspectives relevant to the topic at hand.

Everyone’s active participation is required to make this workshop a success!

Expectations of participants

So that everyone can benefit as much as possible from the training, each of us should:¹

1. Participate actively.
2. Ask questions.
3. Respect different points of view.
4. Share many thoughts & ideas.
5. Build upon the ideas presented by others.
6. Join in problem-solving.
7. Make "I" statements.
8. Have fun!

A note about Teamwork

Working groups are where we will practice and apply the key skills and ideas of the course. Working groups provide the opportunity for detailed discussions, and for learning from experiences and views

- _____

¹ adapted from Jawara Lumumba and John Petit, REDSO/WCA, 1995

of fellow development professionals. Working groups are also emphasized because environmental compliance and environmentally sound design and management are intrinsically team efforts.

Successful working groups require effective teamwork:

Twelve Essentials of Teamwork

VALUING DIVERSITY	COMFORTABLE ATMOSPHERE	ACTIVE PARTICIPATION OF ALL MEMBERS	SHARED GOALS AND OBJECTIVES
BALANCED APPROACH TO PROCESS AND CONTENT	WHAT EFFECTIVE TEAMS NEED		EFFECTIVE COMMUNICATION
SHARED LEADERSHIP			CONSTRUCTIVE CONFLICT MANAGEMENT
ACTION ACCOUNTABILITY RESPONSIBILITY	MUTUAL TRUST	CRITICAL ANALYSIS AND PROBLEM-SOLVING	A PREFERENCE FOR CONSENSUS

(Adapted from Rees, "How to lead work teams in facilitation skills".)

Notes for Working Group Chairs

The chair can be a course facilitator or participant.

The chair is neutral: she or he should not evaluate the ideas or contributions of others, but try to focus the group's energy on the common task.

The chair should encourage participation by all working group members, but prevent any one member from dominating. The chair should assist the group to function creatively, energetically, democratically and productively.

The chair must ensure that the group's tasks are accomplished in the time allotted.

When appropriate, the chair should try to achieve agreement or consensus on recommendations. However, consensus is not required and if the group is unable to reach consensus, areas of agreement and disagreement may be reported.

Notes for Rapporteurs

The rapporteur is responsible for accurately and succinctly reporting the results of group discussions. The rapporteur can make the plenary presentation, or another member of the group can be appointed.

Specific responsibilities include:

- **On a flip chart**, capturing all key points related to the specific theme, and noting comments on cross-cutting themes, as appropriate.
- Make sure that notes and charts are legible, understandable, and after reporting out, turned in to a facilitator.

Session 2.

What is Environment? & Why Environmentally Sound Design & Management?

Summary

This session will:

- Develop a common understanding of the term “environment.”
- Highlight some of the “big picture” environmental trends affecting human health and livelihoods in Asia (e.g. global change, population growth, urbanization); and show that much of USAID’s portfolio in the region is a direct response to—or directly affected by—these trends.
- By example, demonstrate that “environment” and “development” are concepts further linked by the need to be:

AWARE of the potential adverse impacts of development activities on ecosystems, environmental resources and environmental quality; and the need to

PROACTIVELY seek to limit these adverse impacts, particularly where they affect health and livelihoods.

This is **Environmentally Sound Design and Management (ESDM)**.

- Highlight the most common root causes of ESDM failures or lapses.
- Set out the basic rules or principles for achieving ESDM.
- Establish that ESDM is a necessary and explicit objective for effective development, and that ESDM requires systematic and explicit attention over life-of-project.

Format

Presentation and segment from a newly produced ESDM video.

Session 3.

Environmental Impact Assessment (EIA) and ESDM

Summary

This session will:

- Define Environmental Impact Assessment (EIA) as a formal process for identifying the: *likely effects* of activities/projects on the environment, and on human health and welfare; and *means and measures to monitor & mitigate* these impacts.
- Show that the EIA process provides a systematic framework to achieve ESDM and establish that this process is the internationally accepted standard framework for achieving ESDM in project-based development.
- Explain that EIA-based environmental “safeguard” processes are now standard requirements of nearly all donors and governments.

Format

Presentation.

Session 4.

USAID'S Environmental Procedures: The Big Picture

Summary

The preceding sessions make the case that:

- ESDM is a key objective for the ethical and effective practice of development.
- Achieving ESDM requires explicit and systematic attention to environmental issues in program development and implementation.
- The EIA process is the internationally accepted standard for achieving ESDM in project-based development activities.

USAID's Environmental Procedures are a mandatory, EIA-based process intended to assure that this 'explicit and systematic attention' actually occurs over life-of-project. USAID is *required by both court settlement and US law* to utilize an EIA-based process to "fully take into account" environmental sustainability in designing and carrying out its development programs.

In summary:

- The procedures specify an EIA process that must be applied to all activities **before** implementation.
- This process frequently results in environmental management conditions (mitigative measures).
- These measures must be implemented and monitored over the life of the activity (or life of project, LOP).

This session will introduce —*but not go into detail regarding*—the key LOP compliance requirements created by 22 CFR 216 (Reg. 216) & the ADS—and who is responsible for them. (MEOs, COTRs/AOTRs, Activity Managers, Implementing Partners, etc.).

Over the remainder of the course, we will revisit many of these LOP compliance requirements in detail and build skills for them.

Key resource

The "Environmental Procedures Briefing for Mission Staff" is introduced as a key reference to LOP environmental compliance. This training draws heavily from the *Briefing* and from the *MEO Handbook* upon which it is based. The *Briefing* is included in this Sourcebook.

Important note

Note that in this workshop, as in the key resources cited above, the term "USAID Environmental Procedures" does not refer only to Reg. 216, but the collectively to Reg. 216, other FAA requirements, and to the required procedures and directives contained in the ADS.

Format

Short presentation.

Session 5.

Core EIA Skills

Summary

After the screening process, core skills for the EIA process (and thus for achieving ESDM) are:

- (1) characterizing the **baseline situation**;
- (2) identifying (and evaluating) the potential adverse **impacts** of planned development activities; and
- (3) developing mitigation and monitoring measures to address these impacts.

(“Baseline situation,” “impacts” and “mitigation and monitoring” were defined in Session 3, “EIA and ESDM.”)

Part 1: Baseline Characterization & Determining Impacts of Concern

The first part of this session explains the basic, logical process behind baseline characterization and impact evaluation. We will illustrate the process with a worked example.

Depending on the size, complexity and context of the activity, sophisticated environmental models and other tools *can* be required to evaluate impacts in the context of a full EIA study. But for most small-scale activities and preliminary assessments, the simple, logical process described here, supported by good judgment and the information contained in the *Small Scale Guidelines* (or similar resources), is sufficient.

Part 2: Mitigation and Monitoring.

The purpose of the EIA process is not simply to assess potential environmental impacts, but to change project design and implementation so that these impacts are avoided, reduced or offset. The term for this latter portion of the process is *environmental mitigation*.

As such, mitigation is a critical part of ESDM and the EIA process. Monitoring is its essential complement, required to verify whether the mitigation measures are sufficient, effective—and actually implemented.

Detailed design and critique of mitigation and monitoring (M&M) measures is a core skill for ESDM and LOP compliance. The second part of this session:

- Defines mitigation and monitoring.
- Explains the principles behind good M&M design and practice.
- Provides examples of basic mitigation approaches and simple monitoring indicators.

Key resource

The *Environmental Guidelines for Small-Scale Activities* (Asia and Africa editions) are introduced as key resources for (1) identification of potential adverse environmental impacts and (2) design of mitigation and monitoring measures.

Format

Presentation and worked examples.

Session 6.

Practicing Core EIA Skills, Using the Small-Scale Guidelines: A Virtual Field Visit

Summary

The previous session presented the basic theory of baseline characterization, impact evaluation, mitigation, and monitoring. This session practices these skills in a “virtual case study.” By using sector guidance from the *Small-Scale Guidelines* as a key resource, the session also builds familiarity with the *Guidelines*.

Scenario and instructions.

We are making a “virtual field visit” to a completed school construction activity which may require corrective measures to assure environmental soundness.

Part 1: Desk Preparation.

Together, we will review the most important ways in which design and management of day schools can be environmentally UNSound. There are three principal ways:

1. adverse impacts of schools on environment (and thereby community and student health)
2. failure to design and site in response to local environmental conditions, with adverse effects on the learning environment, student health and facilities durability
3. failure to provide safe, adequate water supply

Based on this discussion, we will then **identify** together the most relevant elements of the baseline situation that we should assess on our “field visit.” (That is, what information do we need in order to decide whether a potential ESDM “deficit” is real and significant in the case of a particular school?)

Note that as the school is already in operation, the baseline situation includes both the environment around the school *and* the school itself, including its facilities and their operation.

Part 2: Site visit

Then, we will take a short “site visit” in the form of a photo presentation.

The primary objective of the visit is to observe the key elements of the baseline situation identified in Part 1, above. We should also be on the lookout for hygiene or occupational safety and health issues that may not, strictly speaking, be environmental issues—but may nonetheless affect student or staff health and safety.

Part 3: Back at the office

We will divide into working groups. Using the information from the site visit, each group will:

- **Review and characterize** the most relevant elements of the baseline situation, including ongoing environmental management efforts and measures (if any); and
- On this basis, decide which of the potential adverse impacts and other potential “ESDM failures” are real and present serious concerns; and

- Suggest corrective measures (mitigation) to address these issues.

Working groups should record their findings in bullet form. The Schools chapter of the *Small-Scale Guidelines* will be the key reference for potential impacts and mitigation measures. Facilitators will serve as resources throughout the process.

Note that:

- This session is intended to practice basic observation, impact identification and mitigation design skills—*not* to practice development of Reg. 216 environmental documentation.
- In addition, this is not a pre-implementation environmental review process; rather we are examining an activity already completed and suggesting corrective measures.

Thus (for those who already know these terms), working group outputs are *not* expected to be in the form of an IEE outline or phrased in terms of “recommended determinations.”

Format:

0:15 desk preparation

0:15 site visit (photo presentation)

1:30 “back at the office” working groups

Session 7.

Introduction to Reg. 216 & the Reg. 216 Screening Process

Summary

Reg. 216 (22 CFR 216) is a US federal regulation that sets out USAID's pre-obligation/ pre-implementation EIA process. The Regulation applies to all USAID programs or activities, including non-project assistance *and* substantive amendments or extensions to ongoing activities.

The Reg. 216 process results in environmental review documentation (a request for categorical exclusion (RCE), an Initial Environmental Examination (IEE), an Environmental Assessment (EA)), that must be approved by the Mission Director and by the BEO. The IEE is USAID's version of a preliminary assessment. The EA is a full EIA study.

No "irreversible commitment of resources" can occur to implement an activity unless the activity is covered by appropriate, approved Reg. 216 documentation.

When IEEs are approved with mitigation and monitoring conditions attached to one or more activities, those conditions become a required part of project design/implementation. (EAs always have such conditions.)

This session briefs Reg. 216 as a specific implementation of the EIA process, with particular attention to (1) the *screening process and criteria* established by the Regulation, and (2) the nature of the environmental documentation determined by this screening process.

Reg. 216 documentation is developed both by Mission staff, Partners and contractors, depending on the situation. Most IEEs that cover a sector portfolio in a mission (SO- or FO-level IEEs) are developed by Mission staff or 3rd-party contractors. Partners are often asked to develop Reg. 216 documentation for new project components. 3rd-party contractors are almost always engaged to undertake EAs.

Reg. 216 Screening and the IEE Assistant. The on-line *IEE Assistant* is introduced as a key resource to assist the screening process and Reg. 216 documentation development. To show the use of the tool and to practice the screening process, we will work together to screen one or more of the following example activities:

1. An NGO will sponsor training in rodent control.
2. A group of transporters and two villages have formed a cooperative association and plan to rehabilitate a 20 km road, passing through cultivated fields, a wetland, and several smaller communities, in order to link the villages to a market town.
3. Open-ended grants are to be given to district councils, who will determine various projects to be funded with the grant monies. The principal criteria are that the projects must be designed in a participatory manner; respond to a broad range of community interests and concerns; target a community in need; and provide for the repair of war-torn infrastructure.
4. An NGO with USAID funding will drill 200 boreholes and install hand pumps to provide water for 200 schools in a province

(Not all screening decisions are obvious. For some of these examples, we will discuss what additional information is required to make a well-informed determination.)

Initial Environmental Examinations. The most frequent result of the screening process is that an IEE is required. This session presents the basic structure of the IEE and the nature of the

recommended determinations it may reach regarding the environmental impact of the proposed activities. The IEE is briefed in more detail in Session 9.

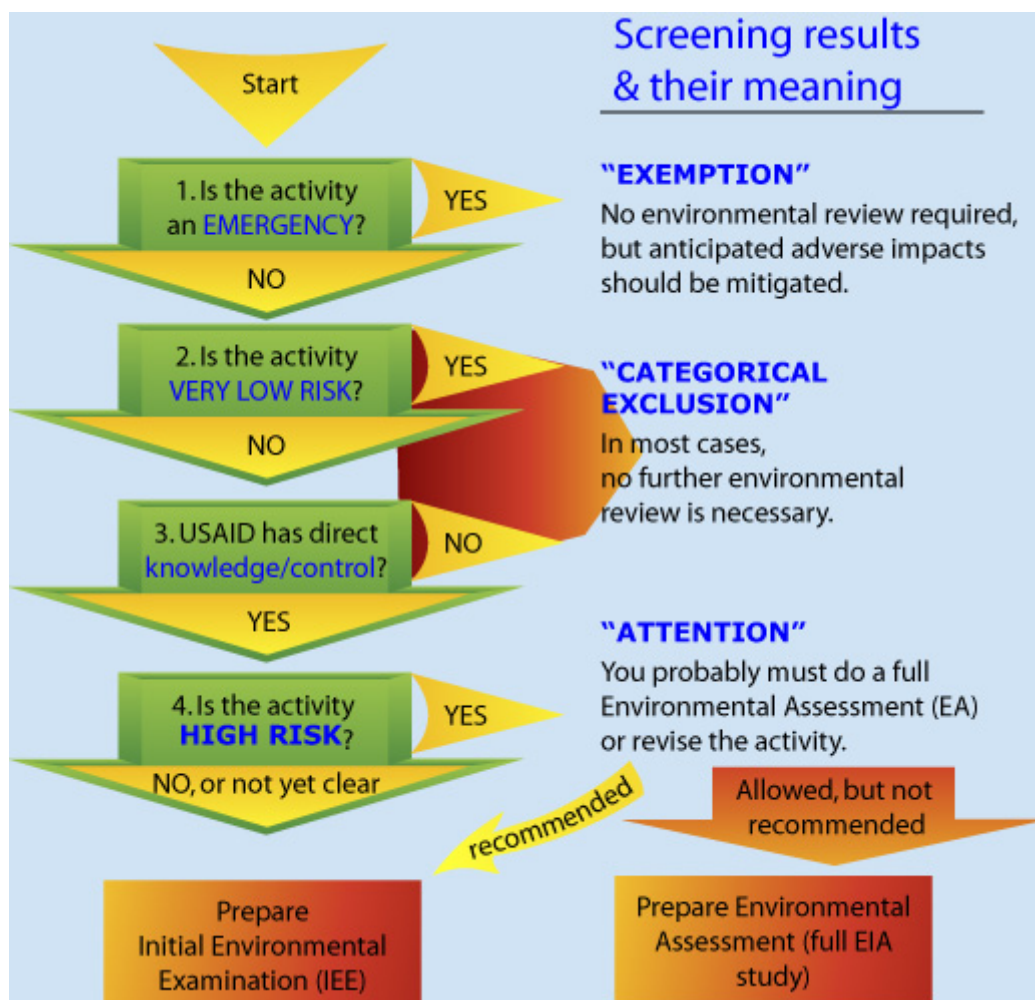
Key resource:

The on-line *IEE Assistant* (www.encapafrica.org/assistant.htm). The key screening guidance from the *IEE Assistant* is reproduced on the following pages.

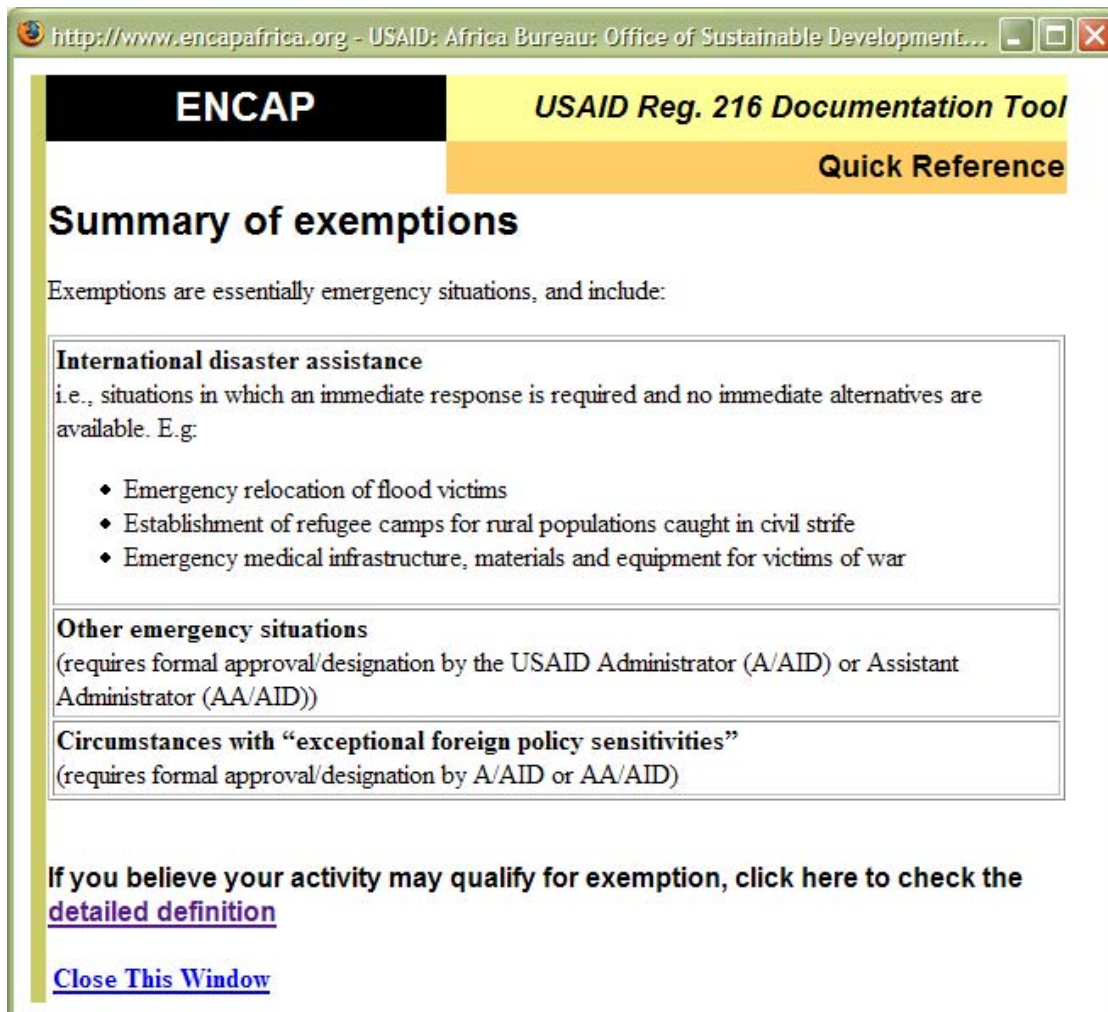
Format

Presentation and demonstration/discussion.

Screening Flow Chart from the IEE Assistant



Summary of exemptions (IEE Assistant)



The screenshot shows a web browser window with the address bar displaying "http://www.encapfrica.org - USAID: Africa Bureau: Office of Sustainable Development...". The page has a header with "ENCAP" on a black background and "USAID Reg. 216 Documentation Tool" on a yellow background. Below the header is a "Quick Reference" section titled "Summary of exemptions". The text states: "Exemptions are essentially emergency situations, and include:". This is followed by three boxed sections: "International disaster assistance" (i.e., situations in which an immediate response is required and no immediate alternatives are available. E.g. with a bulleted list of three items), "Other emergency situations" (requires formal approval/designation by the USAID Administrator (A/AID) or Assistant Administrator (AA/AID)), and "Circumstances with 'exceptional foreign policy sensitivities'" (requires formal approval/designation by A/AID or AA/AID). At the bottom, there is a link to check the detailed definition and a "Close This Window" button.

ENCAP *USAID Reg. 216 Documentation Tool*
Quick Reference

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 formal approval/designation by the USAID Administrator (A/AID) or Assistant Administrator (AA/AID))

Circumstances with "exceptional foreign policy sensitivities"
(requires formal approval/designation by A/AID or AA/AID)

If you believe your activity may qualify for exemption, click here to check the [detailed definition](#)

[Close This Window](#)

Summary of categorical exclusions (IEE Assistant)

http://www.encapafrica.org - USAID: Africa Bureau: Office of Sustainable Development...

USAID Reg. 216 Environmental Documentation Tool

Quick Reference

Summary of categorical exclusions

Categorical exclusions include 2 types of activities:

1. activities which, by their nature pose very low risks of causing significant adverse environmental impacts
2. activities in which USAID has no direct control over the activity

Examples are given in the table below.

<p>Activities normally qualifying for categorical exclusions because they pose inherently low risks of adverse environmental impacts</p> <ul style="list-style-type: none">• 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)
<p>Activities normally qualifying for categorical exclusions because USAID has no direct control over or knowledge of the activity</p> <ul style="list-style-type: none">• 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.

If you believe your activity may qualify for a categorical exclusion, confirm by checking the [detailed definition](#), including the proper regulatory citation.

[Close This Window](#)

Done

Summary of activities usually requiring an EA (IEE Assistant)

http://www.encapafrika.org - USAID: Africa Bureau: Office of Sustainable Development...

USAID Reg. 216 Environmental Documentation Tool

Quick Reference

Summary of activities normally having significant adverse impacts on the environment

Regulation 216 lists the following as activities that typically have significant adverse impacts on the environment and therefore are likely to require an ENVIRONMENTAL ASSESSMENT (EA). An EA is the fullest form of environmental review.

- ♦ 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

If you believe your activity falls into this category, confirm by checking the [detailed definition](#), including the proper regulatory citation.

[Close This Window](#)

Session 8.

Life-of-Project Case Study, Part 1: Screening Activities Under Reg. 216

This session is the first part of an extended case study. Each part of the case study illustrates a key step in life-of-project environmental compliance and practices/develops key skills for that step.

Part 1 practices identifying activities and screening under Reg. 216.

Scenario

You are program supervisory staff (either USAID or prime contractor) and will be adding a new program component not covered by the existing IEE. You are aware that Reg. 216 documentation must be developed *prior to implementation*. You therefore meet with your team to review the proposed activities and determine the type and scope of the Reg. 216 documentation required.

Instructions

We will divide into working groups..

Each group will review the case study brief (see next page) and use the screening guidance from the *IEE Assistant* reproduced in the previous section of this sourcebook to:

- (1) Determine the set of activities that must be screened.
- (2) Screen these activities according to Reg. 216 criteria.

Feedback will be provided within the working groups by facilitators. Activities should be listed and screening results recorded in the table below.

Activity	Screening Result			
	Exempt	Categorical Exclusion	IEE Required*	IEE Required and high risk*

*EA likely required

Key resource:

The on-line *IEE Assistant* (www.encapafrika.org/assistant.htm). The key screening guidance from the *IEE Assistant* is reproduced in the previous (Session 7) section of sourcebook.

Format

0:10 Briefing

0:35 Small Group Exercise

0:15 De-brief

Session 9.

Effective IEEs: Well-written, Well-considered

Summary

A well-considered, well-written IEE is the basis of good mitigation and monitoring and the foundation of the LOP compliance process.

The responsibility for assuring that good-quality environmental documentation is developed lies with team leaders, CTOs, and activity managers—this is true even when a 3rd-party contractor or the implementing partner develops the IEE.

(Again, **Reg. 216 documentation is developed both by Mission staff, Partners and contractors**, depending on the situation. Most IEEs that cover a Mission's sector portfolio (SO- or FO-level IEEs) are developed by Mission staff or 3rd-party contractors. Partners are often asked to develop Reg. 216 documentation for new project components. 3rd-party contractors are almost always engaged to undertake EAs.)

In the Mission, the MEO should serve key roles as (1) a resource for IEE development; (2) IEE reviewer/gatekeeper.

This session will brief the structure and content of the IEE. The rules for effective IEEs will be illustrated using examples of actual IEE language:

1. Make a determination for each activity
2. Specify a mitigation for each impact
3. Make mitigation commensurate to impacts
4. Use clear, uncluttered language
5. DON'T copy blindly

We close by noting some key tools and resources to help with writing the IEE.

Format

Presentation

Session 10.

Life-of-Project Case Study, part 2: IEE Review

Summary

This session is the 2nd part of our “life of project” case study. In the first part, we screened the proposed activities and determined that we would need to develop an IEE.

This second part is intended to build skills related to reaching appropriate recommended determinations and developing appropriate mitigation and monitoring requirements.

Scenario

You are again program supervisory staff (USAID or prime contractor) in the process of adding a new program component. Following the internal screening exercise in Part 1 (Session 8), you engaged a contractor to develop the IEE for this new component.

Your team has now received the draft IEE and must evaluate/critique it with respect to the following:

- Does the IEE address the full scope of the activities you identified in Part 1?
- Does it characterize the most critical elements of the baseline situation?
- Are potential impacts evaluated logically and appropriately?
- Are mitigation measures (1) *adequate* and (2) *within the scope of your reasonable authority*? (For example, you cannot impose conditions on actors not involved in the project.)
- Are recommended determinations reasonable? (If categorical exclusions differ from your screening results, do you agree?)

Note: Sadly, your consultant did not turn in a quality product. The draft IEE has some clear deficiencies and some deficiencies that are more subtle or debatable.

Instructions

We will again divide into our working groups. The groups will review: (1) the draft IEE (beginning on the next page), (2) the project description provided in Part 1, and (3) the Part 1 screening results. Key sections of the *Small-Scale Guidelines* are provided as impacts and mitigation design references.

The groups will then evaluate/critique the IEE using the criteria listed above. Key points from the discussion should be recorded on flip charts in bullet-point form. Feedback will be provided within the working groups by facilitators.

Follow-up plenary discussions may feature either working group de-briefs, or a discussion of issues such as:

When are IEE amendments required? How should program/FO-level IEE conditions be “mapped” to the activity level? What are typical IEE conditions for common classes of activities? etc.

Format

0:10 briefing

1:05 group work

0:30 plenary discussions

Session 11.

Implementing IEE and EA conditions

Summary

The best-written IEEs or EAs are useless unless actually implemented! For this reason, USAID's Environmental Procedures require *monitored implementation* of IEE and EA conditions.

Successfully and systematically implementing these conditions in practice requires that:

- **A complete EMMP exists.** An EMMP (Environmental Mitigation & Monitoring Plan) exists that addresses all IEE and EA conditions (The implementing partner will develop the EMMP when the EMMP is not part of a pre-existing IEE or EA).
- **Budgets and workplans integrate the EMMP.** Project budgets and workplans provide for EMMP implementation, including any necessary capacity-building.
- **PMPs measure EMMP implementation.** Appropriate indicators of EMMP implementation are built into PMPs.

(These “requirements” are not specified by Reg. 216 or the ADS. But systematic, accountable implementation of IEE/EA conditions is almost impossible without them.)

EMMPs are thus critical to IEE/EA implementation. This session explains the EMMP and presents a basic EMMP template.

The best way to assure that EMMPs are developed and funded is to make sure that contracts require them. USAID's environmental procedures do require “incorporating. . . mitigative measures identified in IEEs [and] EAs into implementation instruments for programs, projects, activities or amendments.” But beyond this, environmental compliance language in procurement instruments should require that EMMPs are developed, funded, and integrated in PMPs—and that, for environmentally complex activities, proposals address qualifications and proposed approaches to compliance/ ESDM.

The new ADS Help Document “Environmental Compliance: Language for Procurement Instruments” (ECL) provides a combination of guidance and “boilerplate” procurement language to enable MEOs, CTOs or Activity Managers to easily develop such “best practice” environmental compliance language for any procurement instrument.

Missions and centrally funded programs are increasingly using this tool, and Partners should expect that future procurements and contracts will incorporate ECL-generated language.

In addition to improving LOP environmental compliance and better achieving ESDM, use of the ECL should benefit both mission staff and partners by reducing uncertainty and transaction costs.

Once the procurement is complete (with appropriate best practice environmental compliance language in the contract/grant/agreement), implementation responsibility shifts to the partner and USAID takes on a 3-part monitoring/verification role:

Project stage	Implementing Partner	USAID
Workplan Development	Develops EMMP Integrates EMMP into budget, workplan & PMP	Prior review and approval of: 1. the EMMP (for responsiveness to IEE/EA conditions), 2. The budget/workplan (to verify that EMMP implementation is planned and funded); and 3. The PMP (to assure that indicators of EMMP implementation are built in.)
Implementation	Implementation of EMMP. Reporting on EMMP implementation (via PMP)	Ongoing review of partner progress reports to monitor EMMP implementation Field visits —at a minimum, all visits should integrate a quick check for significant environmental design/management problems. For environmentally sensitive activities, specific visits should be made to audit against the EMMP

Note that particular USAID programs and missions have developed specific environmental M&M verification tools.

Key resources:

ADS Help Document: “Environmental Compliance: Language for Procurement Instruments” (provided in sourcebook)

EMMP Template (provided in sourcebook)

USAID *Environmental Guidelines for Small-Scale Activities* (Africa and Asia editions)—key source of mitigation and monitoring design guidance.

ENCAP Visual Field Guides—for quick field identification by non-specialists of significant environmental concerns in common sectoral activities.

Format

Presentation, followed by hands-on work with the ECL (time permitting)

Session 12: Life-of-Project Case Study, Part 3: Field Visit—EMMP Development

Summary

In this session, we come to the field-based and final part of our life-of-project case study.

In the previous session, we learned that the Environmental Mitigation and Monitoring Plan (EMMP) is the basis of IEE and EA follow-through.

Being able to critique, design and audit against EMMPs is a core ESDM/LOP Compliance skill for Partners AND COTRs/AOTRs, MEOs, and M&E Officers. This final part of the case study builds & practices these skills.

Scenario

You are again supervisory staff (either USAID or prime contractor) for the activity briefed in parts 1 and 2 (of this “life of project” case study (workshop sessions 8 & 10)).

The problems with the IEE you reviewed in Part 2 of the case study have been corrected and the activity is in advanced design. The final IEE conditions are set out on the next page.

You now have responsibility for securing final approval from host country regulatory authorities. To do this, you must develop and submit an EMMP.

You have the opportunity to visit a similar project to understand the likely impacts, the typical environmental management practices involved, and the environmental management challenges posed by this type of activity. The project is briefed on the following page.

Informed by your field observations, you will return to the “office” and develop an EMMP responsive to IEE conditions.

Instructions

We will begin at the end of Day 2 with a briefing of the site visit and the classroom follow-up. ***Before the site visit the following day, everyone should read the briefing materials that follow.***

In the field (Day 3), our objectives are to:

- Observe baseline conditions at the site, particularly those that could affect the significance of impacts (for example, are people living in close proximity to the site? Is there domestic use of groundwater or discharge? Etc.)
- Understand the “production process”—that is, the all of the different sub-activities that happen at the site, and who is responsible for them— with particular emphasis on the sub-activities most responsible for adverse environmental impacts.
- Understand the environmental management procedures currently in place, and look for evidence that they are effective (or not)

We will likely observe certain ESDM deficits at the site. But please remember that we visit as observers and invited guests, not auditors or inspectors. We should observe, listen, and by all means ask questions— but not offer criticism to our hosts.

Back at the workshop venue, we will again divide into our working groups. The task of each working group is to develop an EMMP responsive to the IEE conditions, with particular reference to the realities observed in the field.

Then, the group should decide how to monitor EMMP implementation.

Feedback will be provided within the working groups by facilitators,

Working groups may debrief in plenary. Alternately, wrap-up plenary discussion may focus on e.g.:

- How to integrate monitoring of EMMP implementation into project M&E, including how EMMP implementation should be evaluated during field visits; and
- Modalities of implementing EMMPs mid-stream, given the budget and contractual issues involved;
- What to do if EMMPs prove to be inadequate.

Format

0:30 12a—briefing (end of day 2)

6:15 12b—field visit (includes travel and lunch; starts mid-morning and concludes at end of day 3)

1:45 12c—classroom follow-up (working groups followed by plenary; beginning of day 4)

Session 13: Environmental Compliance/ESDM Knowledge Game

Summary

This session is the first of three workshop synthesis sessions (the others are the “Going Forward” discussion (Session 15) and the workshop evaluation (16)). In this session, we will play an environmental compliance/ESDM knowledge game to review key course content, with specific reference to the objectives set out in Session 1. The game will take the form of a competition among small teams.

Format:

Team competition

Session 14:

Resources for ESDM & Compliance

Summary

This session reviews key resources already introduced to support ESDM and environmental compliance.

These resources include:

- The IEE Assistant,
- The *Small-Scale Guidelines* (Africa and Asia editions).
- The searchable Asia/Middle East IEE and EA Archive, and the
- The Africa Bureau *MEO Handbook*.

The ANE environmental compliance website (http://www.usaid.gov/our_work/environment/compliance/ane/index.htm) is in the process of being updated. Pending completion, the Africa Bureau's on-line *MEO Resource Center* (www.encapafrika.org/meoentry.htm) is a recommended resource.

The session also summarizes compliance & ESDM support services available to Partners and Missions via the Environmental Management Capacity-Building program (EMCB) of USAID/ANE/TS.

Format

Presentation

Session 15: Going forward

Summary

This workshop has set out how the LOP environmental compliance process *should* function to achieve environmentally sound design and management.

As we have discussed over the course of the workshop, gaps and shortfalls exist—and a number of questions have arisen regarding how “business as usual” will change going forward.

This session will be a facilitated discussion between participants, USAID’s Bureau Environmental Officer, and the RDMA Mission Environmental Officer, focused on these issues. It will be structured around the key questions and concerns that have arisen during the workshop.

Format:

Facilitated discussion

Session 16: Workshop Evaluation

Summary

This is the first presentation in the region of a “life of project environmental compliance and ESDM” training program in this format. Your feedback is essential to strengthen materials and agenda—and to draw attention to Mission and Partner TA and support needs for ESDM and environmental compliance.

Special Topic: Global Climate Change, ESDM & Environmental Compliance

Summary

Global Climate Change (GCC) is expected to have very significant impacts on Asia, with disproportionate impacts on the most vulnerable.

Project/activity robustness to GCC has become a key dimension of environmentally sound design and management. For example; are the crop varieties to be promoted by a project appropriate given likely changes in precipitation? Are structure siting and designs appropriate given likely changes in storm frequency/intensity and flood probabilities? Assuring that designs are robust to anticipated GCC-driven changes is one way in which USAID programming should support the concept of GCC *adaptation*. (USAID may also design and implement projects whose primary objective is GCC adaptation support.)

Generally, USAID and partners should seek means and measures to reduce GHG emissions resulting from projects. Such *mitigation* is particularly important in large sectoral or regional development projects, as such projects can result in significant increases in national GHG emissions.

This session explores these and other GCC-related programming issues within the frameworks of environmental compliance and ESDM generally.

Format

Presentation, discussion, and small-group exercises.

Illustrative GCC Adaptation and Mitigation Measures

(for use in small group exercises)

Sector	Adaptation	Mitigation
Energy		Minimize use of fossil fuels
		Promote Renewable Energy Generation (e.g., through use of tax incentives and disincentives)
		Solar PV
		Wind
		Methane Capture
		Biomass
		Geothermal
		Hydro
		Nuclear (?)
		Tree Plantation/Afforestation
Avoid Tree Cutting		
Energy Efficient Electrical Applications		
Reduce Road Transport/Promote Commercial and Passenger Rail Transport		
Promote Least Polluting Fossil Fuel Sources		

Sector	Adaptation	Mitigation
Hydro-electric facilities	Design for extreme events applying adaptive risk management modeling; retrofit for anticipated changes in river volumes and flows	
Power Plants (Coal and Nuclear)	Modeling to anticipate cooling requirements (e.g., water source, cooling tower design)	
Water	Increase Water Use Efficiency/Better Water Management	
		Reduce Methane Emissions from Wastewater Treatment
Agriculture	Implement Famine Early Warning System	Reduce Methane Emissions (e.g., rice cultivation, livestock raising)
	Diversify Crops	
	Plant Drought Resistant Crops	
	Anticipate changes in historical baseline patterns of precipitation and river flows in design and operation of irrigation schemes	
Human Health	Implement Disease Warning and Epidemic Management System	
Municipal Services	Coastal Zone Management	Promote Dense Urban Development (e.g., tax incentives and disincentives)
	Relocate Critical Infrastructure	Promote Mass Transit (e.g., tax incentives and disincentives)
	Floodproof Critical Infrastructure	
	Implement Storm Monitoring and Warning System	
	Implement Disaster Management System	
Transport	Anticipate changes in baseline historical patterns of precipitation and river flows in design and operation of roads, bridges and rail systems	
	Assess effects of sea level changes on port development	
	Anticipate changes in sea routes	
Ecotourism	Use adaptive risk management to assess effects of changes in baseline precipitation, climate, and of extreme weather events on species composition	
	During design assess potential impacts of species loss, fluctuations in water availability, and sea level rise on ecotourism facilities and the tourism industry	

Special Topic: Global Bureaus & Environmental Compliance

Summary

USAID's "global bureaus" (Economic Growth and Trade (EGAT); Health; and Democracy, Conflict, and Humanitarian Assistance (DCHA)) have key roles in environmental compliance and USAID's efforts to assure ESDM across its global portfolio.

Like the regional bureaus, each global bureau has a Bureau Environmental Officer (BEO), with responsibility for reviewing and approving Reg. 216 documentation for programs under the purview of their bureau.

Assuring environmental compliance in the field for centrally- (WDC-) funded and managed programs poses particular challenges. This session explains the environmental compliance role of the global bureaus, and—in a participatory discussion—identifies key compliance gaps and challenges as experienced in the field and from the BEO perspective, and explores how best to address them.

Format

Short presentation plus discussion.

Special Topic: Subproject Review

Summary

Many USAID programs and large projects include *subprojects*— small-scale activities that are (1) carried out within—or “under the umbrella” of—a larger project, and (2) are not fully identified or designed when the larger project or program is approved.

Subprojects pose an environmental compliance challenge: Reg. 216 requires environmental review prior to activity implementation—but subprojects are not specifically defined/designed when the IEE is written.

The solution is typically that the IEE contains a *negative determination with conditions* for these activities. The condition is that a simplified EIA process is established to review subprojects and establish mitigation and monitoring conditions. This is generally only allowable if:

- The *general nature* of sub-project activities is known
- These activities generally have low or easily controllable potential adverse impacts.

The *Environmental Review Form (ERF)* is the instrument for implementing these simplified environmental review procedures for subprojects. The form’s instructions guide the reviewer through the subproject screening and preliminary assessment processes.

Under the ERF screening process, activities are classified as either (a) requiring no further environmental review, or (b) requiring at least an environmental review report.

The environmental review report is a short, simplified form of the IEE. Like the IEE, it is equivalent to a “preliminary assessment” in general EIA procedures.

Key resource

A generic *Environmental Review Form* is included in the sourcebook.

An example of a high-quality environmental review report is also provided.

Guidance pertaining to *writing the IEE* is equally applicable to writing the *Environmental Review Report*. See session 9.

Format:

Presentation and Q&A

Special Topic: Pesticides

Summary

This module introduces environmental concerns in pest and pesticide management, and USAID procedures for environmental impact assessment of pesticide use and procurement. These procedures define “use and procurement” broadly and add specific, additional environmental review requirements.

Although environmental impact assessment of pesticide procurement and use is generally performed by specialists, course participants may be involved in the review and interpretation of results from a pesticide assessment, as well as in the oversight/implementation of the mitigation and monitoring activities that result.

USAID policy and procedures regarding pesticide use are described in Reg. 216.3(b).

Format:

Presentation

Special Topic: IEE/EA Conditions and Environmental Compliance Best Practice for “Tricky Activities”

Summary

While Reg. 216 enumerates classes of activities eligible for categorical exclusions, it also states that categorical exclusions do not apply if “at any time in the design, review or approval of the activity. . . it is determined that [it]. . . is subject to the control of USAID and may have a significant effect on the environment.” (22CFR216.2(c)(3)).

For this reason, a number of typical USAID-funded activities are NOT eligible for categorical exclusions—even though they fall within a general class of activities that are eligible.

In these and other typical activities, USAID’s “knowledge and control” may be less than complete. What does this mean for the development and implementation of appropriate IEE conditions?

This session explores these questions via a set of brief case studies and participatory discussion.

Format

Presentation and Q&A