

## SESSION 3

### REGULATION 216: PROCESS AND DOCUMENTATION

#### SESSION SUMMARY.

This session will view the EIA process with a particular focus on Regulation 216-specific terminology, and addresses preparation of the two most common types of environmental review documents required under USAID Environmental Procedures:

- Request for Categorical Exclusion (RCE)
- Initial Environmental Examination (IEE)

The RCE and IEE are prepared in compliance with Reg. 216 and are outputs of the Agency's mandatory pre-implementation environmental review (EIA) process. They document the assessment of potential adverse impacts, if any, and provide valuable information on the environmental soundness, including a climate risk screening, of a proposed project or activity during the design and planning process. In many cases, the IEE will stipulate environmental mitigation measures (conditions) that are required to offset, reduce, or eliminate environmental risks. Once approved, IEE conditions must be integrated as part of project implementation to ensure that potential adverse impacts are mitigated (ADS 204 & 303).

Many USAID-funded activities *do not* have a distinct environmental dimension and present very little or no risk of adverse impact. Regardless, such activities must be assessed in a manner consistent with the Agency's mandatory pre-implementation review process—that is to say, they are not *exempt* from Reg. 216. Recognizing the important place of environmentally low- or no-risk activities in USAID programming, and to speed the review process, Reg. 216 defines “classes of actions” that by their very nature present little or no risk of environmental impact. Activities that fall within one or more of these 15 classes of actions are eligible to be Categorically Excluded from further environmental review. Screening of proposed activities against the classes of actions (or activity types) specified in Reg. 216 allows the reviewer to assert that the activity can be safely implemented without the need for further environmental assessment and any mitigation and monitoring or oversight requirements (conditions) that might result. This environmental analysis is documented in a Request for Categorical Exclusion (RCE). While Reg. 216 allows for this abbreviated EIA process, an RCE must still be approved in the same manner as more extensive environmental documentation (IEEs and EAs).

For activities that are not eligible for Categorical Exclusion (or activities for which a Categorical Exclusion is deemed insufficient given the proposed scope, nature of technical interventions, etc.) the pre-implementation review process will most likely be documented in an Initial Environmental Examination (IEE). The IEE is consistent with a preliminary assessment as defined by EIA methodology and results in a Threshold Decision(s). A Positive Threshold Decision means that “the proposed action will have a significant effect on the environment.” A Negative Determination means “the proposed action will not have a significant effect on the environment.” However, the latter may only hold true if certain precautions or safeguards are put in place. As a result, Negative Determinations are frequently made “with conditions”—these are the mitigation and monitoring requirements that are implemented to ensure environmental soundness, and upon which compliance depends.

USAID activities often entail multiple interventions that present different environmental risks. The range of potential adverse impacts (from none to significant) is assessed and documented in the IEE, which may result in a combination of one or more of the results described above.