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# ADS Chapter 204

## Environmental Procedures

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## ADS 204 – Environmental Procedures

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## ADS 204 - Environmental Procedures

### 204.1 OVERVIEW

Effective Date: 05/11/2006

This chapter provides policy directives and required procedures on how to apply Title 22 of the Code of Federal Regulations, Part 216 ([22 CFR 216](#)) to the USAID assistance process. This is to ensure that assessment of the environmental consequences of all programs, activities, and substantive amendments are in full compliance with the requirements of this Federal Regulation and its underlying legislation and out of court settlement (See Mandatory Reference **Pre-Obligation Requirements** [201.3](#) and **External Mandatory References 204.4.1** at the back of this chapter.)

Environmental sustainability is integral to USAID's overall goal, and therefore must be mainstreamed into all activities to achieve optimal results, to avoid inadvertent harm to the people we are trying to help, and to prevent wasting taxpayer dollars. To meet this goal, USAID incorporates environmental considerations into results-based planning, achieving, and assessing and learning. This Chapter defines what USAID and its operating units must do to integrate environmental issues into its programs, both to meet U.S. Government (USG) legal environmental obligations and to optimize economic and social development results.

### 204.2 PRIMARY RESPONSIBILITIES

Effective Date: 05/11/2006

- a. **Operational Bureaus** are responsible for providing strategic direction to their operating units and approving and overseeing their Operating Units' strategic planning and implementation to ensure that environmental reviews in accordance with [22 CFR 216](#) are fully integrated into programs and activities. This oversight must include holding Operating Units accountable for achieving results required under approved **22 CFR 216** determinations. Allocating adequate staffing and financial resources to comply with **22 CFR 216** is the responsibility of the operational bureau.
- b. **Operating Units** are responsible for providing the staff and financial resources to their management units to implement the approved strategies consistent with the Agency's environmental procedures. Operating Units also hold their SO Teams accountable for meeting these requirements and continuously monitor their results.
- c. **Strategic Objective and Program Support Objective Teams (Teams), Activity Managers and Cognizant Technical Officers (CTOs)** are responsible for ensuring full compliance with [22 CFR 216](#), the Agency's environmental procedures, in implementing their operating unit's strategy. The CTO authority and responsibilities are delegated by the Contracting Officer. The 22 CFR 216 responsibilities of CTOs, SO Teams and Activity Managers include designing, monitoring, and modifying all programs, projects, activities and amendments, and Activity Approval Documents in

\*An asterisk indicates that the adjacent information is new or substantively revised.

order to ensure that the environmental consequences of all actions taken by USAID and the host country are considered, and that appropriate environmental safeguards are adopted. Each Activity Manager or CTO must keep his/her Team leader and relevant Bureau Environmental Officer (BEO) informed of upcoming [22 CFR 216](#) actions, both through informal contacts and through required **22 CFR 216** reporting in the Annual Report (see [203.3.8.7](#)); and for ensuring that their **22 CFR 216** environmental reviews are accomplished in a timely fashion so as not to unnecessarily delay implementation of any activities. The Activity Manager or CTO must also allocate adequate resources from his/her activity's budget for effective monitoring and mitigation to ensure compliance with **22 CFR 216** throughout the life of an activity (see [202.3.6](#)).

**d. Mission Environmental Officers (MEOs) and Regional Environmental Advisors (REAs)** are responsible for advising Teams, Activity Managers and CTOs, and Operating Unit heads on how best to comply with [22 CFR 216](#) requirements; how Teams, Activity Managers and CTOs can effectively monitor implementation of approved mitigative measures; and how Teams, Activity Managers and CTOs can obtain additional environmental expertise to assist in their **22 CFR 216**-compliance responsibilities. MEOs and REAs also liaise with their relevant Bureau Environmental Officer on **22 CFR 216** issues affecting Teams, Activity Managers and CTOs in their Operating Units. For a fuller account of MEO responsibilities, see [Recommended Mission Environmental Officer Appointment Memorandum \(204.5.1.a.\)](#).

**e. Bureau Environmental Officers (BEOs)** are responsible for overseeing the effective implementation of [22 CFR 216](#) throughout all Operating Units in their Bureau through timely decision making and adherence to consistent and strong environmental principles that lead to environmentally sound development and wise use of taxpayer money and that protect their Operating Units and the Agency from legal challenge. Specific duties of the BEOs include, inter alia, the review, concurrence, and approval functions of the various classes of 22 CFR 216 analyses and official agency decision-making documents described throughout **22 CFR 216** as well as those outlined in the [Recommended Bureau Environmental Officer \(BEO\) Appointment Memorandum \(see 204.5.1.b.\)](#) and those outlined elsewhere in this Chapter including **204.3.6**.

**f. The Agency Environmental Coordinator (AEC)** is responsible for overseeing the effective implementation of [22 CFR 216](#) throughout the Agency. This includes monitoring its implementation, hearing and deciding disputes, setting Agency standards for compliance, interpreting **22 CFR 216** language when questions or new situations arise, advising Assistant Administrators in selecting BEOs, collaborating with the Office of the General Counsel on addressing legal challenges, and liaising both with the President's Council on Environmental Quality in its oversight of Executive Branch environmental compliance and with the public.

## **204.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 05/11/2006

The following are the official Agency policies and procedures.

### **204.3.1 Mandatory Compliance with 22 CFR 216**

Effective Date: 05/11/2006

USAID's environmental procedures are established in Federal Regulation ([22 CFR 216](#)), as authorized by the [Foreign Assistance Act, Section 117](#). In addition, these procedures constitute USAID's compliance with a series of binding legal requirements that have been placed on USAID including the terms of a Court Order resulting from [Civil Action 75-0500](#) in the District Court of the District of Columbia, Foreign Assistance Act Sections [118\(c\)](#) and [119\(g\)](#), Section [517\(d\) of the FY06 Foreign Operations Appropriations Act \(and predecessor provisions\)](#), the National Environmental Policy Act ([NEPA - 42 USC 4371 et seq](#)), [40 CFR 1500](#), and [Presidential Executive Order 12114](#) (see [204.4.1](#)).

USAID must fully comply with [22 CFR 216](#), except to the extent that certain 22 CFR 216 terms may not be used in the current operations assistance processes. In such cases, as is also contemplated for certain special procedures in 22 CFR 216.3(a)(10), the terms used in this chapter of the ADS (which are intended to be as parallel as possible to the original terms) are used instead. However, **22 CFR 216** is controlling in the event of a legal conflict between this chapter and **22 CFR 216**. If there are questions, consult your BEO, the AEC, or General Counsel.

### **204.3.2 Operational Bureaus**

Effective Date: 05/11/2006

Incorporated into its normal Annual Report (AR) process, each operational Bureau must review and approve, with the guidance of their Bureau Environmental Officer, the AR environmental section described below in **204.3.3**.

Bureaus must allocate to each Operating Unit the resources necessary to complete environmental reviews for the approved programs, projects, activities, and amendments.

### **204.3.3 Operating Unit**

Effective Date: 05/11/2006

Each USAID Operating Unit must prepare and submit an environmental section as an integral part of its Annual Report that is submitted to Washington. The Bureau Environmental Officer reviews this section for adequacy prior to Bureau approval of the overall AR. It consists of two parts:

- a.** The first part must include a discussion of implementation of mitigation measures, monitoring provisions, or other implementation requirements agreed to under [22 CFR 216](#) during activity design. It must also identify any cases of noncompliance, and for such noncompliance situations, identify corrective steps that will be taken.
- b.** The second part must be an illustrative schedule of upcoming activities that may require [22 CFR 216](#) review. While this schedule will necessarily be notional due to the desired flexibility in allowing Teams to revise and develop new activities, it will serve the Operating Unit and its Teams as a planning document for budgeting their staff and money to ensure that all **22 CFR 216** requirements are met in a timely way and not become an impediment to action. This will also permit the BEO to plan workload in order to have the shortest possible turnaround times on reviews and approvals of **22 CFR 216** documents.-

Operating Unit heads must ensure that environmental reviews are included in the design and implementation of their programs and activities that are authorized by their bureaus, and that sufficient resources are provided for this purpose as outlined under activity planning in [ADS 201.3](#).

Operating Unit heads must also take necessary steps to ensure that resources are not committed to programs or activities before a [22 CFR 216](#) environmental review is completed by the Team and approved in writing by the Bureau Environmental Officer, and the findings are incorporated by the Team and Activity Manager or CTO into the design and budget for the program or activity.

Operating Units must also undertake the required environmental planning analyses for its strategic and operational planning as outlined in [ADS 201.3](#).

**204.3.4 Strategic Objective and Program Support Objective Teams (Teams), Activity Managers and Cognizant Technical Officers (CTOs)**  
Effective Date: 05/11/2006

Each Team and Activity Manager or CTO must plan how they will comply with [22 CFR 216](#) requirements for each activity undertaken. They must actively monitor ongoing activities for compliance with approved Initial Environmental Examination (IEE), Categorical Exclusion (CE), Environmental Assessment (EA), Programmatic Environmental Assessment (PEA), or Environmental Impact Statement (EIS) recommendations, conditionalities or mitigative measures. They also must modify or end activities that are not in compliance. An Operating Unit and each SO Team must ensure that its Activity Managers or CTOs have adequate time, staff, authority, and money to implement these responsibilities. (See activity planning in mandatory reference [ADS 201.3](#).)

Each Operating Unit and SO Team must develop effective essential environmental review procedures consistent with its strategic and operational plans to:

**a.** Ensure that Activity Managers have the resources to complete all environmental work required under [22 CFR 216](#) before funds are obligated. This environmental work includes

- Initial Environmental Examinations (IEEs),
- Requests for Categorical Exclusions (CEs),
- Requests for Deferrals or Exemptions of environmental reviews
- As needed, Scoping Statements and subsequent Environmental Assessments (EAs),
- If appropriate, Programmatic Environmental Assessments (PEAs)
- If appropriate, Environmental Impact Statement (EISs) undertaken under the National Environmental Policy Act (NEPA).

More specifically, these environmental reviews must include:

(1) Completing an IEE or request with justification for a Categorical Exclusion or Exemption, in accordance with [22 CFR 216](#), for each program or activity at the earliest point in the planning and design process when sufficient information is known about the program or activity to permit a meaningful environmental threshold determination. It is essential that this review be done as early as possible in the design process in order to allow adequate time for more detailed subsequent environmental review and concurrence, as well as integrating environmental mitigations into the design process, should this be required; environmental review when undertaken in this way rarely delays the process of designing and approving activities and programs while it typically adds greatly to the development results achieved;

(2) Completing Scoping Statements and their EAs, PEAs or EISs (if required) at the earliest point in the design process when sufficient information is known or being developed to undertake these analyses;

(3) Forwarding each environmental document to the BEO, for review and written concurrence, through the Mission Director or USAID Representative, if the activity is field-based, or the senior manager equivalent who authorizes the funding, if the activity is Washington-based. Allow a reasonable amount of time for the BEOs decision-making process;

(4) Providing reasonable notification to the affected public and, as feasible, encouraging civil society public participation, review, and comment on Scoping Statements and their related EAs or EISs. The public is defined for EAs to include directly affected people in the host country and host country governments. It is USAID's policy that relevant U.S. parties must also be included when they request or when the Activity Manager or CTO, Team or BEO believes there would be a value to inviting their participation. For EISs, including the U.S. public is a legal requirement and the BEO and AEC should be consulted as to the correct procedures.

(5) Considering the content and findings of environmental documents in the design and approval of each program and activity before the Operating Unit, Team, Activity Manager or CTO makes an irreversible commitment of resources for the program or activity;

(6) Incorporating environmental factors and mitigative measures identified in IEEs, EAs, and EISs, as appropriate, in the design and the implementation instruments for programs, projects, activities or amendments;

**b.** Once funds are obligated, ensure that Activity Managers or CTOs have the resources to adaptively manage environmental compliance during implementation including:

(1) Conducting ongoing monitoring and evaluation of whether the environmental components designed for the activity resulting from the [22 CFR 216](#) process are being implemented effectively. This includes identifying and addressing new or unforeseen environmental consequences arising during implementation that were not identified and reviewed in accordance with **22 CFR 216** and how such review will be undertaken to correct these newly identified issues in a timely way.

(2) Modifying or otherwise mitigative activities or programs identified in the above monitoring and evaluation to ensure that environmental soundness is achieved. In extreme cases where this can not be accomplished, the activities or programs must be ended. These modifications are documented through formal amendments to the original [22 CFR 216](#) documents and approved in writing by the Bureau Environmental Officer.

(3) When an amendment or modification leads to a change in the activity and that change in turn affects an existing award (contract, grant, cooperative agreement, or interagency agreement), then the CTO must request the Contracting Officer or Agreement Officer to take the appropriate action to modify or amend the award.

(4) Notifying the Team leader and Operating Unit head of any environmental noncompliance issues during implementation and scheduling corrective actions. Preparing documentation of this for inclusion in each Annual Report (see [203.3.8.7](#)).

- c. Ensure effective collaboration with the MEO during all SO designs and approvals to create a system and adequate resources to ensure effective implementation of the requirements listed in **204.3.4.a.** above.

### **204.3.5 Mission Environmental Officer (MEO) and Regional Environmental Advisor (REA)**

Effective Date: 05/11/2006

Each Mission Director is encouraged to appoint a Mission Environmental Officer (MEO) in writing (see recommended [MEO Appointment Memorandum](#) at the end of this chapter). When staffing patterns permit, the Mission Director also may appoint a Deputy Mission Environmental Officer to ensure timely operations in Missions when the MEO is absent, or when a Mission's portfolio is of such size that a Mission Director judges that one or more Deputy MEOs are needed to address their Mission's workload. These officers serve as a member of each Team in the Operating Unit in order to advise the Teams and their Activity Managers or CTOs on specific needs and approaches to meet [22 CFR 216](#) requirements. The MEOs assist and advise Activity Managers or CTOs and their implementing partners and contractors in preparing **22 CFR 216** documents on new activities and monitoring compliance on ongoing activities. While the MEO assists and advises, the responsibility and accountability for successfully meeting **22 CFR 216** requirements is shared by the Team leader and each Activity Manager or CTO while the ultimate responsibility is with the Mission Director.

If the Mission Director does not appoint an MEO, the Mission Director assumes the responsibilities and duties which would have been delegated to the MEO.

Regional Environmental Advisors (REA), some with one or more Deputy Regional Environmental Advisors, provide supplementary professional support, training, compliance auditing, compliance evaluations, and regional coordination on [22 CFR 216](#) matters to Mission Directors, Teams, Activity Managers or CTOs, and Mission Environmental Officers.

### **204.3.6 Bureau Environmental Officer (BEO)**

Effective Date: 05/11/2006

After consultation with the AEC, the Assistant Administrator (AA) for each operational Bureau in Washington must appoint, in writing, a qualified BEO based in Washington. This includes all regional Bureaus (AFR, ANE, E&E and LAC) and program Pillar Bureaus (EGAT, GH, and DCHA). When staffing patterns permit, and after consultation with the AEC, each AA may also appoint a qualified Deputy Bureau Environmental

Officer to ensure timely decision-making when the BEO is absent (see recommended [BEO Appointment Memorandum](#) at the end of this chapter).

The BEO

- oversees and monitors [22 CFR 216](#) compliance across all Operating Units in the Bureau;
- decides and approves all **22 CFR 216** documents;
- ensures all staff in his/her Bureau are aware of and trained in **22 CFR 216** procedures and standards; and
- performs the other specific functions described in **22 CFR 216**.

#### **204.3.7 Agency Environmental Coordinator (AEC)**

Effective Date: 05/11/2006

The AEC must oversee Agency-wide implementation of [22 CFR 216](#) to ensure it achieves its intended results. The AEC advises the Administrator, Assistant Administrators (AAs), other senior Agency managers, and Bureau Environmental Officers on issues that arise relating to **22 CFR 216** and is the Agency authority who interprets and decides how **22 CFR 216** should be applied to new or unusual situations.

The President's Council on Environmental Quality (CEQ) in the White House oversees environmental impact assessment compliance across all Executive Branch agencies. The AEC is USAID's official liaison to CEQ on these matters. Specific additional AEC responsibilities are described in **22 CFR 216**.

#### **204.3.8 Decision-Making Authority**

Effective Date: 05/11/2006

When an activity is Mission-based, the Mission Director or USAID Representative submits [22 CFR 216](#) documents with their written recommendation for a decision to the appropriate Bureau Environmental Officer (BEO) in Washington. When an activity is Washington-based, the senior manager who is a Mission Director equivalent and who authorizes the funding submits **22 CFR 216** documents with their written recommendation for a decision to the appropriate BEO. Certain cases outlined in **22 CFR 216** (e.g., requests for Exemptions, Deferrals, and Environmental Impact Statements), may require additional reviews and approvals in Washington. After receiving their BEO's written concurrence, the Operating Unit, Team, Activity Manager or CTO must consider the environmental findings and recommendations made in the approved CE, IEE, EA, or EIS when designing and approving funding for a program or activity. The Contracting Officer or Agreement Officer must incorporate these requirements into any contracts, grants, cooperative agreements, or other mechanisms used to implement the activity. Additional decision procedures are described in **22 CFR 216**.

### 204.3.9 Applicability to Global Development Alliance (GDA) and Millennium Challenge Corporation (MCC)

Effective Date: 05/11/2006

#### a. Global Development Alliance (GDA)

[22 CFR 216](#) applies to all Global Development Alliance (GDA) programs. The source of the funds used (i.e. governmental or private sector) determines whether **22 CFR 216** is applied to the entire set of GDA activities or only to the USAID portion. In either case, USAID also must make a due diligence investigation of the environmental record and practices of each partner in an alliance, and for the alliance as a whole.

- Pooled Resources:** Under this approach, USAID and alliance partners establish a formal alliance governance structure for the purpose of attracting resources and making joint program decisions. These alliances may involve fairly complex organizational structures and legal documentation. For this type of alliance, USAID support typically takes the form of a grant to a non-governmental organization (NGO) established by the alliance or to a public international organization (PIO) or other financial institution that serves as trustee for the alliance's resources. Where USAID resources are utilized under such structures, programs and activities are subject to environmental review under [22 CFR 216](#). The level of review depends on the proposed program or activity.
- Parallel Financing:** Under this approach, USAID and alliance partners reach agreement on how to work together to address a development problem, with each partner establishing a separate mechanism (e.g., grant, contract) through which to provide resources to support the alliance's work (financial or in-kind). USAID-funded programs and activities under the alliance are subject to environmental review under [22 CFR 216](#). To the extent that an alliance involves programs and activities that are not funded by USAID, **22 CFR 216** would not apply to activities financed separately by alliance partners utilizing their own funding mechanisms.

**Due Diligence Investigation:** In all cases, as part of the due diligence investigation of a potential alliance partner, it is essential to investigate what is often called the "triple bottom line" — i.e., whether the prospective partner is socially responsible, environmentally accountable and financially sound. For purposes of this discussion, due diligence means that, while the [22 CFR 216](#) environmental review procedures may not be applicable to a non-USAID funded parallel program or activity implemented under an alliance, USAID is still concerned about a proposed alliance partner's past record of environmental accountability and how it might affect the partner's specific plans under the alliance. It is important that USAID align itself with private sector entities whose interests are compatible with USAID's and whose business practices do not pose risks to the alliance's or USAID's reputation. Look for 'signs' that the proposed partners' operational practices incorporate, for instance, commitment to human rights,

decent work conditions, environmental protection, and community involvement. Examples might include:

- A written and publicly available:
  - environment policy
  - worker health and safety policy
  - disclosure practice for reporting non-compliance with environmental laws and regulations
  - indigenous people and human rights policy
- A sustained record of compliance with their above policies in all countries in which they operate
- A sustained record of compliance with environmental laws and regulations in all countries in which they operate, including no outstanding environmental regulatory actions or lawsuits
- A board member or other senior corporate manager charged and empowered with ensuring corporate environmental responsibility
- An internal environmental assurance or management system such as ISO 14000 or other widely used green certification standards

More detailed guidance on environmental due diligence is available from the USAID internal website in the **GDA Tools for Alliance Builders, Appendix XI, Due Diligence Guide**. [Note: This guidance is only available on the USAID intranet at <http://inside.usaid.gov/GDA/resources/tools.pdf>.]

More detailed guidance on how and when to apply [22 CFR 216](#) to GDA activities is available on USAID's internal website page in the **GDA Tools for Alliance Builders, Appendix XVIII, FAQs: Environmental Procedures**. [Note: This guidance is only available on the USAID intranet at <http://inside.usaid.gov/GDA/resources/tools.pdf>.]

Additional guidance and help is available from your Bureau Environmental Officer or the Agency GDA staff.

#### **b. Millennium Challenge Corporation (MCC)**

The Millennium Challenge Corporation (MCC) is an independent federal agency that funds and manages its own programs. MCC maintains and applies its own [MCC environmental impact assessment procedures](#). USAID will typically have no role in designing or managing MCC activities. In such cases, MCC will use its own procedures and staff to undertake its own environmental impact assessments and manage their implementation. If requested by MCC and to the extent a USAID Operating Unit has resources available, USAID may provide advice to MCC on best practices on environmental impact assessment based on USAID's experience.

In cases where USAID undertakes or manages activities either with USAID resources or

MCC-provided resources to prepare a country to transition to MCC eligibility or to design and/or implement MCC activities, [22 CFR 216](#) shall apply and the procedures outlined in it and this ADS Chapter shall be followed. If MCC has already conducted environmental impact assessment under their own procedures for such an activity, to avoid duplication of effort the relevant USAID Bureau Environmental Officer (BEO) shall decide in writing whether it meets USAID [22 CFR 216](#) standards or whether it needs to be amended. When the BEO decides it meets 22 CFR 216 standards, the MCC environmental impact assessment document shall be processed as a USAID 22 CFR 216 document and the USAID Operating Unit and their CTO or Activity Manager shall be responsible for implementing it in the same way as any other 22 CFR 216 decision.

Questions should be directed to your Bureau Environmental Officer.

### **204.3.10 Appeals**

Effective Date: 05/11/2006

In rare cases when an Operating Unit wishes to appeal a BEO's decision, the Operating Unit head (Mission Director, USAID Representative or Washington equivalent) must submit a written request and justification through its Assistant Administrator (AA) to the BEO requesting a review by the AEC. In accordance with the authority delegated by the Administrator and the requirements of [22 CFR 216](#) and the authorities contained therein, the AEC will decide whether to confirm or modify the BEO's decision.

### **204.4 MANDATORY REFERENCES**

Effective Date: 05/11/2006

#### **204.4.1 External Mandatory References**

Effective Date: 05/11/2006

- a. [22 CFR 216](#). Title 22 of the Code of Federal Regulations, Part 216 dated October 9, 1980, codifies USAID's environmental procedures (cited as 22 CFR 216). These are USAID's environmental procedures and are sometimes referred to colloquially as Regulation 16 or Regulation 216).
- b. [42 USC 4371](#), et seq., the National Environmental Policy Act (NEPA).
- c. [40 CFR 1500](#), the Federal Regulation governing implementation of NEPA
- d. [Environmental Defense Fund, et al. v. U.S. Agency for International Development, et al. Civil Action 75-0500 Order filed December 5, 1975 by Judge John J. Sirica, U.S. District Court for the District of Columbia](#), is the out-of-court settlement requiring, among other things, USAID to undertake environmental impact assessment of all of its activities.
- e. [Executive Order 12114](#) dated January 4, 1979, sets forth environmental impact review requirements of Federal agency actions outside the United States.

- f. [Section 117 of the Foreign Assistance Act \(FAA\) of 1961, as amended](#), requires USAID to have appropriate environmental impact assessment procedures. 22 CFR 216 has been determined by Congress to meet the requirements set forth in FAA, Section 117.
- g. [Section 118\(c\) of the Foreign Assistance Act \(FAA\) of 1961, as amended](#) concerning the application of USAID's environmental procedures to activities involving tropical forests and meeting requirements for waiving prohibitions on certain types of activities.
- h. [Section 119\(g\) of the Foreign Assistance Act \(FAA\) of 1961, as amended](#) concerning ensuring USAID's environmental procedures appropriately take into account endangered species
- i. [Section 517\(d\) of the FY06 Foreign Operations Appropriations Act \(and predecessor provisions\)](#), concerning the requirement to apply the Agency's environmental procedures to activities undertaken in the Independent States of the former Soviet Union.

**204.4.2 Internal Mandatory References**

Effective Date: 05/11/2006

- a. [ADS 201, Planning](#)
- b. [ADS 202, Achieving](#)
- c. [ADS 203, Assessing and Learning](#)

**204.4.3 Mandatory Forms**

Effective Date: 05/11/2006

**\*204.5 ADDITIONAL HELP**

Effective Date: 05/10/2008

- a. Additional help and operational guidance is provided on the external USAID environmental compliance Web site at:  
[http://www.usaid.gov/our\\_work/environment/compliance/index.html](http://www.usaid.gov/our_work/environment/compliance/index.html)
- b. [Environmental Compliance: Language for Use in Solicitations and Awards](#)

\*An asterisk indicates that the adjacent information is new or substantively revised.

**204.5.1 Optional Forms**

Effective Date: 05/11/2006

- a. [Recommended Mission Environmental Officer \(MEO\) Appointment Memorandum](#)
- b. [Recommended Bureau Environmental Officer \(BEO\) Appointment Memorandum](#)

**\*204.5.2 Optional Language for Use in Solicitations and Awards**

a. Additional help and best practices on how to incorporate environmental conditions and mitigating measures required by 22 CFR 216 determinations into solicitations and awards is available at [Language for Use in Solicitations and Awards](#). This optional help document provides recommended best practice boilerplate language for various types of procurement actions. The provided language should be seen as a starting point that may be expanded to meet the specific requirements, purpose, and intent of the 22 CFR 216 determination of a particular activity.

**204.6 DEFINITIONS**

Effective Date: 05/11/2006

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

**activity**

A set of actions through which inputs, such as commodities, technical assistance, training, or resource transfers, are mobilized to produce specific outputs, such as vaccinations given, schools built, microenterprise loans issued, or policies changed. Activities are undertaken to achieve Strategic Objectives that have been formally approved and notified to Congress. (Chapters 200-203, 204, 250)

**Activity Approval Document (AAD)** A document that approves one or more activities for implementation. An AAD is required prior to obligating funds. (See ADS 201.3.6, Activity Planning) (Chapters 200-203)

**Activity Manager** Member of a Strategic Objective (SO) Team or subteam who is responsible for the day-to-day management of one or more specific activities. The Activity Manager is selected by the SO Team, and may or may not also have the delegated authorities of a Cognizant Technical Officer (CTO), whose authority to carry out contract management functions are designated by a Contracting or Agreement Officer. (See "Cognizant Technical Officer (CTO)") (Chapters 200-203, 306, 591, 592, 621)

**CEQ Regulations**

Regulations promulgated by the President's Council on Environmental Quality (CEQ) (Federal Register, Volume 43, Number 230, November 29, 1978) under the authority of NEPA and Executive Order 11514, entitled Protection and Enhancement of Environmental Quality (March 5, 1970) as amended by Executive Order 11991 (May 24, 1977). (Chapter 204)

**Cognizant Technical Officer (CTO)** The individual who performs functions that are designated by the Contracting or Agreement Officer, or is specifically designated by policy or regulation as part of contract or assistance administration. In other parts of the U.S. Government, the synonymous term is usually Contracting Officer's Technical Representative (COTR). (See "Activity Manager" and ADS Series 300) (Chapters 200-203, 306, 621, 631)

**Environment**

The term environment, as used in these procedures with respect to effects occurring outside the United States, means the natural and physical environment. With respect to effects occurring within the United States, see 22 CFR 216.7(b). (Chapter 204)

**Environmental Assessment**

A detailed study of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries. (Chapter 204)

**Environmental Impact Statement**

A detailed study of the reasonably foreseeable positive and negative environmental impacts of a proposed USAID action and its reasonable alternatives on the United States, the global environment, or areas outside the jurisdiction of any nation. (See ADS 204 and Mandatory Reference, 22 CFR 216) (Chapters 200-203, 204)

**Implementation Instrument**

A binding relationship established between USAID and an outside party or parties to carry out USAID programs, by authorizing the use of USAID funds and/or nonfinancial resources for 1) the acquisition of services or commodities or 2) assistance that provides support or stimulation to accomplish a public purpose. Examples of such instruments include contracts, grants, cooperating agreements, and interagency agreements. (Chapter 304)

**Initial Environmental Examination**

The first review of the reasonably foreseeable effects of a proposed action on the environment. Its function is to provide a brief statement of the factual basis for a Threshold Decision as to whether an Environmental Assessment or an Environmental Impact Statement will be required. (See ADS 204) (Chapters 200-203)

**minor donor**

USAID is a minor donor to a multi-donor project when USAID does not control the planning or design of the multi-donor project and either; (i) USAID's total contribution to the project is both less than \$1,000,000 and less than 25 percent of the estimated project cost, or (ii) USAID's total contribution is more than \$1,000,000 but less than 25 percent of the estimated project cost and the environmental procedures of the donor in control of the planning or design of the project are followed, but only if the USAID Environmental Coordinator determines that such procedures are adequate. (Chapter 204)

**Operating Units**

USAID field Missions, regional entities, and USAID/Washington Offices that expend funds to support Agency program objectives. This definition particularly includes operating units performing the functions of formulating policy, strategic and budgetary planning, achieving results, procurement, personnel management, financial management, and statutory requirements. (Chapters 200-204, 260, 623)

**Program Support Objective (PSO)**

A Program Support Objective contains activities being implemented exclusively to support achievement of other Strategic in one or multiple Operating Units. The results of the activities under a PSO should be visible through and attributed to another Strategic Objective. (Chapters 200-203)

**Project Identification Document (PID)**

An internal USAID document used before 1994 that initially identifies and describes a proposed project. Term no longer used. (Chapters 200-204)

**Project Paper (PP)**

An internal USAID document used before 1995 that provides a description and appraisal of a project and the plan for implementation. The project paper was used to obtain formal approval. Term no longer used. (Chapters 200-203)

**Significant Effect**

With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment. (Chapter 204)

**Strategic Objective (SO)**

The most ambitious result that a USAID Operating Unit, along with its partners, can materially affect, and for which it is willing to be held accountable. SOs can be designed for an Operating Unit to provide analytic, technical, logistical, or other types of support to the SOs of other Operating Units (whether bilateral, multi-country, or global in nature). (Chapters 200-203, 204, 534)

### **Strategic Objective (SO) Team**

A group of people with complementary skills who are empowered to achieve a specific USAID development objective for which they are willing to be held accountable. The primary responsibility of SO Teams is to make decisions and implement activities related to accomplishing the objective. Another essential function is to ensure open communication and collaboration across organizational boundaries at all phases of the development process. SO Teams may decide to organize sub-teams if they wish to manage complex SOs more efficiently. SO Teams are composed of USAID employees and those partners and customers considered to be essential for achieving the SO. (Chapters 200-203, 204)

In general, a team is a group of people committed to a common performance goal for which they hold themselves individually and collectively accountable. Teams can include USAID employees exclusively or USAID, partner, stakeholder and customer representatives. An SO team is a group of people who are committed to achieving a specific strategic objective and are willing to be held accountable for the results necessary to achieve that objective. The SO team can establish subsidiary teams for a subset of results. (Chapter 204)

### **Strategy Statement and Operational Plan**

Until ADS Chapter 201 is updated and replaces the existing Agency interim guidance, refer to:

[Strategic Management – Interim Guidance](#)

[Interim Update 04-12 – Interim Guidance](#)

[USAID General Notice – Policy 12/10/2004 – Interim Guidance](#)

### **Threshold Decision**

A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed Agency action is a major action significantly affecting the environment. (Chapter 204)

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