

PN-ADJ-347

CARE - BANGLADESH

FY 3

REPORT ON TECHNICAL ASSISTANCE MISSION

TO

**CARE-BANGLADESH FOR ENVIRONMENTAL
ASSESSMENT AND FOR DEVELOPMENT OF
POLICIES/PROCEDURES**

**INTEGRATED FOOD FOR DEVELOPMENT PROJECT
(IFFD)**

April 1993

VOLUME II

**IFFD NEW COMPONENT ENVIRONMENTAL REVIEW
PROCEDURES**

Submitted By:

Louis Berger International, Inc.

100 Halstead Street, East Orange, New Jersey 07019, U.S.A.



FY 1993-6 - Bangladesh

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ACRONYMS AND ABBREVIATIONS

ANR	=	Agriculture and Natural Resources
APC	=	Assistant Project Coordinator/Bangladesh
BDG	=	The Government of Bangladesh
BRAC	=	Bangladesh Rural Advancement Committee
BWDA	=	Bangladesh Water Development Board
CARE	=	Cooperative for American Relief Everywhere
CFR	=	United States Code of Federal Regulations
CIDA	=	Canadian International Development Agency
DMU	=	Disaster Management Unit
EA	=	Environmental Assessment
EIS	=	Environmental Impact Statement
EMU	=	Environmental Management Unit
FAA	=	Foreign Assistance Act
FAP	=	Flood Action Plan
FFW	=	Food For Work
FONSI	=	Finding Of No Significant Impact
FY	=	Fiscal Year
IFFD	=	Integrated Food for Development Program
IFFW	=	Integrated Food for Work Program
LBII	=	Louis Berger International, Inc.
LGED	=	Local Government Engineering Department
MORR	=	Ministry of Relief and Rehabilitation
NEPA	=	National Environmental Policy Act
NGO	=	Non Government Organization
ODA	=	Overseas Development Agency
PD&E	=	Project Development & Engineering
PER	=	Preliminary Environmental Review
PIC	=	Project Implementation Committee
PID	=	Project Initiation Document
PIO	=	Project Implementation Officer
RMP	=	Rural Maintenance Program
SEA	=	Scheme Environmental Assessment
UNDP	=	United Nations Development Program
USAID	=	United States Agency for International Development
WFP	=	World Food Programme

INTRODUCTION

This is the second of a three volume report prepared for CARE-Bangladesh on the application of environmental procedures for the USAID funded, CARE administered Integrated Food for Work (IFFW) and the follow-on Integrated Food for Development Project (IFFD). The first volume is a review of CARE's procedures for environmental assessment and recommendations for their development, the second contains the procedures for the environmental review of new activities or project components such as excavating canals or cleaning municipal drainage systems. The third includes draft initial environmental examinations (IEE) for activities currently being considered by CARE and USAID. Each volume is designed as a stand-alone document. However, Volume III does provide examples of IEE which may assist readers in their preparation.

The procedures described in this section are not standard USAID procedures which should be undertaken prior to project funding, but instead are under 22 CFR 216.3(a)(7), Environmental Review After Authorization of Financing. This section is specifically designed for subprojects or significant aspects of a project, program or activity which are unidentified at the time of project authorization.

As indicated in Volume I, environmental consideration should be part of a holistic approach to the design of an activity and become an integral part of it. Only then can the activity be designed to have the greatest environmental benefit while measures to mitigate unavoidable negative impacts are taken at least cost. For this reason greatest consideration has been given to this integration process before the preparation of documentation required by USAID regulations. This will make the preparation of these documents much easier. Difficulties in preparing IEEs and environmental assessments (EA) stem largely from difficulties in relating the environmental impacts to the project design and in arriving at a reasonable assessment of their magnitudes.

Two additional sections have been added which go beyond the regulatory requirements of USAID. These are the preparation of an environmental management plan and an environmental monitoring plan. These are highly desirable and are included in the regulations of a number of locations, e.g. Indonesia and Guam. The first details the measures to be taken in the implementation of a component or activity to ensure that appropriate steps are taken to minimize negative impacts and maximize positive impacts. The second provides a mechanism for reviewing actual impacts versus predicted impacts and allow for the modification of the component design or for incorporating the experience from other components to be incorporated into the design of new components.

1. PURPOSE

The focus of the IFFD Project is to use available wheat resources under Title II to support sustainable development activities, the primary purpose of which is to bring increased food security of vulnerable groups through developmental interventions which benefit them and their communities. It is likely that appropriate interventions will be identified during the implementation of the project. The primary purpose of this document is to present the procedures necessary to comply with USAID environmental regulations. In addition, approaches to the sound environmental planning of such activities are presented.

2. REVIEW OF USAID ENVIRONMENTAL REGULATIONS

Overview of Title 22 of the Code of Federal Regulations Part 216

Title 22 of Code of Federal Regulations Part 216, (22 CFR 216) is the primary means to implement the requirements of NEPA as they affect the USAID program. Within this framework, it is USAID policy to ensure that the environmental consequences of its activities are identified and considered by USAID and the host country prior to a final decision to proceed and that appropriate environmental safeguards are adopted. The processes by which this policy is ensured involves a variety of environmental analyses dependent upon the type, size and scope of the proposed activity. IFFD activities can either be exempt, or be considered to be categorical exclusions, or require an Initial Environmental Examination (IEE) with or without an Environmental Assessment (EA). Appendix A contains a full copy of the regulations.

Types of Projects and Analysis Requirements

Programs, projects and activities involving the following are exempt from the USAID procedures:

1. International disaster assistance;
2. Other emergency circumstances; and,
3. Exceptional foreign policy sensitivities.

Categorical Exclusions are those actions for which neither an IEE, EA and EIS generally is not required. Qualifications for Categorical Exclusion involve the following criteria:

1. No effect on the natural or physical environment;
2. No USAID knowledge or control over the details of specific activities as per USAID objectives; and,
3. Research activities with no significant effect on the environment as a result of limited scope, carefully controlled nature and monitoring.

Fifteen (15) classes of actions are identified in the regulations as meeting the aforementioned criteria. The project class determination is made by the project originator in writing and is submitted to the USAID/Washington DC Bureau Environmental Officer along with the Project

Identification Document (PID) or comparable document.

Certain classes of actions are normally considered to have significant effects on the environment, and as such, require an EA or an EIS (22 CFR 216.2.(d)). These actions consist of the following:

1. Programs of river basin development;
2. Irrigation or water management projects;
3. Agricultural land leveling;
4. Drainage projects;
5. Large scale agricultural mechanization;
6. New lands development;
7. Resettlement projects;
8. Penetration road building or improvements;
9. Powerplants;
10. Industrial plants;
11. Potable water and sewage projects (non-small scale); and,
12. Pesticide procurement or use assistance.

An EA or EIS is normally prepared for these actions without the prior submittal of an IEE. However, an IEE can be submitted to the Bureau Environmental Officer instead of an EA or EIS if the project originator believes that the proposed actions will not have a significant effect on the environment. This can be established through a description of the proposed project and the proposed mitigation activities. The use or procurement of pesticides also require the implementation of the pesticide procedures (22 CFR 216.3(b)).

All IEEs should contain a statement as to whether the activity will have an effect on a rare or endangered species. Any activity which could have such an effect will require a positive threshold decision and an EA (Section 216.5). All activities which involve the use of pesticides are subject to special procedures and will require a positive threshold decision and an EA. The EA will be required to contain a special section evaluating the economic, social and environmental risks and benefits in the use of the pesticide to determine whether the use may result a significant environmental impact.

The Washington office will either make a negative declaration (no significant effect), a positive threshold decision but with the determination that there will be no significant effect after the mitigation measures are taken into account, or make a positive threshold decision (significant effect). If it is determined that significant environmental effects exist as a result of the proposed activity, then an EA is required.

General Environmental Analysis Procedures

An IEE is prepared by the originator of the proposed action and submitted with the Project Identification Document (PID) or component document along with a Threshold Decision for review by the USAID/Washington DC Bureau Environmental Officer. This Officer will either concur with the decision or request its reconsideration. Resolution of differences are made by the Assistant Administrator of the USAID Asia Bureau in Washington. The environmental review may be performed after authorization of the program only with respect to subprojects that were unidentified at the time of the authorization. This review should occur at the earliest time possible in order to avoid an irreversible commitment of resources prior to the conclusion of the environmental review. If the review must be deferred beyond the time some of the funds are to be disbursed, then the document obligating the funds shall contain covenants requiring the environmental review.

After a Positive Threshold Determination is made the project originator identifies the relevant significant issues and determines the scope of these issues to be addressed in the EA. This exercise will result in the preparation of a Scoping Statement by CARE-Bangladesh to be reviewed and approved by the Bureau Environmental Officer. At this Officer's discretion, the Scoping Statement may be circulated to appropriate federal agencies for input into the design. Once the scope of the EA is agreed upon, then the EA is prepared by the project originator.

Delegation of Authority

The regulations make no provision for delegation of authority by the Bureau to the missions. Therefore all threshold decisions and EAs have to be approved by the Asia Bureau in Washington.

Foreign Assistance Act Sections 117, 118 and 119

In addition to 22 CFR 216 criteria, the Foreign Assistance Act (FAA) places certain environmental restrictions on USAID activities. Three sections of this act are applicable and are summarized below. The full text of these sections is provided in Appendix B.

Section 117: Environment and Natural Resources

This section sets a general policy of the United States federal government on its international activities as they affect the global environment and natural resources. It calls for the preparation of an EIS for those actions which significantly affect the global environment, or that of the United States and for the preparation of an EA for any action having significant environmental impacts in the host country. This Section also states that "special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife and other resources upon which depend economic growth".

Section 118: Tropical Forests

This section identifies the importance of forests and tree cover and states that tropical forests shall be given high priority by the President of the United States. A list of actions designed to assist developing countries in forest protection is presented in this section. This list contains such items as environmental education, training and exchange of information. This section denies any USA assistance for "actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas." It also denies assistance for the construction, upgrading or maintenance of roads which pass through relatively undegraded forest lands "unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development." As it is impossible for CARE to meet such a condition in the definition of an activity or to carry out the depth of analysis necessary to establish this point on a scheme by scheme basis, CARE is effectively proscribed from the construction of roads which provide access to forest lands.

Section 119: Endangered Species

This section identifies the need to protect endangered species and to preserve biological diversity. A list of actions recommended to be conducted by USAID to promote biodiversity is presented. This list contains items such as environmental education, training and exchange of information. This section also denies "any direct or indirect assistance for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas". This effectively limits or proscribes CARE activities in natural areas such as the Sunderbans.

Policies of USAID Asian Bureau

The Asian Bureau places strong emphasis on a commitment to implement mitigation measures in its approval of EAs. The Asian Bureau also interprets the restriction on the funding of activities for road penetrating forests under section 118 of the FAA as including any road improving access for logging or agricultural development in forest land.

3. INPUT OF ENVIRONMENTAL CONSIDERATIONS IN COMPONENT CONCEPT CONSIDERATION

If environmental considerations are included in the conception and design of new activities, the preparation of the formal documentation required to meet USAID regulatory requirements is relatively simple.

Goals and Technical Parameters

In order to adequately assess the environmental impacts of an activity it is essential to define its goals and technical parameters accurately. A road designed to take 15 ton trucks does not have the same environmental impacts as a road designed to take rickshas. Canals intended for navigation have different impacts to ones designed for drainage. The cleanout of tertiary feeder drainage canals in municipalities is totally different from the cleanout of the main canals. There is no intention to limit the goals or technical parameters. It is simply necessary to state their breadth so as to evaluate the full range of their potential impacts. As part of the iterative process of activity design, it may be necessary to limit the goals or technical parameters to minimize impacts and this will be a useful purpose of this procedure and the discipline it provides is one of its most important benefits.

Consider the Implementation and Administration of the Activity

CARE Food-For-Work (FFW) activities are normally undertaken through a counterpart organization, normally either a branch of the Bangladesh Government (BDG) or much less frequently, a non-governmental organization (NGO). CARE should then carefully consider what measures will be necessary to implement effective environmental controls on the activity. Will the standard IFFD environmental review procedure, PER/SEA, be applied? If so, what capacity is available to implement it? Will new PER/SEA guidelines have to be produced? If the PER/SEA is not to be applied what alternative procedure is to be applied? The procedures for adequate environmental review and control should be included as part of the design of the activity.

Consider the Re-Allocation of Wheat Resources

The re-allocation of wheat resources will have significant social and economic impacts which must be addressed by the environmental analysis. The first question is whether there is a re-allocation of wheat from another activity or whether wheat which would otherwise not be used is allocated. In the former case the dis-benefits to the group deprived of wheat must be considered against the benefits of the receiving group. In the latter case only the benefits to the receiving group need to be considered. For example, to withdraw wheat from earthworks for

road re-construction to clean out municipal drains, the balance is strongly negative as benefits are moved from doing a relatively healthy work of moving earth to the potentially unhealthy work of cleaning out contaminated drains while the net cash equivalent benefits remain equal. On the other hand, if unallocated wheat is used, the benefits of employment opportunities must be weighed against health impacts. The implications of monetizing wheat should also be considered. For example, the construction of bridges and culverts for roads requires the monetization of wheat and payment of contractors in cash. What will be the impacts on the groups traditionally involved in earthmoving? Will the same groups be employed by the structures contractors and if so will they earn a comparable wage?

Identify Environmental Impacts

The potential significant environmental impacts of the activity should be identified. These could include:

- o Flooding
- o Waterlogging
- o Loss of soil deposition from periodic flooding affecting soil fertility
- o Loss of groundwater recharge
- o Destruction or isolation of significant wildlife habitat
- o Loss of wetlands
- o Impacts on fish propagation
- o Soil erosion
- o Loss of agricultural land, temporary and permanently
- o Break-up of farm land
- o Splitting of communities and cutting off of population from access to the transportation network
- o Health impacts on workers
- o Health impacts on local populations including disease vector propagation

This list is not intended to be exhaustive as each type of activity will have a different range of

impacts. It is recommended that as comprehensive list as possible be prepared initially and items removed after they have been not to be significant.

An assessment should then be made as to the significance of each parameter and whether specific studies are needed to determine the impacts. If additional studies are needed can they be done with assistance available locally or is it necessary to obtain expatriate assistance? Most developing countries have underused resources of expertise relevant to environmental issues. Normally, they will be only too pleased to cooperate at no charge. They are likely to be expatriates working in the wealth of overlapping donor programs going no-where because they are bogged down in the realities of BDG and donor agency administrative systems. To find someone to listen to their advice is the only reward they are likely to seek. Bangladesh is unlikely to be an exception to this rule.

There should be a continual iterative process in defining and refining the activity in such a way that its positive environmental impacts are emphasized and its negative impacts minimized.

Foreign Assistance Act, Sections 118 and 119

A determination should be made whether the activity could be subject to Sections 118 or 119 of the Foreign Assistance Act (see Section 2 and Appendix B for an explanation). That could the activity impact on tropical forest lands, nature reserves or national parks. In general, activities which could impact on the Sunderbans should be avoided or restricted to avoid this area.

Rare and Endangered Species

Activities which could threaten rare and endangered species should be avoided. Activities such as the reconstruction of drainage canals which could lead to the draining of wetlands and the conversion of wildlife habitats to agriculture should be carefully reviewed for their potential impact on rare and endangered species. Activities should be defined and restricted to avoid such impacts. (See Section 216.5 in Appendix A.)

Pesticides

If it is proposed to use pesticides in any activity the specific requirements with regard to pesticides in the regulations should be adhered to (see Section 216.3(b) in Appendix A). An EA will almost certainly be required.

Summary

The document supporting a new activity should contain an environmental section describing all the environmental issues and concerns and how the activity is have the maximum positive impact

possible.

4. INITIAL ENVIRONMENTAL EXAMINATION

Preparation

An Initial Environmental Examination (IEE) is 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 (EA) will be required. An IEE should be submitted as soon as possible after an activity and its technical, administrative and environmental parameters have been defined. Prior to preparing an IEE a determination should be made whether the activity is exempt (22 CFR 216.2(b)(1)) or a categorical exclusion (22 CFR 216.2(c)(1)) is applicable. The preparer should refer to Section 2 above and the regulations (Appendix A) for the types of activities exempt. It should be noted that the USAID Asia Bureau has made the determination that pilot activities which involve significant physical construction are not considered as research activities subject to a categorical exclusion.

A list of classes of actions which generally have a significant effect on the environment is presented in Section 2. Unless there is a strong case for determining that the activity will not have a significant impact, it is recommended that for any activity which fits any of these classifications, the IEE be dropped and instead an environmental assessment (EA) be prepared.

It is recommended that the IEE be a brief document and should address the following topics:

1. Statement of IEE subject
2. Brief background description
3. Description of the proposed action.
4. Description of the potential environmental effects.
5. Identification of mitigating measures to reduce environmental effects.
6. Determination as to whether significant environmental effects exist.
7. Determination as to whether significant impacts to endangered species or their critical habitat exist (22 CFR 216.5).
8. Determination as to whether significant impacts to undegraded forests, national parks or other protected lands exist.

9. Statement as to whether pesticide procurement or use assistance is part of the action (if so, follow pesticide procedures 22 CFR 216.3(b)(1)).
10. Recommendation of a threshold decision and rationale behind it.

The statement of the IEE subject in CARE's IFFD case could be presented as follows:

**SUBJECT: Integrated Food For Development (IFFD) Project
Additional Project Subcomponent(s)
(SUBCOMPONENT NAME(S))**

A brief background description relative to IFFD can be presented in the following fashion: "In July 1990 and January 1991 an Initial Environmental Examination (IEE) and Programmatic Environmental Assessment (PEA) were respectively prepared for the earthworks and structures component (The primary component) for rural road reconstruction. In January 26, 1993 revised IEEs were submitted for a 40-60 foot structures subcomponent and a disaster preparedness activity subcomponent. (ADD ANY ADDITIONAL IEEs SUBMITTED SINCE THEN) Additional subcomponents are proposed and an additional IEE for the (PROPOSED SUBCOMPONENT NAME) subcomponent is enclosed herein. In accordance with 22 CFR 216.3 (a)(2) and 216.3 (a)(6)(i) and (ii), the Mission Director's approval of this IEE's recommendations is required prior to its transmittal to the Asia Bureau Environmental Coordinator in AID/Washington DC for concurrence. This IEE may be submitted after authorization of financing of the previously reviewed IFFD project in accordance with 22 CFR 216.3 (a)(7)."

The description of the proposed action can be a brief narrative outlining the project type, purpose, relative size and scope. If a project paper exists, it can be included with the IEE. Within this section of the IEE, a description of the reasonably foreseeable environmental effects resulting from the proposed action is presented. Mitigating measures that will be undertaken to reduce the significance of any environmental effects should also be listed. CARE's Environmental Review process and its ongoing environmental training can be included into this list. A determination as to the significance of the potential environmental effects is revealed in 22 CFR 216.2 (d)(1), Classes of Actions Normally Having a Significant Effect on the Environment. The determination can if the project originator believes otherwise based on the scale of the proposed action, the effectiveness of the mitigating measures or some other reason to be stated in the IEE.

A determination should be made as to whether the activity effects endangered species or their critical habitat (22 CFR 216.5), and impacts relatively undegraded forests, national parks and other protected areas (FAA sec. 118). A determination should be made as to whether there is a potential use of pesticides. If pesticide procurement or use is involved with any aspect of the

proposed action, then the pesticide procedures (22 CFR 216.3 (b)).

A recommendation of a Threshold Decision is then made based upon the information assembled in the IEE. The key reasons for arriving at the recommended decision should be restated in summary fashion in this section. If an EA is recommended, then a brief list of topics for assessment may be helpful as a "pre-scoping" piece. Potential mitigation measures may also be listed out for clear consideration.

4.2 THRESHOLD DECISION

The threshold decision is a formal USAID/Asia Bureau/Washington decision which determines whether a proposed action is a major action significantly affecting the environment, and as to whether an EA is required. This decision is based on the IEE and its recommended decision. The Asia Bureau will render one of the following decisions on a proposed action:

1. Positive Threshold Decision, which is that proposed action will have a significant effect on the environment and that an EA is required;
2. Positive Threshold Decision, but with the commitment to mitigation outlined in the IEE, no EA is required; or,
3. Negative Declaration, which is that the proposed action will not have a significant effect on the environment.

A Negative Declaration may also be obtained for actions with significant environmental effect if:

1. A substantial number of EAs or EISs for similar actions in similar situations exist which are relevant to the proposed action.
2. A programmatic Assessment which covers the subject action has been considered in the development of the proposed action.
3. Design criteria exists for the subject action, and if applied, will avoid a significant effect on the environment.

IEE Submission after Authorization of Financing

This procedure is for IEEs to be prepared for activities identified after funding of IFFD and thus is based on 22 CFR 216.6(a)(7). They are, however, also applicable for the general preparation of IEEs.

5. ENVIRONMENTAL ASSESSMENT METHODOLOGY

If after review of the IEE and Threshold Decision an Environmental Assessment (EA) is required, then it should be prepared and copies should be provided to USAID and host country decision makers and include a full discussion of the significant environmental effects of the proposed action, including alternatives and mitigating measures which reduce the adverse effects. Development of the EA should involve host country collaboration to the maximum extent possible.

Environmental Assessment Outline

The required content and form of the Environmental Assessment (EA) is presented in 22 CFR 216.6 (See Appendix A) and summarized as follows:

1. **SUMMARY:** the major conclusions of the assessment.
2. **PURPOSE:** the reason for the subject assessment.
3. **ALTERNATIVES INCLUDING THE PROPOSED ACTION:** the environmental impacts and mitigation in comparative form, the issues and level of detail based on scoping statement.
4. **AFFECTED ENVIRONMENT:** a brief description of the local environmental conditions.
5. **ENVIRONMENTAL CONSEQUENCES:** the analytical basis for the comparisons under item 3.
6. **LIST OF PREPARERS:** names and qualifications.
7. **APPENDICES:** as needed.

Issues of Concern and Level of Analysis

Both the number and type of issues to be addressed, and the required level of detail of analysis are determined by the Scoping Statement (22 CFR 216.3 (a)(4)). The Scoping Statement is prepared by the project originator after a Positive Threshold Decision is made, or if pesticide procurement or use assistance is proposed. This statement shall identify the significant issues and their relative scopes. The written statement needs to be submitted to the Asia Bureau Environmental Officer/Washington for circulation and approval. The approved Scoping Statement and its relevant comments form the breadth and depth of the EA.

A Scoping Statement suitable for approval submission includes the following four items:

1. Determination of scope of issues to be analyzed in the EA, direct and indirect effects should be identified.
2. Elimination of issues from study which are insignificant, only a brief presentation of these are necessary.
3. Description of EA timing, variations in EA format and tentative decision making schedule.
4. Description of how the analysis is to be conducted, and what disciplines will participate.

Commitment to Mitigation Measures

Proposed actions with significant environmental effects require mitigation to reduce the severity of the adverse effects. Such mitigation measures when presented within the EA to achieve approval for the proposed action must come with a commitment to implement the specified mitigation measures and the capacity to see them through.

6. ENVIRONMENTAL MANAGEMENT PLAN

The environmental management plan is not required by USAID regulations but it is the key means of ensuring the application of an environmental program. It should describe the activity and its authorized limits, potential impacts and the means to mitigate, and the precise plan to implement the activity in an environmentally sound manner. It is strongly recommended that a management plan be prepared for each activity which requires an EA or which was approved on the basis of an IEE and Negative Declaration containing specific detailed design criteria and mitigating measures which are required to ensure that the activity does not have significant negative impacts. Once prepared, it should become the environmental reference book for everyone involved in the management of the activity from both CARE and counterpart agencies.

Outline

An environmental management plan should contain the following elements:

- o A precise description of the activity including its proscribed limits.
- o A description of significant environmental concerns identified in the EA or IEE.
- o The mitigating measures included in the EA or IEE which are a condition for the funding of the activity and are therefore required.
- o The environmental review procedures (PER/SEA or equivalent) which are required in order to authorize sub-projects.
- o The division of responsibilities within CARE and counterpart agencies for the implementation of the environmental management plan.
- o The details of the training program which will institutionalize the implementation of the environmental requirements.
- o A realistic schedule for implementing the activity and its environmental program.

7. ENVIRONMENTAL MONITORING PLAN

The environmental monitoring plan is the plan to be used by the Environmental Management Unit (EMU) both to ensure that the required environmental program is implemented and to compare actual impacts of the activity with the impacts which were predicted in the EA/IEE. It will be the EMU's environmental reference document for the activity. As with the environmental management plan, it will repeat a great deal of material from the EA/IEE. With the copying function of the word processor this is not a great imposition to produce but it does provide all the material needed to effectively monitor the activity in a single document which can be carried around for this specific purpose. The environmental monitoring plan should contain:

- o A precise description of the activity including its proscribed limits.
- o A description of significant environmental concerns identified in the EA or IEE.
- o The mitigating measures included in the EA or IEE which a condition for the funding of the activity and are therefore required.
- o An overview of the environmental review procedures (PER/SEA or equivalent) which are required in order to authorize sub-projects.
- o The physical and social parameters to be measured and monitored during the implementation, including the means and frequency of sampling.
- o Reporting requirements.

It is recommended that a monitoring report be prepared at least once a year. This could be a single report for all IFFD activities or separate reports for each activity according to the convenience of CARE.

APPENDIX A

APPENDIX A—AGENCY FOR INTERNATIONAL DEVELOPMENT, ADDRESS AND LOCATIONS OF OFFICE REFERENCED IN THE REGULATIONS AND NOTICES—Continued

	Mailing address	Location
Tunisia	USAID to Tunisia, c/o American Embassy, Tunis Tunisia	148 Avenue de la Liberte Tunis Tunisia
Turkey	USAID PK 39, Cankaya, Ankara, Turkey	Cankaya Caddesi, No. 18, Ankara, Turkey
Upper Volta	AID Country Development Officer c/o American Embassy, Ouagadougou, Upper Volta	Boite Postale 35, Ouagadougou, Upper Volta
Uruguay	Office of AID Representative/Montevideo, c/o American Embassy, Montevideo, Uruguay	Lasca Muller 1776, Montevideo Uruguay
Yemen	Office of AID Affairs, c/o American Embassy, Sana Yemen	American Embassy, Sana, Yemen Arab Republic
Zaire	USAID to Republic of Zaire c/o American Embassy Kinshasa, Republic of Zaire	310 Ave des Aviateurs, Kinshasa, Zaire

(40 FR 45679 Oct 2 1975 as amended at 45 FR 20790, Mar 31, 1980)

PART 216—ENVIRONMENTAL PROCEDURES

- Sec.
- 216.1 Introduction
 - 216.2 Applicability of procedures.
 - 216.3 Procedures
 - 216.4 Private applicants
 - 216.5 Endangered species
 - 216.6 Environmental assessments.
 - 216.7 Environmental impact statements.
 - 216.8 Public hearings.
 - 216.9 Bilateral and multi-lateral studies and concise reviews of environmental issues.
 - 216.10 Records and reports.

AUTHORITY: 42 U.S.C. 4332; 22 U.S.C. 2381.

SOURCE: 41 FR 26913, June 30, 1976, unless otherwise noted

§ 216.1 Introduction.

(a) *Purpose.* In accordance with sections 118(b) and 621 of the Foreign Assistance Act of 1961, as amended, (the FAA) the following general procedures shall be used by A.I.D. to ensure that environmental factors and values are integrated into the A.I.D. decision making process. These procedures also assign responsibility within the Agency for assessing the environmental effects of A.I.D.'s actions. These procedures are consistent with Executive Order 12114, Issued January 4, 1979, entitled Environmental Effects Abroad of Major Federal Actions, and the purposes of the National Environmental Policy Act of 1970, as amended (42 U.S.C. 4371 et seq.) (NEPA). They

are intended to implement the requirements of NEPA as they effect the A.I.D. program.

(b) *Environmental Policy.* In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, A.I.D. conducts a broad range of activities. These activities address such basic problems as hunger, malnutrition, overpopulation, disease, disaster, deterioration of the environment and the natural resource base, illiteracy as well as the lack of adequate housing and transportation. Pursuant to the FAA, A.I.D. provides development assistance in the form of technical advisory services, research, training, construction and commodity support. In addition, A.I.D. conducts programs under the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480) that are designed to combat hunger, malnutrition and to facilitate economic development. Assistance programs are carried out under the foreign policy guidance of the Secretary of State and in cooperation with the governments of sovereign states. Within this framework, it is A.I.D. policy to:

(1) Ensure that the environmental consequences of A.I.D.-financed activities are identified and considered by A.I.D. and the host country prior to a final decision to proceed and that appropriate environmental safeguards are adopted.

(2) Assist developing countries to strengthen their capabilities to appre-

ciate and effectively evaluate the potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental programs;

(3) Identify impacts resulting from A.I.D.'s actions upon the environment, including those aspects of the biosphere which are the common and cultural heritage of all mankind; and

(4) Define environmental limiting factors that constrain development and identify and carry out activities that assist in restoring the renewable resource base on which sustained development depends.

(c) *Definitions*—(1) *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).

(2) *Initial Environmental Examination*. An Initial Environmental Examination is 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.

(3) *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.

(4) *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.

(5) *Environmental Impact Statement*. A detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisdiction of any nation as described in § 216.7 of these proce-

dures. It is a specific document having a definite format and content, as provided in NEPA and the CEQ Regulations. The required form and content of an Environmental Impact Statement is further described in § 216.7 *infra*.

(6) *Project Identification Document (PID)*. An internal A.I.D. document which initially identifies and describes a proposed project.

(7) *Program Assistance Initial Proposal (PAIP)*. An internal A.I.D. document used to initiate and identify proposed non-project assistance, including commodity import programs. It is analogous to the PID.

(8) *Project Paper (PP)*. An internal A.I.D. document which provides a definitive description and appraisal of the project and particularly the plan or implementation.

(9) *Program Assistance Approval Document (PAAD)*. An internal A.I.D. document approving non-project assistance. It is analogous to the PP.

(10) *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 § 216.7(b).

(11) *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.

(12) *Minor Donor*. For purposes of these procedures, A.I.D. is a minor donor to a multidonor project when A.I.D. does not control the planning or design of the multidonor project and either (i) A.I.D.'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) A.I.D.'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 A.I.D. Environmental Coordinator determines that such procedures are adequate.

[45 FR 70244, Oct. 23, 1980]

§ 216.2

22 CFR Ch. II (4-1-92 Edition)

§ 216.2 Applicability of procedures.

(a) *Scope.* Except as provided in § 216.2(b), these procedures apply to all new projects, programs or activities authorized or approved by A.I.D. and to substantive amendments or extensions of ongoing projects, programs, or activities.

(b) *Exemptions.* (1) Projects, programs or activities involving the following are exempt from these procedures:

- (i) International disaster assistance;
- (ii) Other emergency circumstances; and
- (iii) Circumstances involving exceptional foreign policy sensitivities.

(2) A formal written determination, including a statement of the justification therefore, is required for each project, program or activity for which an exemption is made under paragraphs (b)(1)(i), (ii) and (iii) of this section, but is not required for projects, programs or activities under paragraph (b)(1)(i) of this section. The determination shall be made either by the Assistant Administrator having responsibility for the program, project or activity, or by the Administrator, where authority to approve financing has been reserved by the Administrator. The determination shall be made after consultation with CEQ regarding the environmental consequences of the proposed program, project or activity.

(c) *Categorical Exclusions.* (1) The following criteria have been applied in determining the classes of actions including in § 216.2(c)(2) for which an Initial Environmental Examination, Environmental Assessment and Environmental Impact Statement generally are not required:

- (i) The action does not have an effect on the natural or physical environment;
- (ii) A.I.D. does not have knowledge of or control over, and the objective of A.I.D. in furnishing assistance does not require, either prior to approval of financing or prior to implementation of specific activities, knowledge of or control over, the details of the specific activities that have an effect on the physical and natural environment for which financing is provided by A.I.D.;

(iii) Research activities which may have an effect on the physical and natural environment but will not have a significant effect as a result of limited scope, carefully controlled nature, and effective monitoring.

(2) The following classes of actions are not subject to the procedures set forth in § 216.3, except to the extent provided herein:

(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);

(ii) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas and carefully monitored;

(iii) Analyses, studies, academic or research workshops and meetings;

(iv) Projects in which A.I.D. is a minor donor to a multidonor project and there is no potential significant effects upon the environment of the United States, areas outside any nation's jurisdiction or endangered or threatened species or their critical habitat;

(v) Document and information transfers;

(vi) Contributions to international, regional or national organizations by the United States which are not for the purpose of carrying out a specifically identifiable project or projects;

(vii) Institution building grants to research and educational institutions in the United States such as those provided for under section 122(d) and Title XII of Chapter 2 of Part I of the FAA (22 USCA 2151 p. (b) 2220a (1979));

(viii) Programs involving nutrition, health care or population and family planning services except to the extent designed to include activities directly affecting the environment (such as construction of facilities, water supply systems, waste water treatment, etc.);

(ix) Assistance provided under a Commodity Import Program when, prior to approval, A.I.D. does not have knowledge of the specific commodities to be financed and when the objective in furnishing such assistance requires neither knowledge, at the time the as-

assistance is authorized, nor control, during implementation, of the commodities or their use in the host country.

(x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and when such support does not involve reservation of the right to review and approve individual loans made by the institution;

(xi) Programs of maternal or child feeding conducted under Title II of Pub. L. 480;

(xii) Food for development programs conducted by food recipient countries under Title III of Pub. L. 480, when achieving A.I.D.'s objectives in such programs does not require knowledge of or control over the details of the specific activities conducted by the foreign country under such program;

(xiii) Matching, general support and institutional support grants provided to private voluntary organizations (PVOs) to assist in financing programs where A.I.D.'s objective in providing such financing does not require knowledge of or control over the details of the specific activities conducted by the PVO;

(xiv) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.), and

(xv) Activities which involve the application of design criteria or standards developed and approved by A.I.D.

(3) The originator of a project, program or activity shall determine the extent to which it is within the classes of actions described in paragraph (c)(2) of this section. This determination shall be made in writing and be submitted with the PID, PAIP or comparable document. This determination, which must include a brief statement supporting application of the exclusion shall be reviewed by the Bureau Environmental Officer in the same manner as a Threshold Decision under § 216.3(a)(2) of these procedures. Notwithstanding paragraph (c)(2) of this section, the procedures set forth in § 216.3 shall apply to any project, program or activity included

in the classes of actions listed in paragraph (c)(2) of this section, or any aspect or component thereof, if at any time in the design, review or approval of the activity it is determined that the project, program or activity, or aspect or component thereof, is subject to the control of A.I.D. and may have a significant effect on the environment.

(d) *Classes of Actions Normally Having a Significant Effect on the Environment.* (1) The following classes of actions have been determined generally to have a significant effect on the environment and an Environmental Assessment or Environmental Impact Statement, as appropriate, will be required:

(i) Programs of river basin development;

(ii) Irrigation or water management projects, including dams and impoundments;

(iii) Agricultural land leveling;

(iv) Drainage projects;

(v) Large scale agricultural mechanization;

(vi) New lands development;

(vii) Resettlement projects;

(viii) Penetration road building or road improvement projects;

(ix) Powerplants;

(x) Industrial plants;

(xi) Potable water and sewerage projects other than those that are small-scale.

(2) An Initial Environmental Examination normally will not be necessary for activities within the classes described in § 216.2(d), except when the originator of the project believes that the project will not have a significant effect on the environment. In such cases, the activity may be subjected to the procedures set forth in § 216.3.

(e) *Pesticides.* The exemptions of paragraph (b)(1) of this section and the categorical exclusions of paragraph (c)(2) of this section are not applicable to assistance for the procurement or use of pesticides.

[45 FR 70244, Oct. 23, 1980]

§ 216.3 Procedures.

(a) *General procedures—(1) Preparation of the Initial Environmental Examination.* Except as otherwise pro-

vided, an Initial Environmental Examination is not required for activities identified in § 216.2(b)(1), (c) (2), and (d). For all other A.I.D. activities described in § 216.2(a) an Initial Environmental Examination will be prepared by the originator of an action. Except as indicated in this section, it should be prepared with the PID or PAIP. For projects including the procurement or use of pesticides, the procedures set forth in paragraph (b) of this section will be followed. In addition to the procedures in this paragraph, Activities which cannot be identified in sufficient detail to permit the completion of an Initial Environmental Examination with the PID or PAIP, shall be described by including with the PID or PAIP: (i) An explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the Initial Environmental Examination; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances, except as provided in paragraph (a)(7) of this section, this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the action.

(2) *Threshold decision.* (i) The Initial Environmental Examination will include a Threshold Decision made by the officer in the originating office who signs the PID or PAIP. If the Initial Environmental Examination is completed prior to or at the same time as the PID or PAIP, the Threshold Decision will be reviewed by the Bureau Environmental Officer concurrently with approval of the PID or PAIP. The Bureau Environmental Officer will either concur in the Threshold Decision or request reconsideration by the officer who made the Threshold Decision, stating the rea-

sons for the request. Differences of opinion between these officers shall be submitted for resolution to the Assistant Administrator at the same time that the PID is submitted for approval.

(ii) An Initial Environmental Examination, completed subsequent to approval of the PID or PAIP, will be forwarded immediately together with the Threshold Determination to the Bureau Environmental Officer for action as described in this section.

(iii) A Positive Threshold Decision shall result from a finding that the proposed action will have a significant effect on the environment. An Environmental Impact Statement shall be prepared if required pursuant to § 216.7. If an impact statement is not required, an Environmental Assessment will be prepared in accordance with § 216.6. The cognizant Bureau or Office will record a Negative Determination if the proposed action will not have a significant effect on the environment.

(3) *Negative Declaration.* The Assistant Administrator, or the Administrator in actions for which the approval of the Administrator is required for the authorization of financing, may make a Negative Declaration, in writing, that the Agency will not develop an Environmental Assessment or an Environmental Impact Statement regarding an action found to have a significant effect on the environment when (i) a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, if relevant to the proposed action, (ii) the Agency has previously prepared a programmatic Statement or Assessment covering the activity in question which has been considered in the development of such activity, or (iii) the Agency has developed design criteria for such an action which, if applied in the design of the action, will avoid a significant effect on the environment.

(4) *Scope of Environmental Assessment or Impact Statement—(i) Procedure and Content.* After a Positive Threshold Decision has been made, or a determination is made under the pesticide procedures set forth in para-

graph (b) of this section that an Environmental Assessment or Environmental Impact Statement is required, the originator of the action shall commence the process of identifying the significant issues relating to the proposed action and of determining the scope of the issues to be addressed in the Environmental Assessment or Environmental Impact Statement. The originator of an action within the classes of actions described in § 216.2(d) shall commence this scoping process as soon as practicable. Persons having expertise relevant to the environmental aspects of the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, the A.I.D. Mission staff and contractors.) This process shall result in a written statement which shall include the following matters:

(a) A determination of the scope and significance of issues to be analyzed in the Environmental Assessment or Impact Statement, including direct and indirect effects of the project on the environment.

(b) Identification and elimination from detailed study of the issues that are not significant or have been covered by earlier environmental review, or approved design considerations, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the environment.

(c) A description of (1) the timing of the preparation of environmental analyses, including phasing if appropriate, (2) variations required in the format of the Environmental Assessment, and (3) the tentative planning and decision making schedule; and

(d) A description of how the analysis will be conducted and the disciplines that will participate in the analysis.

(i) These written statements shall be reviewed and approved by the Bureau Environmental Officer.

(ii) *Circulation of Scoping Statement.* To assist in the preparation of an Environmental Assessment, the Bureau Environmental Office may circulate copies of the written statement, together with a request for written

comments, within thirty days, to selected federal agencies if that Officer believes comments by such federal agencies will be useful in the preparation of an Environmental Assessment. Comments received from reviewing federal agencies will be considered in the preparation of the Environmental Assessment and in the formulation of the design and implementation of the project, and will, together with the scoping statement, be included in the project file.

(iv) *Change in Threshold Decision.* If it becomes evident that the action will not have a significant effect on the environment (i.e., will not cause significant harm to the environment), the Positive Threshold Decision may be withdrawn with the concurrence of the Bureau Environmental Officer. In the case of an action included in § 216.2(d)(2), the request for withdrawal shall be made to the Bureau Environmental Officer.

(5) *Preparation of Environmental Assessments and Environmental Impact Statement.* If the PID or PAIP is approved, and the Threshold Decision is positive, or the action is included in § 216.2(d), the originator of the action will be responsible for the preparation of an Environmental Assessment or Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.7 of those procedures. Except as provided in paragraph (a)(7) of this section, final approval of the PP or PAAD and the method of implementation will include consideration of the Environmental Assessment of final Environmental Impact Statement.

(6) *Processing and Review Within A.I.D.* (i) Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed pursuant to standard A.I.D. procedures for project approval documents. Except as provided in paragraph (a)(7) of this section, Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent document. In addition to these procedures, Envi-

ronmental Assessments will be reviewed and cleared by the Bureau Environmental Officer. They may also be reviewed by the Agency's Environmental Coordinator who will monitor the Environmental Assessment process.

(ii) When project approval authority is delegated to field posts, Environmental Assessments shall be reviewed and cleared by the Bureau Environmental Officer prior to the approval of such actions.

(iii) Draft and final Environmental Impact Statements will be reviewed and cleared by the Environmental Coordinator and the Office of the General Counsel.

(7) *Environmental Review After Authorization of Financing.* (i) Environmental review may be performed after authorization of a project, program or activity only with respect to subprojects or significant aspects of the project, program or activity that are unidentified at the time of authorization. Environmental review shall be completed prior to authorization for all subprojects and aspects of a project, program or activity that are identified.

(ii) Environmental review should occur at the earliest time in design or implementation at which a meaningful review can be undertaken, but in no event later than when previously unidentified subprojects or aspects of projects, programs or activities are identified and planned. To the extent possible, adequate information to undertake deferred environmental review should be obtained before funds are obligated for unidentified subprojects or aspects of projects, programs or activities. (Funds may be obligated for the other aspects for which environmental review has been completed.) To avoid an irreversible commitment of resources prior to the conclusion of environmental review, the obligation of funds can be made incrementally as subprojects or aspects of projects, programs or activities are identified; or if necessary while planning continues, including environmental review, the agreement or other document obligating funds may contain appropriate covenants or conditions precedent to disbursement for unidentified subpro-

jects or aspects of projects, programs or activities.

(iii) When environmental review must be deferred beyond the time some of the funds are to be disbursed (e.g. long lead times for the delivery of goods or services), the project agreement or other document obligating funds shall contain a covenant or covenants requiring environmental review, including an Environmental Assessment or Environmental Impact Statement, when appropriate, to be completed and taken into account prior to implementation of those subprojects or aspects of the project, program or activity for which environmental review is deferred. Such covenants shall ensure that implementation plans will be modified in accordance with environmental review if the parties decide that modifications are necessary.

(iv) When environmental review will not be completed for an entire project, program or activity prior to authorization, the Initial Environmental Examination and Threshold Decision required under paragraphs (a)(1) and (2) of this section shall identify those aspects of the project, program or activity for which environmental review will be completed prior to the time financing is authorized. It shall also include those subprojects or aspects for which environmental review will be deferred, stating the reasons for deferral and the time when environmental review will be completed. Further, it shall state how an irreversible commitment of funds will be avoided until environmental review is completed. The A.I.D. officer responsible for making environmental decisions for such projects, programs or activities shall also be identified (the same officer who has decision making authority for the other aspects of implementation). This deferral shall be reviewed and approved by the officer making the Threshold Decision and the officer who authorizes the project, program or activity. Such approval may be made only after consultation with the Office of General Counsel for the purpose of establishing the manner in which conditions precedent to disbursement or covenants in project and other agreements will avoid an irreversible commitment of resources

before environmental review is completed.

(8) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assessments have been prepared should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permit, originating offices of A.I.D. will formulate systems in collaboration with recipient nations, to monitor such impacts during the life of A.I.D.'s involvement. Monitoring implementation of projects, programs and activities shall take into account environmental impacts to the same extent as other aspects of such projects, programs and activities. If during implementation of any project, program or activity, whether or not an Environmental Assessment or Environmental Impact Statement was originally required, it appears to the Mission Director, or officer responsible for the project, program or activity, that it is having or will have a significant effect on the environment that was not previously studied in an Environmental Assessment or Environmental Impact Statement, the procedures contained in this part shall be followed including, as appropriate, a Threshold Decision, Scoping and an Environmental Assessment or Environmental Impact Statement.

(9) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or if significant new information becomes available which relates to the impact of the project, program or activity on

the environment that was not considered at the time the Environmental Assessment or Environmental Impact Statement was approved. When ongoing programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined in this part will be followed.

(10) *Other Approval Documents.* These procedures refer to certain A.I.D. documents such as PIDs, PAIPs, PPs and PAADs as the A.I.D. internal instruments for approval of projects, programs or activities. From time to time, certain special procedures, such as those in § 216.4, may not require the use of the aforementioned documents. In these situations, these environmental procedures shall apply to those special approval procedures, unless otherwise exempt, at approval times and levels comparable to projects, programs and activities in which the aforementioned documents are used.

(b) *Pesticide Procedures—(1) Project Assistance.* Except as provided in paragraph (b)(2) of this section, all proposed projects involving assistance for the procurement or use, or both, of pesticides shall be subject to the procedures prescribed in paragraphs (b)(1) (i) through (v) of this section. These procedures shall also apply, to the extent permitted by agreements entered into by A.I.D. before the effective date of these pesticide procedures, to such projects that have been authorized but for which pesticides have not been procured as of the effective date of these pesticide procedures.

(i) When a project includes assistance for procurement or use, or both, of pesticides registered for the same or similar uses by USEPA without restriction, the Initial Environmental Examination for the project shall include a separate section evaluating the economic, social and environmental risks and benefits of the planned pesticide use to determine whether the use may result in significant environmental impact. Factors to be considered in such an evaluation shall include, but not be limited to the following:

(a) The USEPA registration status of the requested pesticide;

(b) The basis for selection of the requested pesticide;

(c) The extent to which the proposed pesticide use is part of an integrated pest management program;

(d) The proposed method or methods of application, including availability of appropriate application and safety equipment;

(e) Any acute and long-term toxicological hazards, either human or environmental, associated with the proposed use and measures available to minimize such hazards;

(f) The effectiveness of the requested pesticide for the proposed use;

(g) Compatibility of the proposed pesticide with target and nontarget ecosystems;

(h) The conditions under which the pesticide is to be used, including climate, flora, fauna, geography, hydrology, and soils;

(i) The availability and effectiveness of other pesticides or nonchemical control methods;

(j) The requesting country's ability to regulate or control the distribution, storage, use and disposal of the requested pesticide;

(k) The provisions made for training of users and applicators; and

(l) The provisions made for monitoring the use and effectiveness of the pesticide.

In those cases where the evaluation of the proposed pesticide use in the Initial Environmental Examination indicates that the use will significantly effect the human environment, the Threshold Decision will include a recommendation for the preparation of an Environmental Assessment or Environmental Impact Statement, as appropriate. In the event a decision is made to approve the planned pesticide use, the Project Paper shall include to the extent practicable, provisions designed to mitigate potential adverse effects of the pesticide. When the pesticide evaluation section of the Initial Environmental Examination does not indicate a potentially unreasonable risk arising from the pesticide use, an Environmental Assessment or Environmental Impact Statement shall nevertheless be prepared if the environmental effects of the project otherwise require further assessment.

(ii) When a project includes assistance for the procurement or use, or both, of any pesticide registered for the same or similar uses in the United States but the proposed use is restricted by the USEPA on the basis of user hazard, the procedures set forth in

paragraph (b)(1)(i) of this section will be followed. In addition, the Initial Environmental Examination will include an evaluation of the user hazards associated with the proposed USEPA restricted uses to ensure that the implementation plan which is contained in the Project Paper incorporates provisions for making the recipient government aware of these risks and providing, if necessary, such technical assistance as may be required to mitigate these risks. If the proposed pesticide use is also restricted on a basis other than user hazard, the procedures in paragraph (b)(1)(iii) of this section shall be followed in lieu of the procedures in this section.

(iii) If the project includes assistance for the procurement or use, or both of:

(a) Any pesticide other than one registered for the same or similar uses by USEPA without restriction or for restricted use on the basis of user hazard; or

(b) Any pesticide for which a notice of rebuttable presumption against reregistration, notice of intent to cancel, or notice of intent to suspend has been issued by USEPA.

The Threshold Decision will provide for the preparation of an Environmental Assessment or Environmental Impact Statement, as appropriate (§ 216.6(a)). The EA or EIS shall include, but not be limited to, an analysis of the factors identified in paragraph (b)(1)(i) of this section.

(iv) Notwithstanding the provisions of paragraphs (b)(1)(i) through (iii) of this section, if the project includes assistance for the procurement or use, or both, of a pesticide against which USEPA has initiated a regulatory action for cause, or for which it has issued a notice of rebuttable presumption against reregistration, the nature of the action or notice, including the relevant technical and scientific factors will be discussed with the requesting government and considered in the IEE and, if prepared, in the EA or EIS. If USEPA initiates any of the regulatory actions above against a pesticide subsequent to its evaluation in an IEE, EA or EIS, the nature of the action will be discussed with the recipient government and considered in an

amended IEE or amended EA or EIS, as appropriate.

(v) If the project includes assistance for the procurement or use, or both of pesticides but the specific pesticides to be procured or used cannot be identified at the time the IEE is prepared, the procedures outlined in paragraphs (b) (1) through (iv) of this section will be followed when the specific pesticides are identified and before procurement or use is authorized. Where identification of the pesticides to be procured or used does not occur until after Project Paper approval, neither the procurement nor the use of the pesticides shall be undertaken unless approved, in writing, by the Assistant Administrator (or in the case of projects authorized at the Mission level, the Mission Director) who approved the Project Paper.

(2) *Exceptions to Pesticide Procedures.* The procedures set forth in paragraph (b)(1) of this section shall not apply to the following projects including assistance for the procurement or use, or both, of pesticides.

(i) Projects under emergency conditions.

Emergency conditions shall be deemed to exist when it is determined by the Administrator, A.I.D., in writing that:

(a) A pest outbreak has occurred or is imminent; and

(b) Significant health problems (either human or animal) or significant economic problems will occur without the prompt use of the proposed pesticide; and

(c) Insufficient time is available before the pesticide must be used to evaluate the proposed use in accordance with the provisions of this regulation.

(ii) Projects where A.I.D. is a minor donor, as defined in § 216.1(c)(12) of this part, to a multi-donor project.

(iii) Projects including assistance for procurement or use, or both, of pesticides for research or limited field evaluation purposes by or under the supervision of project personnel. In such instances, however, A.I.D. will ensure that the manufacturers of the pesticides provide toxicological and environmental data necessary to safeguard the health of research personnel and the quality of the local environment in

which the pesticides will be used. Furthermore, treated crops will not be used for human or animal consumption unless appropriate tolerances have been established by EPA or recommended by FAO/WHO, and the rates and frequency of application, together with the prescribed preharvest intervals, do not result in residues exceeding such tolerances. This prohibition does not apply to the feeding of such crops to animals for research purposes.

(3) *Non-Project Assistance.* In a very few limited number of circumstances A.I.D. may provide non-project assistance for the procurement and use of pesticides. Assistance in such cases shall be provided if the A.I.D. Administrator determines in writing that: (i) emergency conditions, as defined in paragraph (b)(2)(i) of this section exists; or (ii) that compelling circumstances exist such that failure to provide the proposed assistance would seriously impede the attainment of U.S. foreign policy objectives or the objectives of the foreign assistance program. In the latter case, a decision to provide the assistance will be based to the maximum extent practicable, upon a consideration of the factors set forth in paragraph (b)(1)(i) of this section and, to the extent available, the history of efficacy and safety covering the past use of the pesticide in the recipient country.

[43 FR 20491, May 12, 1978, as amended at 45 FR 70245, Oct. 23, 1980]

§ 216.4 Private applicants.

Programs, projects or activities for which financing from A.I.D. is sought by private applicants, such as PVOs and educational and research institutions, are subject to these procedures. Except as provided in § 216.2 (b), (c) or (d), preliminary proposals for financing submitted by private applicants shall be accompanied by an Initial Environmental Examination or adequate information to permit preparation of an Initial Environmental Examination. The Threshold Decision shall be made by the Mission Director for the country to which the proposal relates. If the preliminary proposal is submitted to the A.I.D. Mission, or shall be

made by the officer in A.I.D. who approves the preliminary proposal. In either case, the concurrence of the Bureau Environmental Officer is required in the same manner as in § 216.3(a)(2), except for PVO projects approved in A.I.D. Missions with total life of project costs less than \$500,000. Thereafter, the same procedures set forth in § 216.3 including as appropriate scoping and Environmental Assessments or Environmental Impact Statements, shall be applicable to programs, projects or activities submitted by private applicants. The final proposal submitted for financing shall be treated, for purposes of these procedures, as a Project Paper. The Bureau Environmental Officer shall advise private applicants of studies or other information foreseeably required for action by A.I.D. -

145 FR 70247, Oct. 23, 1980

§ 216.5 Endangered species.

It is A.I.D. policy to conduct its assistance programs in a manner that is sensitive to the protection of endangered or threatened species and their critical habitats. The Initial Environmental Examination for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat. If the proposed project, program or activity will have the effect of jeopardizing an endangered or threatened species or of adversely modifying its critical habitat, the Threshold Decision shall be a Positive Determination and an Environmental Assessment or Environmental Impact Statement completed as appropriate, which shall discuss alternatives or modifications to avoid or mitigate such impact on the species or its habitat.

145 FR 70247, Oct. 23, 1980

§ 216.6 Environmental assessments.

(a) *General purpose.* The purpose of the Environmental Assessment is to provide Agency and host country decision makers with a full discussion of significant environmental effects of a proposed action. It includes alterna-

tives which would avoid or minimize adverse effects or enhance the quality of the environment so that the expected benefits of development objectives can be weighed against any adverse impacts upon the human environment or any irreversible or irretrievable commitment of resources.

(b) *Collaboration with Affected Nation on Preparation.* Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems. Missions, Bureaus and Offices will collaborate with affected countries to the maximum extent possible, in the development of any Environmental Assessments and consideration of environmental consequences as set forth therein.

(c) *Content and Form.* The Environmental Assessment shall be based upon the scoping statement and shall address the following elements, as appropriate:

(1) *Summary.* The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved.

(2) *Purpose.* The Environmental Assessment shall briefly specify the underlying purpose and need to which the Agency is responding in proposing the alternatives including the proposed action.

(3) *Alternatives including the proposed action.* This section should present the environmental impacts of the proposal and its alternatives in comparative form, thereby sharpening the issues and providing a clear basis for choice among options by the decision maker. This section should explore and evaluate reasonable alternatives and briefly discuss the reasons for eliminating those alternatives which were not included in the detailed study; devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; include the alternative of no action; identify the Agency's preferred alternative or alternatives, if one or more exists; include ap-

appropriate mitigation measures not already included in the proposed action or alternatives.

(4) *Affected environment.* The Environmental Assessment shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in the Environmental Assessment shall be commensurate with the significance of the impact with less important material summarized, consolidated or simply referenced.

(5) *Environmental consequences.* This section forms the analytic basis for the comparisons under paragraph (c)(3) of this section. It will include the environmental impacts of the alternatives including the proposed action; any adverse effects that cannot be avoided should the proposed action be implemented; the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (c)(3) of this section. This section of the Environmental Assessment should include discussions of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures; and means to mitigate adverse environmental impacts.

(6) *List of preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for

preparing the Environmental Assessment or significant background papers

(7) *Appendix.* An appendix may be prepared.

(d) *Program assessment.* Program Assessments may be appropriate in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic assessment will be prepared in A.I.D./ Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States. To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessments on major individual actions will only be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment. Other programmatic evaluations of classes of actions may be conducted in an effort to establish additional categorical exclusions or design standards or criteria for such classes that will eliminate or minimize adverse effects of such actions, enhance the environmental effect of such action or reduce the amount of paperwork or time involved in these procedures. Programmatic evaluations conducted for the purpose of establishing additional categorical exclusions under § 216.2(c) or design considerations that will eliminate significant effects for classes of actions shall be made available for public comment before the categorical exclusions or design standards or criteria are adopted by A.I.D. Notice of the availability of such document shall be published in the Federal Register. Additional categorical exclusions shall be adopted by A.I.D. upon the approval of the Administrator, and design consideration in accordance with usual agency procedures

(e) *Consultation and review.* (1) When Environmental Assessments are prepared on activities carried out within or focused on specific developing countries, consultation will be held between A.I.D. staff and the host government both in the early stages of preparation and on the results and significance of the completed Assessment before the project is authorized.

(2) Missions will encourage the host government to make the Environmental Assessment available to the general public of the recipient country. If Environmental Assessments are prepared on activities which are not country-specific, the Assessment will be circulated by the Environmental Coordinator to A.I.D.'s Overseas Missions and interested governments for information, guidance and comment and will be made available in the U.S. to interested parties.

(f) *Effect in other countries.* In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign nations may be affected, A.I.D. will urge the recipient country to consult with such countries in advance of project approval and to negotiate mutually acceptable accommodations.

(g) *Classified material.* Environmental Assessments will not normally include classified or administratively controlled material. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR Part 212.

(45 FR 70247, Oct. 23, 1980)

§ 216.7 Environmental impact statements.

(a) *Applicability.* An Environmental Impact Statement shall be prepared when agency actions significantly affect:

(1) The global environment or areas outside the jurisdiction of any nation (e.g., the oceans);

(2) The environment of the United States; or

(3) Other aspects of the environment at the discretion of the Administrator.

(b) *Effects on the United States: Content and Form.* An Environmental Impact Statement relating to paragraph (a)(2) of this section shall comply with the CEQ Regulations. With respect to effects on the United States, the terms environment and significant effect wherever used in these procedures have the same meaning as in the CEQ Regulations rather than as defined in § 216.1(c) (12) and (13) of these procedures.

(c) *Other effects: Content and form.* An Environmental Impact Statement relating to paragraphs (a)(1) and (a)(3) of this section will generally follow the CEQ Regulations, but will take into account the special considerations and concerns of A.I.D. Circulation of such Environmental Impact Statements in draft form will precede approval of a Project Paper or equivalent and comments from such circulation will be considered before final project authorization as outlined in § 216.3 of these procedures. The draft Environmental Impact Statement will also be circulated by the Missions to affected foreign governments for information and comment. Draft Environmental Impact Statements generally will be made available for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and to public and private organizations and individuals for not less than forty-five (45) days. Notice of availability of the draft Environmental Impact Statements will be published in the FEDERAL REGISTER. Cognizant Bureaus and Offices will submit these drafts for circulation through the Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside A.I.D. Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final State-

ment, and those relevant comments not adequately discussed in the draft Environmental Impact Statement will be appropriately dealt with in the final Environmental Impact Statement. Copies of the final Environmental Impact Statement, with comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state, and local agencies and private organizations that made substantive comments on the draft, including affected foreign governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of § 1506.10 of the CEQ Regulations, or when there are overriding considerations of expense to the United States or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with Department of State and CEQ concerning appropriate modification of review procedures.

(45 FR 70249, Oct. 23, 1980)

§ 216.8 Public hearings.

(a) In most instances AID will be able to gain the benefit of public participation in the impact statement process through circulation of draft statements and notice of public availability in CEQ publications. However, in some cases the Administrator may wish to hold public hearings on draft Environmental Impact Statements. In deciding whether or not a public hearing is appropriate, Bureaus in conjunction with the Environmental Coordinator should consider:

- (1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;
- (2) The degree of interest in the proposal as evidenced by requests from the public and from Federal, state and local authorities, and private organizations and individuals, that a hearing be held;
- (3) The complexity of the issue and likelihood that information will be presented at the hearing which will be of assistance to the Agency; and
- (4) The extent to which public involvement already has been achieved

through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(b) If public hearings are held, draft Environmental Impact Statements to be discussed should be made available to the public at least fifteen (15) days prior to the time of the public hearings, and a notice will be placed in the FEDERAL REGISTER giving the subject, time and place of the proposed hearings.

(41 FR 26913, June 30, 1976. Redesignated at 45 FR 70249, Oct. 23, 1980)

§ 216.9 Bilateral and multilateral studies and concise reviews of environmental issues.

Notwithstanding anything to the contrary in these procedures, the Administrator may approve the use of either of the following documents as a substitute for an Environmental Assessment (but not a substitute for an Environmental Impact Statement) required under these procedures:

- (a) Bilateral or multilateral environmental studies, relevant or related to the proposed action, prepared by the United States and one or more foreign countries or by an international body or organization in which the United States is a member or participant; or
- (b) Concise reviews of the environmental issues involved including summary environmental analyses or other appropriate documents.

(45 FR 70249, Oct. 23, 1980)

§ 216.10 Records and reports.

Each Agency Bureau will maintain a current list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made. Copies of final Initial Environmental Examinations, scoping statements, Assessments and Impact Statements will be available to interested Federal agencies upon request. The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Environmental Impact Statements, Environmental Assessments, final Initial Environmental Examinations, scoping

statements, Determinations and Declarations which will be available to the public under the Freedom of Information Act. Interested persons can obtain information or status reports regarding Environmental Assessments and Environmental Impact Statements through the A.I.D. Environmental Coordinator.

[45 FR 70249, Oct. 23, 1980]

PART 217—NONDISCRIMINATING ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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APPENDIX A TO PART 217—FEDERAL FINANCIAL ASSISTANCE TO WHICH THESE REGULATIONS APPLY

AUTHORITY: 29 U.S.C. 794, unless otherwise noted.

SOURCE: 45 FR 66415, Oct. 6, 1980, unless otherwise noted.

Subpart A—General Provisions

§ 217.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity within the United States receiving Federal financial assistance.

§ 217.2 Application.

This part applies to all programs carried on within the United States by recipients of Federal financial assistance pursuant to any authority held or delegated by the Administrator of the Agency for International Development, including the federally-assisted programs and activities listed in appendix A of this part. (Appendix A may be revised from time to time by notice in the FEDERAL REGISTER). It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this regulation, even if the application for such assistance is approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, and (d) any procurement of goods or services, including the procurement of training. This part does not bar selection and treatment reasonably related to the foreign assistance objective or such other authorized purpose as the Federal assist-

APPENDIX B

FOREIGN ASSISTANCE ACT - SEC. 117

SEC. 117.65: ENVIRONMENT AND NATURAL RESOURCES:

- (a) The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will severely undermine the best efforts to meet basic human needs to achieve sustained economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces enormous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic and security interests of the United States to provide leadership both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.
- (b) In order to address the serious problems described in subsection (a), the President is authorized to furnish assistance under this part for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being especially of the poor.
- (c) (1) The President, in implementing programs and projects under this chapter, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this chapter.
- (A) to prepare and take fully into account an environment impact statement for any program or project under this chapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and
- (B) to prepare and take fully into account an environmental assessment of any proposed program or project under this chapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interests of the United States.

FAA - SEC 118.66: TROPICAL FORESTS:

(a) Importance of Forests and Tree Cover. -In enacting section (103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries which pose a serious threat to development and the environment. Tropical forest destruction and loss-

(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

(2) can result in desertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

(b) PRIORITIES. -The concerns expressed in subsection (a) and the recommendations of the United States Inter-agency Task Force on Tropical Forests shall be given high priority by the President-

(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

(c) ASSISTANCE TO DEVELOPING COUNTRIES. -In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries-

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities-

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of projects design and implementation.

(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

(10) To the fullest extent feasible, conserve biological diversity in forest areas by -

(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a world-wide basis;

(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance or degradation; and

(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

(11) To the fullest extent feasible, engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

(13) Require that any program or project under this chapter significantly affecting tropical forests (including projects involving the planting of exotic plant species) -

(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

(B) take full account of the environmental impacts of the proposed activities on biological diversity, as provided for in the environmental procedures of the Agency for International Development.

(14) Deny assistance under this chapter for-

(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

(15) Deny assistance under this chapter for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

(C) The colonization of forest lands.

(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

- (d) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.- Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.
- (e) COUNTRY ANALYSIS REQUIREMENTS.- Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of -
- (1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and
 - (2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.
- (f) ANNUAL REPORT.- Each annual report required by section 634(a) of this ACT shall include a report on the implementation of this section.

SEC. 119.68 ENDANGERED SPECIES

- (a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.
- (b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti-poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

- (c) FUNDING LEVEL.-For fiscal year 1987, not less than \$2,500,000 of the funds available to carry out this part (excluding funds made available to carry out section 104(c)(2), relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) for activities for which assistance was provided in fiscal years prior to fiscal year 1987.
- (d) COUNTRY ANALYSIS REQUIREMENTS.-Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of-
- (1) the actions necessary in that country to conserve biological diversity, and
 - (2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.
- (e) LOCAL INVOLVEMENT.- To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.
- (f) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.- Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.
- (g) ACTIONS BY AID.-The Administrator of the Agency for International Development shall-
- (1) cooperate with appropriate international organizations, both governmental and nongovernmental;
 - (2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;
 - (3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

(h) ANNUAL REPORTS.-Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section.

REDSO/WCA DOC #1397E