ENVIRONMENTAL THRESHOLD DECISION

Activity Location: Colombia
Activity Title: Democracy and Human Rights Program
Activity Number: TBD
Life-of-Activity Funding: $210 million
Life-of-Activity: 01 March 2011 – 31 December 2017
IEE prepared by: Don Chisholm, USAID/Colombia
Reference ETDs and EAs: LAC-IEE-11-40
Recommended Threshold Decision: Categorical Exclusion
Negative determination with Conditions

Bureau Threshold Decision: Concur with recommendation

Comments:

This Environmental Threshold Decision amend LAC-IEE-11-40 to a) extend the period covered by the IEE from December 30, 2016 to December 31, 2017, b) to increase the current life-of-activity funding covered by the IEE from $180 million to $210 million, and c) amend the activity description to include the additional activities included in DHR’s amended AAD (see Annex).

A Categorical Exclusion is issued to Democracy and Human Rights Program for education, technical assistance and training activities, since these activities fall within the classes of actions needing no further environmental review, in accordance with 216.2(c)(2):
(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.);

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

(v) Document and information transfers.

(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.).

A **Negative determination with Conditions** is issued to Democracy and Human Rights Program for all activities related to renovation, remodeling, and small-scale construction. These conditions include:

- Each activity manager or Contracting (or Agreement) Officer Representative (COR or AOR) is responsible for making sure environmental conditions are met (see ADS 204.3.4). In addition, CORs/AORs are responsible for ensuring that appropriate environmental guidelines are followed, mitigation measures (these conditions) in the IEE are funded and implemented, and that adequate monitoring and evaluation protocols are in place to ensure implementation of mitigation measures.

- To ensure compliance with the USAID environmental regulation 22 CFR 216, the implementing partner (IP) is responsible for utilizing the MONITOR system as instructed by the Mission Environment Officer (MEO). The IP shall ensure that any appropriate environmental guidelines are followed and that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring.

- An amendment of this IEE is required for any activity resulting in policy changes that have the potential to affect negatively the environment, large scale irrigation and other activities not yet designed and therefore not described in this document. Any use, or training for the use, of pesticides in other projects listed in this IEE would require a PERSUAP and IEE amendment.

- The MEO, and/or his designee, reserves the right to conduct spot monitoring checks for all of the activities listed in this IEE to ensure that the conditions listed in the IEE, Environmental Threshold Decision (ETD), and subsequent *fichas ambientales* within MONITOR are being followed.

- The IP will ensure that all activities conducted under this instrument comply with all relevant ETDs, and it will have qualified environmental staff to oversee environmental compliance. Also, through its regular performance monitoring and reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.

- Language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: http://www.usaid.gov/policy/ads/200/204sac.pdf). It is the responsibility of
the Development Objective (DO) Team and/or Contracts/Agreements Officer to ensure that environmental compliance language from the ETD is added to procurement and obligating documents.

Amendments

- Amendments to Initial Environmental Examinations (IEE) shall be submitted for LAC Bureau Environmental Officer (BEO) approval for any activities not specifically covered in the IEE, which include:
  - Funding level increase beyond ETD amount,
  - Time period extension beyond ETD dates (even for no cost extension), or
  - A change in the scope of work, such as the use of pesticides or activities subject to Foreign Assistance Act sections 118 and 119 (e.g. procurement of logging equipment), among others.

- Amendments to IEEs may require an Environmental Assessments (EA) and approval of these documents by the LAC BEO could require an annual evaluation for environmental compliance.

- In addition, language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: http://www.usaid.gov/policy/ads/200/204sac.pdf).

Victor H. Bullen
Bureau Environmental Officer
Bureau for Latin America & the Caribbean

Date 04-15-2015

Copy to:
Peter Natiello, Mission Director,
USAID/Colombia
Lawrence Rubey, DMD
Don Chisholm, DHR
Daniel Lopez, MEO
Gina Cady, REA South America

Copy to:
Eric Kite, Mary Bliss, LAC/OLA
Vanessa Reilly, LAC/RSD/DHR

Copy to:
IEE File

Attachments:
• Initial Environmental Examination Amendment

File: P:\LAC.RSD.PUB\RSDPUB\ENV\Reg 216\IEE\IEE15/ LAC-IEE-15-21 ETD (CO – DHR, amend LAC-IEE-11-40).docx
1. Background and Activity Description

1.1 Background

The purpose of this amendment is to a) extend the period covered by the IEE from December 30, 2016 to December 31, 2017, b) to increase the current life-of-activity funding covered by the IEE from $180 million to $210 million, and c) amend the activity description to include the additional activities included in DHR’s amended AAD (see Annex).

1.2. Description of Activities

The program will finance two main types of activities that are spread across the entire DHR portfolio (human rights, justice, elections, etc.):

(i) Small scale construction-related activities: Support to renovation, remodeling, and reconstruction of justice houses and victims’ assistance centers. The justice houses that will be supported have not yet been determined, but illustrative activities could involve painting, placing tiles, brick-wall reconstruction, and column and roof reinforcement.

(ii) Activities focusing on increasing access to justice in rural, post-conflict areas, as well as strengthening public policies to support consolidation and boost economic development. They also aim to strengthen electoral and political processes; protect the needs of vulnerable populations; increase respect for human rights; and increase the capacity of the Government of Colombia (GOC) and civil society to prevent
human rights violations and respond to the needs of victims. These activities are carried out through a combination of technical assistance and training. Illustrative activities include technical assistance for the functioning of justice houses; training of equity conciliators; support to grassroots women’s organizations in an effort to increase women’s access to justice; strengthening of the agrarian courts; strengthening of the capacity of oversight institutions to prevent and investigate human rights violations; support to civil society organizations to promote a culture of human rights; providing technical assistance to the GOC for trade capacity building; support to GOC institutions to improve electoral transparency; and strengthening the capacity of departmental and local governments to obtain and spend royalties revenues.

2. Environmental Compliance to Date

Some activity interventions to date (renovation, remodeling, and construction) received a Negative Determination with Conditions, while other activity interventions (education, technical assistance, training) received a Categorical Exclusion determination and have had no negative impact on the natural environment.

All activities were dully registered in the Monitor system and where applicable environmental management plans were followed to mitigate environmental impacts. No major environmental compliance issues have been identified to date.

3. Recommended Threshold Decision

DHR recommends the following determination for the Democracy and Human Rights Program:

- A Negative Determination with Conditions for all activities related to renovation, remodeling, and construction.

- A Categorical Exclusion for education, technical assistance and training programs, since these activities fall within the classes of actions described in Section 216.2(c)(2), "Categorical Exclusions" of 22 CFR Environmental Procedures Part 216:
  
  (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.

4. Additional Responsibilities and Conditions:

- Each activity manager or Contracting (or Agreement) Officer Representative (COR or AOR) is responsible for making sure environmental conditions are met (ADS 204.3.4). In addition, CORs/AORs are responsible for ensuring that appropriate environmental guidelines are followed, mitigation measures in the IEE are funded and implemented, and that adequate monitoring and evaluation protocols are in place to ensure implementation of mitigation measures.
To ensure compliance with the USAID environmental regulation 22 CFR 216, the implementing partner (IP) is responsible for utilizing the MONITOR system as instructed by the Mission Environment Officer (MEO). The IP shall ensure that any appropriate environmental guidelines are followed and that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring.

An amendment of this IEE is required for any activity resulting in policy changes that have the potential to affect negatively the environment, large scale irrigation and other activities not yet designed and therefore not described in this document. Any use, or training for the use, of pesticides in other projects listed in this IEE would require a PERSUAP and IEE amendment.

The MEO, and/or his designee, reserves the right to conduct spot monitoring checks for all of the activities listed in this IEE to ensure that the conditions listed in the IEE, Environmental Threshold Decision (ETD), and subsequent fichas ambientales within MONITOR are being followed.

The IP will ensure that all activities conducted under this instrument comply with all relevant ETDs. Also, through its regular performance monitoring and reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.

Language from “Environmental Compliance: Language for Use in Solicitations and Awards – An Additional Help for ADS Chapter 204” must be included, as appropriate, in award documents (see: http://www.usaid.gov/policy/ads/200/204sac.pdf). It is the responsibility of the Development Objective (DO) Team and/or Contracts/Agreements Officer to ensure that environmental compliance language from the ETD is added to procurement and obligating documents.

Approval:

Daniel Lopez
Mission Environment Officer

Peter Natiello
Mission Director, USAID/Colombia

Jason Girard
Regional Environmental Advisor

Date: 1/27/14

Date: ____________

Date: ____________
Clearance page for DHR IEE amendment

Drafter

Clearances:

D/DHR
DMD LRubey…

Drafter
DHR: DChisholm Date: 10/18/13
Clearances:
DHR: DChisholm Date: 10/18/13
DMD: LRubey Date: 

Daniel López
Mission Environment Officer

Date: 10/18/13

Date: 10/18/13

Date: 10/18/13
ACTION MEMORANDUM

May 22, 2013

TO:  Peter Nakato, Mission Director
THRU: Julie Koenan, Acting Deputy Mission Director
FROM:  Todd Sloan, Director, Office of Democracy and Human Rights (DHR)
SUBJECT: Amendment to the DHR Activity Approval Document (AAD), dated April 4, 2011

I. Action Requested

That you sign below to amend the DHR AAD to extend its termination date from December 2015 to December 2017 and to add substantive content. This substantive content would expand text in the AAD so that 1) DHR elections and political processes (EPP) programming would also serve to minimize linkages between elected political officials and groups such as corrupt contractors, corrupt businessmen, and other illegal groups engaged in illegal activities, and 2) DHR EPP programming would support the possible implementation of a peace agreement, if one is forthcoming.

II. Background

DHR's current AAD has three limitations with regard to its end date and the substantive content for which it requests changes. Below, each of the current limitations is detailed and the requested change follows the description of the limitation.

End date – what the current AAD says:

On April 10, 2011, the Mission Director approved an AAD for DHR from the date of the approval to December 2015. Currently, DHR anticipates awarding several activities within the substantive scope of the AAD, subject to the following two paragraphs, but not within the end date of the AAD. All of these new activities will end by December 2017.

End date - requested change to AAD:

DHR requests that you extend the AAD termination date until December 2017.

Linkages between elected officials and those engaged in unlawful activity – what the current AAD says:

The AAD highlights that DHR activities will focus on minimizing the linkages between illegal armed actors and elected officials at the municipal level (see p. 5 of the AAD, Annex, "USAID elections assistance... will help reduce the number of elected officials in target municipalities..."
who are linked to or influenced by illegal armed groups and criminal organizations.”). It does not mention, however, the linkages between these elected officials and other groups, such as corrupt contractors and businessmen and other legal groups engaged in unlawful activities. (The relationship of these groups and elected officials at the municipal level was not fully understood at the time of the drafting of this AAD.)

*Linkages between elected officials and those engaged in unlawful activity – requested change to AAD:*

DHR requests adding the phrase to the end of the excerpted sentence above “or legal groups engaged in unlawful activities” to more fully cover the scope of its EPP programming.

*Peace agreement and EPP activities – what the current AAD says:*

There is no reference in the AAD to a possible peace agreement in the section that deals with the office’s EPP activities.

*Peace agreement and political participation – requested change to AAD:*

DHR requests that the following language be added to the AAD on p. 8 to provide the basis for DHR activities focused on the possible implementation of a peace agreement: “To strengthen the capacity of the government and civil society to implement a possible peace agreement, illustrative activities will include, but not be limited to, helping the Government of Colombia implement new responsibilities under a possible peace agreement relating to elections and political processes; assisting demobilized combatants participate in the political process; and supporting civil society to promote tolerance and acceptance of new political actors.”

**III. Authority**

Pursuant to ADS 103.3.16.2, Mission Directors are delegated strategic planning authority in accordance with ADS 201.

**IV. Recommendation**

That you sign below to amend the DHR AAD to extend its termination date and to add substantive content.

Approved ____________________________ Date 12/28/13

Peter Natiello, Mission Director

Disapproved ____________________________ Date ____________________________

Peter Natiello, Mission Director