**Activity/Project Title:** Strengthening Tenure and Resource Rights II (STARR II)

**Solicitation # [As assigned by contracting office]**

**Contract/Award Number (if known):** TBD

**Geographic Location:** Global

**Originating Bureau/Office:** E3/LTRM

**Supplemental IEE:** □ Yes □ No

**Amendment:** □ Yes □ No

**Programmatic IEE:** □ Yes □ No

**Funding Amount:** $150,000

**Life of Project Amount:** $650,000,000

**Implementation Start/End:** FY 2017 to FY 2022

**Prepared By:** Susan Elegba, E3/LTRM

**Date Prepared:** March 11, 2016

**Expiration Date (if any):** For five years from award or when a modification or incremental funding event occurs, when there is a change in scope or geographic location. At a minimum, this program will be re-evaluated no less than every 5 years.

**Reporting due dates (if any):** EMMP due occurs, when there is a change in scope or geographic with work-plan. EMMR due with quarterly reports.

**Environmental Media and/or Human Health Potentially Impacted (check all that apply):**

- None □
- Air □
- Water □
- Land □
- Biodiversity □
- Human Health □
- Other □

**Recommended Threshold Determination:**

- □ Negative Determination □ with conditions
- □ Categorical Exclusion
- □ Positive Determination
- □ Deferral
- □ Exemption
- □ USG Domestic NEPA action

**Climate Change:**

- □ GCC/Adaption
- □ GCC/Mitigation
- □ Climate Change Vulnerability Analysis (included)

**Adaptation/Mitigation Measures:**
PROGRAM/ACTIVITY DATA

Program/Project Title: Strengthening Tenure and Resource Rights II (STARR II) Indefinite Delivery, Indefinite Quantity Contract (IDIQ)

Program/Project Number: TBD

Project Country (ies): Global

Funding Period: FY 2017 to FY 2022 (five years after award date with option for awarded task orders to extend an additional three years)

Life of Activity Funding: $650 million

IEE Amendment Yes___ No___ X___ If yes, date of original IEE: _______________________

IEE Prepared by: _________________ 3/23/16

Susan Elegba, E3/LTRM

ENVIRONMENTAL ACTION RECOMMENDED (check all that apply):

Categorical Exclusion_________ Negative Determination________________________

Positive Determination_________ Negative Determination w/ Conditions ___ X__

Deferral______________

SUMMARY OF FINDINGS AND RECOMMENDED THRESHOLD DECISION

The Strengthening Tenure and Resource Rights (STARR) II program is to provide continuity of services initiated under the Strengthening Tenure and Resource Rights (STARR) IDIQ that will end August 2017. The principal purpose of this procurement is to provide services that will assist USAID in improving land and resource governance and strengthening property rights for all members of society, especially women. STARR II is designed to address resource tenure issues in support of key U.S. Government (USG) strategic objectives, including but not limited to, enhanced food security as articulated in the Feed the Future Initiative (FTI); climate change adaptation and mitigation; conflict prevention and mitigation; economic growth; and biodiversity protection and natural resource management. This program will employ a multidisciplinary approach to address complex resource tenure challenges as identified by USAID missions, Bureaus and offices, and by other USG agencies (including but not limited to Department of State, United States Department of Agriculture, and the Millennium Challenge Corporation). The STARR II IDIQ contract will be a broad, multi-faceted field support mechanism. It will provide short and long-term technical assistance that is needed to respond to
the needs and opportunities available for improving security of property rights and increasing land access.

Many STARR II activities are not anticipated to have any potential for environmental impact. Analyses, assessments, evaluations, and education and training programs would fall into this category. Some task orders may include activities with the potential for environmental impacts but the possible extent of those impacts will not be known until specific task orders are proposed. Therefore, a **Negative Determination with Conditions** is recommended. The conditions are:

- All training will include principles of sustainable land use management.

- All new task orders will require preparation of a separate Initial Environmental Examination (IEE). No activity falling under this requirement will be implemented unless an Environmental Threshold Decision, as defined in 22 CFR 216.3(a)(2), has been reached for that activity and documented in a Request for Categorical Exclusion (RCE), Initial Environmental Examination (IEE), or Environmental Assessment (EA) signed by the appropriate Bureau Environmental Officer (BEO) and a signed copy delivered to the STARR II IDIQ COR.

- The originating/operating unit’s COR will be responsible for working with the appropriate procurement officer to ensure that language implementing threshold decisions and conditions are appropriately reflected in task order agreements.

**Recommended by:**

Kim Kim Yeck
E3/LTRM Natural Resources Officer

**Concurrence:**

Teresa Bernhard
E3 Bureau Environmental Officer

**Clearances:**

G. Heath Cosgrove, E3/LTRM Office Director

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Date: 3/24/16

Approved: ☑
Disapproved: __

Date: 3/25/16
1. BACKGROUND AND PROGRAM DESCRIPTION

1.1 Purpose and Scope

The STARR II program is designed to address resource tenure issues in support of key U.S. Government (USG) strategic objectives, including but not limited to, enhanced food security as articulated in the Feed the Future Initiative (FTF), climate change adaptation and mitigation, conflict prevention and mitigation, economic growth, and biodiversity protection and natural resource management. This program will employ a multidisciplinary approach to address complex resource tenure challenges as identified by USAID missions, bureaus and offices, and by other USG agencies (including but not limited to Department of State, United States Department of Agriculture, and Millennium Challenge Corporation). The STARR IDIQ contract will be a broad, multi-faceted field support mechanism. It will provide short and long-term technical assistance that is needed to respond to the needs and opportunities available for improving security of property rights and increasing land access. STARR II will advance USAID’s Forward strategy and best practice by building knowledge, testing hypotheses and implementing innovative approaches to strengthening property rights and resource tenure as a means to advance key USG strategic foreign assistance goals.

STARR II will focus on improving property rights and natural resource governance through an integrated use of tools (from legal and policy reform to land use planning and registration of rights). The IDIQ contract will provide a framework for USAID operating units to address the myriad challenges stemming from insecure property rights and lack of access to land and other natural resources. STARR II will: (a) provide models and tools based on USAID’s lessons learned in this area as a guide for the development of resource tenure programs under this IDIQ contract, and (b) when requested by USAID missions and operating units, provide technical assistance to address property rights issues and develop and implement programs supporting their operational plans.

In addition, STARR II seeks to further refine knowledge management and best-practice information distribution systems, enhance and expand the training and distribution of educational
tools to be used within USAID and also by USG and international partners to address resource governance challenges, conduct research and impact evaluations to disseminate globally innovative and best practices pertaining to land and resource governance (LRG), and continue to provide superior technical assistance to missions and operating units in program design and implementation related to property rights and resource governance.

1.2 Background

Resource tenure and property rights challenges are present in every country where USAID works. In many countries, tenure and property rights problems are so grave that they create political instability, violence, population displacement, famine and environmental destruction, all of which significantly undermine or prevent successful implementation of many USAID programs.

Secure access to and control of land and land-based resources is critical to supporting many of USAID’s strategic objectives including women’s economic empowerment, food and energy security, nutrition, democracy and governance, conflict mitigation, adaptation and mitigation of climate change, global health and natural resource management. The lack of secure and negotiable property rights is one of the most limiting factors in achieving economic growth and democratic governance throughout the developing world. Insecure or weak property rights, limited or inequitable access to resources, and weak institutional structures regulating property rights (including laws and legislation, courts and other dispute resolution mechanisms, and land administration) are debilitating factors which require sustained attention and improvement if USAID is to achieve its strategic objectives. The Agency requires technical assistance to help improve the situation and the effectiveness of its programs and the STARR II IDIQ contract will help meet this objective.

1.3 Description of Activities

STARR II will provide USAID missions, operating units and their partners with a broad range of technical assistance to address complex tenure challenges. Technical assistance is divided into five categories: A) Securing Resource Rights and Improving Resource Governance; B) Learning and Appraisal; C) Training; D) Knowledge Management and Communications; and E) Management of Grants Under Contracts. Illustrative activities are below.

A. Securing Resource Rights and Improving Resource Governance: USAID anticipates requiring technical assistance to address a variety of tenure challenges. This technical assistance will cover an array of approaches, techniques and sequencing to strengthen property rights and resource governance institutions. Illustrative activities include support for:

- Securing Property Rights
- Development of Land Policies and Laws
- Institution Building and Information Dissemination
- Participatory Land and Resource Planning
- Land Dispute Resolution and Mitigation
B. **Learning and Appraisal:** USAID anticipates that missions and operating units will require assistance to better understand tenure and property rights challenges, particularly as they impact development objectives in a number of thematic areas. These assessments will vary in breadth, substance, and may be long-term or called upon on an ad hoc basis to inform programmatic design, policy dialogue, and improve the quality of USAID’s land and resource governance (LRG) Framework and training exercises. Illustrative activities include:

- Land Tenure and Property Rights Assessments
- Monitoring and Evaluation
- Research

C. **Training:** USAID will utilize training programs as a means of transferring knowledge and best practices about land tenure and property rights to both United States government personnel (USAID/Washington, mission and other USG personnel) as well as partner country decision makers. These trainings will be based in Washington DC, regional, and on-line. Illustrative activities include:

- Develop LRG training materials and modules
- Organize, manage and deliver training courses
- Develop on-line training course materials

D. **Knowledge Management and Communications:** USAID has developed a significant amount of written documentation on tenure and resource governance issues. The volume of material involves a significant amount of time and resources to manage. Therefore, knowledge management in the form of the web-based portal will continue to be utilized to capture the flow of information developed under the STARR I and II IDIQ contracts and task orders and to make that information available to USAID missions and the public. Illustrative activities include:

- Develop land tenure and property rights issues briefs and success stories
- Update and refine land tenure and property rights country profiles
- Manage, update and refine the USAID land tenure and property rights web-based portal

E. **Management of Grants Under Contracts:** The Contractor will manage project activities that are carried out via competitive grants programs that engage local, regional and/or international NGOs, universities, and/or other entities. The Contractor will be required to develop well-managed and transparent systems for proposal submission, review and selection, and grant award, management and oversight.

While the intent of such activities is to improve resource rights and access, activities under these programs may include those with a potential to have environmental impact. Potential activities include:
2. **EVALUATION OF ENVIRONMENTAL IMPACTS**

Implementation activities can only be carried out through award of task orders. The majority of STARR II activities are not anticipated to have any potential for environmental impact. Most analyses, assessments, evaluations, and education and training programs would fall into this category. Other activities accomplished under STARR II, however, could have environmental impacts, particularly those relating to aspects of natural resources management, infrastructure, construction and development of new resource tenure laws and policies. The specific characteristics of the activities will be established through separate task order scopes of work. Because of that, adequate consideration of reasonably foreseeable potential environmental consequences cannot be identified until additional information about specific project design and location becomes available.

3. **RECOMMENDED THRESHOLD DECISIONS AND CONDITIONS**

Many activities that could be accomplished under STARR II fall in one or more categories of exclusion. Pursuant to 22 CFR 216.2(c), the following classes of activities when they do not have direct, indirect, or cumulative impacts would normally qualify as Categorical Exclusions:

- 22 CFR 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.);
- 22 CFR 216.2(c)(2)(iii) Analyses, studies, academic or research workshops and meetings;
- 22 CFR 216.2(c)(2)(v) Document and information transfers;
- 22 CFR 216.2(c)(2)(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;

Some activities may have the potential for environmental impacts but the possible extent of those impacts will not be known until specific task orders are proposed. Therefore a **Negative Determination with Conditions** is recommended. The conditions are:

1. **Contracting Officer's Representative Responsibilities:** The COR, through the Contracting Officer will:
   - Ideally, request that the bids submitted briefly address potential environmental impacts and mitigation measures of their bid, show that they have expertise or access to expertise required to analyze and implement the analysis and mitigation measures and has budgeted the appropriate funds to implement the actions.
o Ensure that the chosen bidder has sufficient technical expertise or access to that technical expertise to complete the required analyses.

o Ensure that implementing partners are identifying sufficient technical capacity and budget to effectively implement mitigation and monitoring measures and that the ability and proposed budget are sufficient to comply with the IEE conditions.

o As appropriate, reserve the right to and undertake field visits and consultations with the STARR II task order contractor to assess the environmental impacts of ongoing activities, and the effectiveness of associated mitigation and monitoring conditions.

o USAID will request, via the award, to have access, upon request, of monitoring and reporting on activities that have the potential for significant adverse direct, indirect, or cumulative environmental and social impacts.

2. All new task orders, any incremental funding, or change in geographic location or scope of any project or activity will require additional analysis and documentation consistent with 22 CFR 216. No activity falling under this requirement will be implemented unless an Environmental Threshold Decision, as defined in 22 CFR 216.3(a)(2), has been reached for that activity and documented in a Request for Categorical Exclusion (RCE), Initial Environmental Examination (IEE), or Environmental Assessment (EA) signed by the appropriate Bureau Environmental Officer (BEO) and a signed copy delivered to the STARR II IDIQ COR. When the project or activity has a specific geographic location, that subsequent environmental analysis will be performed by the funding organization and the E3 Bureau Environmental Officer and, as required, the regional BEO, Mission Environmental Officer (MEO) and REA will concur with the analysis. Supplemental analysis will include an analysis of climate change impacts to the project and because of the project. The analysis will include completion of the following table:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Impact / Risks</th>
<th>Climate Impact</th>
<th>Significance (high, moderate, low)</th>
<th>Condition / Adaptation Action</th>
<th>Determination</th>
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<tbody>
<tr>
<td>Securing Resource Rights and Improving Resource Governance</td>
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<td>Learning and Appraisal</td>
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<td>Knowledge Management and Communication</td>
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<td>Grant Management</td>
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3. For those activities that have the potential for adverse environmental or social impacts (as determined by supplemental analysis), the COR, or the COR’s representative (e.g., the
implementing partner) will complete an Environmental Mitigation and Monitoring Plan (EMMP) (Table A) for every work plan in a manner that permits the field implementing staff to understand and implement the mitigation measures. The EMMP will be submitted to the COR and the BEO for concurrence.

4. For those activities that have the potential for adverse environmental or social impacts, the implementing partner will submit, quarterly, an Environmental Mitigation and Monitoring Report (EMMR) (Table B) to the COR and BEO for review and concurrence.

5. The originating/operating unit’s COR will be responsible for working with the appropriate procurement officer to ensure that language implementing threshold decisions and conditions are appropriately reflected in task order agreements.

6. **Compliance with Host Country Requirements:** Nothing in this IEE substitutes for or supersedes PIO responsibility for compliance with all applicable and appropriate host country laws and regulations. Implementation will in all cases adhere to applicable those appropriate and applicable host country environmental laws and policies.

7. **Environmental and Social Sustainability:** All acquisition and assistance efforts will advocate for best practices regarding sustainable use, including principles of environmental protection, impact mitigation and environment sustainability.

8. All training will include principles of sustainable land use management.

9. **Limitations of IEE:** This IEE does not cover the use or procurement of pesticides as described in 22 CFR 216 and those activities in 216.2(d), 216.5 and/or FAA 117, 118 or 119.
<table>
<thead>
<tr>
<th>Description of Activity</th>
<th>Describe specific potential environmental impacts</th>
<th>Description of Specific Mitigation Measures to mitigate those impacts</th>
<th>Identify the party responsible for monitoring</th>
<th>Adaptation Risk (high, moderate, low)</th>
<th>Identify the Monitoring Indicator</th>
<th>Identify the Monitoring Method</th>
<th>Identify the Frequency of Monitoring</th>
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Table B: Environmental Mitigation and Monitoring Report (EMMR)

<table>
<thead>
<tr>
<th>List each Mitigation Measure from Column 3 in the EMMR Mitigation Plan</th>
<th>Site Specific Mitigation Measures Undertaken</th>
<th>Identify Any Outstanding Issues Relating to Required Conditions</th>
<th>Remarks</th>
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