

**INITIAL ENVIRONMENTAL EXAMINATION
AND REQUEST FOR CATEGORICAL EXCLUSION**

**USAID/KENYA
OFFICE OF DEMOCRACY AND GOVERNANCE (DG)**

Program/Activity Data:

Program/Activity Number: 615-006
Country/Region: Kenya/East Africa

Program/Activity Title: Democracy and Governance Project

Funding Begin: FY 2012 **Funding End:** FY 2017 **LOP Amount:** \$83,000,000

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Current Date: August 9, 2012

IEE Amendment (Y/N): N If "Yes"; Filename & date of original IEE _____ ; _____

ENVIRONMENTAL ACTION RECOMMENDED:

Categorical Exclusion: X **Negative Determination:** _____

Negative Determination with Conditions: X

Positive Determination: _____ **Deferral:** _____

SUMMARY OF FINDINGS:

This examination provides environmental documentation for USAID/Kenya's Democracy and Governance Project for FY2012-2017. This request for Categorical Exclusion and Negative Determination with Conditions replaces the previous environmental Threshold Determination for USAID/Kenya's Democracy and Governance program approved on 9/9/08.

Recommended Environmental Determinations

Categorical Exclusion:

Based on a review of USAID/Kenya DG's Blanket Project Approval Document (PAD) to be implemented during FY2012 – FY 2017 and the summary provided in Table 1 of this document, a **Categorical Exclusion** from environmental examination is recommended for most activities within the PAD. Specifically, this is for activities contained within 22 CFR 216.2(c)(2):

- (i) Activities involving education, technical assistance or training (except to the extent such programs include activities directly affecting the environment (such as construction of facilities);
- (iii) Activities involving analyses, studies, academic or research workshops and meetings;
- (iv) Projects in which USAID is a minor donor to a multi-donor project and there is no potential significant effect upon the U.S. environment, areas outside any nation's jurisdiction, or endangered or threatened species or their critical habitat;

- (v) Activities involving document and information transfers; and
- (xiv) Studies, projects or programs intended to develop the capability of recipient countries and organizations to engage in development planning.

As currently planned, most activities in the DG portfolio focus on technical assistance and training and, therefore, do not involve biophysical interventions or actions directly affecting the environment. These activities are recommended for categorical exclusion from examination according to one or more of the above criteria. These activities include:

- Intermediate Result 1. Targeted governance institutions and political parties achieve reform.
- Intermediate Result 2. Targeted sub-national governments functioning.
- Intermediate Result 3. Civil society (including media) advances reforms.
- Intermediate Result 4. Government and civil society mitigate conflict and foster greater national cohesion. (Only sub-IR 4.2 Community and government capacity built).
- Intermediate Result 5. Free, fair, credible and peaceful elections held.

Negative determination with conditions:

Under IR 4, the DG team envisions continuing the use of small grants to facilitate community development, help mitigate conflict, and build national cohesion. The small grants programs will be administered under Sub-IR 4.1 New structures and mechanisms developed and active at the national and local level and Sub-IR 4.3 Inter-ethnic interaction increased. These activities will most likely be small-scale construction (school, health clinic, bridges, market centers, roads, shelter), small gardening and irrigation projects, or other infrastructure activities that will lead to social and economic development while allowing communities the chance to work together. No pesticide procurement is envisioned in any of these activities. The impact on the environment is anticipated to be negligible. Sub-IR 4.1 and Sub-IR 4.3 activities are recommended for Negative Determination with Conditions as per 22 CFR 216.3(a)(2)(iii).

The conditions for these activities are presented in USAID's "Environmental Guidelines for Small -scale Activities in Africa" (EGSSAA), found on-line at <http://www.encapafrica.org/EGSSAA>. In addition, there are certain requirements that apply to all activities falling under the threshold determination of "Negative Determination with Conditions". These include:

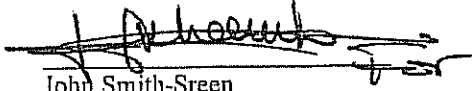
1. The responsibility for implementing activities in accordance with the findings and conditions of this IEE must be incorporated into all contracts and grants that serve to implement activities covered under this IEE.
2. Contracting and Agreement Officer Technical Representatives (COTR/AOTRs) in USAID/Kenya's Democracy and Governance program will undertake field visits and consultations with implementing partners to jointly assess the environmental impacts of ongoing activities, and assess whether the activities are within the bounds of approved environmental determinations.
4. Organizations receiving USAID/Kenya funds and transferring them through grants or other mechanisms to other organizations must incorporate provisions stipulating:
 - a) that activities to be undertaken will be within the scope of the environmental determinations and recommendations of this IEE.
 - b) that an Environmental Screening Form (contained in appendix 1) must be applied by implementing partners including sub-grants to identify any environmental concerns. Environmental Mitigation and monitoring Report (EMMR) must be applied and reported to the MEO for activities falling out of determinations of this IEE.
6. USAID/Kenya will ensure that implementing organizations have sufficient capacity to complete the environmental screening process and to implement monitoring and mitigation measures as part of their work plans and performance monitoring plans.

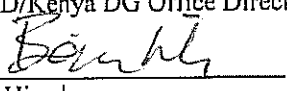
The DG Team will ensure that implementing partners working with small grants programs are familiar with the content of the IEE and will adhere to its guidance. Implementing partners will undertake environmental screening (using the form contained in Appendix 1) of proposed small grant activities to identify any potential environmental concerns. The screening will apply to the activities proposed for financing by the principal contractor, and by any subsidiary collaborators and/or sub-contractors.

The DG team will ensure all activities described within the FY12-17 DG PAD remain Categorical Exclusions or within the bounds of the 'Negative Determination with Conditions' as described in the IEE. Any plans that are required to mitigate any negative environmental impact associated with a particular grant will be developed at the work planning stage and will be presented to USAID for approval prior to committing funds for such activities.

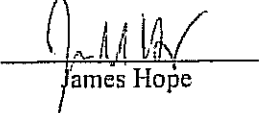
As required by ADS 204.3.4, the DG team and implementing partners will actively monitor and evaluate whether environmental consequences unforeseen in this IEE arise during implementation of this program, and modify or end activities as appropriate. If additional activities not described in this document are added to this program, then the IEE must be modified as appropriate.

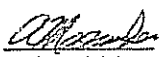
APPROVAL OF THE RECOMMENDED ENVIRONMENTAL ACTION FOR USAID/KENYA DG ACTIVITIES FY12-17:

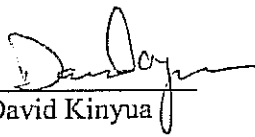
Recommended By:  Date: 09/05/12
John Smith-Sreen
USAID/Kenya DG Office Director

Concurrence:  Date: 10/18/12
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Clearances:

USAD/Kenya Acting Mission Director:  Date: 9/6/12
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USAID/Kenya Mission Environmental Officer:  Date: 9/5/2012
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