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SOP 1, Template 2: Request for Categorical Exclusion (RCE)

United States Agency for International Development (USAID) for Ukraine Request for Categorical Exclusion (RCE)

Program/Project/Activity Data:

Activity/Project Name:	Ukraine Civil Society Sectoral Support Activity	
Assistance Objective:	Democracy, Human Rights and Governance	
Program Area:	DR.4 Civil Society	
Country(ies) and/or Operating Unit:	USAID/Ukraine	
Originating Office:	USAID/Ukraine/Office of Democracy and Governance	Date: March 14, 2019
PAD Level RCE: Yes ☐ No ☒	DCN of Original RCE/IEE:	
RCE/IEE Amendment: Yes ☐ No ☒	DCN of Amendment(s):	
Supplemental RCE: Yes ☐ No ☒		
If Yes, Purpose of Amendment:		
DCN(s) of Related EA/IEE/RCE/ER(s):		
Implementation Start/End:		LOP: FY2020-FY2025
Funding Amount:		LOP Amount: \$10,000,000
Contract/Award Number (if known):		
Recommended Determination: Categorical Exclusion		
Additional Elements:		
Government to Government: ☐	Local Procurement: ☒	Donor Co-Funded: ☐

1. Project and Activity Description

1.1 Purpose and Scope of RCE

The purpose of this RCE document is to establish that all proposed activities, under the new Ukraine Civil Society Sectoral Support activity, belong to classes of actions eligible for Categorical Exclusions as set out in Agency regulations (22 CFR 216.2(c)), and that there are no foreseeable significant direct or indirect impacts that would preclude them from receiving a Categorical Exclusion. Upon approval of this document, the Categorical Exclusions are affirmed for the activity. This analysis also documents the results of the activity level Climate Risk Management process in accordance with USAID policy (specifically, ADS 201 mandatory reference 201mal).

This RCE is a critical element of USAID's mandatory environmental review and compliance process meant to achieve environmentally sound activity design and implementation.

1.2 Project Overview

The aim of the Ukraine Civil Society Sectoral Support activity is to improve the operating environment for civil society and strengthen the institutional capacities of the civil society organizations (CSO) to advance the self-reliance for the civic sector in Ukraine. This activity has three components:

- (1) Strengthen institutional capacities of CSOs;
- (2) Improve legal enabling environment for civil society; and
- (3) Enhance research and learning of civil society sectoral challenges, opportunities, and best practices.

The scope of the Ukraine Civil Society Sectoral Support Activity does not include purchase of equipment or rehabilitation/construction of facilities.¹

2. Project Description and Climate Risk Screening

Climate risk management (CRM) for this activity has been conducted in accordance with CRM for USAID Projects and Activities, Mandatory Reference for ADS Chapter 201. CRM for the recently approved Mission's new CDCS (2018-2023) was conducted at the country strategy-level, with the expectation that subsequent climate risk screening will occur as part of the design process for projects and activities (e.g., at the PAD and activity-level). Therefore, climate risks have been assessed at the activity level and results of this assessment are summarized in the table below. As all activities covered under this RCE are for assessments and evaluation, Climate Risk is deemed Low.

Under Component 1, the Ukraine Civil Society Sectoral Support Activity will strengthen the organizational capacities of civic organizations and groups on a demand driven/needs-based approach through providing sub-grants for consultations, trainings, regional and national capacity development forums, organizational development workshops, seminars, webinars, etc.

Defined or illustrative activities under Component One— Strengthen institutional capacities of CSOs	Potential Climate Risk	Climate Risk Rating*
1.1 Strengthening organizational capacities of CSOs in high need/ demand driven areas (particularly those pertaining to CSOs' sustainability), including financial management, financial diversification, fundraising, strategic planning, business development, outreach and communications and other areas	N/A	Low
1.2 Enhancing organizational development support to a diverse range of civic groups (well-established, formal, registered CSOs, informal and unregistered groups, voluntary initiatives, civic movements, intermediary support organizations (ISOs) and other groups)	N/A	Low
1.3 Developing mentorship program linking well-established CSOs with nascent civic groups	N/A	Low

¹ **Construction, as defined by ADS 201 and 303**, includes: construction, alteration, or repair (including dredging and excavation) of buildings, structures, or other real property and includes, without limitation, improvements, renovation, alteration and refurbishment. The term includes, without limitation, roads, power plants, buildings, bridges, water treatment facilities, and vertical structures.

Defined or illustrative activities under Component One— Strengthen institutional capacities of CSOs	Potential Climate Risk	Climate Risk Rating*
1.4 Improving quality of services by providers of organizational development support	N/A	Low
1.5 Developing Quality assurance standards for service providers	N/A	Low

Under Component 2, the Ukraine Civil Society Sectoral Support Activity will increase the number and effectiveness of demand driven, consensus based advocacy campaigns to further improve the legal enabling environment (LEE) for civil society in Ukraine by providing legal assistance, legislative analysis, drafting recommendations to improve the legal environment for CSOs, advocacy campaigns, monitoring implementation of legislation aimed at improving legal environment for CSOs, consultations, trainings, workshops, conferences, public discussions, and round tables.

Defined or illustrative activities under Component Two— Improve legal enabling environment for civil society	Potential Climate Risk	Climate Risk Rating*
2.1 Increasing advocacy efforts at national and local levels to improve the LEE for civil society in Ukraine	N/A	Low
2.2 Increasing coalition building around thematic advocacy initiatives	N/A	Low
2.3 Improving dialogue, partnerships and platforms between civil society, government, and private sector on issues related to advancing the ecosystem for giving in Ukraine	N/A	Low
2.4 Increasing monitoring of the legal enabling environment	N/A	Low
2.5 Improving legal and regulatory policies related to operating environment for civil society	N/A	Low
2.6 Improving legal framework to promote various forms of giving (i.e., tax incentives, simplification of State Funding, corporate social responsibility, etc.)	N/A	Low
2.7 Increasing awareness of new legislation and regulations	N/A	Low
2.8 Improving local legal capacities	N/A	Low
2.9 Expanding legal assistance for civic activists and CSOs	N/A	Low

Under Component 3, the Ukraine Civil Society Sectoral Support Activity will design and implement a rigorous learning agenda which will inform all other project activities and partners as well as larger civil society through conducting in-depth research (in the form of surveys, interviews, focus groups, questionnaires, and opinion polls) in the field on challenges and opportunities impacting civil society operation, development and sustainability; analyzing local and international legislation and best practices; and providing action oriented recommendations on how to effectively address or account for them.

Defined or illustrative activities under Component Three— Enhance research and learning of civil society sectoral challenges	Potential Climate Risk	Climate Risk Rating*
3.1 Increasing in-depth research on new challenges and opportunities impacting civil society operation, development and sustainability (i.e., the increase in 'fake' or illegitimate CSOs or radicalized civic activities, opportunities for financial diversification, etc.)	N/A	Low
3.2 Improving ability of civil society to continuously assess sectoral and target CSOs'/groups'/coalitions' developments and needs using various knowledge platforms	N/A	Low

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Defined or illustrative activities under Component Three— Enhance research and learning of civil society sectoral challenges	Potential Climate Risk	Climate Risk Rating*
3.3 Knowledge Clearing House established and accessible to all civil society	N/A	Low
3.4 Ongoing monitoring and learning of consortium partners activities conducted	N/A	Low
3.5 Improving implementation of consortium partner activities as a result of continuous monitoring, learning, and adaptation	N/A	Low

3. Justification for Categorical Exclusion Determination

The activities under the **Ukraine Civil Society Sectoral Support Activity** will not have an effect on the natural or physical environment and are among the classes of activities listed in 22 CFR 216.2(c)(2). Therefore, under §216.2(c)(1), neither an IEE nor an EA will be required for these activities. Instead, a categorical exclusion threshold determination is recommended for the following identified activities under 22 CFR 216.2(c)(2):

- All Activities under components 1, 2, and 3 fall under §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.);

4. Limitations of the Categorical Exclusion Determination:

This categorical exclusion does not cover classes of actions normally having a significant effect on the environment under §216.2(d):

- Programs of river basin development;
- Irrigation and water management;
- Agricultural land leveling;
- Drainage projects;
- Large scale agricultural mechanization;
- Resettlement projects;
- New land development;
- Penetration road building and road improvement;
- Powerplants;
- Industrial plants; and
- Potable water and sewerage projects.

In addition, this categorical exclusion does not cover activities that:

- Support project preparation, project feasibility studies, engineering design for activities listed in §216.2(d)(1);
- Affect endangered species;
- Provide support to extractive industries (e.g. mining and quarrying);
- Promote timber harvesting;
- Lead to construction, reconstruction, rehabilitation, or renovation work;
- Support agro-processing or industrial enterprises;
- Provide support for regulatory permitting;
- Lead to privatization of industrial facilities or infrastructure with heavily polluted property;
- Assist the procurement (including payment in kind, donations, guarantees of credit) or use (including handling, transport, fuel for transport, storage, mixing, loading, application, clean-up of spray equipment, and disposal) of pesticides or activities involving procurement,

transport, use, storage, or disposal of toxic materials--pesticides cover all insecticides, fungicides, rodenticides, etc. covered under the Federal Insecticide, Fungicide, and Rodenticide Act; and/or

- Procure or use genetically modified organisms.

Any of these actions would require a Europe and Eurasia Bureau Environmental Officer (BEO) approved amendment to the categorical exclusion.

5. Mandatory Inclusion of Environmental Compliance Requirements in Solicitations, Awards, Budgets, and Work Plans

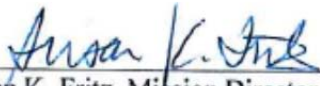
- Appropriate environmental compliance language, including limitations defined in Section 4, shall be incorporated into solicitations and awards for categorical exclusions.
- The implementing partner shall ensure annual work plans do not prescribe activities that are defined as limitations in Section 4.

6. Revisions

Under §216.3(a)(9), if new information becomes available that indicates that activities covered by the categorical exclusion might be considered major and their effect significant, or if additional activities are proposed that might be considered major and their effect significant, this categorical exclusion determination will be reviewed and, if necessary, revised by the Mission Environmental Officer (MEO) with concurrence by the BEO. It is the responsibility of the USAID Contract Officer's Representative (COR)/Agreement Officer's Representative (AOR) to keep the MEO and BEO informed of any new information or changes in the activity that might require revision of this determination.

7. Recommended Determination for Categorical Exclusion:

Approval :


 Susan K. Fritz, Mission Director

 3-29-2019
 Date

Clearance:


 DAVID H. HEFCH, Deputy Mission Director

 3/28/2019
 Date

Clearance:


 Joel Sandefur, Resident Legal Officer

 3/28/19
 Date

Clearance:


 Ceara O'Carroll, Acting Program Office Director

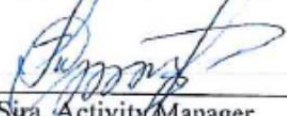
 3/28/2019
 Date

Clearance:


 Tatiana Kistanova, Mission Environmental Officer

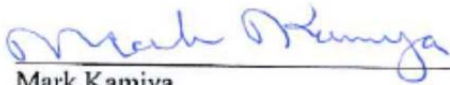
 3/28/19
 Date

Clearance:


 Tatiana Sira, Activity Manager

 3/28/19
 Date

Concurrence:


 Mark Kamiya
 E&E Bureau Environmental Officer

 04/01/2019
 Date
Distribution:

IEE File

MEO (to also provide a copy to AOR/COR)

Attachments: Annex A Climate Risk Screening and Management Tool for Activity/Project/Strategy Design

Ukraine Civil Society Sectoral Support Activity - Climate Risk Screening and Management Tool for Activity Design

ACTIVITY CRM TOOL OUTPUT MATRIX: CLIMATE RISKS, OPPORTUNITIES, AND ACTIONS

* = A required element, according to the Mandatory Reference

1.1: Defined or Anticipated Tasks or Interventions*	1.2: Time-frame	1.3: Geo-graphy	2: Climate Risks*	3: Adaptive Capacity	4: Climate Risk Rating*	5: Opportunities*	6.1: Climate Risk Management Options	6.2: How Climate Risks Are Addressed in the Activity*	7: Next Steps for Activity Implementation	8: Accepted Climate Risks*
1.1 Strengthening organizational capacities of CSOs in high need/ demand driven areas (particularly those pertaining to CSOs' sustainability), including financial management, financial diversification, fundraising, strategic planning, business development, outreach and communications and other areas	0-5 years	nation wide	-Reduced citizen engagement based on limited trust in local government, delivery of public services, reliability of infrastructure, and natural resource management due to impacts from increased frequency and/or intensity of extreme weather events such as floods and droughts as well as decreased water quality and quantity for an already limited potable water supply -Exposed weaknesses in local and national government and increased political instability due to	N/A	Low	N/A	N/A	N/A	N/A	N/A
1.2 Enhancing organizational development support to a diverse range of civic groups (well-established, formal, registered CSOs, informal and unregistered groups, voluntary initiatives, civic movements, intermediary support organizations (ISOs) and other groups)	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A
1.3 Mentorship program linking well-established CSOs with nascent civic groups developed	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A
1.4 Improving quality of services by providers of organizational development support	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A

1.5 Quality assurance standards developed for service providers	0-5 years	nation wide	responses to extreme weather events -Impacts to implementation of in-person trainings, meetings, events and capacity building activities due to extreme weather events- Political instability, social unrest and worsened economic and infrastructure conditions due to increased frequency and/or intensity of extreme weather events such as droughts and floods, decreased water availability and quality, and increasing temperatures -Impacts to social stability due to exacerbated inequalities experienced by marginalized populations (e.g., increased vulnerability of women and children to sexual violence and abuse) during and after extreme weather events -Decreased stability of cultural norms and deterioration of the status and	N/A	Low	N/A	N/A	N/A	N/A	N/A
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			treatment of women and girls, as well as of LGBTI individuals, due to displacement and impacts from extreme weather events -Impacts to implementation of in-person trainings, meetings, events and capacity building activities due to extreme weather events								
2.1 Increasing advocacy efforts at national and local levels to improve the LEE for civil society in Ukraine	0-5 years	nation wide	-Decreased ability of local and national government to deliver public services and effectively management resources due to impacts from increased frequency and/or intensity of extreme weather events such as floods and droughts as well as decreased water quality and quantity for an already limited potable water supply -Exposed weaknesses in local and national government and increased political instability due to responses to extreme weather	N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.2 Increasing coalition building around thematic advocacy initiatives	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.3 Improving dialogue, partnerships and platforms between civil society, government, and private sector on issues related to advancing the ecosystem for giving in Ukraine	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.4 Increasing monitoring of the legal enabling environment	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.5 Improving legal and regulatory policies related to operating environment for civil society	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.6 Improving legal framework to promote various forms of giving (i.e. tax incentives, simplification of State Funding, corporate social responsibility, etc.)	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.7 Increasing awareness of new legislation and regulations	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A
2.8 Improving local legal capacities	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A	N/A

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2.9 Expanding legal assistance for civic activists and CSOs	0-5 years	nation wide	events -Impacts to implementation of in-person trainings, meetings, events and capacity building activities due to extreme weather events	N/A	Low	N/A	N/A	N/A	N/A	N/A
3.1 Increasing in-depth research on new challenges and opportunities impacting civil society operation, development and sustainability (i.e., the increase in 'fake' or illegitimate CSOs or radicalized civic activities, opportunities for financial diversification, etc.)	0-5 years	nation wide	-Increased opportunity for and susceptibility to disenfranchisement due to impacts from extreme weather events and perceived government response	N/A	Low	N/A	N/A	N/A	N/A	N/A
3.2 Improving ability of civil society to continuously assess sectoral and target CSOs'/groups'/coalitions' developments and needs using various knowledge platforms	0-5 years	nation wide	-Impacts to media distribution mechanisms, including equipment and distribution channels, from storms and increased intensity and/or frequency of floods	N/A	Low	N/A	N/A	N/A	N/A	N/A
3.3 Knowledge Clearing House established and accessible to all civil society	0-5 years	nation wide	-Impacts to implementation of in-person trainings, meetings, events and capacity building activities due to extreme weather events	N/A	Low	N/A	N/A	N/A	N/A	N/A
3.4 Ongoing monitoring and learning of consortium partners activities conducted	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A
3.5 Improving implementation of consortium partner activities as a result of continuous monitoring, learning and adaptation	0-5 years	nation wide		N/A	Low	N/A	N/A	N/A	N/A	N/A