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**Federal Highway
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Alaska Division
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Alaska
Department of
Transportation and
Public Facilities

Program Review



U.S. Department of Transportation
**Federal Highway
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Joint 2024-2025 Monitoring Report

April 2025



FINAL REPORT



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Acronyms

ADF&G	Alaska Department of Fish and Game
CE	Categorical Exclusion
CFR	Code of Federal Regulations
DOT&PF	Alaska Department of Transportation and Public Facilities
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPM	Environmental Procedures Manual
FHWA	Federal Highway Administration
HPCM	Highway Preconstruction Manual
M&O	Maintenance and Operations
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
PIP	Public Involvement Plan
QA/QC	Quality Assurance/Quality Control
REM	Regional Environmental Manager
SEO	Statewide Environmental Office
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
VPI	Virtual Public Involvement



Executive Summary

The purpose of the National Environmental Policy Act (NEPA) Assignment Monitoring Review is to fulfill the monitoring requirements outlined in the first renewed 23 U.S.C. 327 memorandum of understanding (MOU) between the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Federal Highway Administration (FHWA). The objective of the joint review is to evaluate DOT&PF's public involvement process and procedures and to follow-up on matters from the final audit published to the Federal Register on 9/13/2023.

The Monitoring Event Team (the Team), comprised of Alaska FHWA Division Office and Alaska DOT&PF staff (page 9), evaluated the Performance Measures listed in Section 10.2.1 of the MOU as they related to public involvement. The Team sought to answer the following questions:

1. *Does DOT&PF's public involvement guidance comply with NEPA, the provisions of the NEPA Assignment MOU, and other Federal environmental statutes, regulations, executive orders, policy, and guidance?*
2. *Does DOT&PF's public involvement process comply with internal policies and procedures as outlined in the Alaska DOT&PF Environmental Procedures Manual and DOT&PF guidance documents?*
3. *Does DOT&PF conduct meaningful public engagement, including with communities or groups of people who are not regular participants in the transportation decision making process?*

The monitoring event included policy review, interviews, and project reviews. The Team examined all environmental impact statements (EIS), environmental assessments (EA), a subset of categorical exclusions (CE) and re-evaluations approved between January 1, 2021, and December 31, 2023. No instances of non-compliance were observed, and a robust set of successful practices were documented. Based on the above objectives, the Team has eight recommendations. DOT&PF should:

Recommendation #1: Update its Environmental Procedures Manual (EPM) and Highway Preconstruction Manual (HPCM) to eliminate contradictions and include the latest regulations for NEPA public involvement. Updates should provide clear guidance on when Public Involvement Plans (PIP) are required.



Recommendation #2: Expand upon its guidance for CEs while continuing to allow for flexibility dependent upon the scale and scope of the project. This may include the listing of best practices or inclusion of examples. Care should be taken so as not to eliminate the flexibility in the current guidance, which allows project teams to best respond to the needs of the wide range of communities throughout Alaska. Also, if there will be little to no public involvement process for a project, this should be stated within the environmental document, including the rationale for this decision.

Recommendation #3: Provide guidance regarding when to list Executive Orders and applicable laws on public notices.

Recommendation #4: Develop guidance for documenting public and agency involvement within the environmental document, in relevant resource category sections, and within the space allotted to summarize public and agency involvement. The Successful Practices portion of this Monitoring Report includes examples of comment and response matrices employed in several environmental documents.

Recommendation #5: Develop guidance to specify the frequency and timing of public involvement throughout the NEPA process, including defining an acceptable time frame between public participation and the finalization of environmental documents. Additionally, the guidance should clearly identify when project changes necessitate further public and/or agency involvement.

Recommendation #6: Develop Virtual Public Involvement (VPI) guidance. VPI guidance could be issued as either a standalone document or as part of a larger public involvement manual. The VPI guidance should include procedures for how to conduct and document VPI and how to document social media posts and other online engagement within the NEPA document. Manual(s) should be updated to reference VPI and when its use is appropriate either as a sole means of public involvement or in conjunction with other methods of communication.

Recommendation #7: Update manual(s) to define the roles and responsibilities of DOT&PF staff for public and agency involvement. Develop guidance outlining when responses are required and how to document comments within the NEPA document and project file.

Recommendation #8: Develop specific guidance for tribal involvement during NEPA, including procedures for public involvement and other communications during the NEPA process.

In conclusion, the monitoring review affirms the successful partnership between FHWA and DOT&PF under the NEPA Assignment Program, highlighting strong public involvement practices aligned with the MOU. The Team recommends creating a



standalone Public Involvement Guidebook and updating procedures to improve public involvement, efficiency, and ensure regulatory compliance for improved project delivery.



Background

The Surface Transportation Project Delivery Program (NEPA Assignment) allows the FHWA to assign and a State to assume responsibilities for review, consultation, and compliance with environmental laws for Federal-aid highway projects. When a State is assigned these responsibilities, it becomes solely responsible and solely liable for carrying out the assumed duties. The State of Alaska, represented by the DOT&PF, completed the application process and entered a MOU with FHWA on November 3, 2017, amended on August 20, 2020, and renewed on April 13, 2023. Under the terms of these MOUs, FHWA assigned and DOT&PF assumed FHWA's project approval responsibilities under NEPA and NEPA related Federal environmental laws with this MOU.

The MOU stipulates that FHWA must complete two monitoring reviews during the term of the MOU, the first of which is to be conducted within two years of the last audit (Section 8.2.2). The last audit was conducted in 2021. The monitoring event described in this report is the first conducted under the renewed MOU. Due to delays during the MOU renewal process, the two-year timeframe was not feasible. Instead, the first monitoring event was conducted within two years of execution of the renewed MOU (April 13, 2023). The second monitoring event will be conducted within two years of the first monitoring event. Additional monitoring activities may occur during the off years, if deemed necessary by either DOT&PF or FHWA. The review aims to identify successful practices, areas that may require adjustment or improvement, and, if necessary, areas where corrective actions are needed.



Purpose and Objective

The purpose of the 2024-2025 monitoring review is to assess DOT&PF's public involvement procedures/practices in support of the NEPA process. The review was carried out by a team consisting of DOT&PF and FHWA personnel.

The monitoring review objectives included the assessment of DOT&PF's procedures for public involvement during NEPA document development and re-evaluations. The review aimed to identify successful practices, areas needing improvement, and deficiencies that would require corrective actions to enhance DOT&PF's public involvement procedures.

The Team evaluated the Performance Measures listed in Section 10.2.1 of the MOU as they relate to public involvement and answered the following questions:

1. *Does DOT&PF's public involvement guidance comply with NEPA, the provisions of the NEPA Assignment MOU, and other Federal environmental statutes, regulations, executive orders, policy, and guidance?*
2. *Does DOT&PF's public involvement process comply with internal policies and procedures as outlined in the Alaska DOT&PF Environmental Procedures Manual and DOT&PF guidance documents?*
3. *Does DOT&PF conduct meaningful public engagement, including with communities or groups of people who are not regular participants in the transportation decision making process.*



Scope and Methodology

This first joint monitoring review concentrated on public involvement and addressed any issues identified in the final audit. Observations from the 2021 final audit were addressed prior to this review. Audit Observation #2 from 2021 was further assessed during this review.

The Team evaluated DOT&PF's public involvement process by examining existing policies and reviewing project documentation for compliance to established protocols. The following methods were used to evaluate policies and processes.

- 1) Existing Policies – evaluated DOT&PF's current public involvement policies and procedures, including manuals (EPM and the HPCM) and guidance. The assessment ensured compliance with FHWA and DOT&PF regulations and policies as outlined in the MOU.
- 2) Protocol Compliance – The Team reviewed projects and interviewed DOT&PF staff to ensure compliance with public involvement policies, regulations, and laws. The assessment verified adherence to these standards and evaluated the consistency of policy implementation.
 - a) Conducted a full file review of all EISs and EIS re-evaluations, EAs and EA re-evaluations, and a systematically sampled set of CEs and CE re-evaluations, approved between January 1, 2021, and December 31, 2023. CEs were selected using a systematic sampling method with a 90 percent confidence interval and a 10 percent margin of error across all regions and grouped CE types to ensure a representative sample. Projects that were approved under 23 CFR 771.117(c)(1) – planning activities, and 23 CFR 771.117(c)(9) – emergency repairs, and expedited re-evaluations were excluded from this review.
 - b) Conducted interviews with DOT&PF staff, focusing on the implementation of public involvement, addressing key questions related to public involvement procedures, determination of necessity, documentation, and the effectiveness of current guidelines.

The Team considered all observations made during the monitoring review to ensure DOT&PF's public involvement practices and procedures are following federal laws, regulations, the NEPA Assignment MOU, and determine if DOT&PF is conducting meaningful public involvement.



2021 Final Audit Follow-Up

The monitoring review objectives included follow-up on matters from the final audit completed in 2021, for which the report was published to the Federal Register on September 13, 2023.

The final audit report included four observations:

2021 Audit Observation #1: Permitting Dashboard Reporting Procedures

Section 5.1.1 of the MOU mandated that DOT&PF adhere to the same procedural and substantive requirements as the DOT Secretary, including entering EA and EIS project information into the Federal Infrastructure Permitting Dashboard within specified timeframes. Only one project had been reported, despite three projects requiring entry. DOT&PF lacked written procedures to ensure consistent and compliant reporting.

2021 Audit Observation #2: Documentation of Public and Agency Comments in CE

In 6 of 21 (28%) CE project files reviewed, documentation of public and/or agency comments and their resolution were inadequate, which does not align with DOT&PF Highway Preconstruction Manual requirements. The FHWA recommended that DOT&PF implement procedures for documenting public involvement in CE projects within the Environmental Procedures Manual.

2021 Audit Observation #3: The State's Commitment of Adequate Resources and Quality Assurance/Quality Control QA/QC Performance

Sections 4.2.1 and 4.2.2 of the MOU outlined the need for adequate resources to support NEPA Assignment, but ongoing moderate to high staff turnover had impacted program performance, as noted in multiple audits. FHWA encouraged DOT&PF to address workload, staffing, and turnover issues through tools like the BPM system, resource sharing, and increased use of consultants to improve compliance, program delivery, and QA/QC performance.

2021 Audit Observation #4 Training Needs Assessment

Given ongoing staff turnover, FHWA recommended that DOT&PF conduct a statewide training needs assessment for new environmental staff and explore cross-training opportunities with other agencies (e.g., SHPO, BLM, USFS) to better allocate resources and address skill gaps.



These observations were addressed prior to this monitoring review. The following list briefly describes how the observations were addressed by DOT&PF.

2021 Audit Resolution #1: Though not specifically stated in the EPM, the Statewide Environmental Program Manager is responsible for entering new EIS and EA information into the Permitting Dashboard. At this time, all EAs have been entered into the Permitting Dashboard. There have been no new EISs since 2016.

2021 Audit Resolution #2: The DOT&PF Statewide Environmental Office (SEO) updated the public involvement chapter of the EPM in February 2024 to include additional information on public involvement requirements for CEs. Based on the findings during the current review, additional guidance is recommended. See recommendation #4 to this Joint 2024-2025 Monitoring Report.

2021 Audit Resolution #3: Staffing levels at SEO and all three regions have stabilized, and core staff turnover has been reduced. DOT&PF has also made improvements to the BPM system and utilized consultants as needed.

2021 Audit Resolution #4: In April 2022, SEO sent a survey to all environmental staff to gauge interest and need for training in various resource and regulatory areas; a follow-up survey was sent in May 2022. Based on the results of that survey, SEO has offered multiple trainings on Section 106, Section 4(f), and NEPA as well as various other topics covered under the NEPA umbrella.

The deliverable for the monitoring review is this Monitoring Report jointly authored by DOT&PF and FHWA to be published on DOT&PF's website.



Team Members

FHWA Review Team Leader	Christina Mounce	Alaska Division Environmental Program Manager
DOT&PF Review Team Leader	Jill Taylor	Statewide NEPA Assignment Program Manager
FHWA Review Approver	Emily Haynes	Acting Alaska Division Administrator
DOT&PF Review Approver	Douglas Kolwaite	Statewide Environmental Program Manager
DOT&PF Review Team Member	Molly Proue	NEPA Program Manager
DOT&PF Review Team Member	Nina Keller	NEPA Program Manager
DOT&PF Review Team Member	Matt Dietrick	NEPA Program Manager
DOT&PF Review Team Member	Katrina LeMieux	NEPA Program Manager
FHWA Review Team Member	Jonathan Weaver	Area Engineer
FHWA Review Team Member	Keith Moore	Environmental Program Specialist – FHWA Resource Center Environmental Technical Services
FHWA Review Team Member	Dr. Richard Darden	Ecologist - Office of the Associate Administrator for Planning, Environment and Realty



Observations and Recommendations

Observations and recommendations arose from the policy review, project review, and interviews. The observations largely relate to consistency amongst regions, projects, and strengthening documentation. Recommendations are provided along with observations to provide for stronger and more efficient project-level public involvement. No issues involving non-compliance with the MOUs were noted.

Observation #1: There are inconsistencies between the EPM and HPCM in terms of public involvement procedures.

Reviewers observed that in certain instances, the EPM and HPCM are inconsistent in their guidance. Reviewers noted that the HPCM was last updated in 2005, and contains items related to public involvement that aren't as relevant 20 years later.

Recommendation #1: The EPM and HPCM should be updated to eliminate contradictions and include the latest regulations for NEPA public involvement. Updates should provide clear guidance on when PIPs are required.

Observation #2: Public involvement requirements and timelines for CEs aren't well defined in DOT&PF policies.

Policy review indicated that public involvement requirements and timelines were well defined for projects documented with an EA or EIS, but that clear information was lacking for projects processed as CEs.

However, project reviews and interviews also revealed that the lack of strict guidance allows for flexibility on a project-by-project basis that in many cases allows project teams to meet the needs of communities and conduct meaningful public involvement.

Recommendation #2: Guidance should be expanded upon for CEs while continuing to allow for flexibility dependent upon the scale and scope of the project. This may include the listing of best practices or inclusion of examples. Care should be taken so as not to eliminate the flexibility in the current guidance which allows project teams to best respond to the needs of the wide range of communities throughout Alaska. Also, if there is little to no public involvement, it should be stated within the environmental document along with the rationale for this decision.

Observation #3: Public notice templates with blanket inclusion of Executive Order citations can create confusion on what resources may be affected by a project.



For example, reviewers noted that at times the Executive Order regarding floodplains was cited even if the project had no floodplain involvement or encroachment. Alternatively, reviewers noted a few instances where Executive Orders were cited when there was a specific impact to a resource category, but no accompanying details were given as to how the project affected a certain resource category.

Recommendation #3: Guidance should be provided regarding when to list Executive Orders and applicable laws on public notices.

Observation #4: Public involvement activities are not consistently summarized in the environmental document and supporting documentation is not consistently included. This observation references both public and agency involvement.

Recommendation #4: Guidance should be developed for documenting public and agency involvement within the environmental document, in relevant resource category sections, and within the space allotted to summarize public and agency involvement. The Successful Practices portion of this Monitoring Report includes examples of comment and response matrices employed in several environmental documents.

These matrices could be used as examples and/or to create templates for response documentation. The matrices could also include a column noting how public or agency comments contributed to any design adjustments, if applicable. Guidance should describe what supporting documentation needs to be attached (e.g., emails, phone records, meeting notes, etc.).

Observation #5: There is variation in frequency and timing of public involvement in relation to environmental document completion and in the cases of project changes that require a re-evaluation or new document. In some cases, reviewers noted inconsistent or missing public and/or agency involvement information within the re-evaluation document or new environmental document.

There is a lack of clear guidance on the timing, degree of public involvement required for projects, and when to re-initiate public involvement for project changes during environmental document and re-evaluation preparation.

Recommendation #5: Guidance should be developed to specify the frequency and timing of public involvement throughout the NEPA process, including defining an acceptable time frame between public participation and the finalization of environmental documents. Additionally, the guidance should clearly identify when project changes necessitate further public and/or agency involvement.

Observation #6: Lack of guidance for VPI social media documentation requirements.



The EPM and HPCM do not contain specific guidelines for how and when to conduct or document VPI including, but not limited to, the use of social media.

Recommendation #6: VPI guidance should be developed. VPI guidance could be issued as either a standalone document or as part of a larger public involvement manual. Guidance should include procedures for how to conduct and document VPI, including how to document social media posts and other online engagement within the NEPA document. Manual(s) should be updated to reference VPI and when its use is appropriate either as a sole means of public involvement, or in conjunction with other methods of communication.

Observation #7: Roles in public involvement, in terms of who communicates for the project team and who responds to stakeholder questions and comments, appear inconsistent across project teams. Relatedly, there is a lack of guidance on how and when to respond to stakeholder questions and comments. This could result in inconsistent communication with public and agency stakeholders and documentation.

Recommendation #7: Update manual(s) to define the roles and responsibilities of DOT&PF staff for public and agency involvement. Develop guidance outlining when responses are required and how to document comments within the NEPA document and project file.

Observation #8: Project reviews indicated that there is variation as to how federally recognized tribes and other tribal groups are contacted outside of the Section 106 process.

Recommendation #8: Develop specific guidance for tribal involvement during NEPA, including procedures for public involvement and other communications during the NEPA process.



Successful Practices

The following successful practices were noted during the project review process and during various interviews.

Internal Coordination and Communication

Several best practices were observed regarding internal coordination and communication to facilitate public involvement. One region prepares formal PIPs for all projects except routine low-impact maintenance and operations (M&O) projects. These PIPs are ‘living documents’ prepared at the beginning of a project and flexible to changing project needs.

With regard to project team coordination and communication, interviews demonstrated a clear understanding of the structural support offered by DOT&PF, with respondents referring to analysts, Regional Environmental Managers (REM), SEOs, and project managers as sources of information and guidance for various aspects of the public involvement process.

Agency Communications

One region holds an annual meeting with the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (USACE), and the Alaska Department of Fish and Game (ADF&G) to provide opportunity for a roundtable discussion on projects and general processes or input the agencies may have on how DOT&PF could make any needed adjustments or improvements.

Public Involvement Commensurate with the Scale and Scope of the Project

Interviews and project reviews indicated that overall, public involvement is conducted in a manner commensurate with scale and scope of the project.

This flexibility in public involvement was also observed to be useful when considering the broad scale of Alaska—the flexibility allows the project team to tailor the public involvement needs to the affected community (e.g., urban vs. rural, road system vs. off-road system, etc.).

Accessibility

Interviews with engineering and environmental staff indicated that great care is taken to provide information and accessibility to accommodate impacted communities. One project manager noted that in rural communities, they work directly with the community and go to whichever location is requested. As one project manager noted, the team aims to “go where you’ll be heard.” A REM noted: “The best means [of public involvement] is to get the information into the right hands in the community.” Project



teams work to network with community groups who can help spread the word on projects and input.

Comment Response and Incorporation into NEPA Document

In many cases, project reviews noted the presence of “Comment and Response Matrices.” These types of collation methods to convey the comments received, as well as responses provided to commenters, are very useful for a clear indication of what types of communications occurred during public involvement.

Incorporating Public and Agency Comments into Project Design

One interview with a project manager revealed a successful practice of incorporating public feedback into project design. This manager noted that public feedback always plays into design and provided an example involving a drainage improvement—they noted that residents who live in an area requiring drainage improvements often have greater knowledge of the source of the drainage issue than DOT&PF staff; therefore, reaching out to local residents is essential for refining design. Another project manager noted that public feedback is “continuously” incorporated into designs; feedback is solicited early but continues to be important throughout a project’s life.



Conclusion

The first monitoring review under the NEPA Assignment Program, conducted during 2024-2025, validates the effective partnership between FHWA Alaska Division and DOT&PF. The review confirms that public involvement policy and procedures, with noted needed updates to guidance, are generally in alignment with the MOU. The review highlights the strength of the DOT&PF public involvement process and revealed several successful practices which can be encapsulated in guidance and examples compiled by SEO for distribution to regions and project teams. Implementing the recommendations offered by the Team can improve public involvement practices, enhance staff efficiency, and ensure regulatory compliance; ultimately contributing to even more efficient project delivery and successful outcomes. These recommendations may best be captured in the development of a standalone Public Involvement guidebook and any needed adjustments to the existing EPM and HPCM.



Appendices

Appendix A: List of DOT&PF Public Involvement Guidance Documents for Review

Appendix B: List of projects reviewed in this monitoring review



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