

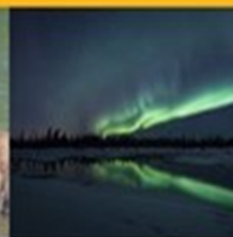


Alaska Department of



# Transportation & Public Facilities

*Keep Alaska Moving* through service and infrastructure



## National Environmental Policy Act (NEPA) **PROCEDURES MANUAL TRAINING**

*MODULE 11B*

### QUALITY ASSURANCE AND QUALITY CONTROL

*FOR ENVIRONMENTAL IMPACT STATEMENTS*

**2021 CLASSROOM GUIDE**





## Draft Document Development

- Technical Reports (QA during development, QC formalized)
- NOI for EIS
- Public and Agency Involvement
- Draft Environmental Document
  - Preparation
  - Review
  - Certification
  - Legal Review

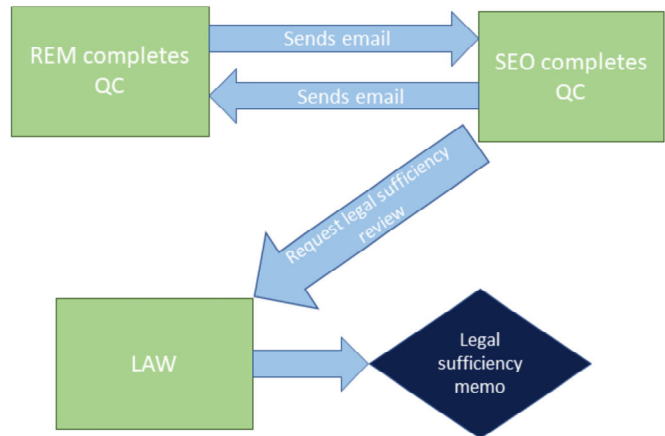


First, we will discuss Quality Assurance and Quality Control throughout the development of the draft Environmental Impact Statements. We will cover technical reports, the notice of intent, public and agency involvement and the draft environmental document, including preparation, review, certification and legal review.



## Notice of Intent (NOI)

- Official notification to prepare an EIS
- Posted in the *Federal Register*
- Legal sufficiency review required



A Notice of Intent (NOI) is the official notification that a federal agency is beginning the process to prepare an EIS. The initial project development team develops a NOI for publication in the *Federal Register* after it has consulted with any other project sponsor, initiated the 23 USC 139 environmental review process, and reached its decision to prepare an EIS (23 CFR 771.123).

The MOU requires that each NOI receive a legal sufficiency review and determination prior to publication. Following REM and SEO review, the SEO submits the draft NOI to the Department of Law for a legal sufficiency review and determination. Communications with LAW and legal advice are confidential and are maintained in a separate file for privileged communications, which is not available for consultant, public, or agency distribution or review. When all legal comments have been appropriately addressed, the Department of Law provides a memorandum documenting that the legal sufficiency review has been completed. The Department of Law memorandum documenting completion of the legal sufficiency review is included in a non-confidential folder of the project file.



## Technical Reports

### Quality Assurance (QA):

- ✓ Incorporated during development
- ✓ Coordinated through project team, support groups, and subject matter experts



### Quality Control (QC):

- ✓ Confirm accuracy
- ✓ Ensure coordination is complete
- ✓ Ensure regulatory and DOT&PF standards are met
- ✓ Verify consistency
- ✓ Document comments and changes in project file



During early project development, the project development team identifies the necessary technical studies to support development of the environmental document. Quality Assurance (QA) is incorporated into the development of the technical reports through coordination between the team, support groups, and subject matter experts, as appropriate, regarding methodologies and approaches for the technical studies.

Required technical reports undergo a technical report Quality Control (QC) review, and can be conducted by:

- A member of the project development team who was not directly involved in the report preparation
- A peer reviewer
- Another subject matter expert, depending on the resource area

Technical report QC review should:

- Confirm adequacy and accuracy of the report

- Ensure appropriate coordination and regulatory requirements are met
- Ensure applicable regulatory requirements and DOT&PF standards are met
- Verify clarity, grammar, and internal consistency of the information
- Document review comments and responses and place in the project file as evidence of the review and to communicate any necessary report changes





## Public and Agency Involvement

### Quality Assurance (QA):

- ✓ Development of public involvement materials
- ✓ Responses to comments
- ✓ Captured in summary/report



### Quality Control (QC):

- ✓ Confirm accurate record in summary/report
- ✓ Accuracy of responses to comments
- ✓ QC record is in project file



Prior to public and agency involvement activities, Quality Assurance (QA) review occurs through the collaborative development of public notices, scoping letters/emails, meeting presentation materials and handouts, and through the development of any responses to comments by the project development team. Following the public and agency involvement activities including scoping efforts, meetings and public hearings, the Environmental Impact Analyst, consultant, or other team member completes a scoping, meeting, or hearing summary/report. The team conducts the Quality Control (QC) review of the summary/report to ensure the scoping activity, meeting or hearing is accurately recorded, and reviews participant comments and team responses for consistency and accuracy. The QC review also confirms the summary/report includes scoping letters/emails, and meeting or public hearing materials. Once the review is completed, the summary/report and any team comments are included in the region project file to document the QC review.



## Preparation of the Draft Environmental Document

### Quality Assurance (QA):

- ✓ Emails, phone notes, meeting notes
- ✓ Collaborative discussions
- ✓ Included in project file
- ✓ Consistent with supporting attachments



### Quality Control (QC):

- ✓ Reviews by regional staff
- ✓ Reviews by SEO
- ✓ Reviews by LAW, if necessary



Quality Assurance (QA) occurs through collaboration and project meetings during the preparation of the draft environmental document. Evidence of QA includes emails, phone conversation notes, and meeting notes summarizing collaborative discussions involving project development team members about any aspect of the draft document development (i.e., alternatives, resource areas, methodologies). The Environmental Impact Analyst is responsible for ensuring that evidence of this process is included in the region project file, and that the draft environmental document is consistent with any technical reports prepared to support the environmental document.

QC occurs through a series of QC review steps that include region, SEO, and LAW review. The draft environmental document is only made available for publication after QC is complete, the legal review is complete, and SEO receives the region preconstruction engineer recommendation for publication.



## Draft Environmental Document Review

### Quality Assurance (QA):

- ✓ Emails, phone notes, meeting notes
- ✓ Collaborative discussions
- ✓ Included in project file
- ✓ Consistent with supporting attachments



### Quality Control (QC):

- ✓ Review by regional staff
- ✓ Review by SEO
- ✓ Review by LAW



- [QA/QC Plan](#)
- [Document Review Checklist](#)
- [Comment Response Matrix](#)



Email templates are in 2.4.7 of the *QA/QC Plan*



The draft environmental document review is a QC step performed by the project development team members to determine if the document is ready for legal review and public availability approval recommendation. The review is documented on the *QA/QC Environmental Document Review Checklist* and included in the project file. Review comments and responses may be documented on the optional *Environmental Document Review Comment and Response Matrix*, or other similar format. The *QA/QC Environmental Document Review Checklist* and the *Environmental Document Review Comment and Response Matrix* can be downloaded from the SEO website. The team members review the draft environmental document and will consider the following QC review elements:

- Accuracy
- Adequacy
- Completeness
- Compliance with CEQ and FHWA NEPA regulations (40 CFR 1508 and 23 CFR 771) and DOT&PF standards and procedures
- Conciseness
- Consistency within and between the environmental document, supporting appendices,



and technical reports

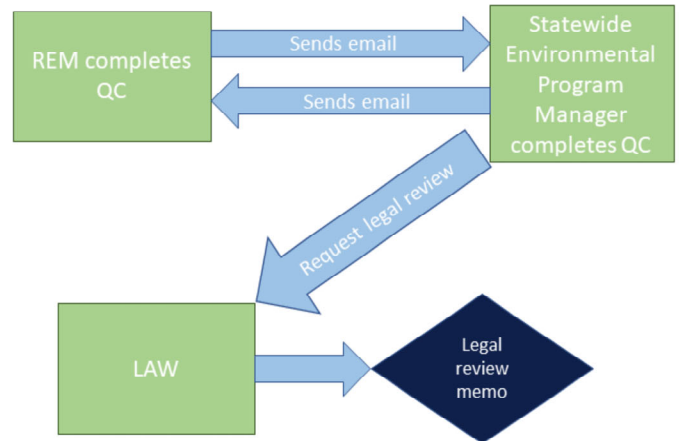
- Conformance to all NEPA requirements and applicable guidance, policies, and procedures
- Errors and omissions
- Readability

Project development team member review comments and associated responses/resolutions are documented in writing and placed in the region project file to document the QC review.



## Legal Reviews

- ❖ Prior to public review
- ❖ May require multiple reviews
- ❖ Confidential communications
- ❖ Non-confidential memo



The Statewide Environmental Office must request the Department of Law conduct legal review of Draft Environmental Impact Statements. The primary goal of legal review is to assess the document for compliance with legal requirements. The environmental document must undergo legal review prior to approval for public review. More than one legal review may be requested including a review of the revised documents. For controversial or complex projects, the Department of Law may require that all legal comments be appropriately addressed before concluding the legal review and issuing a memorandum of completion. Communications with the Department of Law and legal advice are confidential and are maintained in a separate file for privileged communications, which is not available for consultant, public, or agency distribution or review. The Department of Law memorandum documenting completion of legal review is included in a non-confidential folder of the project file.

The Draft Environmental Impact Statement must be provided to the Department of Law for review and comment upon the completion of the Regional Environmental Manager and Statewide Environmental Office staff member QC reviews. Following the Regional Environmental Manager and Statewide Environmental Office staff member QC review, the Statewide Environmental Office staff member submits the Draft Environmental Impact Statement and associated documents to the Department of Law for legal review.



## Approval for Public Availability

### Environmental Impact Statement (EIS):

- ✓ REM QC Review
- ✓ Statewide Environmental Program Manager QC Review
- ✓ LAW legal review
- ✓ Preconstruction Engineer Recommendation
- ✓ Statewide Environmental Program Manager approval



In order for a Draft Environmental Impact Statement to be approved for public availability, the Regional Environmental Manager (or REM), the Statewide Environmental Office (or SEO), and the Department of Law reviews must be complete and the SEO must receive the region preconstruction engineer recommendation for public availability. The Statewide Environmental Program Manager is authorized to sign an approval for public availability of the Draft Environmental Impact Statement.



## Final Document Development

- Final Environmental Document (EIS and ROD)
  - Preparation
  - Review
  - Certification
  - Legal Review or Legal Sufficiency Review
  - Approval
- Federal Register Notices



Now, we will discuss Quality Assurance and Quality Control through the development of the final environmental document. We will cover the Final Environmental Impact Statement and Record of Decision, including preparation, review, certification, legal review or legal sufficiency review, and approval. We will also discuss federal register notices.



## Preparation of the Final Environmental Document

### Quality Assurance (QA):

- ✓ Emails, phone notes, meeting notes
- ✓ Collaborative discussions
- ✓ Included in project file
- ✓ Consistent with supporting attachments



QA occurs during preparation of the final environmental document, like preparation of the draft environmental document. Evidence of QA includes emails, phone conversation notes, and meeting notes summarizing the collaborative discussions involving project team members about any aspect of the final document. The Environmental Impact Analyst is responsible for ensuring evidence of this QA process is included in the project file, and that the final environmental document is consistent with any reports prepared to support the environmental document.





## Final EIS and ROD, or Combined Final EIS/ROD

### Environmental Impact Statement (EIS):

- ✓ Coordination complete
- ✓ Comments addressed
- ✓ Updates to EIS
- ✓ Accurate

### Record of Decision (ROD):

- ✓ Clear decision
- ✓ Accurate and consistent
- ✓ Environmental commitments and mitigation
- ✓ Resolution of comments
- ✓ EIS and ROD are consistent

### Quality Control (QC):

- ✓ Review by regional staff
- ✓ Review by Statewide Environmental Program Manager
- ✓ Review by LAW (legal sufficiency)
- ✓ EIS and ROD Approval



• [QA/QC Plan](#)



Email templates are in 2.4.7 of the *QA/QC Plan*

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### Final EIS and Rod, or Combined Final EIS/ROD

While a Final Environmental Impact Statement (or EIS) and Record of Decision (or ROD) may be processed separately, it is recommended that they are processed jointly as a combined Final EIS/ROD document. The same QC review requirements apply whether the documents are processed separately or jointly. For a Final EIS or ROD, the ROD is submitted to the Statewide Environmental Program Manager for review with the Final EIS and region preconstruction engineer request for approval and ROD. Similar to review at the Draft EIS stage, in order for the Final EIS and ROD to be approved, the REM and Statewide Environmental Program Manager each conduct a review of the Final EIS and ROD to confirm that the documents meet NEPA requirements and DOT&PF standards, and are ready for legal sufficiency review and final approval.

The REM and Statewide Environmental Program Manager each review the Final EIS to verify the following:

- All consultation and coordination requirements have been completed and documented
- All public and agency comments have been appropriately addressed
- The Final EIS has been updated and modified as necessary
- Any updated information has been accurately incorporated into the Final EIS

The REM and Statewide Environmental Program Manager will review the ROD for the following:

- Clarity in describing the decision
- Accuracy and consistency of project information
- Accuracy in description and documentation of final agreed-upon environmental commitments and mitigation requirements
- Final resolution of any public or agency comments
- Consistency between the Final EIS and ROD

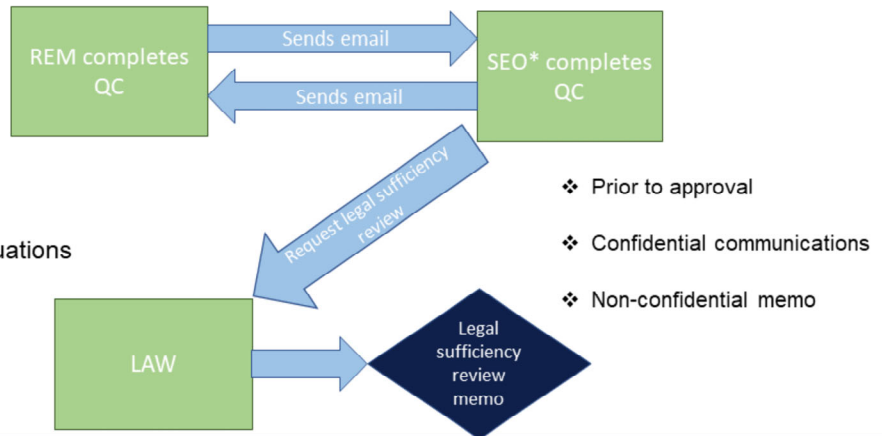
Following QC, review, the REM and Statewide Environmental Program Manager each complete the certification process as outlined in the QA/QC Plan to document completed QC review of the Final EIS or ROD. This certification email is provided by the REM to the Statewide Environmental Program Manager, and then by the Statewide Environmental Program Manager to the REM, as evidence that region and SEO QC reviews of the Final EIS or ROD are successfully completed and the document is ready for legal sufficiency review and final approval. The Statewide Environmental Program Manager is authorized to sign an approved Final EIS or ROD.



## Legal Sufficiency Review

### Required for all:

- Final EISs and RODs
- Individual Section 4(f) Evaluations



Legal sufficiency review is required for any Final EIS, ROD, or combined Final EIS/ROD, and any Individual Section 4(f) evaluation. Communications with the Department of Law and legal advice are confidential and are maintained in a separate file for privileged communications, which is not available for consultant, public, or agency distribution or review. When all legal comments have been appropriately addressed, LAW provides a memorandum documenting that the legal sufficiency review has been completed. The LAW memorandum documenting completion of the legal sufficiency review is included in a non-confidential folder of the project file. The Statewide Environmental Program Manager cannot approve a Final EIS, ROD, or combined Final EIS/ROD until it has been determined to be legally sufficient.



## Final Environmental Document Approval

### Environmental Impact Statement (EIS):

- ✓ REM QC Review
- ✓ Statewide Environmental Program Manager QC Review
- ✓ LAW legal sufficiency review
- ✓ Preconstruction Engineer Recommendation
- ✓ Statewide Environmental Program Manager approval



The Final EIS and ROD require legal sufficiency review and cannot be approved until it has been determined to be legally sufficient. Following the legal sufficiency review, the REM and Statewide Environmental Program Manager each complete the QC review completion certification process as outlined in the QA/QC Plan, to document that the Final EIS and ROD have completed QC review. The Statewide Environmental Program Manager is authorized to sign an approved Final EIS and ROD. This authority may not be delegated.



## Environmental Decision Notice of Availability

### Distribution:

- Local newspapers
- Alaska Online Public Notices
- Mail and/or email
- Other methods, as appropriate



### Available at:

- Online
- Local libraries
- DOT&PF region and SEO offices
- By request
- Federal Register
- Other locations, as appropriate



After the ROD is approved, or concurrent with the SEO review, the region will prepare a notice of availability of the decision document for SEO approval. After SEO approval, the region will issue DOT&PF's notice of availability of the ROD to the public and appropriate federal, state, and local agencies (23 CFR 771.121(b)) by the following methods as appropriate:

- In any local newspapers
- In the Alaska Online Public Notices
- By mail or email
- By other appropriate methods

The decision document will also be made available to the public as follows:

- By request
- Online
- At any local libraries
- At DOT&PF region and SEO offices
- At other appropriate locations

Project environmental notices of intent, availability, and statute of limitations are published in the *Federal Register* through FHWA or the United States Environmental Protection Agency (EPA) because only federal agencies may publish notices in the *Federal Register*. The draft notice will be prepared by the region project development team for REM review and



transmittal to SEO. SEO will review the draft notice prior to requesting the required legal sufficiency review and determination from LAW. Communications with LAW and legal advice are confidential and are maintained in a separate file for privileged communications, which are not available for consultant, public, or agency distribution or review. When all legal comments have been appropriately addressed LAW provides a memorandum documenting that the legal sufficiency review has been completed. The LAW memorandum documenting completion of the legal sufficiency review is included in a non-confidential folder of the project file. After region, SEO, and LAW reviews are complete, SEO forwards the draft notice to FHWA for publishing in the *Federal Register*.



## Module Review – Environmental Impact Statements and Records of Decision **Module 11: What You’ve Learned...**



- QA and QC steps through development of the draft and final Environmental Impact Statements
- The process for legal reviews and legal sufficiency reviews
- The steps required for public distribution of draft and final Environmental Impact Statements and Records of Decision



Return to the T2 Online Training



This concludes the Environmental Impact Statement Process of the QA/QC Module of DOT&PF's Environmental Procedures Manual Training Program.

Please navigate to the T2 Online Training to complete the QA/QC Module and to take the Module Quiz.