

## 11. Quality Assurance and Quality Control

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### 11.1. Introduction

DOT&PF integrates Quality Assurance (QA) and Quality Control (QC) considerations into its environmental documents and decisions to comply with applicable laws, regulations, and standards. DOT&PF ensures both QA and QC processes are built into the environmental analysis and approval process.

This QA/QC chapter is intended to provide guidance on the required incorporation of QA and QC throughout the environmental process. See the following sections for more information on QC reviews specific for each environmental document type: Chapter 3, Section 3.3.2, DOT&PF Review and Approval Process, for Categorical Exclusions (CE); Chapter 4, Section 4.3, DOT&PF Review and Approval Process, for Environmental Assessments (EA) and Findings of No Significant Impacts (FONSI); and Chapter 5, Section 5.4, DOT&PF Review and Approval Process, for Environmental Impact Statements (EIS) and Records of Decision (ROD).

QA is a process that occurs during document development to:

- Implement procedures established in the EPM
- Prevent document errors and omissions
- Support the development of accurate NEPA documents and decisions

QC is a review process that occurs after the document is complete, and prior to document approval to ensure environmental analysis and project file documentation procedures were followed and to correct errors and omissions.

In general, QA occurs through collaborative development of the environmental document, and QC occurs through a series of review steps once the document is complete.

#### 11.1.1. MOU Requirements

The Statewide Environmental Office (SEO) is responsible for the management, control, and oversight of the NEPA Assignment Program environmental review and approval process, including as specified in NEPA Assignment Program Memorandum of Understanding ([MOU](#)) (Part 8.2.5.) for QA and QC:

DOT&PF agrees to perform regular quality assurance and quality control (QA/QC) activities to ensure responsibilities assumed under Part 3 of this MOU are being conducted in accordance with applicable laws and this MOU, to identify areas needing improvements in the process, and to timely take any corrective actions necessary to address the areas needing improvement. At a minimum, DOT&PF's QA/QC activities will include the review and monitoring of its processes relating to project decisions, environmental analysis, including environmental justice, project file documentation, checking for errors and omissions, and legal sufficiency reviews. DOT&PF will provide documentation of this data and any identified trends to FHWA on an annual basis.

### 11.2. Procedural Requirements

In addition to the QA/QC requirements in the MOU and the EPM, DOT&PF has procedural requirements for Project Management Plan (PMP) and Public Involvement Plan (PIP) development in its Highway Preconstruction Manual (HPCM) and Civil Rights Office (CRO) requirements for public involvement processes. Note that when requirements from these resources overlap, the more extensive process should apply.

DOT&PF's approved PMP procedural requirements are included in HPCM Chapter 4, Section 430, Preliminary Engineering through Environmental Document Approval. PIP and public involvement procedural requirements are in Chapter 5, Public Involvement and Agency Coordination, of the HPCM.

### **11.2.1. Civil Rights Office**

The [CRO](#) maintains a Title VI Nondiscrimination Program Plan containing specific public involvement required language and processes. Consult with the CRO for compliance with the current program plan.

In addition, the CRO reviews EAs, EISs, and public participation plans for concurrence with environmental justice principles.

## **11.3. Early Project Development**

QA of an environmental document, specifically an EA or EIS, begins with the project development team. The collaborative formation of the team for the development of an environmental document is a QA activity that can be documented in the region project file with emails, project meeting summaries, and other similar items demonstrating the coordination effort.

### **11.3.1. Project Development Team**

The project development team is initially comprised of the following region staff: Engineering Manager, Environmental Impact Analyst, and REM. Additional region staff are added to the team based on the needs of the project, and could include planners, engineers, subject matter experts, and consultants.

An SEO staff member is assigned to the team when the COA consultation process is initiated with SEO. For EIS's, the SEO staff member will be the Statewide Environmental Program Manager, for EA's, the SEO staff member would either be the Statewide NEPA Program Manager, or signature authority delegated to a NEPA Program Manager.

### **11.3.2. Project Management and Public Involvement Plans and Schedule**

The next step is PMP development, including development of the PIP, and project schedule. The project development team builds QA into the PMP, PIP, and schedule development process. Collaborate with one another and consult with support groups and subject matter experts, as appropriate, to identify environmental constraints early in the environmental process and to establish timelines, tasks and responsibilities. Documentation of the collaborative plan and schedule development (e.g., emails, meeting notes/summaries, and phone logs) is included in the region project file.

### **11.3.3. Plan and Schedule Approvals and Class of Action Recommendation and Concurrence**

The Engineering Manager and REM perform a QC review of the PMP, PIP, and schedule prior to approval, and of the COA Consultation Form recommendation for their joint concurrence. This QC review includes:

- Review for accuracy and consistency the project name, state and federal project numbers, and project description, including project limits
- Confirmation that the COA recommended is appropriate for the project description, any known environmental issues and probable environmental impacts
- Review the identification of appropriate technical reports, public involvement, agency coordination, and permit approvals
- Review for consistency the project schedule with the PMP and PIP

The NEPA Program Manager performs a QC review of the COA Consultation Form and recommendation before concurrence. This QC review verifies the COA recommendation is appropriate for the project description, any known environmental issues, and probable environmental impacts. This review is evidenced by documented communication requesting additional information or clarification, or concurrence with the recommendation. The

PMP, PIP, schedule approval, and COA recommendation are placed in the region project file as evidence the QC review is completed.

#### **11.3.4. Prior Concurrence of Certain Projects**

For selected projects, “prior concurrence” pursuant to 23 CFR 771.125(c), will be obtained before proceeding with key approvals under NEPA. The Chief Engineer makes the prior concurrence decision. The Department of Law advises the Chief Engineer in that decision to ensure that the project and document in question are acceptable from a policy and program perspective. Prior concurrence may apply to Draft EIS and Final EIS approvals and on rare occasions to Draft EAs and Final EAs. Projects requiring prior concurrence will be identified on a case-by-case basis by the Statewide Environmental Program Manager, based on input and recommendations from the NEPA Program Managers, REMs, and LAW and may include projects meeting one or more of the following criteria:

- Impacts of unusual magnitude
- High level of controversy
- Major unresolved issues
- Emerging or national policy issues
- Issues for which a Region or SEO seek policy assistance

In completing the prior concurrence review, the Chief Engineer will personally examine the elements of the environmental document at issue and seek advice and input, as appropriate, from technical subject matter experts. The Chief Engineer will make the prior concurrence decision before the document is approved by the Statewide Environmental Program Manager.

### **11.4. Draft Document Development**

#### **11.4.1. Completion of Technical Reports**

During early project development the team identifies the necessary technical studies to support development of the environmental document. 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.

#### **11.4.2. Technical Report Review**

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

### **11.4.3. Notice of Intent**

A Notice of Intent (NOI) is the official notification that a federal agency is beginning the process to prepare an EIS. The project development team develops an 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 (Part 8.2.5) 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 LAW for a legal sufficiency review and determination. The LAW statement documenting completion of the legal sufficiency review and determination is included in the region project file for privileged communications and is confidential. Legal review comments remain within DOT&PF and are not available for public or agency review.

### **11.4.4 Public and Agency Involvement and Involvement Summaries and Reports**

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

### **11.4.5. Preparation of the Draft Environmental Document**

QA occurs through collaboration and project meetings during the preparation of the draft environmental document. Evidence of QA includes emails, phone and meeting notes summarizing project development team discussions 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 QA 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. When QC is complete, the legal review is complete, and SEO receives the region Preconstruction Engineer recommendation for publication the draft document is made public.

### **11.4.6. Draft Environmental Document Review**

The draft environmental document review is a QC step performed by the project development team. It determines if the document is ready for legal review and a public availability approval recommendation. Consider the following QC review elements during this review:

- Accuracy
- Adequacy
- Completeness
- Compliance with CEQ and NEPA regulations ([40 CFR 1500](#) 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 responses and resolutions are documented in writing and placed in the region project file to document the QC review.

#### **11.4.7. QC Review Certification**

SEO and the REM perform separate QC reviews to document the completed QC review of an environmental document. Each reviewer certifies QC completion certification requirements in separate emails for the region project file.

The certification email is provided by the REM to the SEO staff member, and then by the SEO staff member to the REM, as evidence that the region and SEO QC reviews of the environmental document are successfully completed.

The QC review completion certification email should include the following:

*This project meets the following requirements:*

- A. *The document has been determined to be complete.*
- B. *The document meets NEPA requirements ([23 CFR 771](#)) and all other applicable federal and state environmental requirements.*
- C. *Any required public participation has been completed.*
- D. *All consultation and coordination required through this stage of project development have been completed and appropriately documented.*

*I verify that the QA/QC procedures have been followed, and all necessary QC documentation has been submitted.*

The certification emails are placed in the region project file to document QC review completion prior to legal review. The email certifies that QC is complete, the document meets all applicable federal and state environmental requirements, public participation required through this stage is complete, and all required consultation and coordination is complete and appropriately documented.

#### **11.4.8. Legal Review**

SEO must request LAW conduct legal review of a Draft EA or Draft EIS. 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, LAW may require that all legal comments be appropriately addressed before concluding the legal review and issuing a memorandum of completion.

Communications with LAW and legal advice are confidential and are maintained in a separate file for privileged communications. Confidential information is not available for consultant, public, or agency distribution or review. The LAW memorandum documenting completion of legal review is included in a non-confidential folder within the project file.

#### **Draft EAs**

The Draft EA must be provided to LAW for review and comment upon the completion of the REM and SEO QC reviews.

## **Draft EIS**

Following REM and Statewide Environmental Program Manager QC review, the Statewide Environmental Program Manager submits the Draft EIS and associated document to LAW for legal review.

### **11.4.9. Approval for Public Availability**

#### **Draft EA**

In order for a Draft EA to be approved and made public, REM, SEO, and LAW reviews must be complete and SEO must receive the region Preconstruction Engineer recommendation to make the draft document public. The Statewide Environmental Program Manager is authorized to sign an approval for public availability of the Draft EA or delegate signature authority to the NEPA Program Manager.

#### **Draft EIS**

In order for a Draft EIS to be made public, REM, SEO, and LAW reviews must be complete and the SEO must receive the region Preconstruction Engineer recommendation. The Statewide Environmental Program Manager is authorized to sign an approval to make the Draft EIS publicly available.

## **11.5. Final Environmental Document Preparation**

QA occurs during preparation of the final environmental document, like preparation of the draft environmental document. Evidence of QA includes emails, phone conversation and meeting notes summarizing project team discussions 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.

### **11.5.1. Final Environmental Document Review**

The final environmental document review is a QC step performed by the project development team members to determine if the document is ready for approval recommendation. To confirm the document is ready for final approval the team reviews the document for the QC review elements listed in Section 11.4.6, in addition to the final environmental document QC review elements listed in Section 11.5.2. Review comments, and associated responses and resolutions, are documented in writing and placed in the region project file.

### **11.5.2. QC Review Certification**

#### **Final EA and FONSI**

If the environmental decision is likely to be a FONSI, it may be submitted to SEO for review along with the Final EA and the region Preconstruction Engineer request for a FONSI. The REM and SEO each perform a QC review of the Final EA and FONSI to confirm that it meets NEPA requirements and DOT&PF standards and is ready for legal review and SEO approval. In addition to the QC review elements identified above in Section 11.4.6, QC review of the Final EA and FONSI confirms that the document is ready for legal review and final SEO approval.

The REM and SEO staff member each review the Final EA to verify the following:

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

The REM and SEO will review the FONSI for the following environmental decision document QC review elements:

- 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 EA and FONSI

Complete the certification process as outlined in Section 11.4.7 to document completed QC review of the Final EA and FONSI. This certification email is provided by the REM to the SEO and then by the SEO to the REM, as evidence that region and SEO QC reviews of the Final EA and FONSI are successfully completed, and the document is ready for legal review and final approval. The Statewide Environmental Program Manager is authorized to sign an approved Final EA and FONSI or delegates signature authority to the NEPA Program Manager.

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

While a Final EIS and ROD may be processed separately, it is recommended 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 and 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 to confirm that either document meet NEPA requirements and DOT&PF standards and is ready for legal sufficiency review and final approval. In addition to the QC review elements identified in Section 11.4.6, QC review of the combined Final EIS/ROD confirms that the document is ready for legal sufficiency review and final SEO approval.

Review the Final EIS to verify the following:

- All required consultation and coordination 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

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

The REM and Statewide Environmental Program Manager each complete the certification process in Section 11.4.7 to document completed QC review of the Final EIS and 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 and ROD are successfully completed, and the environmental document is ready for legal sufficiency review and final approval. The Statewide Environmental Program Manager is authorized to sign an approved Final EIS and/or ROD.

### **11.5.3. Legal Sufficiency Review**

Legal sufficiency review is required for any Final EIS, ROD, or combined Final EIS/ROD, and any Individual Section 4(f) evaluation. All Final EAs or FONSIIs relying on a Statute of Limitations (SOL) Notice prepared per 23 U.S.C. 139(l) likewise are required to receive 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, 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 within the project file. The Statewide Environmental Program Manager cannot approve a Final EIS, ROD, combined Final EIS/ROD, or SOL Notice for a Final EA and FONSI until the document has been determined to be legally sufficient (23 CFR 771.125(b)).

### **11.5.4. Final Environmental Document Approval**

#### **Final EA and FONSI**

The FONSI may be submitted to the SEO for approval along with the Final EA. If the documents are submitted separately, the preparer of the Final EA will prepare a FONSI for SEO review and approval after the SEO staff member determines that no significant impact will result from the proposed action. The REM and SEO staff member each perform a QC review of the Final EA and FONSI to confirm that it meets NEPA requirements and DOT&PF and is ready for final approval. The Statewide Environmental Program Manager is authorized to sign an approved Final EA and FONSI or delegate signature authority to the NEPA Program Manager.

#### **Final EIS and ROD**

Following the legal sufficiency review (see Section 11.5.3.), the REM and Statewide Environmental Program Manager each complete the QC review completion certification process as outlined in Section 11.5.2. in order 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.

### **11.5.5. Environmental Decision Notice of Availability**

After the FONSI or 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 FONSI or ROD to the public and appropriate federal, state, and local agencies ([23 CFR 771.121\(b\)](#) and [23 CFR 771.123\(b\)](#)) by the following methods as appropriate:

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

The decision document will also be made available to the public online, at DOT&PF region and SEO offices, at applicable local libraries and other locations as appropriate and by request. Publishing Federal Register Notices

Project environmental notices of intent, availability, and statute of limitations are published in the *Federal Register* through FHWA.

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. At the completion of the legal sufficiency review, LAW provides a written statement that the legal sufficiency review has been completed and all legal comments have been appropriately addressed.



The LAW statement documenting completion of the legal sufficiency review and determination is included in the project file for privileged communications. After region, SEO, and LAW reviews are complete, SEO forwards the draft notice to FHWA for publishing in the *Federal Register*.