

COLORADO DEPARTMENT OF TRANSPORTATION NEPA DOCUMENT DEVELOPMENT AND REVIEW PROCEDURES

APRIL 2006



CDOT NEPA DOCUMENT DEVELOPMENT AND REVIEW PROCEDURES

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COLORADO DEPARTMENT OF TRANSPORTATION NEPA DOCUMENT DEVELOPMENT AND REVIEW PROCEDURES

These procedures apply to National Environmental Policy Act (NEPA) documents, which are Environmental Assessments (EAs), Findings of No Significant Impact (FONSI), Draft Environmental Impact Statements (DEIS), Final Environmental Impact Statements (FEIS), Records of Decision (RODs), and Draft and Final Section 4(f) Evaluations. All pre-signature / preliminary documents are working versions for review within CDOT, and by FHWA, and any cooperating agencies, prior to CDOT and FHWA approval for distribution to the public and agencies as officially filed NEPA documents. CDOT and FHWA will review these procedures annually to determine if any changes are necessary.

I. NEPA SCOPING MEETINGS

Scoping meetings will be held with the CDOT Environmental Programs Branch (EPB) staff for all projects for which NEPA documents will be prepared (excluding Categorical Exclusions). It is the responsibility of the Region Planning and Environmental Manager (RPEM) to schedule these meetings and coordinate with EPB. Appropriate FHWA staff should also be invited. If the project is a local agency project, representatives from the agency need to be invited to the meeting as well. These meetings will be held at initiation of the NEPA process. The Region and EPB will collaborate in facilitating these meetings. Meeting with the Region and the project consultant allows EPB staff to become familiar with the project and the consultants who will be preparing the document, as well as major project issues. The EPB staff specialists often have information on the project area and specific resources that can be shared with the Region and consultant. The EPB staff will provide the Region and consultants with our expectations for document content. The document review period will be discussed. The document type and the scope and level of analysis/methodology may also be discussed. The CDOT Environmental Scoping Form (see Attachment 1) will be completed at the meeting, which helps to set the tone and expectations for the NEPA document.

II. CONSULTATION POINT MEETINGS / PROJECT LIAISON ROLE

The CDOT Environmental Scoping Form will also be used as a checkpoint throughout the project, allowing EPB and the project team to confer at key consultation points along the way. The Scoping Form will be reviewed for accuracy and updated as necessary at the following points in the project, at a minimum:

- Finalizing purpose and need/goals and objectives
- Finalizing the range of alternatives
- Selecting the preferred alternative
- Determining appropriate mitigation measures

A separate meeting between the EPB project liaison and/or the NEPA Program Manager and the project team at each of these points may be appropriate. Alternatively, these “scoping consultation point” meetings may be rolled into existing project meetings as the Region project manager deems appropriate. At each meeting, the scoping form will be reviewed, dated, and signed by an EPB representative and a Region project team representative. Changes to the scoping form will be acknowledged on the form at each consultation point.

In addition to involvement at the scoping and consultation point meetings, EPB assigns a staff person as a project or corridor “liaison” to the project. The corridor liaison provides a corridor report at the EPB

monthly staff meeting and is expected to provide responses to general project-related questions from other EPB specialists. The EPB corridor liaison provides general information back to all EPB specialists, including project scope issues, major decisions, and key public meetings. The liaison can also provide background and rationale with respect to significant decisions like purpose and need and the selection of alternatives. The EPB corridor liaison initiative also provides an opportunity for EPB staff to become familiar with CDOT's project development process. Finally, since the EPB corridor liaison will be participating in many key meetings and project-related decisions, it is hoped that the liaison will develop some ownership in those projects to which they are assigned and be an advocate for that project at CDOT headquarters.

III. NOTICE OF DOCUMENTS TO BE REVIEWED

On the first of each month, the RPEM will send to the Environmental Coordinator in EPB and the appropriate FHWA Operations Engineer a list of documents expected for review that month. Two weeks prior to sending in a document for review, the Regions will need to check that the document is on the Master Document Review Calendar. If it is not on the calendar, the document will be reviewed at the discretion of EPB. The Regions must also notify the EPB Environmental Coordinator if a scheduled document will not be coming in or if the scheduled review date has changed. This procedure is necessary to efficiently schedule document reviewers' time and to avoid delays. If more documents are received for review than can be handled by EPB, the documents will be prioritized for review based on the criteria developed for the Master Document Review Calendar initiative. In December, please check with the EPB Environmental Coordinator and FHWA before submitting a document for review, as it is difficult to complete document reviews during the holidays.

IV. TRANSMITTAL OF DOCUMENTS FOR REVIEW

The RPEM is responsible for the quality of NEPA documents and the response to comments, while the project manager is responsible for adherence to the project schedule. The Region must first review documents prepared by consultants before submitting them to the EPB Environmental Coordinator for review. Consultants are expected to do an independent quality assurance review of all documents before submitting them for CDOT review to ensure they are complete and comply with all state and federal regulations. In addition, consultants are required to submit a certification letter (see Attachment 2) signed by a company officer attesting to the quality, accuracy, and completeness of documents submitted for review. The RPEM will submit pre-signature/preliminary NEPA documents to the EPB Environmental Coordinator with a signed transmittal memo (see Attachment 3) attesting to the quality, accuracy, and completeness of the documents prepared by consultants. This memo should state the project number and subaccount, the number of copies submitted, to whom the comments should be submitted (both in the Region and at FHWA), the requested date for all review comments to be returned to the Region, and any special or unusual circumstances concerning the review. The memo should also state whether any other CDOT offices and other agencies will be reviewing the document. The Region Transportation Director will submit signatory NEPA documents to EPB requesting document approval with a signed transmittal memo (see Attachment 4) attesting to the quality, accuracy, and completeness of the documents prepared by consultants, and stating that all CDOT and FHWA comments have been addressed.

V. NUMBER OF COPIES FOR REVIEW

EPB requires 18 copies of EAs, EISs, FONSI, and RODs for the first review (see Attachment 6 for the distribution list of EPB and Headquarters reviewers). Internal review preliminary documents need not be external review quality or have expensive or unnecessary binders or spiral binding, depending on

the size of documents and reasonable options available to effectively keep volumes together. Three-ring binders are recommended. EPB will recycle all three-ring binders by returning them to the consultants. For second and subsequent reviews, fewer copies may be required; the EPB Environmental Coordinator will indicate to the Region how many copies are needed following the review of all comments returned. Some of the copies of the document submitted for review may be on CDs but some paper copies must still be provided. If both CDs and paper copies will be used, contact the EPB Environmental Coordinator to determine how many copies of each are needed. If an expedited review is warranted, additional paper copies will be necessary to meet the schedule.

VI. DOCUMENT REVIEW PERIOD

The standard document review period is 11 full working days, beginning the day the document is received (unless it is received after 11:00 am). Every effort will be made to complete document reviews as expeditiously as possible. Documents that were not scheduled for review have a lower priority and the 11 working day review period is not guaranteed. The start of the 11 working day review period begins when the required number of documents is received. Unless otherwise negotiated with EPB, incomplete documents will not be reviewed. The RPEM and EPB may determine on a case-by-case basis that 11 working days is not sufficient time for the review based on the complexity of the document and project and adjust the review period accordingly. The length of the review period may also be adjusted because of the number of other documents to be reviewed at the same time.

VII. FIRST AND SUBSEQUENT REVIEWS BY EPB

As noted under “Transmittal of Documents for Review,” the Region Environmental and engineering offices will review pre-signature/preliminary NEPA documents prior to submitting them for EPB review. The RPEM is responsible for ensuring the Region review is completed. The EPB will review the first and all subsequent pre-signature/preliminary documents until all comments have been addressed. Reviewers will e-mail their comments (or a statement of no comment) to the EPB Environmental Coordinator using an Excel comment form (see Attachment 7) or other approved comment form. The Environmental Coordinator and/or the NEPA Program Manager will compile and condense the comments to the extent possible, clarify contradictions, seek the input of the EPB Project Liaison, etc., and forward the resulting comment list to the Region environmental project manager and FHWA in an e-mail. The body of the e-mail (the comment report) will call out any recurring or red flag issues in the comments. EPB encourages comments to be submitted electronically; however, in some cases written comments marked in the document itself may be warranted. In these cases, the EPB Environmental Coordinator will ensure that this marked-up copy is sent to the Region environmental project manager. These comments should be considered an addendum to the electronic comments provided.

The Region will provide EPB’s comment list to the consultant. When responding to comments, the Region will require the consultant to prepare a table listing all the comments received (including Region comments) and how and where the comments were addressed (including page numbers). If any comments were not addressed the consultant will need to provide information which explains why the comments were not addressed. If the response states that comments have been addressed, the changes are expected to appear on the designated page. This table will be submitted with the second and any subsequent review documents. After the first and any subsequent reviews it is recommended that the Region and consultant meet with the reviewers to resolve their comments. These meetings or coordination efforts are very helpful in ensuring that all the issues are understood and reconciled. EPB will facilitate these meetings. It is recommended that FHWA be present at these meetings so they know what comments CDOT is making

and how they are being addressed. The consultant will provide to the Region and EPB copies of all the comments made and the responses to these comments several days before the meeting. The Region and/or consultant will also provide a listing of issues from the comments that they feel need to be discussed. This will allow EPB to develop a schedule for when EPB staff need to attend.

When the consultant has had the opportunity to make recommended corrections to the document, the Region will forward two copies of the corrected version to the EPB Environmental Coordinator who will determine whether all the comments have been addressed. At that point, a determination will be made whether a second review (Second EPB Review) is necessary and will request additional copies as necessary.

VIII. APPROVAL PROCESS

The Region environmental project manager should follow-up with the EPB resource specialists to ensure there are no outstanding issues on technical reports associated with the project and that all required clearances and signatures have been obtained before beginning the approval process (Wetland Finding, Historic Properties Survey, etc).

When all CDOT and FHWA comments have been addressed and the document is ready for approval, the signature page (see Attachment 8 for the NEPA Document Signature Page Format Checklist) and two copies of the document are sent to the EPB Environmental Coordinator with a transmittal memo (see Attachment 4) from the Region Transportation Director (RTD). This memo will request document approval, attest to the quality, accuracy, and completeness of the documents prepared by consultants, and state that all CDOT and FHWA comments have been addressed. This transmittal must indicate to whom the Region wants the original signature page returned (EPB, Region, or consultant). The transmittal will also indicate if the Region wishes to hand carry documents to FHWA rather than rely on the mail. The EPB Environmental Coordinator will prepare a transmittal letter (see Attachment 5) to the FHWA Division Administrator and have the signature page signed by the Chief Engineer. Only EPB may deliver documents directly to the CDOT front office or contact front office staff for status information on documents submitted for signature. Once the signature page has been signed, the EPB Environmental Coordinator will promptly transmit the signature page and documents to FHWA for approval. The Division Administrator signs EISs and RODs and EAs and FONSI. However, the appropriate Program Delivery Engineer may sign EAs and FONSI for the Division Administrator. The Operations Engineer will transmit the signed signature page to the office specified by the Region with a copy to EPB. If the signature page is sent to EPB, the EPB Environmental Coordinator will contact the Region by phone to notify them of formal approval and forward the original signature page to them. The Region or consultant may not send documents directly to FHWA for approval signature. The original signature page will be kept by the Region.

IX. ENVIRONMENTAL OVERVIEW STUDIES

An Environmental Overview Study (EOS) is essentially a corridor optimization study for a project with the addition of increased environmental analysis and public involvement. The EOS evaluates alternatives and examines ways to avoid and minimize potential environmental impacts. The information in an EOS may be used in the preparation of a NEPA document or as a baseline report for specific resource areas. EPB is available to review EOSs and will do so if there is time considering other documents that are scheduled for review. All NEPA documents will have precedence over an EOS.

ATTACHMENT 1
CDOT ENVIRONMENTAL SCOPING FORM

**COLORADO DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL SCOPING FORM**

DATE _____
DOCUMENT TYPE _____

PROJECT _____

TOPICS	EXTENT OF STUDY REQUIRED				PREPARATION & COORDINATION REQUIREMENTS				EXTENT OF NARRATIVE REQUIRED				COMMENTS
	Complete Analysis Required	Short Analysis to Define Resources / Impacts	No Analysis Required	Analysis Already Completed	Work to be Done by Region Staff	Work to be Done by Central Staff	Work to be Done by Consultant	Outside Agency Concurrence or Approval Required	Complete Analysis / Documentation Included in Text	Summary of Analysis / Documentation Included in Text	Statement of No Involvement or No Impacts	Coordination Documents Included in Appendix	
Public Involvement													
Socio-Economics													
Environmental Justice													
Land Use													
Right of Way													
Traffic													
Accidents													
Air Quality													
Noise													
Hazardous Waste													
Farmlands													
Section 4(f) / 6(f)													
History													
Historic Bridge													
Archaeology													
Native American Consultation													
Paleontology													
Wildlife / Fisheries													
T or E Species													
Vegetation													
Noxious Weeds/Weed Management Plan													
Floodplains													
Hydraulics													
Wetlands													
404 Permit													
401 Certification													
Senate Bill 40													
Storm / Water Quality													
402 Construction													
402 Process/Dewater													
402 MS4													
Cumulative Impacts													
Other													

EPB Signature _____ EPB Signature _____ EPB Signature _____
 Reg Signature _____ Reg Signature _____ Reg Signature _____
 EPB Signature _____ Reg Signature _____

ATTACHMENT 2
CONSULTANT CERTIFICATION LETTER

XYZ Consultants
123 16th Street, Suite 456
Denver, Colorado 80123

DATE

Tammie Smith
Region 3 Planning and Environmental Manager
Colorado Department of Transportation
222 So. 6th Street, Room 317
Grand Junction, Colorado 81501

Dear Ms. Smith:

Enclosed are xx copies of the Environmental Assessment prepared by XYZ Consultants for Project Number, Project Name. This document has been prepared in compliance with the Council on Environmental Quality Regulations for Implementing the Procedural Provision of the National Environmental Policy Act, 40 CFR 1500-1508; 23 CFR 771; and FHWA Technical Advisory 6640.8A. Our firm has prepared this document in compliance with all the applicable Federal, State, and local laws and regulations. It has been prepared by experienced, technically competent, and knowledgeable professionals. An independent quality assurance review of this document has been completed. We can attest to the quality, accuracy, and completeness of the document submitted for your review. In our professional opinion, the quality of this document meets the standards expected by CDOT and FHWA.

Please forward the appropriate number of documents to the CDOT Environmental Programs Branch for their review and comment.

Very truly yours,

Company Officer
XYZ Consultants

Enclosures

ATTACHMENT 3
RPEM PRE-SIGNATURE/PRELIMINARY NEPA DOCUMENT TRANSMITTAL MEMO

DATE:

TO: Robin Geddy

FROM: Tammie Smith

SUBJECT: Review of Project Number, Project Name Environmental Assessment

Attached for your first review are 18 copies of the Environmental Assessment for Project Name, Subaccount. This document has been prepared by XYZ Consultants (their certification letter is attached). Please provide your comments by Date to me and Eva LaDow at FHWA.

This EA has been reviewed by the Region 3 Environmental office and we can attest to the quality, accuracy, and completeness of the document. The EA reflects the quality of documents that CDOT and FHWA require.

After we have received your comments, the Region will meet with the reviewers to resolve their comments. It is understood that EPB will facilitate these meetings. The consultant will provide to the Region and EPB copies of all the comments made and the responses to these comments several days before the meeting. The consultant will also provide a listing of issues from the comments that they feel need to be discussed. This will allow EPB to develop a schedule for when EPB staff need to attend.

Attachments

ATTACHMENT 4
RTD TRANSMITTAL MEMO REQUESTING NEPA DOCUMENT APPROVAL

DATE:

TO: Robin Geddy

FROM: Edward R. Fink

SUBJECT: Submittal of Project Number, Project Name Environmental Assessment for Signature

The Environmental Assessment for Project Name, Subaccount is ready to be signed by CDOT and FHWA. Enclosed are two copies of the Environmental Assessment and the original signature page. We can attest to the quality, accuracy, and completeness of the document prepared by XYZ Consultants. All CDOT and FHWA comments have been resolved and incorporated into the EA.

The Region will not hand carry the documents to FHWA. Please return the original signature page to the Region.

Enclosures

ATTACHMENT 5
TRANSMITTAL LETTER TO FHWA REQUESTING NEPA DOCUMENT APPROVAL

Date

Mr. David A. Nicol
Division Administrator
Colorado Division
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Mr. Nicol:

Transmitted herewith for your signature and approval are two copies of the Environmental Assessment for Project Number, Project Name (Subaccount).

Upon approval, please return the signed title page to this office. Thank you.

Sincerely,

CRAIG SIRACUSA, P.E.
Chief Engineer

Attachments

ATTACHMENT 6
LIST OF EPB AND HEADQUARTERS NEPA DOCUMENT REVIEWERS

CDOT NEPA DOCUMENT REVIEWERS

Environmental Programs Branch Reviewers

Cathy Curtis (Regions 1, 3, 4, 6) or Mike Banovich (Regions 2, 5) *Vegetation/Noxious Weeds*
Jeff Peterson *Wildlife/T and E*
Rebecca Pierce *Wetlands*
Rick Willard *Water Quality*
Pat Martinek *Hazardous Waste/Sustainability*
Dan Jepson *Archaeology*
Robin Geddy *NEPA*
Bob Mero *Noise/Air Quality*
Lisa Schoch *History/Section 4(f) Historic Resources*
Steve Wallace *Paleontology*
Sharleen Bakeman *NEPA and Policy/Executive Summary/Chapters 1 & 2/Screening Analysis/
Socioeconomics/Cumulative/Environmental Justice*
Nicole Winterton *NEPA*
Yates Oppermann *Socioeconomics/Land Use/ Section 4(f) Non-Historic Resources*

Other Headquarters Offices

Mehdi Baziar, Division of Transportation Development *Access/Traffic*
Documents sent to Mehdi who sometimes reviews but usually he has William Johnson and/or
Juan Robles review
Kathy Engelson, Division of Transportation Development *Planning*
Kathy will review or have other planners review the document as appropriate
Gary Fells, Project Development Branch, Right of Way Services *Right of Way*
Documents sent to Gary and he has Janice Leaverton or Travis Trigg review
Michelle Rabouin, Center for Equal Opportunity *Environmental Justice*
Amanullah Mommandi, Project Development Branch, Construction and Design *Hydraulics*

**ATTACHMENT 7
EXCEL COMMENT FORM**

ATTACHMENT 8
SIGNATURE PAGE FORMAT CHECKLIST

**NEPA DOCUMENT
SIGNATURE PAGE FORMAT CHECKLIST**

- Project name and number
- Type of NEPA document (Environmental Assessment, Finding of No Significant Impact, Draft Environmental Impact Statement, Final Environmental Impact Statement)
- If a Section 4(f) or 6(f) Evaluation is part of the document it must be listed as well. Draft 4(f) Evaluations are in EAs and DEISs, Final 4(f) Evaluations are in FONSI and FEISs
- If the document is a Draft or Final EIS, the upper left hand corner of the signature page must have an identification number as follows: FHWA-CO-EIS-05-01-D or F
05 - year draft EIS prepared 01 - sequential number of draft statements for each year
D - designates document as DEIS F - designates document as FEIS

Document Submitted Pursuant to: (list of regulations - please cite only those that apply)

- 42 USC 4332 (2) (c) (always used)
- 49 USC 303 (if Section 4(f) Evaluation required)
- 16 USC 460 (if Section 6(f) Evaluation required)

Document Submitted by: (lists of agencies)

- US Department of Transportation, Federal Highway Administration, Federal Transit Administration (if applicable), Colorado Department of Transportation, any others
- Cooperating Agencies, if any (federal, state, or local agencies who have formally accepted this status)

Signature lines:

- Submitted by Region Transportation Director, Colorado Department of Transportation
- Concurred by Chief Engineer, Colorado Department of Transportation
- Approved by Division Administrator, Colorado Division, Federal Highway Administration

Region Transportation Directors

Region 1 - Jeffery R. Kullman

Region 2 - Robert D. Torres

Region 3 - Edward R. Fink

Region 4 - Karla Harding

Region 5 - Richard Reynolds

Region 6 - Pamela A. Hutton, P.E.

Chief Engineer

Craig Siracusa, P.E.

Division Administrator

David A. Nicol, P.E.