Chapter 8: Document Review Procedures

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8. Document Review Procedures

Chapter 8 establishes a procedure for reviewing documents prepared for Colorado Department of Transportation (CDOT) projects as defined under the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [USC] § 4321 – 4347), such as Environmental Assessments (EAs), Findings of No Significant Impact (FONSIs), Environmental Impact Statements (EISs), and Records of Decision (RODs). These review procedures also include individual chapters, technical reports, and Planning and Environmental Linkages (PEL) study submittals. Categorical Exclusions (CatExs) follow the processes discussed in **Chapter 5**, and Reevaluations are discussed in **Section 4.21** and **Section 6.14**. CDOT and the Federal Highway Administration (FHWA) will update this procedure, as necessary.

8.1 Review Process

The project team can consider three review options at the beginning of the NEPA project. The review option will be decided by the project team during the scoping process. For more information on the project team, see **Chapter 3**. No matter which review process the project team selects, all documents will be reviewed by the CDOT Region, CDOT Environmental Programs Branch (EPB), and FHWA Colorado Division Office (at the Area Engineer's [AE] discretion) and may involve a separate review by FHWA legal counsel or FHWA Headquarters. All comments must be addressed or resolved before the signature copy of the document can be produced. In addition, under all review processes, the consultant needs to have a quality assurance (QA)/quality control (QC) plan in place (**Appendix D**). The QA/QC plan should be presented by the consultant to CDOT and agreed upon at the beginning of the NEPA project. **Section 8.4** discusses the necessary review periods.

A **QA/QC plan** shall be prepared for each project. The intent of the QA/QC plan is to cover all QA/QC activities that will be implemented for work on the project.

8.1.1 Sequential Review

In a sequential review, the project team submits the document, individual chapter, or technical report to the Region for review after the consultant has completed its QA/QC review. After the Region's comments are backchecked and have been addressed, the Region sends the document to EPB for review. After EPB comments are backchecked and have been addressed, CDOT completes its QA/QC review, and the Region submits the document to the Federal Highway Administration Area Engineer (FHWA AE) for review. Sequential reviews are especially helpful for large, complex NEPA projects.

A comment resolution meeting(s) is recommended as an efficient method of resolving comments and expediting completion of documents. However, if comments received are relatively straightforward, comment resolution can also be handled via email or a phone call among the parties. Comment resolution meetings may be required with the Region, EPB, and FHWA at each sequential review. All comments and responses to each comment should be tracked in a comment response matrix. For more information on comment resolution, see **Section 8.5**.

CDOT's **standard comment matrix** is available at https://www.codot.gov/programs/environmental/resources/forms

8.1.2 Concurrent Review

There are three options for a concurrent review.

- In **Option 1**, the Region reviews the document, individual chapter, or technical report and then EPB and FHWA review at the same time.
- Under **Option 2**, the Region and EPB review the document, individual chapter, or technical report at the same time. FHWA would review after the CDOT review.
- In **Option 3**, the Region, EPB, and FHWA all review the document, individual chapter, or technical report at the same time.

The intent of the concurrent review process is to shorten the review period, but it has not yet been proven to do so. Because so many parties are reviewing at the same time, many comments may require large revisions. Another full review is typically required to ensure that the revisions are acceptable to all reviewers. For this review technique to be best used, the project team should have confidence that the document from the consultant will require only minor revisions and the Region, EPB, and FHWA reviewers have similar expectations. Coordination among the reviewers is necessary prior to submittal of the document, individual chapter, or technical report.

A combined comment resolution meeting is recommended as an efficient method of resolving comments. All comments and responses to each comment should be tracked in a comment response matrix. For more information on comment resolution, see **Section 8.5**.

Concurrent review of individual sections, such as Purpose and Need and Alternatives Analysis, may be more constructive because these initial sections are integral to the NEPA process and to project development and can benefit from a collaborative process.

Sequential review may be more appropriate for larger, more complex projects; however, it is incumbent on the project team to track comments and provide consistent responses through each review cycle.

8.1.3 Team Review

In a team review, a team of selected individuals is responsible for reviewing the document, individual chapter, or technical report submittal. The intent is to have only one full review cycle. This review option requires a "hands-on" approach from team members. This team will include one lead person from either the Region or EPB for each resource of concern identified during scoping, a Region Environmental Manager, an EPB NEPA specialist, and the FHWA AE. The exact makeup of the team will depend on the complexity of the issues to be addressed. This team is typically smaller than the staff who review a document in either the sequential or the concurrent reviews.

Team members are responsible for their area of expertise, including final review and input on the adequacy of the section pertaining to their expertise. If a team member is not an EPB resource specialist, it is their responsibility to work with the EPB resource specialist throughout the process to bring their issues and concerns into the NEPA project early on. If a resource is not present in the NEPA project area and there is no team member for the resource area, the EPB NEPA specialist is responsible for coordinating with the appropriate EPB resource specialist.

Two options may be used for the team review.

- **Option 1** is a combined CDOT/FHWA review. In Option 1; the FHWA AE participates as part of the team throughout the process, including review and concurrence on draft documents and sections of draft documents.
- **Option 2** consists of a CDOT review and then a FHWA review. In Option 2, the CDOT team reviews the document and the FHWA AE participates only on resolution of substantive issues. In this option, the CDOT team would get concurrence from FHWA on issues such as the purpose and need statement, alternatives to be evaluated, and the preferred alternative. FHWA would not review the document or sections of the documents until CDOT has completed a thorough internal review of the draft document. The approach is agreed upon during scoping.

A comment resolution meeting is recommended as an efficient method of resolving comments. Comment resolution will be decided by the decision-making team, which will be composed of the Region, EPB NEPA specialist, and FHWA AE. All comments and responses to each comment should be tracked in a comment response matrix. For more information on comment resolution, see **Section 8.5**.

8.2 Document Review Calendar

EPB is responsible for maintaining the Master Document Review Calendar (calendar). As needed, the EPB NEPA specialist will request calendar updates from the Region Planning and Environmental Managers (RPEMs). The update includes review dates for non-programmatic and documented (template) CatExs, EAs, Draft EISs, Final EISs, FONSIs, RODs, Reevaluations, PELs, technical reports, and individual chapters that require EPB review and the review process that will be used (**Section 8.1**). No matter which review process is chosen, the document will still be listed on the calendar.

CDOT Region Environmental Staff are asked to update the calendar quarterly. If necessary, the EPB NEPA specialist can provide support and enter information on behalf of the CDOT Region requesting assistance.

EPB uses the calendar for workload scheduling. If a document is not on the calendar, the document is reviewed at the discretion of EPB. The Regions notify the EPB NEPA specialist as soon as possible if a document's schedule has changed. If more documents are received for review than can be handled, the documents are prioritized for review based on the information provided in the calendar and discussions with the Regions. During major holiday weeks and conference weeks, the Regions are responsible for working with the EPB NEPA specialist to coordinate realistic review times.

EPB also uses the calendar to provide project updates at various agency meetings so that all are aware of when documents may be available for agency review. Meetings include the Transportation Environmental Resource Council (TERC), Environmental Protection Agency (EPA), State Historic Preservation Office (SHPO), FHWA quarterly meetings, etc. The agencies also use this information for their workload scheduling. Therefore, it is important that the calendar be updated with the most realistic information possible.

8.3 Document Review Transmittal Process

Consultants are expected to complete an independent QA/QC review of all documents to ensure that they are complete and comply with all state and federal regulations before submitting the documents for CDOT and FHWA review. At the discretion of the CDOT RPEM and Environmental Manager, consultant members of the project team are required to submit a certification letter signed by a company officer attesting to the quality, accuracy, and completeness of documents submitted for review. This certification letter should also state the specific individual(s) who read the entire document to ensure consistency within the document. This QA/QC review and certification letter must accompany formal submittal of draft or final documents submitted to the Region, EPB, and FHWA for review. If this letter is not received, EPB will not release their comments to the project team. **Figure 8-1** includes sample certification letter language.

Figure 8-1. Consultant Certification Letter to RPEM Language

<Insert Firm Name and Address>

<Insert Date>

Subject: <Insert Subject – Example: Consultant Certification Letter for X Project>

Dear <Insert RPEM Name>:

Enclosed are <Insert Number> copies of the <Insert Type of Document - EA, FONSI, Draft/Final EIS, ROD> for <Insert Project Number, Project Name>. This document has been reviewed for compliance with all applicable Federal, state, and local laws and regulations. It 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.

This document has been prepared by experienced, technically competent, and knowledgeable professionals. I can attest to its quality, accuracy, and completeness. An independent Quality Assurance review has been completed by <Insert Name, Title>. In my professional opinion, the quality of this document meets the standards expected by CDOT and FHWA.

Sincerely,

<Insert Firm Principal Name>

Enclosures

The RPEM will submit draft documents for review to the EPB NEPA specialist with a signed transmittal memo or email (**Figure 8-2**). The transmittal memo or email should include the NEPA project name and number, number of copies (hard/electronic) submitted, Region contact for return of comments, and any special or unusual circumstances concerning the review including other CDOT offices or agencies that will be reviewing the document. Review copies should be provided to the Region, EPB, and FHWA electronically. Hard copies of the main text may be required at the discretion of the reviewer. Unless requested, appendices do not need to be provided in hard copy. Electronic files must be less than 50 megabytes (MB) each.

Figure 8-2. Example Transmittal Memo from RPEM to EPB NEPA Specialist

DATE: <Insert Date>

TO: <Insert EPB NEPA Specialist Name>

FROM: <Insert RPEM Name>

SUBJECT: Review of <Insert Project Number, Project Name with Type of Document (EA, FONSI, Draft/Final EIS, ROD)>

Attached for your <Insert Number such as First> review are <Insert Number> hard copies, <Insert Number> thumb drive(s) of the above-referenced document. This document was prepared by <Insert Firm Name> and the consultant certification letter is attached.

Once I have received your comments, the NEPA project team will determine if a comment resolution meeting is necessary. If a meeting will be necessary, the consultant will provide the comment matrix, including responses and any issues that need to be discussed. I will then work with you to schedule this meeting.

Attachments

Comments should be submitted using CDOT's standard comment matrix (**Figure 8-3**). When submitting comments, the reviewer providing comments should be as specific as possible and include suggested text when requesting changes. Being clear helps the project team understand comments and will help make the response process more efficient. Responses to comments must be documented in the response column of the comment matrix and submitted back to the reviewers so that they can ensure their comments were adequately addressed. It is helpful if the response column includes the actual text changes and location (new page number/line number) in the document where the changes were made. If the response says, "Comment incorporated," it is sometimes challenging for the commenters to determine how the comment was addressed. See **Section 8.5** for information on the comment resolution process.

Figure 8-3. Standard CDOT Comment Matrix

ENVIRONMENTAL PROGRAMS BRANCH NEPA COMMENT SUBMITTAL FORM

Project Name							
YOUR NAME (last name, first name)	SECTION #	PAGE	LINE	COMMENT	S, R, E (Substantive, Requested, Editorial)	A, R, C (Accepted, Rejected with Explanation, Needs Clarification)	RESPONSE (by consultant)

When submitting documents for review, line numbers on each page should be used so that it is easier to identify where comments are located.

Watermarks can slow down computers and printers when electronic documents are being reviewed and their use should be avoided. Rather than using a watermark, it is suggested that "Draft" be put in the header or footer of the document.

Double-check with the FHWA AE to determine the correct number and type of documents required. Prior concurrence is a step in the project development process at which the FHWA Colorado Division office obtains an approval from FHWA Headquarters before proceeding with key approvals under NEPA and may be required for projects that have impacts of unusual magnitude, high levels of controversy, emerging or national policy issues under development, or issues for which the division office seeks policy assistance.

8.4 Review Period

The review period for the Regions varies depending on the project and the Region. Typically, the project team will establish the document review period as part of the project schedule.

The review period for EPB varies depending on the type of document. For EAs, FONSIs, RODs, PELs, technical reports, and individual chapters, the standard review period is 10 working days. For a Draft EIS, Final EIS, and ROD, the standard review period is 20 working days. The EPB NEPA specialist will notify the Region early in the review period if problems are presented that may require additional review time.

CDOT RPEMs are asked to update the calendar quarterly. If necessary, the EPB NEPA specialist can provide support and enter information on behalf of the CDOT Region requesting assistance.

Documents scheduled for review on the calendar have a higher priority than those unscheduled. Documents must be received in the morning (before noon) at the EPB office for that day to count as the first working day. Also, the required number of copies and required transmittals must be received for the review period to begin. The number of hard copies required, if any, should be confirmed prior to the review period. Unless otherwise negotiated with the EPB NEPA specialist, incomplete documents will not be reviewed.

The RPEM and the EPB NEPA specialist may determine on a case-by-case basis that the designated review period is not sufficient or too long 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 due to the number of other documents in for review at the same time, or for known schedule conflicts for EPB staff. Therefore, it is possible to negotiate a longer or shorter review period for all documents.

FHWA's goal is to review all documents in two (2) weeks. Some documents may take longer, depending on length and quality. EISs (Draft and Final) and Section 4(f) evaluations that require review by FHWA's legal department, document reviews by other agencies (e.g., the DOI requires 45 days), and prior concurrence review by FHWA Headquarters will be longer. Typically, 30 days is the standard review period for any required FHWA legal and prior concurrence reviews.

Typical document review timelines for EPB:

- 10 working days for standard review of individual chapters, technical reports, EAs, FONSIs, and PELs.
- 20 working days for standard review of Draft EISs, Final EISs, and RODs.

FHWA's goal is to review all documents in two (2) weeks.

Thirty (30) days is the standard review period for FHWA legal and prior concurrence reviews.

Always check for the U.S. Department of the Interior's (DOI) current preference for review of external agencies' environmental documents.

8.5 Comment Resolution

Unless comments are relatively straightforward, it is recommended that a comment resolution meeting be held to clarify comments, resolve responses, and ensure that all appropriate parties are involved. For sequential and concurrent reviews, the meeting may include the following individuals: Region project manager, Region NEPA project manager, FHWA AE, EPB NEPA specialist, reviewers, and any other project team members necessary. For sequential reviews, separate meetings with EPB and FHWA may be necessary. **Section 8.1.3** identifies comment resolution meeting attendees on Team reviews. This meeting will be scheduled as soon as possible after the comments are received to maintain the NEPA project schedule. However, depending on the complexity of the comments, the consultant may need additional time to review the comments before scheduling the meeting. **Section 8.3** discusses documenting responses to comments. Final comment resolution is the responsibility of the Region.

8.6 Signature Process

The Region NEPA project manager determines through consultation with an EPB NEPA specialist, the FHWA AE, and any participating or cooperating agency(ies) that there are no outstanding issues and that all comments have been adequately addressed before beginning the signature process.

After determining the document is ready for signature, one (1) original of the signature page (**Figure 8-4**) and one (1) hard copy of the final document are sent to the EPB Manager with a transmittal memo from the Region Transportation Director (RTD) (**Figure 8-5**) and the consultant certification letter (**Figure 8-1**). The RTD's memo requests document approval through signatures; attests to the quality, accuracy, and completeness of the documents prepared by consultants; and states that CDOT, FHWA, and participating or cooperating agency comments have been addressed. The transmittal also indicates the method of delivery to FHWA (hand carry or mail).

Figure 8-4. Example Signature Page

CDOT Project <Insert #>

<Insert Project Name and Document Title>

Submitted Pursuant to:
<List Applicable Regulations>

By the
U.S. Department of Transportation
Federal Highway Administration
and
Colorado Department of Transportation

Submitted by:

_____ _____
<Insert Name> Date
Region 1 Transportation Director
Colorado Department of Transportation

Concurred by:

_____ _____
<Insert Name> Date
Chief Engineer
Colorado Department of Transportation

Approved by:

_____ _____
<Insert Name> Date
Administrator, Colorado Division
Federal Highway Administration

Figure 8-5. Example Transmittal Memo from RTD to EPB Manager

DATE: <Insert Date>

TO: <Insert EPB Manager Name>

FROM: <Insert RTD Name>

SUBJECT: Submittal of <Insert Project Number, Project Name, Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> for Signature

The <Insert Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> is ready to be signed by CDOT and FHWA. Enclosed is one copy of the <Insert Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> and two copies of the original signature page. All CDOT and FHWA <Insert any other cooperating or participating agency as necessary> comments have been resolved, incorporated into the <Insert Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)>, and I have signed the document.

Please contact <Insert Region Contact Name> at <Insert Telephone Number> once the signature page has been signed by the Chief Engineer. The Region <Insert will/will not> hand carry the signature page to FHWA.

Enclosures

The EPB NEPA specialist prepares a transmittal letter from the EPB Manager to the Chief Engineer indicating that EPB has reviewed the document and recommends that it be signed (**Figure 8-6**). The EPB NEPA specialist also prepares a transmittal letter from the Chief Engineer to the FHWA Division Administrator requesting signature (**Figure 8-7**). The EPB NEPA specialist will check on the Chief Engineer's availability, obtain the Chief Engineer's signature, and either forward the signature page and one hard copy of the document to FHWA for signature or contact the Region to hand carry the package to FHWA. The EPB NEPA specialist will let the Region know when the Chief Engineer has signed the document.

For planning purposes, it should be assumed that the Chief Engineer will take a couple of days to sign the document.

Once the FHWA Division Administrator (or their designee) has signed the document, the FHWA AE will transmit the signed signature page to the office specified on the transmittal from the Chief Engineer.

Figure 8-6. Example Transmittal Memo from EPB Manager to Chief Engineer

DATE: <Insert Date>

TO: <Insert Chief Engineer Name>

FROM: <Insert EPB Manager Name>

SUBJECT: <Insert Project Number, Project Name, and Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> for Signature

The Environmental Programs Branch has reviewed this document and recommends the document be signed. Please sign the attached signature pages of the <Insert Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> for the above subject project. Also attached for your signature is the transmittal letter to the Federal Highway Administration. Thank you.

Attachments

Figure 8-7. Example Transmittal Letter from Chief Engineer to FHWA Division Administrator

<Insert Date>

<Insert Name>

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

Dear <Insert Division Administrator Name>:

Transmitted herewith for your signature and approval is one copy of the <Insert Document Type (EA, FONSI, Draft EIS, Final EIS, ROD)> for <Insert Project Number, Project Name (Subaccount)>.

Upon approval, please return the signed and dated title page to <Insert Name> with Region <Insert Region Number>. Thank you.

Sincerely,

<Insert Name>

Chief Engineer

Attachment

8.7 EA Distribution

Typically, the Region will identify the required number of copies and public review locations during the Scope of Work process. The Regions are responsible for sending Administrative Services – Central Files one hard copy of signed documents. Parties that may be included in the distribution are CDOT EPB, FHWA Legal, FHWA Headquarters, U.S. Environmental Protection Agency, U.S. Department of the Interior, and the Colorado State Publications Library Repository. The FHWA AE has the discretion to request additional copies and to change the format (hard copy versus electronic). Double-check with the FHWA AE to determine the correct number and format of documents required.

Following distribution, the public review period for an EA is 30 days unless the EA incorporates a Section 4(f) evaluation, in which case the DOI review requires that 45 days be provided for their review of the evaluation. All document review locations must have documents in place by the time that the notice of availability (NOA) is published.

8.8 FONSI Distribution

Typically, the Region will identify the required number of copies and review locations during the Scope of Work process. The Regions are responsible for sending Administrative Services – Central Files one hard copy of signed documents.

The FHWA AE has the discretion to request additional copies and to change the format (hard copy versus electronic). Double-check with the FHWA AE to determine the correct number and format of documents required.

After FHWA has made the FONSI determination, CDOT sends an announcement of availability of the FONSI to the affected units of Federal, state, and local government, and the FONSI is made available from CDOT and FHWA upon request by the public.

8.9 Draft and Final EIS Distribution

The number of copies of the signed document for the Regions varies on the NEPA project and varies by Region. Typically, the Region will identify the required number of copies and review locations during the Scope of Work process. The Regions are responsible for sending Administrative Services – Central Files one (1) hard copy of signed documents. Each Region is also responsible for sending the other Regions a courtesy electronic copy of each NEPA document completed.

The FHWA AE has the discretion to request additional copies and to change the format (hard copy versus electronic). Double-check with the FHWA AE to determine the correct number and format of documents required.

The FHWA AE will provide a signed letter on FHWA letterhead for the distribution with the published EIS. CDOT, or CDOT's consultant, will publish and distribute the EIS using a distribution list that has been reviewed and approved by the FHWA AE. All document review locations must have documents in place at the time that the NOA is submitted to the EPA for publication in the Federal Register and cooperating and participating agencies must have received copies of the document by the NOA.

The **notice of availability (NOA)** is published **each Friday** in the Federal Register for those EISs filed during the preceding week.

For the EIS, the EPA will publish the NOA in the Federal Register. The EIS must be submitted via e-NEPA by 5:00 pm Eastern Standard Time a week prior to the NOA publication, which occurs on a Friday. The designated FHWA Colorado Division Office staff member will submit the electronic EIS to e NEPA.

The comment period for Draft EISs is a minimum of 45 days from publication in the Federal Register. However, if a Section 4(f) evaluation is included, the DOI has an additional 15 days for a total of a 60-day comment period. The availability period for Final EISs is a minimum of 30 days from publication in the Federal Register.

A minimum 30-day period is required after publication of a Final EIS before any ROD may be issued.

8.10 ROD Distribution

The number of copies of the signed document for the Regions varies on the NEPA project and varies by Region. Typically, the Region will identify the required number of copies and review locations during the Scope of Work process. The Regions are responsible for sending Administrative Services – Central Files one hard copy of signed documents. Each Region is also responsible for sending the other Regions a courtesy electronic copy of each NEPA project completed.

The FHWA AE has the discretion to request additional copies and to change the format (hard copy versus electronic). Double-check with the FHWA AE to determine the correct number and format of documents required.

CDOT public involvement procedures require that notice of a ROD be placed in local newspapers as identified by the Region; however, a NOA in the Federal Register is not required for an individual ROD unless it is to initiate the 150-day limitations of claims clause provided in Section 1308 of Moving Ahead for Progress in the 21st Century (MAP-21). This submittal is normally combined with other project decision documents and submitted in groups by the FHWA Environmental Program Manager.

8.11 NEPA Document Completion

For information on completing the NEPA document, including legal records and shelf life, see **Chapters 4** and **6**.

8.12 References

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