NEPA Quality Assurance/Quality Control and Performance Measures Guidance

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NEBRASKA
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DEPARTMENT OF TRANSPORTATION

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Acronyms and Terms

CE	Categorical Exclusion. A category of actions that, based on past experience with similar actions, do not involve significant environmental impacts. CE levels (1, 2 or 3) correspond with project scope, degree of impact and level of review and approval responsibilities.
CFR	Code of Federal Regulations
Consultant NEPA QC Review Form	Also referred to as "Consultant QC Review Form" in this manual, this is the Consultant's form that accompanies a document through the Consultant's internal QC review process. The form is submitted to NDOT with the final deliverable.
Document Author	Refers to the primary author of a work product, whether developed internally at NDOT or externally by a consultant.
EA	Environmental Assessment. An EA is a concise public document that provides sufficient evidence and analysis to determine whether to prepare an EIS or FONSI.
EDU	Environmental Documents Unit
EDU Supervisor	The NDOT Environmental Section Supervisor who oversees the EDU.
EIS	Environmental Impact Statement. An EIS is a detailed written statement as required by the National Environmental Policy Act (Pub. L. 91-190).
EPM	Environmental Project Manager. NDOT staff who are responsible for managing the project environmental review process and assisting in the resolution of issues. Environmental Project Managers may approve Level 1 and 2 Categorical Exclusions.
ESM	Environmental Section Manager
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact

Full Document Review	Detailed review of the entire document for content; consistency between document sections; accuracy; grammar; completeness; and compliance with applicable laws, regulations, and guidelines. This includes review of table of contents, tables, figures, cross-references, appendices, etc.
MOU	Memorandum of Understanding
NDOT	Nebraska Department of Transportation
NDOT NEPA QC Review Form	Also referred to as "QC Review Form" in this manual, this is NDOT's form that accompanies a document through NDOT's QC review process. When the QC review process is completed and the form is fully signed, it is saved for future QA review purposes.
NEPA	National Environmental Policy Act
NEPA Assignment Manager	NDOT supervisor that oversees processes and guidance related to 23 USC 326 and 23 USC 327.
NEPA Specialist	NDOT environmental staff that specialize in NEPA compliance.
NEPA Team Lead	NDOT supervisor that oversees the NEPA Specialists.
PQS	Professionally Qualified Staff. NDOT environmental staff that specialize in certain resources (e.g., historic, ecology, noise).
PS&E	Plans, Specifications, and Estimates
QA	Quality Assurance
QC	Quality Control
QC Reviewer	A qualified individual who provides an independent review of NEPA documents, CEs, and/or supporting environmental documentation.
Reevaluation	Reevaluations of NEPA documents are necessary at certain key points in the overall process to establish whether the NEPA determination or final project decision remains valid for the subsequent federal action.
ROD	Record of Decision
Second Review	A higher-level review conducted after full document review or targeted technical reviews have been completed, or a second review to ensure that previous comments or requested changes have been made in the document.

Targeted Technical Review	A detailed review of document content specific to a QC Reviewer's technical expertise (e.g., historic, noise) to ensure quality of content, accuracy, compliance with laws and regulations, etc. Often involves reviewing not only NEPA document section(s) but also associated technical reports, technical memoranda, or other related information prepared for a specific resource or topic.
Unit/Division Staff	NDOT staff from Units or Divisions outside the Environmental Section (e.g., Roadway Design, Bridge, and Construction).
USC	United States Code

1.0 NDOT's NEPA Quality Assurance/Quality Control (QA/QC) Policy

1.1 Introduction

The Nebraska Department of Transportation (NDOT) is dedicated to delivering a safe and efficient transportation system, and is committed to making sound decisions that balance the transportation needs of a proposed project with its environmental impacts. NDOT complies with the National Environmental Policy Act (NEPA) and other federal environmental requirements for its projects that use federal funding or require a federal permit or approval. NDOT incorporates Quality Assurance (QA) and Quality Control (QC) within its NEPA review processes to comply with NEPA and other applicable laws and regulations, as well as to ensure that NEPA documentation is clear, accurate, and complete.

1.2 Applicability of this Manual

The purpose of this manual is to provide guidance and tools for NDOT staff to incorporate QA and QC throughout the NEPA documentation and decision-making process. The manual is intended to provide a functional, flexible, and easily understood set of guidelines to maintain and ensure quality in the preparation of NEPA documents and documentation, including Categorical Exclusions (CE), Environmental Assessments (EA), Findings of No Significant Impact (FONSI), Environmental Impact Statements (EIS), Supplemental EIS, Records of Decision (ROD), and Reevaluations, as well as supporting documentation such as technical reports, memoranda, or correspondence. Although NEPA regulations define the words 'document' and 'documentation' differently, this manual uses the words generally to include the various types of information listed above.

NEPA documents are key instruments in communicating with members of the public, stakeholders, government agencies, and non-governmental organizations. NEPA documents must be based on accurate technical information and environmental analyses, must be written for the general public, and must provide full and accurate disclosure of the merits and impacts of NDOT projects. This manual outlines the general expectations of the QC review process to meet NDOT's commitment to quality documentation, for both internal (NDOT-prepared) and external (consultant or local public agency-prepared) products.

Quality Control is a process used to verify and maintain the accuracy and quality of technical analyses and documents through appropriate review and checking against established standards. The quality control process is employed at the production and administrative levels. QC identifies and corrects problems to produce the desired quality of products and services.

Quality Assurance is a system for ensuring a desired level of quality control in the development, production, or delivery of products and services. A QA system is used at the management level to ensure that appropriate QC procedures and tools have been established and are being routinely employed, that these procedures are constantly reviewed and improved, and that the desired levels of quality products and services are being provided.

The following sections of this manual outline the QC review process to be followed by NDOT staff in the preparation, review, and distribution of NEPA documents, and the QA process to be followed by NDOT staff to ensure the QC review process is being properly conducted. The processes outlined herein shall be followed for all NDOT NEPA documents.

1.3 Who Conducts QC Reviews?

The following staff can conduct QC reviews on NEPA documents, whether they are prepared internally by NDOT authors or externally by consultants.

- NEPA Specialist. NEPA Specialists performing QC reviews must be full-time, qualified staff. The same NEPA Specialist cannot be both the preparer and reviewer for a NEPA document. NEPA Specialists receive training and become certified as Professionally Qualified Staff (PQS). They are integral to NEPA QC reviews, and are thus referred to herein separately from resource-specific PQS. Qualification requirements can be found in Section 1.3.1.

- Professionally Qualified Staff (PQS). Resource-specific PQS may review portions of a NEPA document in areas of their expertise (e.g., historic, ecology, noise); however, a review of the complete document must be performed by a NEPA Specialist after PQS have completed their technical review.

- Unit and Division Staff. NDOT staff from Units or Divisions outside the Environmental Section may perform QC reviews specific to their related discipline and expertise (e.g., Roadway Design, Bridge); however, a review of the complete NEPA document must be performed by a NEPA Specialist after Unit and Division Staff have completed their review.

- Environmental Project Manager. EPMs may conduct a Second Review on CE Level 1 and 2 and Reevaluations associated with those levels, including supporting documentation (Second Review is defined in Section 2.1).

- NEPA Team Lead. The NEPA Team Lead may conduct a Second Review on CE Level 2 and 3 and Reevaluations associated with those levels, including supporting documentation.

- Environmental Documents Unit (EDU) Supervisor or Environmental Section Manager (ESM). The EDU Supervisor may conduct a Second Review on a CE Level 3 and associated Reevaluations. The EDU Supervisor or ESM must conduct a Second Review on EA/FONSI, EIS/ROD, and Reevaluations associated with these document levels, including supporting documentation.

- NEPA Assignment Manager. The NEPA Assignment Manager, in coordination with the NEPA Team Lead and EDU Supervisor, is responsible for ensuring that QA/QC procedures are being followed program-wide.

1.3.1 NDOT Staff Qualifications to Perform QC Reviews

NDOT environmental staff performing document reviews must be knowledgeable of current environmental laws and executive orders, in addition to NDOT and FHWA environmental regulations,

policies, and procedures. They should have successfully completed the training specified in the NDOT Environmental Training Plan prior to performing QA/QC reviews of NEPA documents. NEPA Specialists should also have six months of NEPA experience specific to the Nebraska federal-aid transportation program. The NEPA Team Lead will determine if a NEPA Specialist has sufficient experience to perform QC reviews. NDOT PQS and staff from other Units or Divisions are not required to meet the NEPA training or experience qualifications if their comments are related to their technical specialty areas (e.g., historic, ecology) or disciplines outside of environmental resources (e.g., Roadway Design, Bridge).

1.3.2 NDOT's Policy Regarding Consultant QA/QC Procedures

Consultant-provided NEPA documents are contract deliverables and, therefore, proper QC techniques must be practiced by consulting firms to minimize rework, project schedule impacts, and change orders. NDOT requires consultants to develop and implement their own QA/QC Management Plan to be submitted during the annual consultant certification. The consulting firm's ability to deliver well-prepared documents will be monitored through NDOT's Quality Assurance process (described in Chapter 3) and used by NDOT in ranking Requests for Qualifications (RFQs) in the future, for both on-call contracts and individual projects. For information on NDOT's procurement procedures, see the NDOT Policies and Procedures for the Procurement of Professional Services.

NDOT requires consultants to complete and submit to NDOT an internal consultant QC Review form for NEPA deliverables to:

- Ensure that the deliverable is complete and complies with all state and federal regulations;
- Verify and maintain the accuracy and quality of technical analyses;
- Ensure that the document is well-written for the general public's consumption; and
- Provide full and accurate disclosure of the merits and impacts of the project.

The consultant performing the QC review shall not be the same person who is preparing the environmental document, but rather an independent and qualified reviewer. The consultant QC reviewer will prepare and sign a QC form that includes the name(s) of the specific individual(s) who reviewed the document and must accompany the submittal of final documents to NDOT. The purpose of this form is to inform NDOT that the document has been reviewed by a qualified reviewer for the items listed above prior to submittal to NDOT. An internal consultant QC Review form is a requirement for all NEPA submittals unless otherwise stated in the contract.

The consultant is expected to perform the following QC-related tasks when submitting NEPA documents for NDOT review:

- Submit all documents in electronic format.
- For EAs and EISs, provide any changes made in response to comments in "track change" mode or other approved review method (such as a comment/response matrix) to allow for easy identification of changes made. For CEs, comments may be entered into the User Notes

pop-up box located on each screen in the Nebraska Environmental Documentation System (NEDS) or added as comments in a PDF version of the CE.

2.0 NDOT's QC Review Process for NEPA

The NDOT QC review process can be broken down into three main phases (Setup, Review, and Approval), each with specific purposes and associated tasks (Figure 2-1). This chapter describes by phase the various tasks and responsibilities for NDOT staff conducting QC reviews, whether the original document is prepared internally by NDOT authors or externally by consultants.

A table titled *NDOT Internal QC Review Process for NEPA* is attached to this document as Appendix A. The table contains a list that has been developed as a desk reference for use by NDOT staff to step them through the QC review process. It is not mandatory that this list be completed for every project, but rather, it is designed as a training tool for use by NDOT staff to become familiar with the formal steps of the internal NDOT QC process.

Although it is likely that one individual may perform several roles in the review process, it is important that the process outlined below be followed sequentially, and verification of reviews and approvals be stored accordingly in the project file. In cases where the document is of good quality, the review process would proceed without cycling back and forth for further updates and rechecking.

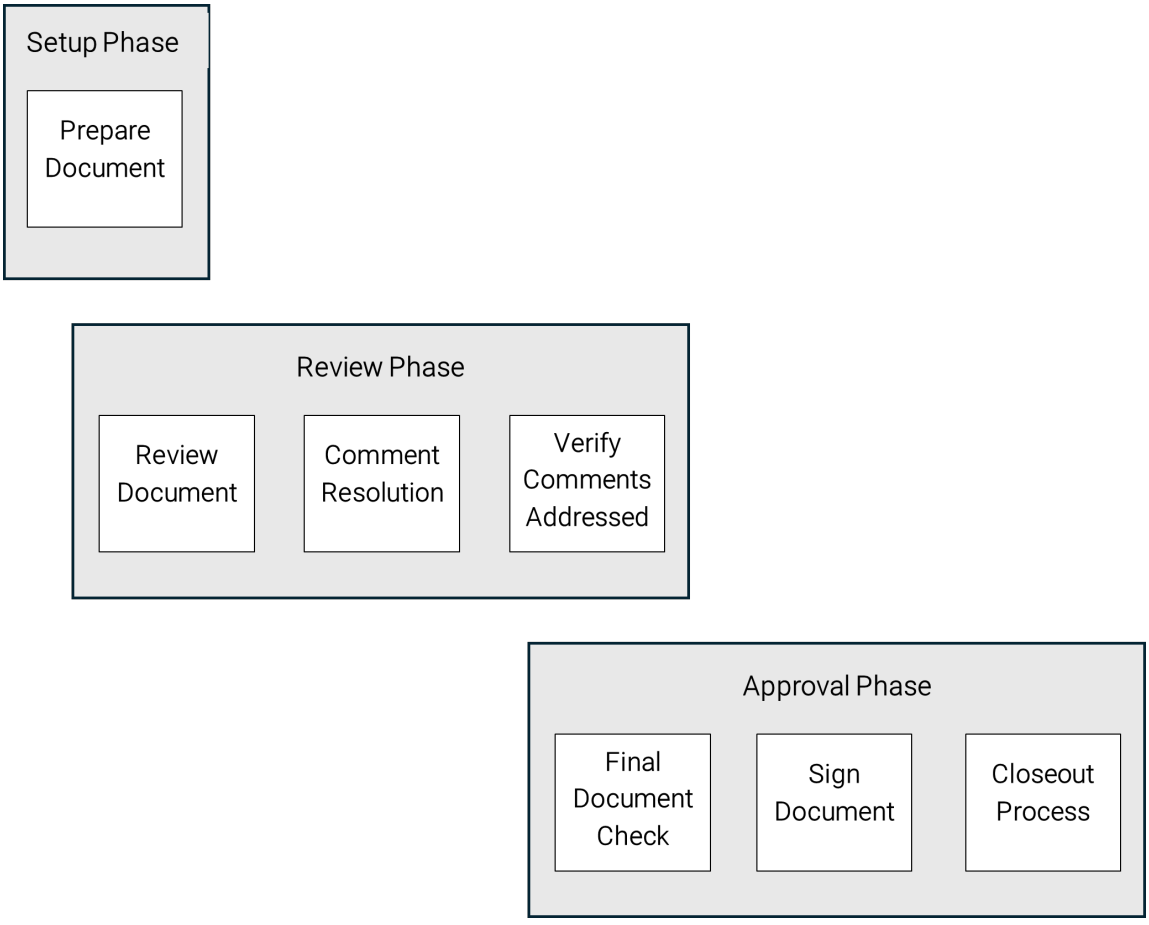

Figure 2-1. NDOT's QC Review Process Phases and Associated Tasks

2.1 Setup Phase

The purpose of the Setup Phase is to determine whether a document is: 1) sufficiently complete to process for independent QC review; 2) gather pertinent documentation and make it accessible for others involved in the QC review process; and 3) generate the accompanying NDOT *QC Review Form*.

2.1.1 Prepare the Document for QC Review

During the Setup Phase, the NEPA Specialist is responsible for the activities identified in Appendix A (specifically the section of the table labeled: Prepare Document). The NEPA Specialist shall stipulate the level of review to be completed by each QC Reviewer, such as the following:

- Full Document Review: Detailed review of entire document for content; consistency between document sections and chapters; accuracy; grammar; completeness; and compliance with applicable laws, regulations, and guidelines. This includes review of table of contents, tables, figures, cross-references, appendices, etc.

- Targeted Technical Review: A detailed review of document content specific to a QC Reviewer's technical expertise (e.g., ecology, noise) to ensure quality of content, accuracy, compliance with laws and regulations, etc. Often this involves reviewing not only NEPA document section(s) but also associated technical reports, technical memoranda, or other related information prepared for a specific resource or topic.

- Second Review: A higher-level review conducted after full document review or targeted technical reviews have been completed, or a second review to ensure that previous comments or requested changes have been made in the document.

Once the NEPA Specialist has prepared the document for review and set up the project folders, they will then send the NDOT *QC Review Form* and a copy of the draft document to the QC Reviewer(s) in a format determined by the NEPA Specialist in coordination with the QC Reviewer(s) (e.g., electronic native file, PDF, or other format).

2.2 Review Phase

The Review Phase is the heart of the QC review process. It is the step where the document is thoroughly reviewed (Full Document Review) and commented on by independent reviewers not involved in the document preparation. Targeted Technical Reviews and Second Reviews may also be performed during this phase. Comments are received, confirmed, and negotiated if necessary; and the document is revised in this phase. The steps and number of review cycles within this phase vary depending on the level of NEPA document, the quality of the draft document, the number and complexity of comments received, and the comment resolution process. The NEPA Specialist is responsible for identifying the type of review expected of QC Reviewer(s), and for tracking the progress of the document through QC reviews using whatever method they establish in concert with the QC Reviewer(s), including but not limited to meetings, telephone calls, or email.

2.2.1 Review the Document

The Full Document Review should not be performed by the Document Author, and preferably by someone not directly involved in the project. The person performing the review must meet the qualification requirements described in Section 1.3.1. During the Review Phase, the QC Reviewer is responsible for the tasks identified in Appendix A (specifically the section of the table labeled: Review Document). If there are shortcomings in the document that require a comment, then the QC Reviewer should sufficiently articulate what the issue is and how it should be addressed. For challenging topics, the QC Reviewer is encouraged to provide an example of how to respond. The nature of comments can include, but are not limited to, the following:

- More analysis or detail is needed to support conclusions/assertions.
- Specific information is missing (identify what is missing).
- Discussion is unclear (and explain why).

2.2.2 Update the Document

All comments are sent to the NEPA Specialist. The NEPA Specialist then consolidates all comments and provides them to the Document Author. When updating the document, the Document Author is responsible for completing the tasks outlined in Appendix A (specifically the section of the table labeled: Update Document) and revising the document in accordance with the direction provided by the QC Reviewer(s), unless there is disagreement with the suggested approach. Any disagreements must be resolved with the NEPA Specialist, and in some cases with the EPM, EDU Supervisor, or NEPA Team Lead, before updating the document.

2.2.3 Verify Comments Addressed

The NEPA Specialist will have the QC Reviewer(s) check the revised document to verify that all comments have been satisfactorily addressed. When verifying whether comments have been satisfactorily addressed, the tasks identified in Appendix A (specifically the section of the table labeled: Verify Comments Addressed) should be performed by document QC Reviewers. Often, the focus of this review is on specific areas of the document and is performed by checking against the original comment(s). If there are remaining (or new) comments that require attention, the document should be returned to the Document Author until all comments have been satisfactorily resolved.

2.3 Approval Phase

Once a document has been through the Review Phase, the document will go through a final verification that comments have been addressed and the document meets all applicable requirements and is ready for approval.

2.3.1 Final Document Check

The NEPA Specialist is responsible for ensuring that the revised document addresses all comments and that all necessary QC reviews have been performed and documented. In the case of EAs and EISs, however, the NEPA Specialist will request that this task be performed by the EDU Supervisor or ESM.

2.3.2 Sign the QC Review Form and NEPA Document

Once all changes to the document have been checked, the NEPA Specialist may sign the NDOT *QC Review Form* documenting compliance with the QC review process and follow the tasks identified in Appendix A (specifically the section of the table labeled: Sign the NDOT *QC Review Form* and NEPA Document). Signature of the NDOT *QC Review Form* signifies that the document is ready for approval and should only be signed once a thorough and complete review has been conducted and all outstanding issues have been resolved. In the case of Level 1 CEs, the NEPA Specialist may also sign the CE. For Level 2 CEs, the EDU Supervisor, NEPA Team Lead, or EPM can sign the NDOT *QC Review Form* and CE. For Level 3 CEs, the EDU Supervisor or NEPA Team Lead can sign the NDOT *QC Review Form* and CE. For unlisted CEs, the EDU Supervisor or ESM must sign the NDOT *QC Review Form* and NEPA document. For EAs and EISs, the EDU Supervisor or the ESM must sign the *NDOT QC Review Form*, and the NEPA document must be signed by either the ESM or the Project Development Engineer. The NEPA document should not be signed without an accompanying NDOT *QC Review Form* demonstrating that the document has gone through the QC review process.

2.3.3 Closeout QC Review Process

The NEPA Specialist will ensure that the NDOT *QC Review Form* includes all necessary signatures as verification that the QC review process was conducted. Once all signatures have been obtained on the NDOT *QC Review Form*, the NEPA Specialist will upload it to OnBase along with a consultant QC review form, if applicable. EPMs are responsible for ensuring a complete project file, which includes uploading the Green Sheet, Complete File Checklist, and Environmental Certification at the time the project is turned in to Construction.

3.0 Quality Assurance Review

Quality Assurance (QA) is an oversight (review) function to ensure and document that the NDOT QC review process is being properly conducted. The purpose and focus of the QA review is to determine whether the QC process is being followed and to effectively identify errors and omissions, not to revisit specific comments and their resolution. The QA process is also valuable in determining if there are consistent (programmatic) errors or omissions that are occurring, and to develop a plan to address them. Findings from the QA review may require modifications to the QC review process outlined in this manual. Tasks performed in the QA review process are outlined below.

3.1 Ongoing Project-Specific QA

NEPA documents go through QA/QC at several stages during their development and review (as discussed in Chapter 2 above). Beginning with the initial reviews of resource-specific technical reports, early QA/QC activity is intended to prevent late identification of issues that could cause delays or lead to unsupported environmental decisions. Each phase of NDOT's project development process has decision and support documents that are generated and reviewed by NDOT environmental staff. Each of these phases or decision points is supported by various guidance documents that help ensure that adequate and well-supported environmental documents and technical studies are developed. Feedback during the reviews of these documents should be direct and timely to be most productive. Issues that are recurring, set precedents, or have program-wide implications should be elevated to the EDU Supervisor or relevant PQS to keep them informed of issues and possible corrective action. Lessons learned during the closeout of projects should also be shared with the EPMs, EDU Supervisor, NEPA Team Lead, and ESM to be considered for broader programmatic implementation if warranted.

3.2 Ongoing Program-wide QA

The EDU regularly conducts team meetings to go over recurring issues and share lessons learned. The purpose of the EDU meetings is to discuss current projects, program updates, and any feedback from consultants and/or NDOT personnel, such as on NEDS issues or general issues regarding NEPA documentation. The Technical Resource Unit also holds team meetings to discuss program-level QA concerns, such as changes to PQS memos. Quarterly meetings are held with the EDU and EPMs to report on the results of the QA project and program reviews. Through these meetings, the EDU Supervisor, NEPA Assignment Manager, NEPA Team Lead, ESM, and EPMs will be afforded numerous and regular opportunities to address program-wide QA/QC issues and provide feedback and direction to NDOT environmental staff. Minutes from these meetings can support and document NDOT's QA/QC program.

3.3 NEPA QA Review Process

Quarterly, the NEPA Assignment Manager will form a NEPA QA Review Team comprised of two to four individuals from the NDOT Environmental Section. The subsections below describe the NEPA QA review process.

3.3.1 NEPA Document Sampling

NDOT will compile a statistically random sample of approximately half of CE projects and all EA or EIS projects approved in the preceding quarter for use in the QA Review (see next section). The sample will include documents from all levels of complexity (all CE levels, EAs, EISs, and Reevaluations) and internal as well as consultant-prepared documents. The sample will include documentation generated during the QC review process, such as the NDOT *QC Review Form* and comment/response matrices, as warranted.

3.3.2 Scope of QA Reviews

The NEPA QA Review Team will review the documentation from each of the sampled projects for the following measures, which are consistent with the performance measures likely to be monitored by FHWA when monitoring CE Assignment or auditing full NEPA Assignment:

- Compliance with FHWA NEPA regulations and guidance, as demonstrated by following the procedural requirements outlined in 23 CFR 771, FHWA's Technical Advisory T6440.8A, and formal agreements between NDOT and FHWA.

- Compliance with other federal environmental statutes and regulations, as demonstrated by following the requirements of the federal statutes and associated regulations (e.g., Section 106 of the National Historic Preservation Act and 36 CFR 800; Section 4(f) of the U.S. Department of Transportation Act of 1966 and 23 CFR 774).

- Compliance with state environmental statutes and regulations when applicable and relied upon in the NEPA decision (e.g., Nebraska Administrative Code Title 119, Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System).

- Sufficient documentation in the project record to demonstrate that compliance has been met. For example, is there documentation to support conclusions and findings in the document?

- Project record includes documentation that the QA/QC process was followed, as demonstrated by a completed NDOT *QC Review Form* or consultant QC review form, if applicable.

- Compliance with NDOT's environmental document content standards and procedures, including those related to QA/QC. These standards may be found in the most recent NDOT Environmental Procedures Manual and other guidance related to specific resources (e.g., Section 106 Guidance).

3.3.3 Summary of Quarterly QA Review Findings

The NEPA QA Review Team will produce a memo summarizing the findings of each Quarterly QA Review and identifying action items. The memo will address each of the measures identified above, and deficiencies will be categorized as project-specific, resource-specific, or recurring/program-wide. Each recurring or program-wide deficiency should be accompanied by at least one recommendation

that will address the issue and eliminate or reduce future occurrences. The memo may be shared with FHWA as is or may be tailored to better meet FHWA's monitoring requirements.

3.3.4 Feedback

The NEPA QA Review Team will provide feedback to environmental staff and consultants, and include corrective actions for problem areas. Feedback may occur in the form of staff meetings, training, or memos/directives from the EDU Supervisor or other NDOT Managers/PQSs.

4.0 Performance Measures

The performance measures listed here are the inputs for self-assessments and provide the focus for Section 326 monitoring events and Section 327 audits. They are intended to apply to the third renewal of the 326 MOU and the first audit under the 327 MOU.

4.1 Section 326 Performance Measures

NDOT has approved, on average, approximately 115 categorical exclusion determinations annually since 2019. NDOT self-assessments review 50% of CEs approved under the 326 MOU. Given that a Section 326 monitoring event may include several years of determinations, an FHWA monitoring event will include a subset of the projects that were reviewed in NDOT internal self-assessments.

Measure 1: Compliance with NEPA requirements, FHWA NEPA regulations, and other Federal statutes and regulations.

This performance measure requires NDOT to maintain documented compliance with the requirements of applicable Federal statutes and regulations for which responsibility is assumed (e.g. Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, etc.). The metric is percent of approved CEs that have documentation in the project file supporting analysis and decisions for NEPA. The checking method is "Required supporting documentation is accessible in OnBase." The formula is number of reviewed CEs with complete supporting documentation divided by total number of reviewed CEs. The performance target is 95%.

Required supporting documentation is listed below, if applicable to the project:

- Section 404 Permit Application
- Section 404 Permit Authorization
- Section 401, Title 117 Authorization
- Floodplain Permit(s)
- Stormwater Pollution Prevention Plan
- Section 106 Determinations
- Tribal Consultation Log
- Tribal Lands Coordination
- Federal Lands Coordination
- Advisory Council on Historic Preservation e106 Form
- Tribal or Agency Agreements
- Biological Assessment
- Species Survey Report(s)
- Agency Concurrence(s)
- Section 4(f) – Exemptions, De minimis, Programmatic, or Individual Evaluation
- Section 6(f) Consultation

- Section 6(f) Conversion Documentation
- Natural Resources Conservation Service Farmland Impact Rating Conversion Form
- Wild & Scenic Rivers Coordination
- Public Comments and Responses
- Noise Study
- Environmental Certification

Measure 2: Consistency in assessment and documentation standards.

This performance measure requires NDOT to maintain a process to identify and review effects/uses and document them in the CE findings. The metric is percent of reviewed CEs having clearly stated effect or use determinations for the resources listed below. The checking method is "Required effect or use determination is included in the approved CE." The formula is number of reviewed CEs with complete effect determinations divided by total number of reviewed CEs. The performance target is 95%.

- Section 4(f)
- Wetlands and Waters of the United States
- Threatened and Endangered Species
- Historic Resources
- Hazardous Materials

Measure 3: Determination and documentation of CEs excluded from the CE Assignment Program

This performance measure requires NDOT to correctly assess whether a project approved by NDOT under the 326 MOU should have been excluded from approval under the 326 program. Excluded projects are CEs in which project activities are not on the c-list or d-list specified in 23 CFR 771.117. The metric is percent of reviewed CEs that should have been excluded from approval under the 326 MOU. The checking method is "The project activities for an approved CE are not on the c-list or d-list." The formula is number of reviewed CEs that should have been excluded divided by total number of reviewed CEs. The performance target is 0%.

Measure 4: Maintain adequate State resources, qualifications, expertise, standards, and training

This performance measure requires NDOT to maintain adequate organizational and staff capability and expertise to effectively carry out the responsibilities assigned under the Section 326 MOU. The metric is percent of NDOT Environmental Section staff maintaining a training transcript. The metric includes probationary staff because they are actively completing training, even if they have not yet completed all the training necessary to be PQS certified. The checking method is "Training transcript is

maintained by employee and signed by their supervisor." The formula is number of NDOT Environmental Section staff with a training transcript divided by total number of NDOT Environmental Section staff. The performance target is 95%.

Measure 5: State Quality Control & MOU Performance Monitoring and Quality Assurance

This performance measure requires NDOT to carry out regular quality control and quality assurance activities on its CE determinations and cooperate with FHWA in monitoring performance. The metric is percent of quarterly summary QA memos sent to FHWA. The checking method is "A summary memo of NDOT internal QA observations and findings related to CEs approved under the 326 MOU was emailed to the Nebraska Division of FHWA quarterly." The formula is number of QA memos emailed divided by number of QA monitoring periods. The performance target is 100%.

4.2 Section 327 Performance Measures

Measure 1: Compliance with NEPA requirements, FHWA NEPA regulations, and other Federal statutes and regulations.

This performance measure requires NDOT to maintain documented compliance with the requirements of applicable Federal statutes and regulations for which responsibility is assumed (e.g. Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, etc.). The metric is percent of final environmental documents that have documentation in the project file supporting analysis and decisions for NEPA. The checking method is "Required supporting documentation is accessible in OnBase." The formula is final unlisted CE, EA, and EIS documents with complete supporting documentation divided by total of final unlisted CE, EA, and EIS documents. The performance target is 95%.

Required supporting documentation is listed below, if applicable to the project:

- Section 404 Permit Application
- Section 404 Permit Authorization
- Section 401, Title 117 Authorization
- Floodplain Permit(s)
- Stormwater Pollution Prevention Plan
- Section 106 Determinations
- Tribal Consultation Log
- Tribal Lands Coordination
- Federal Lands Coordination
- Advisory Council on Historic Preservation e106 Form
- Tribal or Agency Agreements
- Biological Assessment
- Species Survey Report(s)

- Agency Concurrence(s)
- Section 4(f) – Exemptions, De minimis, Programmatic, or Individual Evaluation
- Section 6(f) Consultation
- Section 6(f) Conversion Documentation
- Natural Resources Conservation Service Farmland Impact Rating Conversion Form
- Wild & Scenic Rivers Coordination
- Community Assessment
- Public Comments and Responses
- Noise Study
- Environmental Certification
- Legal Sufficiency Review

Measure 2: Quality Assurance/Quality Control for NEPA Decision

This performance measure requires NDOT to maintain internal QA/QC measures and processes, including record of: 1) Completion of legal sufficiency review by the Nebraska Attorney's General Office; and 2) Compliance with NDOT's environmental document content standards and procedures, including those related to QA/QC.

The metric for legal sufficiency review is percent of signed EIS and Section 4(f) Individual Evaluation documents that have a Legal Sufficiency Review form in the project file. The checking method is "Required Legal Sufficiency Review form is accessible in OnBase." The formula is total number of signed EIS and Section 4(f) Individual Evaluation documents having a Legal Sufficiency Review in OnBase divided by total of signed EIS and Section 4(f) Individual Evaluation documents. The performance target is 100%.

The metric for compliance with NDOT's environmental document content standards and procedures is percent of quality control reviews for signed EAs and EISs with a completed NDOT *NEPA QC Review Form* in the project file. A consultant QC review form, if applicable, is not included in this metric. The checking method is "Required NDOT *NEPA QC Review Form* is accessible in OnBase." The formula is the total number of signed unlisted CE, EA, and EIS documents having an approved NDOT *NEPA QC Review Form* in OnBase divided by the total of signed unlisted CE, EA, and EIS documents. The performance target is 95%.

Measure 3: Relationships with agencies, resident Tribes, and the public

This performance measure requires NDOT to: 1) maintain communication among NDOT, federal and state resource agencies, resident tribes, and the public; 2) maintain responsiveness to substantive comments received from the public; and 3) maintain an effective NEPA conflict resolution process whenever appropriate.

The first metric regarding communication is percent of signed unlisted CE, EA, and EIS documents that have supporting documentation of required regulatory notifications/consultations with resource

agencies and resident tribes in the project file. The checking method is "Required regulatory notifications/consultations with resource agencies and resident tribes are accessible in OnBase." The formula is total number of signed unlisted CE, EA, and EIS documents having a complete record of required notification/consultation in OnBase divided by the total number of signed unlisted CE, EA, and EIS documents. Required supporting documentation is listed below, if applicable to the project. The performance target is 95%.

- Tribal Consultation Log
- Section 6(f) Consultation
- Wild & Scenic Rivers Coordination
- Tribal Lands Consultation
- Federal Lands Coordination
- Section 7 Agency Coordination

The second metric regarding public comments is percent of signed unlisted CE, EA, and EIS documents that have documented responses to public comments in the file. The checking method is "Letters of response to public comments are accessible in OnBase." The letters may be uploaded as part of a Public Involvement report. The formula is the total number of signed unlisted CE, EA, and EIS documents having response letters in OnBase divided by the total number of signed unlisted CE, EA, and EIS documents. The performance target is 95%.

The third metric regarding conflict resolution is percent of unlisted CE, EA, and EIS projects requesting a formal issue resolution meeting in accordance with 23 USC 139(h)(6). NDOT has an established Formal External Dispute Escalation Procedure (Appendix A of the Environmental Procedures Manual). The process outlined in 23 USC 139(h)(6) will be used only when the Formal External Dispute Escalation Procedure does not resolve the issue. The checking method is "Number of unlisted CE, EA, and EIS projects for which 23 USC 139(h)(6) procedures were requested." The formula is total number of unlisted CE, EA, and EIS projects for which the 23 USC 139(h)(6) procedures were requested divided by the total number of unlisted CE, EA, and EIS projects. The performance target is 0%.

Measure 4: Efficiency and timeliness in the completion of the NEPA process

This measure requires NDOT to maintain completion of NEPA and required environmental reviews and approvals within regulatory timeframes for EAs and EISs. The metric is percent of EA and EISs meeting 23 CFR 771.138 timelines. The checking method depends on the type of NEPA document. For most EAs, the NEPA clock starts on the date the class of action is entered in the Federal Permitting Dashboard, and the end date is the date the EA document is approved, prior to public/agency review. The end date should be no more than one year after the start date. For EAs that are designated as major projects under 23 USC 139, the start date will be the date the class of action was added to the Permitting Dashboard, unless a Notice of Intent (NOI) was published for the EA, in which case the start date will be the NOI publication date. The end date for an EA that is a major project will be the date the FONSI is signed. The end date should be no more than two years after the start date. For an EIS, the start date will be the NOI publication date, and the end date will be the signature date of the ROD or combined EIS/ROD. The end date should be no more than two years after the start date. The formula is total number of EA or EIS projects that are completed within the

regulatory timeframes (including an extension, if applicable) divided by the total number of EA and EIS projects. The performance target is 95%.

5.0 Self-Assessments

Self-assessments will be conducted by NDOT staff prior to monitoring events as required by Stipulation IV(F)(2) of the Section 326 MOU and prior to audits as required by Section 6.2.4 of the Section 327 MOU. Stipulation IV(f)(2) says the self-assessment report will identify any areas where improvement is needed and what measures the State is taking to undertake those improvements. The report will include actions taken by the State as part of its quality control efforts under Stipulation IV. Section 6.2.4 says self-assessment will include a description of the scope of the self-assessment conducted and the areas reviewed, a description of the process followed in conducting the self-assessment, a list of areas identified as needing improvement, any corrective actions that have been or will be implemented, and a statement from NDOT's Environmental Section Manager stating that the responsibilities assumed under the MOU are being fulfilled.

The areas reviewed in the self-assessments will be limited to the performance measures listed herein. The self-assessments focus on the QA/QC process and performance to determine if the process is working as intended. Project-related decisions are the sole responsibility of the State.

Appendix A: NDOT Internal QC Review Process for NEPA

Task	Performed by:	Activities
Prepare Document	NEPA Specialist	• Ensure the document is sufficiently complete for review. • Identify and make accessible all supporting documents. • Complete top portion of the NDOT *QC Review Form*. • Send the document and the NDOT *QC Review Form* to the QC Reviewer(s). • Provide the QC Reviewer with deadline for review (e.g., specific day) and level and format of review requested.
Review Document	Independent NEPA Specialist, EPM, PQS, Unit/Division staff, EDU Supervisor, NEPA Team Lead or ESM with experience in preparing level of document being reviewed.	• Review the document and any instructions from NEPA Specialist. • Check the document against applicable procedures, standards, and guidelines. • Make comments per an approved review method (*e.g.,* track changes, comment/response matrix, or email). • Indicate on the NDOT *QC Review Form* what review level and comment method was used. • Return the NDOT *QC Review Form* and draft document to NEPA Specialist. • NEPA Specialist consolidates all comments.

Task	Performed by:	Activities
Update Document	Document Author	• Revise the document and save with a new version number and date. • Incorporate comments received from QC Reviewer(s). • Ensure revisions are consistently carried throughout entire document and no other conflicts are created. • (Optional): If comments from QC Reviewer(s) are extensive, unclear, or challenging, the person performing the updates is advised to submit a revised document to the QC Reviewer(s) or seek clarification and direction through comment resolution. • The Document Author returns revised document to the NEPA Specialist for distribution to the QC Reviewer(s) to ensure comments are resolved.
Verify Comments Addressed	Generally, the same person who served as the principal reviewer.	• Review the document against all comments received from the QC Reviewer(s). • Identify any comments not sufficiently addressed. • Resolve any differences with the Document Author. • Refer irreconcilable differences between the QC Reviewers to the EPM, EDU Supervisor, NEPA Team Lead, ESM, or appropriate PQS for resolution. • Indicate on the *QC Review Form* the level of review performed.
Final Document Check	Generally, the NEPA Specialist, but in some instances, EPM, EDU Supervisor, NEPA Team Lead, or ESM	• Conduct final check of document to ensure comments have been satisfactorily addressed.

Task	Performed by:	Activities
Sign the *QC Review Form* and NEPA Document	NEPA Specialist, EPM, EDU Supervisor, NEPA Team Lead or ESM	To approve a CE Level 1, the NEPA Specialist will: • Sign the NDOT *QC Review Form* on the line labeled: NEPA Specialist Signature. • Sign the CE Level 1. To approve a CE Level 2 or higher document, the NEPA Specialist will: • Sign the NDOT *QC Review Form* on the line labeled: NEPA Specialist Signature. • Forward the NDOT *QC Review Form* and final document to the EPM, EDU Supervisor, NEPA Team Lead, or ESM for their signature. • EPM or NEPA Team Lead will sign the NDOT *QC Review Form* and CE Level 2. • EDU Supervisor or NEPA Team Lead will sign the NDOT *QC Review Form* and CE Level 3. • EDU Supervisor or ESM will sign *the* NDOT *QC Review Form* for assigned unlisted CEs, EAs, and EISs. • EDU Supervisor or ESM will sign an unlisted CE • ESM or Project Development Engineer will sign an EA or EIS.
Closeout QC Review Process	NEPA Specialist	• Upload the fully signed NDOT *QC Review Form* to OnBase.
PS&E Turn-in QC Process	EPM	• Upload the Green Sheet to OnBase • Upload the Complete File Checklist to OnBase • Upload the Environmental Certification to OnBase

Appendix B.1 NEPA QC Review Form (Blank)

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

NEPA QC Review Form

Project Development Division

Project Name:	
Project Number:	
Control Number:	
NEPA Specialist:	
Document Type:	

Review Method	Comment Method	General Comments	Name	Date

QC Review is Complete – Document Is Ready For Approval

NEPA Specialist Signature: _____

Printed Name: _____

Phone: _____ Email: _____

Final Review – Acknowledgement of Satisfactory Comment Resolutions

NEPA Documentation Type: _____

Signature: _____

Printed Name: _____

Title: _____

Phone: _____ Email: _____

Appendix B.2 NEPA QC Review Form (CE Example)

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

NEPA QC Review Form

Project Development Division

Project Name:
Project Number:
Control Number:
NEPA Specialist: **Jane Doe**
Document Type: **CE-2**

Review Method	Comment Method	General Comments	Name	Date
Full Document Review	Electronic Comments	Add wellhead protection commitment; missing f650 analysis; check ROW total	Mary, NEPA Specialst	12/5/2024
Update		missing commitment and 650 analysis text added; ROW total confirmed correct	Jane Doe, NEPA Specialist	12/7/2024
Second Review	Electronic Comments	Update 4(f) study area; explain project description update is reduction	Joe, NEPA Team Lead	12/12/2024
Final Check		comments addressed	Joe, NEPA Team Lead	12/14/2024

QC Review is Complete – Document Is Ready For Approval

NEPA Specialist Signature: _____

Printed Name: Mary

Phone: _____ Email: _____

Final Review – Acknowledgement of Satisfactory Comment Resolutions

NEPA Documentation Type: _____

Signature: _____

Printed Name: Joe

Title: NEPA Team Lead

Phone: _____ Email: _____

Appendix B.3 NEPA QC Review Form (EA Example)

NEBRASKA
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DEPARTMENT OF TRANSPORTATION

NEPA QC Review Form

Project Development Division

Project Name:
Project Number:
Control Number:
NEPA Specialist: **Jane Doe**
Document Type: **EA**

Review Method	Comment Method	General Comments	Name	Date
Full Document Review	Electronic Comments	Section 4(f) de minimis not signed by OWJ; 6(f) consultation missing	Mary, NEPA Specialist	7/8/2023
Targeted Technical Review	Email	See email dated 7/9/2023 for response to noise impact discussion and suggested mitigation	Jim, Noise PQS	7/9/2023
Targeted Technical Review	Track Changes	Reviewed T&E and wetland sections. Only minor edits	Ann, Ecologist PQS	7/10/2023
Targeted Technical Review	Email	Section 106 sensitive areas are not yet added to plans	Sue, Cultural PQS	7/10/2023
Update		OWJ signature obtained; 6(f) consultation added to attachments	Mary, NEPA Specialist	7/30/2023
Update		noise discussion and mitigation are correct in document	Jim, Noise PQS	8/1/2023
Update		edits accepted	Ann, Ecologist PQS	8/2/2023
Update		Sensitive areas appear on E-sheets	Sue, Cultural PQS	8/4/2023
Update		comments addresed	Jane, NEPA Specialist	8/6/2023
Second Review		No additional comments	Steve, EDU Spervisor	8/10/2023
Final Check		Reviewed that EA meets standards for content. Ready for approval.	Kathy, ESM	8/15/25

QC Review is Complete – Document Is Ready For Approval

NEPA Specialist Signature: _____

Printed Name: Mary

Phone: _____ Email: _____

Final Review – Acknowledgement of Satisfactory Comment Resolutions

NEPA Documentation Type: _____

Signature: _____

Printed Name: Steve

Title: EDU Supervisor

Phone: _____ Email: _____