Alaska

Department of Transportation and Public Facilities

NEPA Assignment Program Self-Assessment Procedures

Introduction

As part of the Federal Highway Administration (FHWA) Surface Transportation Project Delivery Program (23 U.S. Code [USC] 327), commonly known as the NEPA Assignment Program, the Alaska Department of Transportation and Public Facilities (DOT&PF) has assumed FHWA responsibilities for complying with the National Environmental Policy Act (NEPA) when developing federally funded highway projects in Alaska that DOT&PF designs and constructs. Under the NEPA Assignment Program Memorandum of Understanding (MOU) between FHWA and DOT&PF dated November 3, 2017, DOT&PF has also assumed FHWA's legal responsibilities and liabilities for its actions and decisions pertaining to the environmental review and approval responsibilities assigned under the NEPA Assignment Program, including interagency consultation, and environmental regulatory compliance.

The NEPA Assignment MOU Part 8.2.5, requires the DOT&PF to conduct annual self-assessments of its quality assurance and quality control (QA/QC) procedures and performance. The DOT&PF self-assessments will be conducted by the Statewide Environmental Office (SEO) to ensure that the FHWA's responsibilities assumed under the NEPA Assignment Program are being performed in accordance with the NEPA Assignment Program MOU and with all applicable Federal laws and policies.

The self-assessments will generally be conducted by NEPA Program Managers with oversight from the Statewide NEPA Assignment Program Manager and the Statewide Environmental Program Manager. At the discretion of the Statewide Environmental Program Manager, additional reviewers may be invited to participate in the audit (e.g. Statewide Cultural Resources staff may be requested to evaluate Section 106 consultation documentation). Regional Environmental Managers (REMs) will be the regional point-of-contact during the audit process, and will be responsible for reviewing the SEO's findings and coordinating the development of corrective actions in the regions.

Two types of self-assessments may be performed under the NEPA Assignment Program, a program-level self-assessment and project-specific self-assessment, as further described below. While the scope may differ for the two types of self-assessments, they will follow the same general procedures. These self-assessment procedures are intended to be general guidance and may be modified as necessary to accommodate circumstances surrounding the self-assessment. Any deviation from the outlined procedures, and the reason for the deviation, will be documented as part of the self-assessment report.

A self-assessment report will be produced by the SEO for each self-assessment conducted to satisfy the requirements in the NEPA Assignment Program MOU (Part 8.2.5, MOU Monitoring and Oversight). The self-assessment report must 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 the areas identified as needing improvement, any corrective actions that have been or will be implemented, and a statement from the Statewide Environmental Program Manager concerning whether the processes are ensuring that the responsibilities DOT&PF has assumed under the NEPA Assignment MOU are being carried out in accordance with the MOU and all applicable Federal laws and policies, and a summary of the DOT&PF's progress toward attaining the performance measures listed in Part 10 of the MOU.

The self-assessment report must be transmitted to FHWA Alaska Division Office at least one month prior to the date of a scheduled FHWA audit.

Program-level Self-Assessments

Program-level self-assessments are intended to provide an appraisal of the DOT&PF's processes, procedures and performance in relation to:

- Project decisions
- Complete environmental analysis
- Project file documentation
- Checking for errors and omissions
- Legal sufficiency reviews, if appropriate

Program-level self-assessments will be conducted annually as a regular part of the DOT&PF's Quality Assurance/Quality Control (QA/QC) process. All aspects of the environmental documentation and project file for selected projects are subject to evaluation during a program audit.

Program-level self-assessments may provide a general evaluation or be focused to evaluate one or more perceived program concern(s) or risk(s) and determine whether these are either program-wide, project or region specific, or negligible. The program concern(s) or risk(s) may be identified by the SEO or DOT&PF management, the FHWA, or other regulatory agency.

Program-level self-assessments require planning to:

- Develop the parameters or protocol to identify all potential projects that may be audited (e.g. those that are susceptible to specific concern(s) or risk(s))
- Select the sub-set of projects to be audited
- Establish an audit-specific form to ensure the concern(s) or risk(s) are consistently evaluated
- Establish timelines for audit tasks

The projects selected will consist of a representative sample of projects from each region and all levels of NEPA documentation and project complexity. Program-level self-assessments will generally be limited to those project approvals completed in the previous year, except where identified program concern(s) or risk(s) necessitate looking at a broader timeframe.

Project-specific Self-Assessments

Project-specific self-assessments will be conducted when there is a perceived project-specific concern or risk that warrants a thorough review of that project's environmental document(s) and file. The concern may be identified by the SEO or DOT&PF Management, the FHWA, or other regulatory agency. The scope of the evaluation will encompass all aspects of the project's environmental documentation, with additional scrutiny on the concern or risk. Generally only the project of concern will be evaluated, unless additional project review is deemed necessary (e.g. where concerns are identified involving related primary/ancillary projects).

A project-specific self-assessment may identify a concern or risk that is later addressed through a focused program-level self-assessment to evaluate whether the concern(s) or risk(s) are program-wide, or isolated to the specific project.

Self-Assessment Procedures

Step 1. SEO determines the type and scope of the self-assessment.

      I.   Program-level
- a. Identify concern(s)/risk(s) needing evaluation;
- b. Develop parameters/protocol to identify projects that are susceptible to the identified concern(s)/risk(s);
- c. Use date range appropriate to address identified concern(s)/risk(s)
- d. Select subset of projects for self-assessment to include a representative sample of projects from each Region;
- e. Develop self-assessment-specific form or use Environmental Document Review Checklist to ensure identified concern(s)/risk(s) are assessed.

      II.   Project-specific
- a. Identify concern(s)/risk(s) needing evaluation;
- b. Develop self-assessment-specific form or use Environmental Document Review Checklist to ensure identified concern(s)/risk(s) are assessed.

Step 2. SEO develops the self-assessment timeline in coordination with the REMs.

Step 3. Statewide Environmental Program Manager or Statewide NEPA Assignment Program Manager notifies the regions at least two weeks prior to beginning the self-assessment; notification should include:

      I.   The intent, purpose and scope, including (as applicable):
- a. The protocol for selecting projects for a focused program self-assessment
- b. The source of the identified concern for a project-specific self-assessment

      II.   List of project(s) being reviewed, including project name, state and federal project numbers

      III. Anticipated timeline

      IV. Reviewer(s)

Step 4. SEO performs the self-assessment

      I.   NEPA Program Manager Assignment
- a. For program-level self-assessments, NEPA Program Managers will audit project file documentation:
  1. for a region to which they are not regularly assigned
  2. using the Environmental Document Review Checklist or form developed specifically for the self-assessment
- b. For project-specific self-assessments, Statewide NEPA Assignment Program Manager will assign a NEPA Program Manager to audit project file; this should not be a NEPA Program Manager currently assigned to the Region which produced the project file being audited.
- c. Additional reviewers may be assigned to any self-assessment at the discretion of the Statewide Environmental Program Manager

II. Regional Environmental Managers (REMs) will provide project documents necessary to perform the self-assessment within the timeline specified by the Statewide Environmental Program Manager's notification documents may include but are not limited to:
   a. Project environmental documents (e.g. COA, CE/EA/EIS, Re-evaluations)
   b. The Project Information Document(s)
   c. The Federal-aid project form(s)

Step 5. SEO produces the preliminary self-assessment report

I. A preliminary (or draft) self-assessment report will be drafted after self-assessment completion, and must include:
   a. Scope
   b. Areas reviewed
   c. Process
   d. Findings
II. Review process
   a. For program-level self-assessments, NEPA Program Managers will collaboratively develop preliminary and final self-assessment reports
   b. For project-specific self-assessments, the assigned NEPA Program Manager will develop preliminary and final self-assessment reports
   c. Statewide NEPA Assignment Program Manager will review preliminary and final audit reports before transmittal to the Statewide Environmental Program Manager for review and distribution to the REMs.
   d. Regional review of preliminary and final self-assessment reports to end with close out meetings, as necessary, with SEO to discuss findings
   e. Chief Engineer will review final self-assessment report prior to finalization and will be briefed on program status by the Statewide Environmental Program Manager and Statewide NEPA Assignment Program Manager, as appropriate.
   f. SEO will finalize the self-assessment report, and distribute as appropriate

Step 6. Regions and SEO self-assessment finding resolution

I. SEO will determine the expectations for the resolution process based on findings.
   a. The Statewide Environmental Program Manager will communicate expectations to the REMs via email, which may include:
      1. Identifying, as necessary:
         a. Finding(s) to be addressed by each Region
         b. Finding(s) to be addressed by SEO
      2. Anticipated timeline for development and approval of corrective actions
      3. Expected format for region proposed corrective actions (level of documentation may be commensurate with severity of findings, e.g. emails, memoranda, directives)
   b. The Statewide Environmental Program Manager will organize a teleconference between REMs and SEO to clarify expectations, as needed.
II. Development and approval of corrective actions

    a. For project and region-specific findings:
        1. For project-specific findings, the REM and project team will develop corrective actions
        2. For region-specific findings, the REMs will coordinate with regional staff, to develop corrective actions
        3. REMs will transmit proposed corrective actions for findings to SEO
        4. SEO will review proposed resolutions and work with region until agreed-upon resolutions are identified
        5. REMs to transmit finalized corrective actions in the expected format to SEO for approval
        6. Statewide Environmental Program Manager approves the resolutions
    b. For program findings:
        1. The SEO will develop resolutions or corrective actions
        2. The Statewide Environmental Program Manager will transmit proposed resolutions for program findings to REMs
        3. REMs will review proposed resolutions and provide feedback to SEO
        4. SEO will finalize resolutions

Step 7. SEO produces the final self-assessment report

    I. A final self-assessment report will be drafted after corrective actions have been developed and approved, and must include:
        a. All items in the preliminary report (see Step 5, Item I)
        b. Corrective actions that have been or will be completed
        c. Identified progress toward attaining performance measures outlined in the MOU
        d. Statement from the Statewide Environmental Program Manager whether the responsibilities DOT&PF has assumed are being carried-out in accordance with the MOU and all applicable federal laws and policies
    II. Repeat review process described in Step 5, Item II

Step 8. Regions and SEO to implement corrective actions

    I. Verify that corrective actions have been completed
        a. For project-specific and region-specific findings, regions to notify SEO as corrective actions are completed
        b. For program findings, the SEO to track completion of corrective actions
    II. Document that corrective actions have been completed:
        a. In the next self-assessment report, for program self-assessments
        b. In a memo to be placed in the project file, for project-specific self-assessments