



CHAPTER 8: DOCUMENT REVIEW PROCEDURES

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8.0 DOCUMENT REVIEW PROCEDURES

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

8.1 Review Process

There are three review options that can be considered by the project team 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, please see **Chapter 3**. No matter which review process is selected by the project team, all documents will be reviewed by the CDOT Region, CDOT Environmental Programs Branch (EPB), and FHWA Colorado Division Office (at the Operations Engineer's (OE) 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 good 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. Please see **Section 8.4** for a discussion of the necessary review periods.

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 comments are addressed, the document is sent by the Region to EPB for review. After the EPB comments are addressed, CDOT completes its QA/QC review and the Region submits the document to the FHWA OE 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



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.



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comments received are relatively straight-forward, comment resolution can also be handled via email or a phone call among the parties. For more information on comment resolution, please see **Section 8.5**.

8.1.2 Concurrent Review

There are three options for a concurrent review. Option one is when the Region reviews the document, individual chapter, or technical report and then EPB and FHWA review at the same time.

Under option two, the Region and EPB review the document, individual chapter, or technical report at the same time. FHWA would review after the CDOT review.

Option three is when 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. Since so many parties are reviewing at the same time, a lot of comments can be made that 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 utilized, the project team should have confidence that the document from the consultant will require only minor revisions.

A combined comment resolution meeting is recommended as an efficient method of resolving comments. For more information on comment resolution, please see **Section 8.5**.

8.1.3 Team Review

In a team review, a team of selected individuals will be responsible for review of the document, individual chapter, or technical report submittal. The intent of this review process is to have only one full review cycle. This review option requires more of a “hands-on” approach from the team members. This team will include one lead person from either the Region or EPB for each resource of concern that was identified during scoping, a Region NEPA project manager, an EPB NEPA specialist, and the FHWA OE. The exact make-up of the team will depend on the complexity of the issues to be addressed. This team is typically smaller than the staff that reviews a document in either the sequential or the concurrent reviews.

Each team member will be responsible for their area of expertise including final review and input on the adequacy of the section pertaining to their expertise. If that 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



There are three options for a concurrent review process.



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 one is a combined CDOT/FHWA review. In option one; the FHWA OE participates as part of the team throughout the process, including review and concurrence on draft documents and sections of draft documents.

Option two consists of a CDOT review and then a FHWA review. In option two, the CDOT team reviews the document and the FHWA OE only participates 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 comprised of the Region NEPA project manager, the EPB NEPA specialist, and the FHWA OE. For more information on comment resolution, please 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 documented (or non-programmatic) Cat Exs, EAs, Draft EISs, Final EISs, FONSI, 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.

The calendar is used by EPB 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 the 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 meetings with agencies so that they are aware of when documents may be available for agency review. These meetings include the Transportation Environmental Resource Council (TERC), Environmental Protection Agency (EPA) quarterly meetings, etc. The agencies use this information for their workload scheduling as well. 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 they are complete and comply with all state and federal regulations before submitting the documents for CDOT and FHWA review. 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>

The RPEM will submit draft NEPA documents for review to the EPB NEPA specialist with a signed transmittal memo (**Figure 8-2**). The transmittal memo should include the NEPA project name and number, number of copies (paper/compact disc [CD]) 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. EPB and FHWA require two hard copies of the main text and two CDs that include the full document (main text and appendices) for review. 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> CD(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

CDOT's standard comment matrix is available at <http://www.coloradodot.info/programs/environmental/resources/forms>

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 very challenging for the commenters to determine how the comment was addressed. See **Section 8.5** for information on the comment resolution process.





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 tend to slow down computers and printers when electronic documents are being reviewed and should be avoided. Rather than using a watermark, it is suggested that “Draft” be put in the header or footer of the document.

Please double-check with the OE to determine the correct number and type of documents required. The FHWA OE has the discretion to request additional copies and to change the format (hard copy versus electronic). In general, FHWA requires three hard copies of a document for the Colorado Division Office review. Technical reports should only be provided electronically. For EAs and FONSIs that include a Section 4(f) evaluation and for Draft EISs and Final EISs, an additional round of review is required to allow for FHWA legal review or legal sufficiency review. Two hard copies are required for the legal review. One additional hard copy is required during the legal or legal sufficiency review if prior concurrence by the FHWA headquarters office is necessary. 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. Prior concurrence is required for Tier 1 documents 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.

For draft documents with draft Section 4(f) evaluations, the document will be submitted to the US Department of Interior (DOI) for review. If the document is available electronically, one electronic copy on CD and a URL for where it is available on the internet are required. The electronic media must be sent by Federal Express (FedEx) or United Parcel Service (UPS). The United States Postal Service (USPS) irradiates mail to agencies in Washington, DC, which destroys the information on the disk. If the document is not available electronically and on the internet, DOI requires 12 hard copies of draft documents and 9 hard copies of final documents.

As of October 1, 2012, the USEPA implemented an online EIS submittal tool called e-NEPA to eliminate the need for hard copy document submittals. EPA no longer accepts hard copy or CD submittals. A specified staff person at the FHWA Colorado Division Office will submit the electronic document via e-NEPA. All documents are required to be in pdf format. Each pdf file must be no greater than 50 MB. The EPA recommends that file names are formatted with the chapter or subchapter number first, followed by its name.



The DOI's current preference for review documents is available at http://www.doi.gov/pmb/oeqc/nrm/upload/Environmental_Review_Process.pdf



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For example, Chapter 1 – Purpose and Need. All pdf files must be searchable and have bookmarks included for chapters and subchapters.

8.4 Review Period

The review period for the Regions varies depending on the project as well as 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 documented (or non-programmatic) CatExs, EAs, FONSI, RODs, Reevaluations, PELs, technical reports, and individual chapters, the standard review period is 11 working days. For an EIS, the standard review period is 20 working days. The EPB NEPA specialist will notify the Region NEPA project manager early in the review period if problems are presented that may require additional review time.

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. 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 legal and prior concurrence reviews.



For EIS EPA submittal requirements, see

<http://www.epa.gov/oecaert/h/nepa/submiteis/index.html#more>



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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 of the appropriate parties are involved. For sequential and concurrent reviews, the meeting may include the following individuals: the Region project manager, the Region NEPA project manager, the FHWA OE, the EPB NEPA specialist, the 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 makes the determination through consultation with an EPB NEPA specialist, the FHWA OE, 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, two originals 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> Region 1 Transportation Director Colorado Department of Transportation	Date
--	------

Concurred by:

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

Approved by:

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



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

An 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, will obtain the Chief Engineer’s signature, and will either forward the two signature pages 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 document has been signed by the FHWA Division Administrator (or their designee), the FHWA OE will transmit the signed signature page to the office specified on the transmittal from the Chief Engineer. The original signature page will be kept by the Region.

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. Each Region is also responsible for sending the other Regions a courtesy CD copy for each NEPA document completed.

Table 8-1 identifies distribution requirements. The FHWA OE has the discretion to request additional copies and to change the format (hard copy versus electronic). Please double-check with the OE to determine the correct number and format of documents required.

Table 8-1 NEPA Document Distribution Requirements

Agency	Document Distribution	Hard copies	Electronic copies (CD)
EPB	EA	1 copy for CDOT Headquarters - Shumate Library	1 copy for Shumate Library
	FONSI		
	Draft EIS		
	Final EIS		
	ROD	A hard copy is not required for Reevaluations	
	Reevaluation		
Region	EA	TBD by Region	TBD by Region
	FONSI		
	Draft EIS		
	Final EIS		
	ROD		
	Reevaluation		
FHWA	EA	1 EPA Region 8 3 FHWA CO Division 2 FHWA legal (if Section 4(f)) 12 max DOI (if Section 4(f) and if no CD and website available)	1 DOI (if Section 4(f))
	FONSI	3 FHWA CO Division 2 FHWA legal (if Section 4(f)) 1 EPA Region 8 9 max DOI (if Section 4(f) and if no CD and website available) 1 extra	1 EPA Region 8 1 DOI (if Section 4(f))



Agency	Document Distribution	Hard copies	Electronic copies (CD)
	Draft EIS	3 FHWA CO Division (appendices on CD) 2 FHWA legal 1 FHWA headquarters 3 EPA Region 8 12 max for DOI (if Section 4(f) and if no CD and website available)	1 EPA Region 8 1 DOI (if Section 4(f))
	Final EIS	3 FHWA CO Division (appendices on CD) 2 FHWA legal 1 FHWA headquarters 3 EPA Region 8 9 max DOI (if Section 4(f) and no CD and website available)	1 EPA Region 8 1 DOI (if Section 4(f))
	ROD	3 FHWA CO Division 2 FHWA headquarters 9 max DOI (if Section 4(f) and if no CD and website available) 1 extra copy	1 DOI (if Section 4(f))
	Reevaluation	3 FHWA CO Division	
Colorado State Publications Library Repository	EA and FONSI	4 if no weblink (appendices on CD)	2 if no weblink
	Final EIS and ROD	4 if no weblink (appendices on CD)	2 if no weblink

The web link to the online version, if available, should be emailed to spl@cde.state.co.us or copies should be sent to:

Colorado State Publications Library
201 East Colfax Avenue, Room 314
Denver, CO 80203

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 number of copies and review locations that will be required 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 CD copy for each NEPA document completed.

See **Table 8-1** for distribution requirements. The FHWA OE has the discretion to request additional copies and to change the format (hard copy versus electronic). Please double-check with the OE to determine the correct number and format of documents required.

After the FONSI determination has been made by FHWA, an announcement of availability of the FONSI is sent by CDOT 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 also varies by the Region. Typically, the Region will identify the number of copies and review locations that will be required 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 CD copy for each NEPA document completed.

See **Table 8-1** for distribution requirements. The FHWA OE has the discretion to request additional copies and to change the format (hard copy versus electronic). Please double-check with the OE to determine the correct number and format of documents required.

The FHWA OE 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 OE. 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.

For the EIS, the NOA will be published by the EPA in the Federal Register. The EIS must be submitted via e-NEPA by 5:00 pm Eastern Standard Time on the Friday prior to the NOA publication, which occurs on a Friday. The



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



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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 there is a Section 4(f) evaluation 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 also varies by the Region. Typically, the Region will identify the number of copies and review locations that will be required 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 CD copy for each NEPA project completed.

See **Table 8-1** for distribution requirements. The FHWA OE has the discretion to request additional copies and to change the format (hard copy versus electronic). Please double-check with the OE 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 for 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, please see **Chapters 4** and **6**.



8.12 References

Council on Environmental Quality (CEQ). 1978. NEPA Regulations. 40 Code of Federal Regulations (CFR) § 1500 – 1508. Retrieved September 2014 from <http://energy.gov/nepa/council-environmental-quality-ceq>.

Environmental Protection Agency (EPA). Undated. E-NEPA. Electronic Submittal of Environmental Impact Statements to EPA. Retrieved September 2014 from <http://www.epa.gov/oecaerth/nepa/submiteis/e-nepa-guide-on-registration-and-preparing-an-eis-for-electronic-submission.pdf>.

Moving Ahead for Progress in the 21st Century (MAP-21). 2012. P.L. 112-141. Retrieved September 2014. <http://www.fhwa.dot.gov/map21/>.

National Environmental Policy Act (NEPA). 1969, as amended August 9, 1975. 42 USC § 4321 – 4347. Retrieved September 2014 from <http://energy.gov/nepa/downloads/national-environmental-policy-act-1969>.

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). 2005. 23 USC § 1001 - 11167. Retrieved September 2014 from <http://www.fhwa.dot.gov/safetealu/index.htm>.

US Department of Interior. 2012. Environmental Review Distribution Requirements. Retrieved September 2014 from http://www.doi.gov/pmb/oepc/nrm/upload/Environmental_Review_Process.pdf.