State of California

Business, Transportation and Housing Agency

Memorandum

To: DISTRICT DIRECTORS
DISTRICT DEPUTY DIRECTORS for:
Environmental and Planning
DISTRICT LOCAL ASSISTANCE ENGINEERS

Date: November 29, 2001

File No.:

From: **DEPARTMENT OF TRANSPORTATION**
DIVISION OF ENVIRONMENTAL ANALYSIS - MS27

Subject: Environmental Document Quality Control Program

In the Department's continuing effort to streamline the environmental process the quality of environmental documents has been identified as an area which needs to be strengthened. It is apparent that well crafted documents can be reviewed more quickly, do not require significant revisions, and as a result, facilitate project delivery.

With this memorandum, I am establishing a statewide environmental document Quality Control (QC) program. The intent of the QC program is to require a suite of internal reviews to be completed by the district/regions for all environmental documents (IS/EAs and EIS/EIRs). Please note that, with the exception of the reviews by a technical editor and by the appropriate Legal Office staff, these reviews (peer review, technical specialist review, and supervisor review) have always been required pursuant to the Environmental Handbook.

Each district or region shall develop its own Environmental Document QC Plan, consistent with the minimum review requirements outlined in this memorandum's attachment, by February 4, 2002. A copy of each district/region Quality Control (QC) Plan shall be sent to the Division of Environmental Analysis (DEA), to my attention. Once the district/region QC Plans are established, DEA will begin reviewing district/region implementation of their individual QC plan. The primary DEA contract for the review process will be the District Environmental Coordinators.

If you have any questions regarding this memorandum please contact me at (916) 653-7136 or Denise O'Connor, Chief, Environmental Management Office, at (916) 653-5157.

Gary R Winters

GARY R. WINTERS, Chief
Division of Environmental Analysis

Attachment

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Environmental Document Quality Assurance Program

To maximize the benefits of the environmental streamlining initiatives, the California Department of Transportation (Department) has made an enhanced commitment to produce high quality environmental documents in a timely and responsible manner. The Environmental Document Quality Assurance Program's goals are to improve the quality of analysis, coordination, and documentation. To meet these goals, the document production process will include appropriate standards of in-house review to ensure that environmental documents are ready to be approved by FHWA.

The Program will benefit the FHWA by requiring less time for staff review, allowing for more certainty of review schedules, and improving the effective use of resources. Improvements in document quality will also better use the Department's resources while increasing public confidence in the environmental review process.

Each environmental document (EA/FONSI and EIS) sent to FHWA by the Department must be ready to be approved by FHWA. Time for quality control review will be built into the project schedule and workplan to ensure the adequacy of each environmental document before submittal to FHWA. This will help avoid the time-consuming process of later having to re-write documents in concert with FHWA.

Effective immediately, the Department is instituting standard statewide requirements for review of environmental documents subject to internal statewide process review. Each District or Region will develop a specific Environmental Document Quality Assurance Program requiring the following review:

- **Technical Specialist Review**
- **Internal Peer Review**
- **Supervisor Review**
- **Technical Editing Review**
- **Legal Review**

All reviews listed above will be required for EIR/EISs, including EISs prepared for federal-aid local streets and roads projects by a local agency. All of the reviews listed above, except the Legal Review will be required for Initial Study/Environmental Assessment (IS/ EA). Legal review of IS/ EAs will be left to the discretion of each District with the recommendation that larger or more complicated documents have appropriate review.

Each District or Region will develop a specific Environmental Document Quality Assurance Plan and will be responsible for the implementation and quality control for all environmental documents. A Departmental process review program will be instituted to insure statewide quality.

Each review will be in writing. All comments generated by the Legal Review will be prefaced with "Confidential: Attorney/Client Privilege". If particularly contentious

issues or comments arise as a result of these reviews, the district will include Legal in the discussion of issue resolution and all correspondence resulting from the discussions will be marked "Confidential: Attorney/Client Privilege". Review comments and their disposition will be retained in the project file. The document writer and reviewer will work to resolve conflicts in addressing the comments. Each District Plan will include a process for comment conflict resolution.

The following describes each review:

Technical Specialist Review confirms the accuracy of information of the technical studies summarized in the environmental document. The Technical Specialist Review will be completed for each specific technical specialty and by the individual(s) who prepared the technical study or by another individual possessing equivalent knowledge of the technical discipline. This review will be done for each topic in the environmental document as well as each chapter in which the technical information is used (e.g. Summary; Affected Environment; Environmental Consequences; Cumulative Impacts). Technical Specialist Review includes review by Project Managers, Design Managers, Landscape Architecture, Construction, Maintenance, and Traffic in addition to the environmental functional units.

The Technical Specialist Review can occur whenever individual segments of the document are complete. Subsequent technical review would be required if information in the environmental document were changed because of new findings, major additions, or deletions of text.

Internal Peer Review checks the entire document for compliance with State and Federal requirements and to ensure that all issues of concern are covered. Internal Peer Review is conducted by Department staff with knowledge and experience at least equivalent to that needed for the original work. To guarantee independence and objectivity, the peer reviewer will not have worked on, participated in, supervised or technically reviewed the project. Peer review provides a "fresh set of eyes" for the environmental document by rigorous examination by an individual knowledgeable about regulations, guidelines and standard approaches, but not intimately familiar with the project. The District of origin should be part of Internal Peer Review when the document is prepared by the Region and when brokered work agreements between Districts/Regions covering environmental document preparation are employed.

Supervisor Review verifies that the environmental document meets both State and District Quality Assurance standards. The Supervisor will ensure that the environmental document is technically accurate while determining the appropriateness of the purpose and need statement, the alternatives, mitigation measures, impact characterization, scope and content of all issue areas. Further, the Supervisor will make sure that the environmental document is consistent with the most recent State and Federal regulations, policies, guidelines, manuals, and checklists. The Supervisor Review will also confirm that all other required reviews are complete and the document is ready for District and FHWA approval.

Technical Editing Review examines the environmental document for proper grammar, syntax, and language. All graphic materials should be appropriate, accurate, readable, and support the text. Technical editing will also check that the environmental documents are consistent in style, appearance, and format for printing and electronic publishing by using the appropriate Word template. Federal and State law require that plain language be used that can be understood by both the public and decision-makers. Technical editors will be individuals knowledgeable in the writing of clear prose. Subsequent editing review will be required if information in the environmental document is changed through new findings, or major additions or deletions of text.

Legal Review addresses the adequacy and completeness of the document from the perspective of meeting statutory and regulatory processual and substantive requirements. The legal office will conduct a formal legal sufficiency review for all EIR/EIS documents and other environmental documents as requested by the Districts. The formal legal sufficiency review includes, but is not limited to, addressing such issues as Section 4(f), air quality conformity, endangered species, fish and wildlife coordination, wetlands, hazardous waste, energy analysis, farmland protection, and highway traffic noise.

Environmental documents submitted to FHWA need to be concise, clear, to the point and supported by evidence that the necessary analyses have been made. The documents should focus on the important impacts and issues.

The legal office should be consulted during the various phases of a project and address concerns as they arise during project development, including, but not limited to: proper filing of legal notices; public participation; purpose and need review; range of alternatives review of evaluation criteria for alternative selection; review logic selection of a preferred alternative procedures used in connection with specialty laws (e.g., Section 106, 4(f), NEPA/404); review to ensure that avoidance alternatives are adequately addressed; evaluation of any disputes with Responsible Agencies and/or Cooperating Agencies; and evaluation of the process used to handle other controversial issues review of responses to comments that threaten litigation on particular issues .