

# NEPA Introductory Course: Re-evaluations

## Welcome

Welcome to the National Environmental Policy Act, also known as NEPA, Introductory Course on Re-evaluations provided by the Florida Department of Transportation's, or FDOT's, Office of Environmental Management.

This training contains audio, so please adjust your speakers accordingly.

This CBT contains interactive elements.

An alternate version is available on the resources page.

The Knowledge Check questions allow you two chances to try and answer the question correctly.

To begin, select the start button or press Shift + N on your keyboard.

This training is part of a series of introductory courses that provide guidance on FDOT's process for complying with NEPA, called Project Development and Environment or PD&E.

Please see the Environmental Management Academy Course Catalog in the FDOT Learning Curve or the Office of Environmental Management Website PD&E Training Track for other computer-based trainings in this series.

Several of these trainings are referenced throughout this CBT.

A link to these sites can be found on the resources page.

“The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. Section 327 and a Memorandum of Understanding dated December 14, 2016, executed by the Federal Highway Administration and FDOT.”

The purpose of this course is to provide instruction on preparing Re-Evaluation Re-evaluations as described in Part 1, Chapter 13 of the PD&E Manual.

Please note you may pause this training at any time.

## **Re-evaluation Lesson Outline**

This Course is comprised of five lessons:

Lesson 1 will cover Re-evaluation Basics.

Lesson 2 will discuss the required Consultation and Documentation associated with a Re-evaluation.

Lesson 3 will provide guidance for preparing the Re-evaluation Form.

Lesson 4 will discuss the processing of Re-evaluations.

And Lesson 5 will give an overview of Supplemental Environmental Impact Statements.

## **Lesson 1: Re-evaluation Basics**

Let's begin with the basics of Re-evaluations.

## **Part 1, Chapter 13 of the PD&E Manual**

The Re-evaluation process is guided by Part 1, Chapter 13 of the Project Development and Environment, or PD&E Manual.

This Chapter provides an overview of Re-evaluations, explains the procedure for conducting a Re-evaluation, and includes references to required forms.

You may want to have this chapter handy as you go through this training.

This chapter is available on FDOT's Office of Environmental Management or OEM's website. A link to this site can be found on the resources page.

It can also connect you to other chapters of the PD&E Manual that are referenced throughout this training.

### **What is a Re-evaluation?**

NEPA requires federal agencies to consider and disclose the environmental impacts of their proposed projects. Sometimes there are changes to the proposed project, new information or circumstances, or there is a lapse of time between preparation of the Environmental Document and implementation of the project.

This may trigger the need to revisit the NEPA analysis and Class of Action determination by preparing a Re-evaluation.

It is important to remember that a federal Class of Action is determined based on the level of real or perceived environmental impacts.

The Class of Action may be assigned prior to PD&E as part of the Efficient Transportation Decision Making programming screen, or during PD&E when more information is available.

The Class of Action reflects the complexity and potential environmental impacts of the project, and dictates the type of Environmental Document required to comply with NEPA: either a Categorical Exclusion, an Environmental Assessment, or an Environmental Impact Statement, which is the highest level of documentation.

A Re-evaluation is a review of proposed changes in action, affected environment, anticipated impact, applicable requirements, or mitigation measures as they relate to the Environmental Document.

A Re-evaluation is prepared after the PD&E phase to assess whether an original Environmental Document remains valid. A Re-evaluation is a continuation of the project development process, though it does not necessarily re-open the NEPA decision. Re-evaluations are not NEPA documents.

The Re-evaluation process includes three major parts: coordination with the Office of Environmental Management or OEM, documentation of project changes, and determination of validity.

### **Consultation requirements in 23 CFR § 771.129**

Title 23 CFR section 771.129 is the regulation that requires Re-evaluations.

Specifically, this regulation includes the requirement that after approval of an Environmental Document, consultation with the Administration (in this case OEM) is required prior to advancing the project to the next phase of development.

The development phases are referred to in the Re-evaluation as Preliminary Engineering, Right of Way Acquisition, and Construction Advertisement.

The purpose of this consultation is to establish whether the approved Environmental Document remains valid.

This regulation also requires a written evaluation of a Draft Environmental Impact Statement, or DEIS, if a Final EIS or FEIS is not submitted within 3 years of circulation of the DEIS.

The Re-evaluation process for a FEIS is similar: A written evaluation is required before further approvals if major steps to advance the action have not occurred within 3 years of the latest Administration approval.

It is important to note that OEM is the Administration under NEPA Assignment.

Even though this regulation specifies 3 years, a Re-evaluation is needed for FDOT projects if the request for federal-aid authorization is made more than one year after Location and Design Concept Acceptance, or LDCA.

### **Why do a Re-evaluation?**

A Re-evaluation is prepared to determine whether the approved Environmental Document remains valid.

It documents what changes, if any, have occurred in the project. These changes might include changes in the design, project limits, or scope of a project; new or modified laws and regulations; circumstances or project area changes; or other new information affecting the project.

The Re-evaluation process assists FDOT in determining if additional analysis is needed.

The Re-evaluation also ensures compliance with applicable federal and state laws prior to federal aid authorizations needed to advance a project.

### **When do we do a Re-evaluation?**

A Re-evaluation is required when there are design changes resulting in new or additional impacts requiring agency consultation or new public involvement.

A Re-evaluation is required when requesting federal-aid authorization for the right of way or construction phase, if not previously authorized with Location and Design Concept Acceptance, or LDCA. LDCA authorizes a project's final design phase and can be used to authorize other phases, within one year of the date it was granted, as long as no other changes have occurred that would otherwise require a Re-evaluation.

A Re-evaluation is required when there are project changes due to changes in law, the passage of time or changes in resource or issue status.

For example a new listed species was added to the list of threatened or endangered species and the species has the potential to inhabit the project area.

The Re-evaluation will be required to analyze how this change impacts the project.

A Re-evaluation is also required when a project with a previously approved NEPA Document changes to state funded only and federal project funds were not previously expended.

FDOT uses the same Re-evaluation process for state-funded projects as detailed in Part 1, Chapter 10, of the PD&E Manual. There are minor changes in the SWEPT Re-evaluation form for State funded projects. For example, the Re-evaluation for state funded projects will not have a Section 4(f) question as that regulation only applies to federally funded transportation projects under the US Department of Transportation.

### **Major Project Changes**

Once a project moves into phases beyond PD&E, Project Managers should carefully consider the effects of major project changes and coordinate with the District Environmental Office regarding any required Re-evaluation as this could affect the project schedule. Major design changes may require additional interagency coordination, environmental analysis, and public involvement. For example, a project that requires additional right of way will need to analyze the site for environmental issues. If the location includes a historic or cultural resource, the District will need to consult with the State Historic Preservation Officer or even conduct tribal coordination as appropriate. This consultation will take time and should be considered prior to making design changes.

Major design changes may include:  
Changes in typical section  
Shifts in roadway alignment  
Changes in right of way needs  
Changes due to revised design control and criteria  
New design variations or exceptions, and  
changes in drainage/stormwater requirements

As such, the Project Manager should try to minimize project changes that could impact previously coordinated avoidance, minimization, and mitigation of impacts, or commitments made during the PD&E phase.

### **Who Prepares the Re-evaluation document?**

FDOT consultants and Design-Build Firms cannot prepare a Re-evaluation, make findings, or make NEPA or related decisions for the project. The District is responsible for preparing the Re-evaluation. However, an FDOT Consultant or Design-Build Firm can prepare information to support the preparation of the Re-evaluation.

### **Lesson 2: Consultation and Documentation**

Lesson 2 will discuss the required Consultation and Documentation associated with Re-evaluations.

### **Type 1 Categorical Exclusion**

Updates or changes to Type 1 Categorical Exclusions or CEs are documented on the Type 1 Categorical Exclusion Checklist.

This form is re-submitted by creating a Re-evaluation in the Statewide Environmental Project Tracker or SWEPT.

Guidance on preparing the Type 1 CE Checklist is found in Part 1, Chapter 2 of the PD&E Manual and the computer-based training:  
NEPA Introductory Course: Categorical Exclusions.

Re-evaluations for Type 1 CEs should be completed when changes have been made to the project, existing conditions have changed since the approval of the last checklist, or if subsequent release of federal funds is required after a year has passed since the previous Status of Environmental Certification for Federal Project form was submitted.

Additional references are available to assist with preparing a Type 1 CE Re-evaluation in SWEPT. Please see the SWEPT Quick Guide T1CE and NMSA Re-evaluation and video demonstration available on OEM's Training Program Track 2 Website.

### **Type 1 CE - Status of Environmental Certification for Federal Project Form**

After the Type 1 CE Checklist is signed,  
the District prepares the Status of Environmental Certification

for Federal Project Form, which is shown here.

It is completed in SWEPT.

This form is used to document  
the results of the Type 1 CE Checklist.

It includes project information,  
a check box to identify it as a Type 1,  
and boxes to identify the c or d list number,  
and the date of original Environmental Document approval.

Once the Certification form is completed,  
the District Environmental Manager  
applies their SWEPT signature and the date.

This form is sent to the District Federal-Aid Coordinator and  
provides clearance for the project to advance to the next phase.

This form is also prepared for other classes of action  
as we will discuss later in this training.

### **Type 2 CEs, EA with FONSI, and EIS Re-evaluations**

For Type 2 CEs, Environmental Assessments with Findings of No Significant Impact, or Environmental Impact Statements, the Re-evaluation process is initiated by the District through coordination with OEM.

Coordination with OEM helps determine whether the Re-evaluation Form will require OEM's review and approval, or if a Consultative Re-evaluation is appropriate.

Consultative Re-evaluations are those that do not require OEM approval.

The Re-evaluation Form is completed in SWEPT by the District, referencing the date consultation occurred with OEM. Typically, consultative Re-evaluations will not be allowed for Construction Advertisement Re-evaluations.

### **Results of Consultation**

For projects that do not require OEM approval, the District will receive an email from the OEM Project Delivery Coordinator. This email should be included in the project file. The date of the email serves as the consultation date.

In rare circumstances, consultation with OEM for a project

with a Draft or Final EIS may result in the requirement to develop a Supplemental Environmental Impact Statement. The preparation of this document will be discussed in further detail in Lesson 5.

### **Lesson 3: Preparing the Re-evaluation Form**

Lesson 3 will provide guidance for preparing the Re-evaluation Form.

#### **Re-evaluation Preparation**

The District determines the level of analysis necessary and whether additional public involvement activities are required to advance the project.

The extent of the Re-evaluation documentation is contingent upon the project's phase status, changes in impact, and the reason for the Re-evaluation.

Coordination with a jurisdictional or resource agency (such as the US Army Corps of Engineers or the State Historic Preservation Officer) regarding changes in environmental impact may be necessary, especially when wetland or other mitigation is required or a permit or permit modification may be needed.

Coordination for the modification of an environmental permit is typically carried out by the District Environmental or Permit Offices.

#### **Re-evaluation Form**

Shown here is the beginning of the Re-evaluation form that is completed in SWEPT to document the Re-evaluation. Guidance on how to fill out this form in SWEPT is provided in a SWEPT Detailed Re-evaluation Form Training PowerPoint and Quick Guide which are available on OEM's Training Program: Track 2 Website.

A link to this site is found on the resources page.

The form is interactive and pulls up project information already in SWEPT. In this training we will discuss the information that is needed to complete the form, rather than giving you guidance on filling out the form in SWEPT. The form is also available in an un-editable sample version in Part 1, Chapter 13 of the PD&E Manual.

Let's look at this form in more detail in this short tutorial.

### **Lesson 4: Processing of Re-evaluations**

Lesson 4 will discuss the processing of Re-evaluations.

### **OEM Review and Approval of Re-evaluation Form**

After completion of the Re-evaluation Form, the District is responsible for conducting a quality control review.

The District then prepares the Environmental Document Submittal Form in SWEPT when OEM approval is required.

Next, the District uploads the Re-evaluation Form and supporting information to the Electronic Review Comments or ERC for OEM review. The District should confirm that the original Environmental Document, technical documents, and any supporting information has been uploaded into the SWEPT file. Once OEM's comments have been addressed, the District re-submits the revised Re-evaluation for approval in SWEPT.

### **Distribution of Re-evaluation Form**

After OEM has signed the Re-evaluation, the District will notify managers of the Design, Right of Way, and Construction offices, Cooperating Agencies, and others as appropriate.

It is important to note that this distribution is also followed for Re-evaluations that do not require OEM approval.

### **Status of Environmental Certification for Federal Project Form**

After the Re-evaluation is signed, the District prepares the Status of Environmental Certification for Federal Project Form in SWEPT, which is shown here. This form is used to certify all federal class of action documents.

SWEPT automatically populates the top portion of the form with project information once the preparer enters the project's Financial Management number.

At the end of the form, the preparer should indicate that a Re-evaluation was required for the project and add the approval date of the Re-evaluation. Once the form is completed, the Environmental Manager

or designee would apply their SWEPT signature, indicating the project continues to comply with NEPA.

## **Lesson 5: Supplemental Environmental Impact Statements**

Lesson 5 will give an overview of Supplemental Environmental Impact Statements.

### **When is a Supplemental EIS Necessary?**

A Supplemental EIS may be necessary when changes, new information, or other project developments result in new significant environmental impacts which were not identified in the Environmental Document or a prior Re-evaluation.

Determination of whether a Supplemental EIS is necessary requires coordination with OEM.

Title 23 CFR Part 771 section 130 a states when a Supplemental EIS is required such as

- 1) changes to the proposed action would result in significant environmental impacts or
- 2) new information or circumstances would result in significant impacts.

Title 23 CFR Part 771 section 130b states when a Supplemental EIS is not required such as

- 1) the changes result in a lessening of adverse environmental impacts without causing other impacts that are not significant or
- 2) The Administration (in this case OEM) decides to approve an alternative fully evaluated in an approved final EIS, but not identified as the preferred alternative.

In this case, a revised Record of Decision would be prepared.

Please note that a Supplemental EIS may also require a Re-evaluation for future phases.

### **Preparation of a Supplemental EIS**

When getting ready to prepare a Supplemental EIS, or SEIS, it is important to coordinate with OEM to define the scope of additional analysis necessary to allow the project to progress.

A SEIS is prepared using the same procedures as used to prepare an EIS as described in Part 1, Chapters 8 and 9 of the PD&E Manual, and reflected in the applicable computer based NEPA Introductory Courses.

## Re-evaluation Quiz

1. A Re-evaluation:

Ensures compliance with applicable federal and state laws prior to advancing a project to its next major phase

Always changes the Class of Action

Updates the status of project commitments made by FDOT during prior project phases

**Both a and c**

2. Design Project Managers should, whenever possible, minimize project changes that could impact previously coordinated avoidance, minimization, and mitigation of impacts or commitments made during the PD&E phase. This is because:

Changes may require additional interagency coordination

Changes may require additional public involvement

Changes may present new impacts requiring additional evaluation

**All of the above**

3. A Re-evaluation is necessary under which of the following circumstances:

**When there are major design/project changes including during a design-build project**

Any time more than 6 months has passed since approval of the original environmental document

Only if there is a change in an applicable environmental law

When a species is de-listed

4. Re-evaluations are initiated by the District through consultation with OEM, and completion of a \_\_\_\_\_ to determine whether the Type 2 CE, EA with FONSI, or EIS remains valid.

Document review

Consultation record

**Re-evaluation Form**

Biological Assessment

5. Examples of design changes include:

Changes in roadway alignment

New right of way need

**Both a and b**

None of the above

6. New NEPA commitments arising after the approval of the original Environmental Document should not be included in the Re-evaluation, but documented in the Project File.

True

## False

False, New NEPA commitments should be included in the Re-evaluation Form

7. The OEM may determine that a SEIS is needed when:

Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS

New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS

Changes to the proposed action result in a lessening of adverse environmental impacts

**Both a and b**

## Resources

The Office of Environmental Management maintains a central library of training materials as well as documents and publications including manuals, handbooks, guidelines, and agreements.

Key references pertinent to this training include the Environmental Management Academy Course Catalog which is in FDOT Learning Curve.

The Environmental Management Academy Course Catalog is also available through the OEM PD&E Training Track.

Other resources include:

The PD&E Manual StateWide Environmental Project Tracker  
OEM's Training Program- Track 2 Website which includes a link to the SWEPT Detailed Re-evaluation Form Training PowerPoint and Quick Guide  
As well as the

SWEPT "Quick Guide T1CE and NMSA Re-evaluation" and video demonstration.  
Links to documents listed here are included on the Resources Page.

[LMS]

You can access the Resources page by selecting the Resources tab on the Course Landing page.

[Web]

You can access the Resources page by selecting the Resources button below.

## Conclusion (LMS)

You have now completed the NEPA Introductory Course titled Re-evaluations. Thank you for your time and attention. Please close this window and select the link for the quiz.

You must score with an 80% to pass. Good luck!

**Slide Conclusion (Web)**

You have now completed the

NEPA Introductory Course titled Re-evaluations.

Thank you for your time and attention.

Please select the Exam button or press SHIFT + Q to take the quiz.

You must score with an 80% to pass. Good luck!