



Module 6: Re-evaluation

- 1 Define re-evaluation and its possible outcomes
- 2 Identify the four circumstances that require a re-evaluation
- 3 Describe the process of conducting a re-evaluation
- 4 Compare and contrast the two types of re-evaluation documentation (form-documented and expedited) and the associated approval processes
- 5 Describe criteria used to determine whether an original National Environmental Policy Act (NEPA) document & decision remains valid
- 6 Highlight the responsibilities of the NEPA Program Manager and Regional Environmental Manager (REM) in the re-evaluation quality control process



Length of training module: Approximately 25 minutes.



The topic of Re-evaluation is part of a course covering the requirements for preparing and processing environmental documentation under the NEPA Assignment Program. Keep in mind that the information presented here is intended to be used in conjunction with the *Alaska Department of Transportation and Public Facilities Environmental Procedures Manual*, which serves as a reference and the source material for this training.

This module will provide you with an overview of DOT&PF's process for performing re-evaluations of environmental decisions as a project advances from environmental document approval through construction.

By the end of this module, you should be able to:

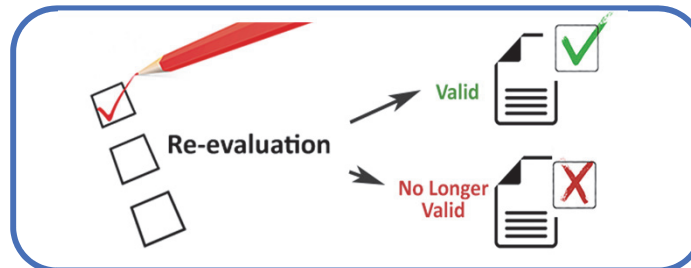
- Define re-evaluation and its possible outcomes.
- Identify the four circumstances that require a re-evaluation.
- Describe the process of conducting a re-evaluation.
- Compare and contrast the two types of re-evaluation documentation (such as form-documented and expedited) and the associated approval processes.
- Describe criteria used to determine whether an original NEPA document and decision remain valid.
- Highlight the responsibilities of the NEPA Program Manager and Regional Environmental Manager or REM in the re-evaluation quality control process.

Okay, now let's get started by defining re-evaluation.



What Is a Re-evaluation?

Re-evaluation is a review of the validity of a project's NEPA document and associated decision.



[23 Code of Federal Regulations \[CFR\] 771.129](#)



A re-evaluation is a review of the validity of a project's NEPA document and associated decision in order to determine if the conclusions of the original NEPA document and decision remain valid.

Re-evaluations are required by the Federal Highway Administration's NEPA regulations to determine whether a new or supplemental NEPA document is required prior to implementation of a proposed action. These regulations, which can be found under Title 23 of the Code of Federal Regulations Part 771 Section 129, cover re-evaluation procedures for all categories of NEPA documentation. Re-evaluations may occur multiple times over the course of a project as it advances from environmental review to construction.

There are only two possible outcomes of a re-evaluation:

1. The NEPA document and decision either remain valid, allowing the project to proceed to the next phase; or,
2. The NEPA document and decision are no longer valid, and so a new or supplemental NEPA document is required.

On to the next slide, where we will cover what circumstances require a re-evaluation in the first place.



To view CFR 771.129 online, visit:

<https://www.fhwa.dot.gov/legregs/directives/fapg/cfr0771.htm>



When Is Re-evaluation Required?

Four circumstances require a re-evaluation:



1.

≥ 3 years have passed since the last project approval

2.

Environmentally significant modifications to the project

3.

Changes to laws or regulations

4.

A major federal approval is upcoming



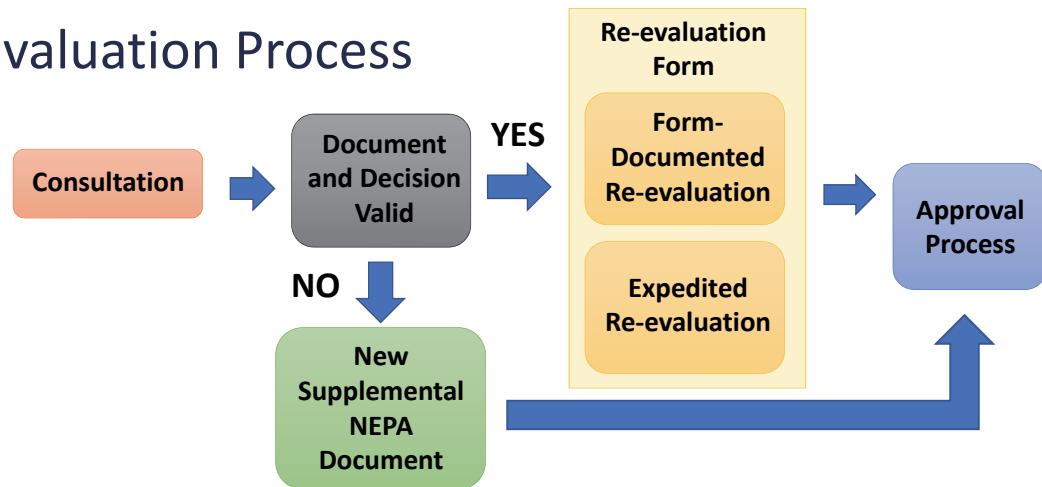
Any of four circumstances will trigger the need for a re-evaluation:

1. Three or more years have passed since the approval of the NEPA decision document, or approval of the last major step to advance the project; and the project is advancing to the next major step. This includes if three or more years elapse between issuance of a draft environmental impact statement (or EIS) and submittal of a final EIS.
2. Modifications to the project result in an appreciable change in the environmental consequences, environmental commitments, or mitigation measures. Examples of appreciable changes include changes in:
 - Project engineering/design
 - Project limits
 - Scope
 - Environmental setting or circumstances, including changes in laws and regulations
 - Nature and severity of environmental impacts, and
 - Environmental commitments, including avoidance, minimization, and/or mitigation
3. Changes to laws or regulations are enacted that could affect the conclusions of the original NEPA document.
4. The project, or a phase of the project, is proceeding to the next major federal approval (such as: final design, right of way acquisition, or construction).

Once one of these circumstances has been identified, then it is time to begin the re-evaluation process, which is covered in the following slide.



Re-evaluation Process



Now let's walk through the steps required to perform a re-evaluation. Once the REM has identified one of the four circumstances that trigger a re-evaluation, the first step in performing the re-evaluation is initiating consultation with the NEPA Program Manager. The consultation will result in the REM and NEPA Program Manager reaching an agreement on the reason for re-evaluation and determining whether the original NEPA document and decision are valid or not. As discussed previously, there are only two possible outcomes:

1. The original NEPA document and associated decision are still valid and the project can proceed once the appropriate re-evaluation form has been completed, or
2. The original NEPA document and associated decision are no longer valid and therefore a new or supplemental NEPA document is required before the project can proceed.

The latter is generally the case when there have been appreciable changes to the project scope. Under certain circumstances, a new class of action determination may be required prior to the preparation of a new NEPA document.

Whether the original NEPA document and decision are valid or not, all forms of documentation must go through the final step: the approval process. For the re-evaluation forms, the approval process varies slightly based on the type of form used.

These steps will be explained in more detail in the slides that follow.



Step 1: Consultation



During consultation:

- An agreement is reached between the REM and NEPA Program Manager on the reason for and type of re-evaluation
- The possible need for a new or supplemental NEPA document is considered
- REM documents the consultation



The first step in the re-evaluation process is consultation. The REM must consult with the NEPA Program Manager before work on a re-evaluation form can begin. This is required to ensure that an agreement is reached on the reason for re-evaluation and the appropriate type of re-evaluation form. The goal is to identify which of the four circumstances that trigger re-evaluation apply, and whether a form-documented or expedited re-evaluation is appropriate. Consultation also ensures that the possible need for a new or supplemental NEPA document is considered before time and effort is spent on a re-evaluation form. It is especially important that the REM and NEPA Program Manager consider this option when there are changes to the project scope. The REM can consult with the NEPA Program Manager by phone or email and the REM will document their consultation.



Step 2: Preparing the Re-evaluation Form

To determine whether the original NEPA document and decision remain valid, a re-evaluation may:

- Update or confirm previously performed analyses, or
- Require additional
 - Environmental studies and documentation
 - Consultation with agencies

The two types of re-evaluations are:

1. Expedited re-evaluation
2. Form-documented re-evaluation



Critical for the administrative record and FHWA participation funding



The need for a new or supplemental NEPA document is dependent on whether the original NEPA document and decision remain valid. To determine this, a re-evaluation may involve any of the bullets shown at the top of the slide.

If the consultation finds the original NEPA document and decision are no longer valid, work will begin on a new or supplemental NEPA document. If the consultation finds the original NEPA document and decision are still valid, then the process moves on to the next step: preparing the re-evaluation form.

There are two types of re-evaluations: an expedited re-evaluation and a form-documented re-evaluation. Both of these serve as documentation for the administrative record and FHWA funding purposes.

If during the course of preparing a re-evaluation form, it is determined that there are increased, new, or previously unevaluated impacts due to project changes, it may be necessary to prepare a new environmental document. It is important that a re-evaluation assesses a project in its entirety. The analysis must account for all phases of project development, including those phases already constructed or currently under construction. The REM will ensure that the re-evaluations are coordinated with the design and construction managers for each project phase. Given these considerations, the next slide discusses how to conduct a re-evaluation for a phased project.



Phased Projects

- Assess the entire project as described in the original document
- Consider any changes since the original document
 - What was constructed
 - Any changes resulting from construction
 - Design changes to phases not in construction
- Is the original document still valid?



Re-evaluations of projects that are constructed in phases present a unique challenge. The original NEPA document must assess the entire length of the project, regardless of phases. In the example shown on the screen, the O'Malley Road Reconstruction project, this would be O'Malley Road from the Seward Highway intersection to the Hillside Drive intersection.

Phased projects can have numerous re-evaluations due to the phases progressing through project development at different rates. As each phase advances through the major steps of the project development process, each re-evaluation must assess the entire project as approved in the original NEPA document and decision.

In addition to all the considerations for re-evaluations previously discussed, when re-evaluating a phased project, consider:

- What is or has been constructed, for any phases where construction is complete or is in progress;
- Any changes resulting from construction including, but not limited to, changes to the project, anticipated impacts, permits and mitigation measures; and
- Any design changes to the phases that are currently not in construction

With all this in mind, always come back to the question "Is the original NEPA document and decision still valid?" Even though phases of the project may be constructed, changes to the project, or changes to the affected environment, anticipated impacts and mitigations measures, that happen over the life of a phased project may make the original NEPA document and decision no longer valid, and a new document may be warranted.



Expedited Re-evaluation

Expedited re-evaluations are conducted when all of the following conditions are met:

- Less than three years have passed since approval of the NEPA decision document
- The project is advancing to the next major step
- Modifications to the project do not result in a change in the environmental consequences, environmental commitments, or mitigation measure



[Expedited Re-evaluation Form](#)



An expedited re-evaluation is a tool that allows for efficient project advancement while ensuring and documenting the validity of the NEPA analysis and associated decision document.

Expedited re-evaluations are conducted when:

- Less than three years have passed since issuance of the NEPA decision document,
- The project is advancing to the next major step, and
- Modifications to the project do not result in a change in the environmental consequences, environmental commitments, or mitigation measures

An expedited re-evaluation is normally not appropriate when increased or new environmental impacts arise.



To learn more about conducting an expedited re-evaluation, visit the resource at the bottom of this slide to see the form that should be used:

<http://www.dot.state.ak.us/stwddes/desenviron/resources/docprep.shtml>

In the next slide, we will go over the second type of re-evaluation form: the form-documented re-evaluation.



Form-Documented Re-evaluation

Form-documented re-evaluations are required under either of the following circumstances:

- Three or more years have passed since the approval of the NEPA decision document, or approval of the last major step to advance the project, and the project is advancing to the next major step.
- Modifications to the project result in a change in the environmental consequences, environmental commitments, or mitigation measures.



[Form-Documented Re-evaluation Form](#)

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A form-documented re-evaluation is a tool to formally and systematically review all of the environmental impact categories and commitments to ensure that the conclusions reached in the original NEPA analysis and decision document are still valid.

Form-documented re-evaluations are required when:

- Three or more years have passed since the approval of the NEPA decision document, or approval of the last major step to advance the project, and the project is advancing to the next major step. For example, re-evaluation would be required if three or more years elapse between issuance of a draft EIS and submittal of a final EIS. Or,
- Modifications to the project result in a change in the environmental consequences, environmental commitments, or mitigation measures.

Even a form-documented re-evaluation may not be appropriate when there are multiple modifications to a project that affect the environmental consequences, environmental commitments, or mitigation measures. In such circumstances, a new or supplemental NEPA document may be required.



To learn more about conducting a form-documented re-evaluation, visit the resource at the bottom of this slide to see the form that should be used:

<http://www.dot.state.ak.us/stwddes/desenviron/resources/docprep.shtml>

Once the re-evaluation form is completed, it must be approved, thus leading us to the next step in the re-evaluation process on the following slide: the approval process.



Step 3: Approval Process

There are some minor variations in the re-evaluation approval process.

- If the NEPA document being re-evaluated is a Categorical Exclusion project that was processed under a Programmatic Approval:



Regional Environmental Manager

If such an approval still applies, the REM is authorized to approve the re-evaluation.



NEPA Program Manager

If such an approval no longer applies, the NEPA Program Manager is authorized to approve the re-evaluation.

- If the NEPA document being re-evaluated is an Environmental Assessment resulting in a Finding of No Significant Impact or an Environmental Impact Statement resulting in a Record of Decision:



Statewide Environmental
Program Manager

The Statewide Environmental Program Manager is authorized to sign an approved re-evaluation form. Or in the case of an Environmental Assessment, the Statewide Manager can delegate signature authority to the NEPA Program Manager.



In all cases, a copy of the approved form is included in the region's project file.



The approval process for expedited and form-documented re-evaluations is the same, except for some minor variations. A form-documented re-evaluation must be signed and reviewed by the Environmental Impact Analyst and Engineering Manager prior to providing it to the REM for review and approval.

This slide shows an overview of particular roles in the approval process for different types of NEPA documentation.

- Regional Environmental Manager (REM):** If the NEPA document being re-evaluated is a Categorical Exclusion project approved under a Programmatic Approval and such an approval still applies, the REM is authorized to approve the re-evaluation. The REM emails a copy of the written approval to the NEPA Program Manager as well.
- NEPA Program Manager:** If the NEPA document being re-evaluated is a Categorical Exclusion project approved under a Programmatic Approval and such an approval no longer applies, then the NEPA Program Manager is authorized to approve the re-evaluation. The REM reviews the form for content accuracy, signs the form, and forwards it to the NEPA Program Manager for approval.
- Statewide Environmental Program Manager:** If the NEPA document being re-evaluated is an environmental assessment or environmental impact statement, resulting in a Finding of No Significant Impact or Record of Decision, respectively, the Statewide Environmental Program Manager is authorized to sign an approved re-evaluation form. Or in the case of Environmental Assessment projects, the Statewide Manager can delegate signature authority to the NEPA Program Manager.

It is important to note that in all the cases presented above, a copy of the approved form needs to be provided to the REM to include in the region's project file.



Re-evaluation Quality Control (QC) Process

The QC review confirms that:

- The original NEPA document remains valid
- The document meets the conditions of the appropriate Programmatic Approval, if applicable



The NEPA Program Manager selectively conducts a QC review of submitted re-evaluation documentation.

The QC review confirms that:

- The original NEPA document remains valid, and
- The document meets the conditions of the appropriate Programmatic Approval, if applicable.

The NEPA Program Manager will work with the REM to resolve any concerns identified in the QC review.



Module Review

Module 6: What You've Learned...



- The definition of re-evaluation and its possible outcomes
- Four circumstances that require a re-evaluation
- The process of conducting a re-evaluation
- The two types of re-evaluation documentation (form-documented and expedited) and the approval process
- Criteria used to determine whether an original NEPA analysis and associated decision document remain valid
- Responsibilities of the NEPA Program Manager and REM in the re-evaluation QC process



This concludes Module 6 of DOT&PF's Environmental Procedures Manual Training Program.

We'll now take the module quiz to complete the requirements for this training course.