

CHAPTER 13 REEVALUATIONS

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13. REEVALUATIONS

13-1 OVERVIEW

23 CFR Part 771.129(c) states that "after approval of the EIS, FONSI, or CE designation, the applicant shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested Administration action".

This consultation effort is accomplished through the reevaluation process as shown in Figure 13.1. Reevaluations serve to insure project compliance with all applicable Federal and State laws prior to the advancement of the project to the next major production phase (preliminary engineering, right-of-way acquisition, or construction advertisement). The reevaluation process also provides the mechanisms whereby commitments made by the Department during the project development process are identified, updated, and their status given. Any new commitments or laws which may have come into effect since the approval of the original final environmental document or Categorical Exclusion (CE) designation are addressed in the reevaluation. As a result, the environmental documentation on a project is always current with prevailing rules and regulations and any commitments resulting from the project development process or due to permit requirements.

The reevaluation is the only instrument available to fully document compliance with Federal laws and any changes that may have occurred on a project since the approval of the original final environmental document or CE designation. The extent and complexity of the reevaluation is, therefore, contingent upon the project's status at the time the reevaluation is prepared, changes to the affected environment since the approval of the original environmental document or CE designation, and the purpose of the reevaluation (e.g., design change). Reevaluations can be as simple as described herein or lengthy and complex, citing and/or containing other resource materials, such as design reports, and may even entail adopting the format of an Environmental Assessment (EA). They always contain a finding which indicates whether or not the changes which have occurred are considered major. The only exception to this is for Type 1 and Programmatic CEs, where the finding states that the designation remains valid. Reevaluations are conducted for Type 2 CEs, EA/Finding of No Significant Impacts (FONSIs), Final Negative Declarations, and Environmental Impact Statements (EISs), including any supplemental environmental documents and the Draft or Final Record of Decision (ROD).

Non-Federally funded projects for which State Environmental Impact Reports (SEIRs) are required will also be reevaluated. Reevaluation of these projects will be done in accordance with the reevaluation procedures found in this chapter with final approval by the District Secretary or other appropriate individual in lieu of concurrence by the lead federal agency.

13-2 PROCEDURE

13-2.1 FEIS, EA/FONSI and Type 2 CE Reevaluations (Federally funded projects)

Reevaluations must be conducted for EISs, EA/FONSIs, and Type 2 CEs, including any supplemental environmental documents and the Draft or Final ROD prior to the Department requesting Federal-aid authorization for subsequent production phases (preliminary engineering, right-of-way acquisition, and construction advertisement). Reevaluations are required when the time elapsed between the environmental document approval date or the last reevaluation date and the expected authorization date of the subsequent phase is greater than one year. Reevaluations are also required any time during the project development process when a major change in the project's location and design concept has occurred. In addition to these required reevaluations, a reevaluation of a Draft EIS is required prior to the preparation of a FEIS or supplemental document if more than three years have lapsed since the circulation of the approved DEIS or supplemental environmental document.

Reevaluations to advance subsequent production phases may serve to advance a single or multiple numbers of project segments; however, the entire project limits covered in the approved Type 2 CE, FONSI, or ROD must be considered in the reevaluation. If project limits are extended or reduced subsequent to approval of the original Type 2 CE, FONSI, or ROD then those "changed" limits are also considered in the reevaluation.

13-2.1.1 Documenting and Processing FEIS, EA/FONSI and Type 2 CE Reevaluations

The reevaluation is initiated by the District Environmental Management Office through consultation with the FHWA Transportation Engineer (or lead agency representative). If the consultation identifies a major change has occurred, or if 3 or more years have elapsed since the approval of the original environmental document or last reevaluation, the complete reevaluation package is forwarded to the Federal Highway Administration (FHWA) Division Administrator (or the lead federal agency if other than FHWA) for review and concurrence. Once approved by FHWA (or the lead federal agency), the reevaluation is returned to the District. An example transmittal letter from the District to FHWA for the reevaluation package is shown in Figure 13.2

If no major changes are identified and it has been less than 3 years since the last approval, the District will proceed with the project and document the results of this consultation on the reevaluation package placed in the project files. A signature on the reevaluation checklist by FHWA is not required.

If the reevaluation demonstrates that there are significant changes in impact status or document compliance, then some type of supplemental environmental documentation may be required. In this situation, the District will conduct additional coordination with FHWA (or the lead federal agency) to determine the work effort and public involvement required to allow the project to progress.

All environmental commitments made in the environmental documentation process will be reviewed as part of the reevaluation process and will be incorporated into the appropriate element(s) of the project, regardless of funding structure. Federally funded projects which have state funded phases will also be reevaluated. Reevaluation of these projects will be done in accordance with this chapter in consultation with FHWA (or the lead federal agency).

13-2.1.2 Suggested Reevaluation Package Format for FEISs, EA/FONSI and Type 2 CEs

This format is intended to minimize paperwork by directing the work effort in a manner proportional to the change of project and environmental factors. This effort may range from a mark in a table, or a simple statement on a checklist, to extensive investigative field work and documentary efforts if major changes in design elements and environmental issues/concerns have occurred since the approval of the original Type 2 CE, FONSI, or ROD or supplemental environmental document. The suggested format for the reevaluation package is shown in Figure 13.3 and includes the following sections as described below:

Section I - General Information

This section normally contains information about the originally approved Type 2 CE, FEIS, EA/FONSI or any supplemental environmental document and the segment(s) being advanced. Information provided includes:

1. The phase(s) for which the project segment(s) is (are) being reevaluated (i.e., PE, R/W, Construction Advertisement, and Design Change).
2. Document type and date of approval of original document.
3. Project number(s): ETDM, Federal-aid, and Financial Project number(s) of the original approved document.
4. Project local name, location, and limits covered under the originally approved Type 2 CE, EA/FONSI, or FEIS or supplemental environmental document.
5. Segment of highway being advanced: Federal-aid project number(s), and Financial Project number(s), location, and limits.

If more than one segment is to be advanced for different phases (i.e., right-of-way and construction advertisement) then this distinction must be specified.

Section II - Conclusion and Recommendation

This section normally contains a concluding statement about the reevaluation of the project, the validity of the Administrative Action, and a recommendation for project advancement. If, following documented consultation with the appropriate FHWA Transportation Engineer (or lead agency representative), no major changes are noted or if three (3) or more years have not elapsed since the last major approval,

the District Environmental Engineer/Manager will sign the reevaluation and place it in the Project Files.

Documentation of the consultation (which may occur via telephone, fax, e-mail, regular mail, or in person) with FHWA (or the lead agency) is to be placed in the Project File and on the written reevaluation.

Section III - FHWA or Lead Agency Concurrence

If, following consultation with the appropriate FHWA Transportation Engineer (or the lead agency representative), it is determined that submittal of the reevaluation checklist is required, the District will send the reevaluation to FHWA (or the lead agency). After review of the reevaluation, the lead federal agency representative, usually the FHWA Division Administrator (or designee) will sign the reevaluation to provide concurrence with the reevaluation and the recommendation of the Department.

Section IV - Changes in Impact Status or Document Compliance

This section is an evaluation matrix used to assess all environmental issues/concerns previously considered in the original study as well as any new issues/concerns which may now exist. The reevaluation consists of determining if any change has occurred in the social, economic, or environmental setting surrounding the project, and if that change is major in nature. This matrix follows the format for the Summary of Environmental Impacts Checklist for a Type 2 Categorical Exclusion included in Part 1, Chapter 5, Type 2 Categorical Exclusions. Part 1, Chapter 5 includes a complete description and references for all of the issues included in the matrix.

If a change has occurred for a given issue/concern then the analyst marks an "X" in the YES box. An explanation is then provided in the COMMENTS column to explain the nature of the change. Additional pages may be added to fully discuss all changes or appropriate reports attached. If any new factors arise, they are added to the form and addressed accordingly. If no change has occurred then the analyst marks an "X" in the NO box.

Section V - Evaluation of Major Design Changes and Revised Design Criteria

Design changes that have occurred since approval of the original document are addressed in this section as shown in Figure 13.3. Similar to the evaluation of environmental factors, any major design change which has occurred on the project is identified and discussed in the space provided (additional sheets or supporting materials should be attached as required). The extent of the design change(s) and modification of impacts on the project area must be fully documented.

If no major changes in design features have occurred then a statement to that effect should be provided. Examples of design features to be reassessed for major changes include, but are not limited to:

1. Changes in typical section,

2. Shifts in roadway alignment,
3. Changes in right-of-way requirements,
4. Changing a bridge to a box culverts,
5. Changes in drainage requirements, and
6. Changes in traffic volumes that may affect traffic noise models.

The original project design and any approved design variations or exceptions must be reviewed. Design criteria which may have changed since the approval of the original document must be addressed in this section. Revised design criteria may be the reason for a design change as discussed above. On the other hand, there may be changes in design criteria that are not incorporated into the project. All design elements not conforming to current design criteria or policies shall be identified in this section of the reevaluation. All non-standard design elements should have an approved design variation or exception in the project file. This section of the reevaluation must contain a statement that each non-standard design element has been reviewed, and their incorporation into the project is acceptable based on an approved design variation or exception.

If there are design elements that do not conform to current design criteria, the processing of the design variation or exception must be coordinated with the Design Office. Volume I, Chapter 23, of the *Plans Preparation Manual* contains specific information on the processing of variations and exceptions.

Section VI - Mitigation Status and Commitment Compliance

Section VI is normally used to identify and to update commitments, recommendations, and mitigation measures set out in the originally approved Type 2 CE, FEIS, EA/FONSI, or supplemental environmental document. A list of all commitments, recommendations, and mitigation measures established in the approved Type 2 CE, FEIS, EA/FONSI, or supplemental environmental document is to be provided along with their status as to whether they have been accomplished, modified, added to, or deleted. If there have been any changes in the commitments then an explanation must be given satisfying the changes. Standard specifications to be used during the construction of the project that are listed in the latest version of the FDOT Standard Specifications for Road and Bridge Construction are not to be restated in the reevaluation.

Any new commitments arising from subsequent agency negotiations or permit requirements, along with any commitments or considerations arising from public hearings are also listed, updated, and discussed accordingly.

Each District will develop internal commitment compliance procedures which will include tracking all environmental commitments and any "actions to be considered" resulting from public involvement. These procedures should also address coordination with other agencies to ensure that any commitments or

mitigation activities they are responsible for are being scheduled and accomplished to fulfill project commitments.

Section VII - Permits Status

This section identifies all permits required on the project and provides a summary of their status and pending issuance dates.

13-2.1.3 Distribution of Approved FEIS, EA/FONSI and Type 2 CE Reevaluations

If consultation with FHWA (or the lead agency representative) requires submittal of the written reevaluation, an original and one copy of the completed reevaluation is forwarded by the District to the FHWA Division Administrator or lead federal agency representative for concurrence with the findings in the reevaluation. Upon review and concurrence, FHWA (or the lead federal agency) will return one (1) copy of the reevaluation to the District. The District will, in turn, distribute a copy to Design, Right-of-Way, Construction, or any other affected group within the Department. The District Environmental Office will also complete and provide the date of the approved reevaluation on the **Status of Environmental Certification**, as shown in Figure 13.4, which is required as part of the contract file for federal-aid construction projects.

13-2.2 Type 1 and Programmatic Categorical Exclusion Reevaluations

For Type 1 and Programmatic CEs, reevaluations are only necessary when requesting a federal authorization for a subsequent phase of work and/or it has been longer than 1 year since the initial Class of Action was complete that determined the project was a Type 1 or Programmatic CE. The procedure for determining if a project is a Type 1 or Programmatic CE is described in Part 1, Chapter 2. This level of environmental Class of Action is often prepared for projects where the only federal authorization is for construction, and the Class of Action determination is made just in advance of the construction.

If a reevaluation of a Type 1 or Programmatic CE is necessary, the reevaluation consists of a finding that the initial Class of Action designation remains valid. This is documented by completing the **Status of Environmental Certification**, as shown in Figure 13.4, which is required as part of the contract file for federal-aid construction projects. If a reevaluation is required to support a request for federal funding in a right of way phase or a design phase, the **Type 1 and Programmatic Categorical Exclusion Checklist**, found in Part 1, Chapter 2, should be reviewed, updated and provided to the District Federal Aid Coordinator. The District Federal Aid Coordinator or the Federal Aid Management Office notes this information on the **Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)** which is a part of the Federal-aid funding request package. Acceptance by FHWA of the **PR-1240 Form** for the project constitutes formal approval that the Type 1 or Programmatic CE designation is still valid.

13-2.3 Reevaluation of Non-Federally Funded Projects

Non-Federally funded projects for which SEIRs are required will also be reevaluated using the format suggested for federally funded projects. Reevaluation of these projects

will be done in accordance with the reevaluation procedures contained herein, as applicable. Final approval will be given by the District Secretary (or designee) rather than the FHWA Division Administrator or lead federal agency representative. The approved reevaluation is maintained in the District project file with a copy to Design, Right-of-Way, or any other affected group within the Department.

13-3 REFERENCES

1. Federal Register. Volume 52, No. 167, August 28, 1987, "Environmental Impact and Related Procedures". 23 CFR 771.
2. Plans Preparation Manual, FDOT, Topic # 650-000-005.

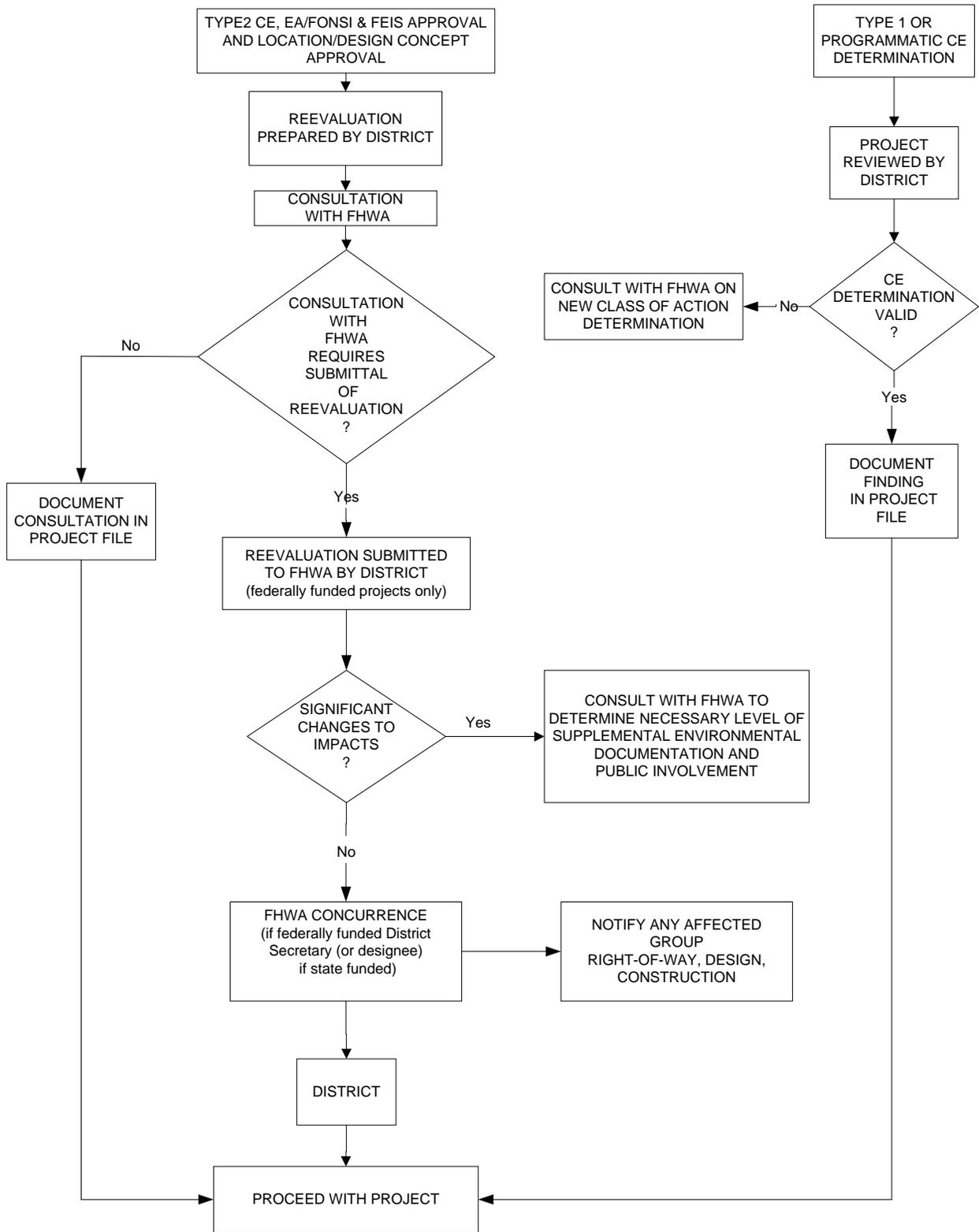


FIGURE 13.1 Reevaluation Process

(DATE)

(Lead Federal Agency or)
Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Attention: (appropriate representative)

Dear:

The phase(s) for which the subject segment(s) is (are) being reevaluated
Name of Project
ETDM Number (if applicable)
Financial Project ID
Federal Aid Number
The limits of the project covered under the approved Type 2 CE,
EA/FONSI, FEIS or supplemental
environmental document
Location of project

This reevaluation is submitted for your review and concurrence in accordance with the Florida Department of Transportation Project Development and Environment Manual.

Please advise this office when we may proceed with the project.

Sincerely,

District Environmental Management Office

****Include pages from TIP/STIP/LRTP***

g. Name of Analyst(s): FDOT Preparer

II. CONCLUSION AND RECOMMENDATION

The above environmental document has been reevaluated as required by 23 CFR 771 or the Project Development and Environment (PD&E) Manual of the Florida Department of Transportation (FDOT). Through the reevaluation, it was determined that no substantial changes have occurred to the social, economic, or environmental impacts of the proposed action that would significantly affect the quality of the human environment. Therefore, the original Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase of project development.

REVIEWER SIGNATURE BLOCK

_____/ /
District Planning, Project Development and Environmental Manager Date

III. FHWA (or Lead Federal Agency) CONCURRENCE BLOCK

_____/ /
Federal Highway Administration, Division Administrator Date

FIGURE 13.3 Suggested Project Reevaluation Format

IV. CHANGES IN IMPACT STATUS OR DOCUMENT COMPLIANCE

	YES / NO		COMMENTS
A. SOCIAL IMPACTS			
1. Land Use Changes	[]	[]	_____
2. Community Cohesion	[]	[]	_____
3. Relocation Potential	[]	[]	_____
4. Community Services	[]	[]	_____
5. Title VI Consideration	[]	[]	_____
6. Controversy Potential	[]	[]	_____
7. Utilities & Railroads	[]	[]	_____
B. CULTURAL IMPACTS			
1. Section 4(f) Lands	[]	[]	_____
2. Historic Sites/Districts	[]	[]	_____
3. Archaeological Sites	[]	[]	_____
4. Recreation Areas	[]	[]	_____
5. Pedestrian/Bicycle Facilities	[]	[]	_____
C. NATURAL ENVIRONMENT			
1. Wetlands	[]	[]	_____
2. Aquatic Preserves	[]	[]	_____
3. Water Quality	[]	[]	_____
4. Outstanding Florida Waters	[]	[]	_____
5. Wild and Scenic Rivers	[]	[]	_____
6. Floodplains	[]	[]	_____
7. Coastal Zone Consistency	[]	[]	_____
8. Coastal Barrier Islands	[]	[]	_____
9. Wildlife and Habitat	[]	[]	_____
10. Essential Fish Habitat	[]	[]	_____
11. Farmlands	[]	[]	_____
12. Visual/Aesthetics	[]	[]	_____
D. PHYSICAL IMPACTS			
1. Noise	[]	[]	_____
2. Air	[]	[]	_____
3. Construction	[]	[]	_____
4. Contamination	[]	[]	_____
5. Navigation	[]	[]	_____

FIGURE 13.3 Suggested Project Reevaluation Format

V. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA (e.g., Typical Section Changes, Alignment Shifts, Right of Way Changes, Bridge to Box Culvert, Drainage Requirements, Revised Design Standards).

The Type 2 Categorical Exclusion (CatEx II) document for this project was approved on September 8, 1998. This project reevaluation documents the two roadway segments currently being advanced since the originally approved CatExII. The segments being advanced to the construction phase are: Segment Two – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from W. 19th Street to W. 23rd Street (FM: 249941-2-52-01) and Segment Three – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from Okeechobee Road at W. 9th Street to W. 18th Street (FM: 249941-3-52-01). Both segments are consistent with the Miami-Dade County Metropolitan Planning Organization (MPO) 2008-2013 Transportation Improvement Program (TIP).

This project reevaluation also documents the major design changes for the entire project corridor (all five roadway segments described below) since the originally approved CatEx II. The five major design changes include the following:

1. **Project Limits:** The proposed begin and end limits of the project remain the same; however, the project has been divided into segments. The project was originally divided into three sections with three consultants retained for designing each section. Currently, the project is divided into five sections. The new project section limits are as follows:
 - Segment One – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from W. 46th Street to W. 63rd Street (FM: 249941-1-52-01).
 - Segment Two – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from W. 19th Street to W. 23rd Street (FM: 249941-2-52-01).
 - Segment Three – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from Okeechobee Road at W. 9th Street to W. 18th Street (FM: 249941-3-52-01).
 - Segment Four – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from W. 63rd/N.W. 116th Street to N.W. 138th Street/W. 8th Street (FM: 249941-4-52-01).
 - Segment Five – S.R. 823/N.W. 57th Avenue/Red Road/W. 4th Avenue from W. 23rd Street to W. 46th Street (FM: 249941-5-52-01).

As the remaining project segments (Segments One, Four and Five) are advanced to the construction phase, a construction advertisement reevaluation will be prepared.

VI. MITIGATION STATUS AND COMMITMENT COMPLIANCE

VII. PERMITS STATUS

FIGURE 13.3 Suggested Project Reevaluation Format

ATTACHMENTS

IV. CHANGES IN IMPACT STATUS OR DOCUMENT COMPLIANCE

VI. MITIGATION STATUS AND COMMITMENT COMPLIANCE

FIGURE 13.3 Suggested Project Reevaluation Format

Exhibit 20-D Status of Environmental Certification
STATUS OF ENVIRONMENTAL CERTIFICATION

Financial Project ID _____
Proposal/Contract ID _____
Federal Aid No. _____
Project Description _____

This project is a Categorical Exclusion under 23 C.F.R. 771.117:

- This project is a Type 1 Categorical Exclusion under (23 CFR 771.117(c)) effective November 27, 1987 as determined on _____, and the determination remains valid.
- This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on January 15, 2003 as determined on _____, and the determination remains valid.

The environmental document for this project was a (check one):

- A Type 2 Categorical Exclusion under 23 C.F.R. 771.117(d) approved on _____,
- A Finding of No Significant Impact under 23 C.F.R. 771.121 approved on _____, or
- A Final Environmental Impact Statement under 23 C.F.R. 771.125 approved on _____.

A reevaluation in accordance with 23 C.F.R. 771.129 was (check one):

- Approved on _____
- Not required.

Signature: _____ Date: _____
Environmental Administrator

Exhibit 20-D from Plans Preparation Manual, Volume I, Chapter 20, Plans Processing
and Revisions

FIGURE 13.4 Status of Environmental Certification