

PART 1, CHAPTER 13

RE-EVALUATIONS

TABLE OF CONTENTS

13.1 OVERVIEW	13-1
13.1.1 Definitions	13-1
13.1.2 Legislative and Regulatory Framework	13-2
13.2 PROCEDURE	13-2
13.2.1 Re-evaluation Preparation for Type 2 CE, EA with FONSI, and EIS Projects	13-3
13.2.1.1 Consultative Re-evaluations.....	13-4
13.2.1.2 Re-evaluation Form.....	13-4
13.2.1.3 Processing of Re-evaluations.....	13-4
13.2.1.4 Supplemental Environmental Impact Statements.....	13-5
13.2.2 Type 1 Categorical Exclusion Projects	13-6
13.3 REFERENCES	13-6

LIST OF FIGURES

Figure 13-1 Re-evaluation Process for Type 2 Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements.....	13-7
Figure 13-2 Re-evaluation Form Outline	13-8
Figure 13-3 Re-evaluation Process for Type 1 Categorical Exclusions.....	13-9

PART 1, CHAPTER 13

RE-EVALUATIONS

13.1 OVERVIEW

The ***National Environmental Policy Act (NEPA)*** requires federal agencies to consider and disclose the environmental impacts of their proposed projects prior to making decisions. 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. These factors may trigger the need to revisit the ***NEPA*** analysis by preparing a Re-evaluation. The purpose of a Re-evaluation is to determine whether an Environmental Document or decision remains valid for Agency decision making. A Re-evaluation is a continuation of the project development process, though it does not re-open the ***NEPA*** decision. Therefore, Re-evaluations are not ***NEPA*** documents. The Florida Department of Transportation (FDOT) performs Re-evaluations on both FDOT Federal Projects and FDOT State Projects.

This chapter outlines the Re-evaluation process for FDOT Federal Projects, establishes the framework to meet consultation requirements in ***23 Code of Federal Regulations (CFR) § 771.129***, and provides guidance to ensure compliance with applicable federal and state laws prior to federal aid authorizations needed to advance a project. Re-evaluations for FDOT Federal Projects are documented on a ***Re-evaluation Form*** (see [Section 3.2.1.2](#)). FDOT documents Re-evaluations for FDOT State Projects similarly as detailed in [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#).

It is important that in phases subsequent to the Project Development and Environment (PD&E) phase [e.g., Design, Right of Way (ROW), and Construction] Project Managers be aware that major changes to the project scope can impact production schedules, as these changes may require additional environmental analysis. This is particularly important for Design-Build projects where design and construction advance concurrently. The effects of major design changes on the project schedule should be considered prior to approving such changes since this can lead to project delays if not identified and addressed appropriately. Whenever possible, Design Project Managers should minimize project changes that could impact previously coordinated avoidance, minimization, and mitigation of impacts, or commitments made during the PD&E phase. Project changes may require additional interagency coordination/consultation or public involvement, as well as the identification of new impacts requiring additional evaluation.

13.1.1 Definitions

Re-evaluation - A Re-evaluation is a review of proposed change(s) in action, affected environment, anticipated impact, applicable requirements, or mitigation measures as they relate to an approved Environmental Document.

Consultative Re-evaluation - A Re-evaluation not requiring Office of Environmental Management (OEM) approval because changes to the project or project circumstances are minor.

13.1.2 Legislative and Regulatory Framework

Title 23 CFR § 771.129 requires a determination of whether an approved Environmental Document remains valid, prior to granting any new approval related to the action or amending any previously approved aspect of the action, including mitigation commitments. **Title 23 CFR § 771.129(a)** specifies a written Re-evaluation is required for a Draft Environmental Impact Statement (DEIS) if a Final Environmental Impact Statement (FEIS) is not submitted within three years from the date of the DEIS circulation. Per **23 CFR § 771.129(b)**, a written Re-evaluation of the FEIS is required before any further approvals, if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the ROW, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the FEIS, or the last major approval. **Title 23 CFR § 771.129(c)** provides consultation and documentation requirements for Re-evaluations of Final Environmental Impact Statement/Record of Decisions (FEIS/RODs), RODs, Finding of No Significant Impacts (FONSI), or Categorical Exclusions (CEs) prior to requesting any major approvals or grants to establish whether or not the approved Environmental Document or CE designation remains valid for the action.

13.2 PROCEDURE

A Re-evaluation documents changes since the originally approved Environmental Document Location Design Concept Approval (LDCA) or prior Re-evaluation(s), including changes in the design, project limits, project scope, new or modified laws and regulations, circumstances or project area changes, any other new information affecting the project, and consultation with the Office of Environmental Management (OEM) pursuant to **23 CFR § 771.129**. Re-evaluations also update the status of environmental project commitments.

The LDCA date authorizes the Design phase and may authorize ROW or Construction phases if funded within three years and no changes require a Re-evaluation.

Re-evaluations are required when:

1. Design changes result in new or additional impacts, possibly requiring agency coordination or public involvement.
2. Federal-aid authorization is requested for ROW or Construction phase, more than three years after LDCA. (phase change)
3. Changes in laws, passage of time, or changes in topic/resource need to be documented.

4. A project with a previously approved **NEPA** document changes to state funded only and federal project funds were not previously expended.

Re-evaluations for phase changes may cover one or more segments, but must consider the limits of the approved Environmental Document. The entire project limits and the specific segments being advanced should be detailed on the **Re-evaluation Form** ([Section 13.2.1.2](#)).

If there is a design change or changes in law, they can be incorporated into a Re-evaluation conducted for a phase change. Consideration of the project limits, when advancing segments, does not require re-analysis of all impacts for the entire project, only those within that segment(s). The analyst should consider if there are overall design changes, inter-relationships between the segment(s) being advanced, or new issues or changes in requirements that may have an effect on the entirety or remaining segments of the project. If project limits are extended or reduced subsequent to approval of the final Environmental Document or previous Re-evaluation, then those changed limits are also considered in the Re-evaluation. If changes in the project may result in new significant impacts to topics/resources, early coordination with OEM is necessary.

A Design-Build Firm (DBF) cannot prepare a Re-evaluation, make findings, or make **NEPA** or **NEPA**-related decisions for the project. A DBF is; however, authorized to prepare information to support the preparation of the Re-evaluation by the District. The Procurement Office may be contacted to obtain a copy of the Design-Build Request for Proposals boilerplate.

13.2.1 Re-evaluation Preparation for Type 2 CE, EA with FONSI, and EIS Projects

The Re-evaluation process for Type 2 CE, Environmental Assessment (EA) with FONSI, and Environmental Impact Statement (EIS) projects is shown in

[Figure 13-](#) The Re-evaluation process is initiated by the District through coordination with OEM. Coordination with OEM helps determine whether a Consultative Re-evaluation is appropriate ([Section 13.2.1.1](#)), or whether the **Re-evaluation Form** will require OEM's review and approval.

The Re-evaluation process should be initiated early enough to provide sufficient time for completion prior to the need for federal-aid authorization. The District determines the level of analysis necessary and whether additional public involvement is needed. The extent of Re-evaluation documentation is contingent upon the changes in impact, and the reason for the Re-evaluation. If FDOT determines, based on the Re-evaluation, that there are changes which make the Environmental Document or decision no longer valid, FDOT decides the nature and scope of the supplemental analysis and documentation needed. If the project is an EIS (draft or final), a Supplemental Environmental Impact Statement (SEIS) may need to be prepared if a Re-evaluation results in new significant impacts, see [Section 13.2.1.4](#).

13.2.1.1 Consultative Re-evaluations

The potential for project changes to be documented in a Consultative Re-evaluation is typically discussed during monthly District/OEM meetings or a project meeting. The District prepares the **Re-evaluation Form** in the StateWide Environmental Project Tracker (SWEPT) up to Section 11. See the [Guidance for Part 1, Chapter 13](#) for a visual of the **Re-evaluation Form**. The District coordinates with OEM to discuss the project. As a result of the coordination, OEM may provide concurrence and the District adds the consultation date to Section 11 of the **Re-evaluation Form**. The meeting minutes or concurrence email from OEM are included in the project file. See [Guidance for Part 1, Chapter 13](#) for types of projects that may be appropriate for a Consultative Re-evaluation.

13.2.1.2 Re-evaluation Form

The **Re-evaluation Form** is prepared in SWEPT, and a visual is provided in the [Guidance for Part 1, Chapter 13](#). An outline of the **Re-evaluation Form** is included as [Figure 13-2](#). Information supporting the Re-evaluation is submitted with the **Re-evaluation Form** and uploaded to the project file in SWEPT. The [Re-evaluation Quality Assurance \(QA\)/Quality Control \(QC\) Checklist](#) is used as guidance when preparing the **Re-evaluation Form**.

13.2.1.3 Processing of Re-evaluations

The District prepares the Re-evaluation and conducts a quality control review using the [Re-evaluation QA/QC Checklist](#). When OEM approval is required, the District uploads the **Re-evaluation Form**, and any supporting information (including the **Re-evaluation QA/QC Checklist**) for OEM Initial review to the Electronic Review and Comment (ERC) application and prepares the **Environmental Document Submittal Form** in SWEPT. The District should confirm that the original Environmental Document, technical documents, and any supporting information have been uploaded into the SWEPT file.

The OEM Project Delivery Coordinator (PDC) receives email notification and acknowledges the **Re-evaluation Form** is complete and ready for review by confirming the **Environmental Document Submittal Form** in SWEPT. OEM has 30 days (timeframes identified in this section are calendar days) to review the draft documents and provide comments in the ERC. The District addresses OEM comments and provides responses in the ERC. The OEM project review team then has 15 days to confirm that comments have been addressed. If the comments have not been addressed, additional comment resolution time may be needed. If necessary, the District schedules a meeting with the project review team to discuss comments.

Once comments have been addressed, the District submits the revised document along with the **Environmental Document Submittal Form** for final approval in SWEPT. The PDC receives email notification and has 14 days to confirm that the submittal is complete. Following confirmation from the PDC, the document advances to OEM Environmental Process Administrators review.

The OEM Environmental Process Administrators have 25 days to recommend the Re-evaluation for approval. The Director of OEM, or designee, then has five days to approve the **Re-evaluation Form**.

Upon receipt of the signed **Re-evaluation Form** from OEM, or if OEM signature was not needed, the District Environmental Office notifies other phase managers e.g., Design, ROW, and Construction, Cooperating Agencies, and others as appropriate. The District Environmental Office also provides the date of the signed Re-evaluation on the **Environmental Certification for FDOT Federal Project**, as shown in the [Guidance for Part 1, Chapter 5](#), which is required as part of the contract file for federal oversight projects.

13.2.1.4 Supplemental Environmental Impact Statements

A SEIS 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. In this situation, the District needs to coordinate with OEM to define the scope of additional analysis necessary to allow the project to progress and prepare a SEIS using the same procedures for preparing EISs as described in [Part 1, Chapter 8, Draft Environmental Impact Statement](#) and [Part 1, Chapter 9, Final Environmental Impact Statement](#), respectively.

According to **23 CFR § 771.130(a)**, OEM may determine that a SEIS is needed when:

- (1) Changes to the proposed action would result in significant environmental impacts not evaluated in the EIS; or
- (2) 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.

A SEIS is not necessary under **23 CFR § 771.130(b)** when:

- (1) The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the EIS without causing other reasonably foreseeable environmental impacts that are significant and were not evaluated in the EIS; or
- (2) The Administration (OEM) decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD shall be prepared and circulated in accordance with **23 CFR § 771.127(b)**.

A Re-evaluation may need to be prepared for an SEIS. In this case, it is important to coordinate closely with OEM.

13.2.2 Type 1 Categorical Exclusion Projects

Type 1 CE updates or changes are not documented on the **Re-evaluation Form**, but rather through re-submittal of the **Type 1 Categorical Exclusion Checklist** in SWEPT. The **Type 1 Categorical Exclusion Checklist** is provided as a visual in the [Guidance for Part 1, Chapter 5](#). The Re-evaluation process for Type 1 CEs is shown in [Figure 13-3](#).

Re-evaluations for Type 1 CEs should be completed when changes have been made to the project, or existing conditions have changed since the completion and approval of the last **Type 1 Categorical Exclusion Checklist**. They also should be completed if subsequent release of federal funds is required after a year has passed since the previous **Environmental Certification for FDOT Federal Project** form was submitted. The completion of the checklist is documented in the **Environmental Certification for FDOT Federal Project** form in SWEPT which provides the District Environmental Office's clearance for the project to advance to the next. The **Environmental Certification for FDOT Federal Project** form is sent to the District Federal-Aid Coordinator.

13.3 REFERENCES

FHWA, NEPA Re-Evaluation Joint Guidance for Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), & Federal Transit Administration (FTA). August 14, 2019.
https://www.environment.fhwa.dot.gov/legislation/nepa/Reevaluation_guidance_08142019.aspx

FDOT, FDOT Design Manual, Topic No. 625-000-002.
<https://www.fdot.gov/roadway/fdm>

FDOT, Project Commitment Tracking, Topic No. 650-000-003. <https://pdl.fdot.gov/>

FDOT, Re-evaluation Guidance for Section 3 - Changes in Applicable Law or Regulation. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/reeval-regs-laws-checklist_2025-0916.pdf?sfvrsn=52041e4e_1

Title 23 CFR § 636, Design-Build Contracting

Title 23 CFR § 771, Environmental Impact and Related Procedures

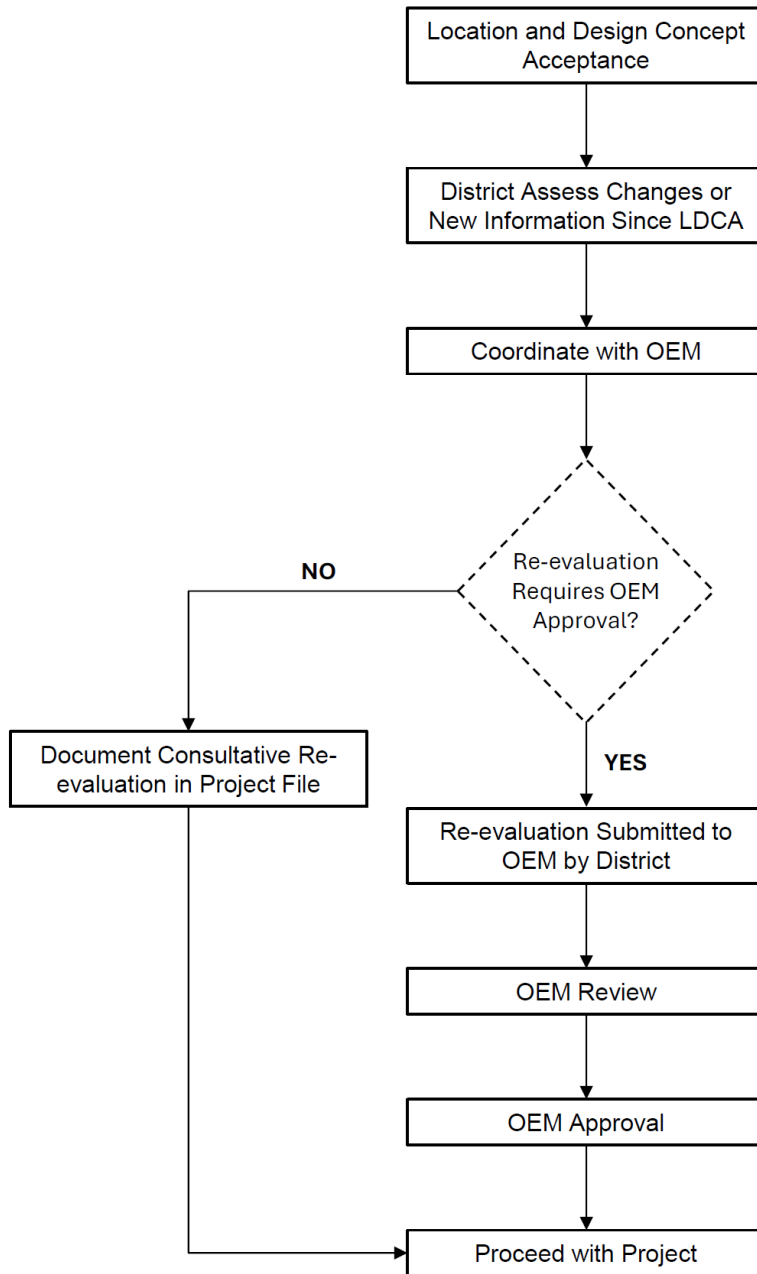


Figure 13-1 Re-evaluation Process for Type 2 Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements

RE-EVALUATION FORM

- 1. GENERAL PROJECT INFORMATION**
 - A. Re-evaluation Type(s)
 - B. Original approved Environmental Document
 - C. Prior Re-evaluation
 - D. Project or project segment(s) being evaluated
- 2. PROJECT DESCRIPTION**
- 3. CHANGES IN APPLICABLE LAW OR REGULATION**
- 4. EVALUATION OF DESIGN CHANGES**
- 5. PUBLIC INVOLVEMENT**
- 6. PROJECT or SEGMENT(S) PLANNING CONSISTENCY**
- 7. EVALUATION OF CHANGES IN IMPACTS**
 - a. COMMUNITY EFFECTS
 - b. CULTURAL
 - c. NATURAL
 - d. PHYSICAL
- 8. COMMITMENT STATUS**
- 9. STATUS OF PERMITS**
- 10. CONCLUSION**
- 11. DISTRICT REVIEW AND APPROVAL**
- 12. OEM APPROVAL**
- 13. LINKS TO SUPPORTING DOCUMENTATION**

Figure 13-2 Re-evaluation Form Outline

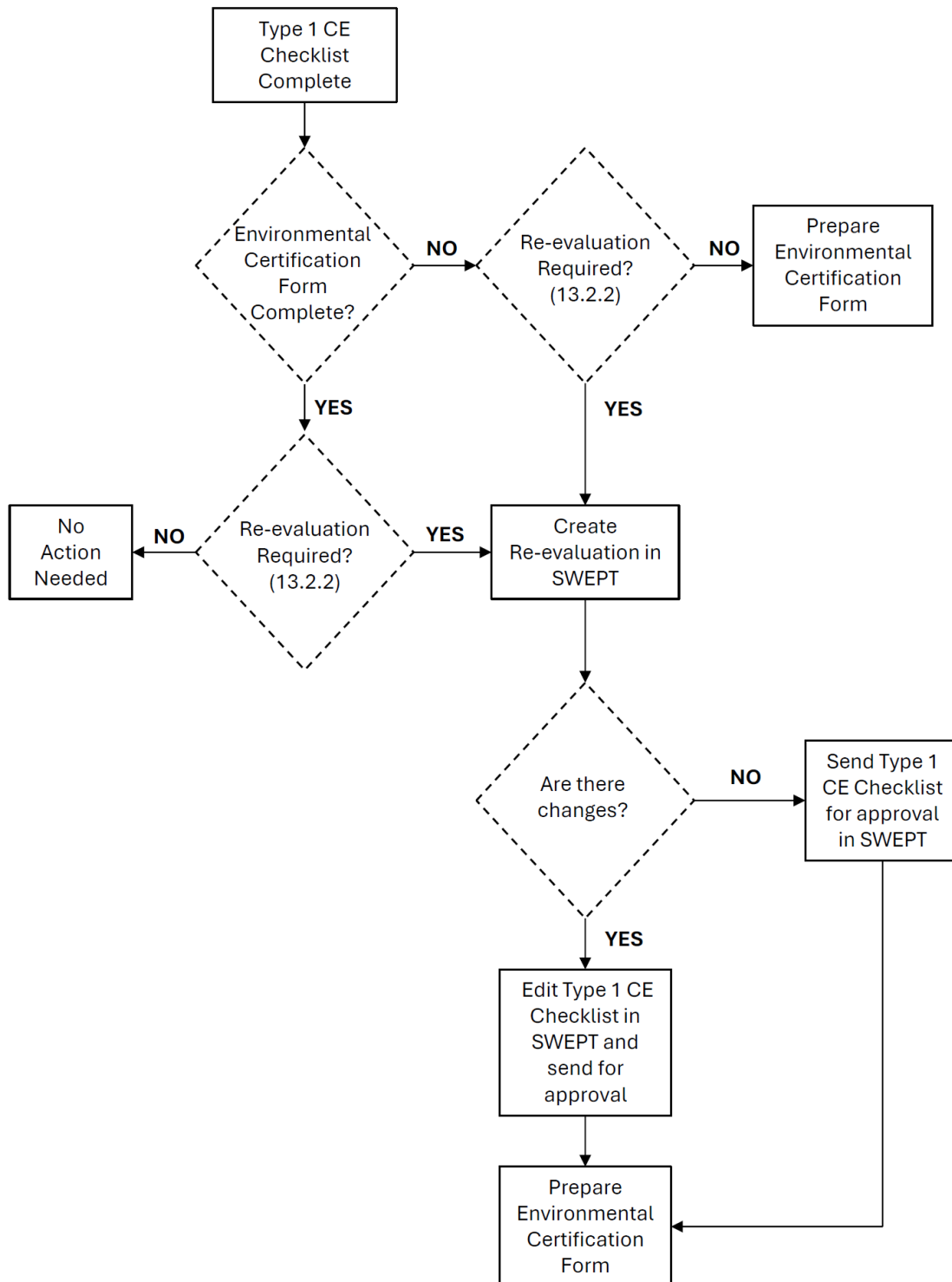


Figure 13-3 Re-evaluation Process for Type 1 Categorical Exclusions