

## Standard of Uniformity for Written Reevaluations

This Standard of Uniformity (SOU) establishes the appropriate format and content for a written re-evaluation. A re-evaluation is required when changes to the project or its surroundings have occurred since the original environmental approval, when no major steps to advance the project occur for three years, or when an acceptable final EIS is not submitted to the FHWA within 3 years from the date of the draft EIS circulation.

### Written Re-evaluation Format

Regardless of the document type, the re-evaluation must discuss how the project changes affect the previous environmental decision of record and identify whether a new and comprehensive analysis of the entire project is needed. While there is no federal format for Reevaluations (T6640.8A), TxDOT uses a report format. The written re-evaluation should be structured as follows:

1. **Cover page** - The re-evaluation must include a cover page that at a minimum includes the following information:
  - Type of document (CE Re-evaluation, FONSI Re-evaluation, FEIS Re-evaluation, DEIS Re-evaluation)
  - Highway number and project limits. The re-evaluation should include the original limits (logical termini) of the approved CE, FONSI, or FEIS for a project.
  - County(ies); CSJ number(s) (lead and all associated with graphic depiction).
2. **Project history** - The re-evaluation must include an introductory section with a synopsis of the project history. This section includes the following information at a minimum:
  - Description of the previously approved project including: project limits, original findings, type of document approval (PCE, CE, FONSI, FEIS), the date of approval, funding source, Transportation Improvement Plan (TIP) / Statewide Transportation Improvement Program (STIP) information (date of the approved STIP, estimated date of completion, and total project cost revised and updated to reflect any changes), Texas Commission on Environmental Quality's (TCEQ) State Implementation Plan (SIP) conformity language for projects in areas of non-attainment, original CSJ numbers and any other CSJ numbers that may be associated with the project limits.
  - If any prior notices of continuous activity (NCA) or Reevaluations were prepared for a project they also need to be summarized along with the re-evaluation approval date. This helps incorporate by reference for the administrative record.
  - Public involvement that was conducted under the original approval, including type of involvement and dates.
  - Construction history (if applicable) including percentage of work complete and phased construction status.



*Example:* On August 7, 1989, the Federal Highway Administration issued a Record of Decision (ROD) for the above subject section of US 67. In addition, a re-evaluation was approved on May 12, 2003. A portion of the project (CSJ = X) is listed for ARRA funding. This includes widening the existing facility to a four-lane divided roadway from 0.6 mile east of Farm to Market Road (FM) 4 to SH 174. Also included is construction of an interchange with the proposed SH 121, railroad overpasses, the construction of ramps at the US 67/SH 174 interchange, and the addition of a median barrier. (Insert CSJs here)

The proposed action is consistent with the Dallas-Fort Worth area's financially constrained Metropolitan Transportation Plan (MTP) - Mobility 2030 - 2009 Amendment and the 2008-2011 Transportation Improvement Program (TIP). Both the MTP and the TIP were found to conform to the Texas Commission on Environmental Quality's State Implementation Plan by FHWA on August 31, 2009.

3. **Project status** - The re-evaluation should include a review of the project status, including:
  - Status of right of way acquisition, including percent of right of way acquired to date
  - Information on utility adjustments or relocations (percentage of proposed relocations that have actually taken place)
  - Status of PS&E including percent complete
  - Update/confirm STIP/TIP status and Total Project Cost
  - If appropriate, include each CSJ with limits and status (constructed, under construction, scheduled to let date)

The re-evaluation must discuss the full limits (logical termini and construction transition zones, if those extend beyond the logical termini) of the previously approved project, and evaluate any changes for the entire project. The re-evaluation must also be brought up to current standards and include the most current information. In some cases, even for a re-evaluation with a narrowly defined scope, some impacts may need to be considered for the entire previously approved project, particularly indirect and cumulative impacts.

4. **Changes to the original project** – The re-evaluation must discuss changes to the project since the time of the original project approval, including but not limited to the following:
  - Design – Changes to design, if any, that have occurred since the time of the original project approval. Operational changes such as relocating entrance/exit ramps would require the preparation of a re-evaluation to address how they would impact adjacent property owners and businesses.



- Right of way requirements – Include whether or not additional right of way is required as a result of a design change. If additional right of way is required, the amount and location should be stated. If any relocations and/or displacements are anticipated, the associated impacts must also be analyzed and discussed.
- Land Use – Include whether or not there have been any changes to the area surrounding the project. Include a discussion of any changes. Changes to project context may indicate a need to reassess environmental determinations.

5. **Regulatory compliance** - The re-evaluation must include a discussion of the results of a review of all legal requirements including any new requirements or changes in legal requirements that have occurred since the original approved environmental document. If new legal requirements or changes have occurred, further discussion must be provided concerning the results of any studies, surveys, analyses, permits, or other efforts to comply with those new or changed requirements. At a minimum, the re-evaluation must include a discussion of any changes to any applicable rule, regulation and guidance document including but not limited to environmental justice, noise, air quality, water resources, hazardous materials, biological resources, and cultural resources.

*Example 1:* Since approval of the original environmental document, there have been no regulatory changes (new threatened or endangered species listed, new executive orders issued, etc.) with potential to affect the original environmental decision or that need to be addressed in this re-evaluation.

*Example 2:* Since approval of the original environmental document, the US. Fish and Wildlife Service has listed two species with potential to occur in Bastrop County that were not previously evaluated in the original environmental document. Effects to these two species are evaluated in Section 5 of this re-evaluation. There have been no other regulatory changes (new threatened or endangered species listed, new executive orders issued, etc.) with potential to affect the original environmental decision or that need to be addressed in this re-evaluation.

6. **Environmental impacts** - The re-evaluation must include a discussion of any new impacts identified since the environmental clearance and a summary of all impacts that have already been approved. The re-evaluation must clearly distinguish between impacts covered by the original approval or prior Reevaluations and new impacts resulting from changes in project design or context. The re-evaluation must include either a sufficient level of documentation to dismiss an issue from further consideration or a discussion of the results of new studies, surveys, analyses, permits or other efforts to reflect the current existing condition(s). The discussion must focus on the change(s), its/their magnitude, and steps taken to avoid, minimize, or mitigate any adverse effects. The re-evaluation must include a discussion of any impacts to environmental resources including, but not limited to:



- Community Impacts/Environmental Justice
- Noise Analysis
- Air Quality
- Water Resources
- Hazardous Materials
- Biological/Ecological Resources
- Archeology
- Historic Buildings/Structures
- 4(f) Properties
- Indirect and Cumulative Impacts
- Commitments, including mitigation efforts

*Example:* Table 1 compares the impacts previously presented in the original environmental document to those impacts expected after this re-evaluation. Resource categories in which a change occurred included wetlands, 100-year floodplains, and residential displacements. Changes in impacts are discussed in more detail in the corresponding narrative sections that follow.

Table 1. Summary and Comparison of Environmental Impacts

Environmental Issue	Impacts June 2007	Impacts Re-evaluation June 2010	Change in Impacts
Wetlands (ac)	1.22	1.05	-0.17
100 Year Floodplains (ac)	3.31	1.46	-1.85
Stream Impacts (ft)	60	60	No change
Forestland (ac)	4.1	4.1	No change
Residential Property Displacements	2	3	+1

*(This is just part of an example table. The table should also include all other environmental issues typical of a roadway project, including other vegetation types and land uses, potential sensitive waste sites, noise, air quality, cultural resources, etc.)*

#### Wetland Impacts

There are no additional wetlands impacted by the final design plans. Wetland impacts were recalculated based on the results of the Jurisdictional Determination (JD) conducted for the project. The U.S. Army Corps of Engineers (USACE) provided the final JD approval letter for the project study area on December 7, 2009. Overall, the area of wetlands impacted by the Selected Alternative has been reduced when compared to the impacts presented in the original environmental document. The reduction in impacts is a result of the USACE determination that some wetland areas identified in the original environmental document were non-jurisdictional and not regulated by the USACE. A conceptual wetland mitigation plan is currently being developed to address USACE compensatory mitigation requirements. The proposed compensatory mitigation involves



the restoration of disturbed wetlands located on a parcel within the project study area. The proposed mitigation site will be evaluated under a separate NEPA document.

#### 100-Year Floodplain Impacts

There are no additional floodplains impacted by the final design plans. However, floodplain impacts have been reduced when compared to the impacts presented in the original environmental document. This reduction is a result of recalculation of floodplain limits based on updated Federal Emergency Management Agency Flood Insurance Rate Maps.

#### Residential Displacements

Design requirements associated with the Bridge over the Turnpike determined that the existing intersection of A Street and B Road would be impacted by bridge construction. It was not anticipated in the original environmental document that the A Street and B Road intersection would be impacted. Based on the evaluation of A Street land use, which includes a mix of residential and light industry uses, it was determined that the access between B Road and A Street should be maintained without diverting truck and/or equipment traffic through the residential neighborhood of Newportville. A Street will need to be realigned to the southwest of the existing intersection with B Road, thereby requiring the acquisition of additional right-of-way. The additional right-of-way acquisition would be a full parcel acquisition and residential displacement. This increases the overall number of residential displacements from two to three.

*Note: In this example text, stream impacts, forestland impacts, etc. are not discussed because there was no change in impacts for these resource categories. Resources that experience “no change” do not need to be discussed, unless some degree of analysis was required to reach the “no change” finding.*

7. **Public involvement** - The re-evaluation should address any additional public involvement that has occurred since project approval or that is required due to design and/or land use changes. The re-evaluation should include a discussion of any meetings with affected property owners (MAPOs) or other public meetings held by the district. 43 TAC 2.6(b) states that the district shall hold a MAPO when a minor location or design revision occurs after the environmental document has been approved and the public involvement requirements have been completed. If the district determines that a change is more than minor, the district should consult with ENV. Documentation of any meetings should be included and attached with the re-evaluation.

8. **Conclusion** - The re-evaluation should either:

a) provide justification for why any changes in the project, regulatory requirements and/or environmental effects will not cause significant



environmental impacts and that the original project classification is supported and remains unchanged;

*Example:* “The environmental documentation for this project has been reviewed, and it has been determined that there have been no significant changes to the assessed areas. The CE/FONSI designation or the project effect (as described in the approved EIS) remains valid. No additional public involvement is required, and further environmental studies are not warranted.”

OR

b) confirm that the changes may cause significant environmental impacts beyond the impacts discussed in the original approved environmental document and that supplemental or new analyses and documentation are necessary.

9. **Location map** - The re-evaluation should include a location map showing the project limits clearly delineating new and additional right of way and any other design changes (i.e. old and new proposed ramp locations) and maps illustrating completed sections (by CSJ), if applicable.
10. **Revised typical sections (if applicable)** – The re-evaluation should include revised typical sections if there are design changes.
11. **Other attachments (if applicable)** – The re-evaluation should include applicable documentation of any MAPOs and/or informal public meetings as well as copies of applicable resource agency correspondence and current photos of the area. STIP/TIP/MTP and Total Project Cost updates should also be included in this section. Copies of all technical reports and checklists should be attached for supporting documentation or listed as “incorporated by reference” (see **Re-evaluation Checklist** below).



## Re-evaluation Checklist

- 1) Cover page** – Includes the following information:
  - Type of document (i.e., CE Re-evaluation, FONSI Re-evaluation, FEIS Re-evaluation, DEIS Re-evaluation)
  - Highway number and project limits (covers the original limits of the approved CE, FONSI, or FEIS)
  - County(ies); CSJ number(s) (lead and all associated)
  
- 2) Project history** - Includes the following information:
  - Description of the previously approved project including project limits, original findings, type of document approved (PCE, CE, FONSI, FEIS), date of approval, funding source, TIP/STIP and updated total project cost information, original mitigation commitments, original CSJs and any other CSJs that may be associated with the project limits. Any prior Notices of Continuous Activity or Reevaluations prepared for the project are mentioned along with the re-evaluation approval date (include graphic for clarity)
  - Public involvement conducted under the original approval
  - Construction history (if applicable)
  - Status of right of way acquisition including percent of right of way acquired to date
  - Information on utility adjustments or relocations
  - Status of PS&E including percent complete (by phase and CSJ)
  
- 3) Project status**
  - Status of right of way acquisition including percent of right of way acquired to date
  - Information on utility adjustments or relocations
  - Status of PS&E including percent complete
  - Update/confirmation of STIP/TIP status and Total Project Cost
  - If appropriate, include each CSJ with limits and status (constructed, under construction, scheduled to let date)
  
- 4) Changes to the original project** – Includes discussion of changes to the project since the time of the original project approval, including but not limited to:
  - Design – changes to design (including operational changes)
  - Right of way requirements: amount and location of any additional right of way; impacts of any relocations/displacements
  - Land Use – changes to the project area of potential effect
  
- 5) Regulatory compliance** – Reviews all applicable legal and regulatory requirements, including any new regulatory and/or guidance requirements or changes in legal requirements that have occurred since the original approved environmental document. If new legal requirements or changes have occurred,



further discussion has been provided concerning the results of any studies, surveys, analyses, permits or other efforts to comply with those new or changed requirements.

- 6) Environmental impacts** – The re-evaluation:
  - Includes a discussion of any new impacts identified since the environmental clearance and a summary of all impacts identified in the original approved environmental document.
  - Clearly distinguishes between impacts covered by the original approval and new impacts resulting from changes in project design or context.
  - Includes either a sufficient level of documentation (allowing for incorporation by reference) to dismiss an issue from further consideration or a discussion of the results of new studies, surveys, analyses, permits or other efforts to reflect the current existing condition(s). The discussion focuses on the change(s), (context and intensity) its/their magnitude, and steps taken to avoid, minimize, or mitigate any adverse effects.
  
- 7) Public involvement** – Includes a discussion of any MAPOs, informal or formal public meetings held by the district. Documentation of any meetings has been included and attached with the re-evaluation.
  
- 8) Conclusion** – Provides justification for why any changes in the project, regulatory requirements and/or environmental effects would or would not cause significant environmental impacts and that the original project classification is supported and remains unchanged. If a significant new impact is identified and cannot be mitigated, confirms that the changes may cause significant environmental impacts beyond the impacts discussed in the original approved environmental document and that supplemental or new analyses and documentation are necessary.
  
- 9) Location map** – Includes a location map showing the project limits and any construction transition zones, if those extend beyond the project limits, clearly delineating new and additional right of way and any other design changes (i.e. old and new proposed ramp locations), and maps illustrating completed sections, if applicable. (All CSJs used on the entire project for each phase graphically depicted)
  
- 10) Revised typical sections (if applicable)** – Includes revised typical sections if there are design changes (and original typical sections for comparison).
  
- 11) Other attachments (if applicable)** – Includes:
  - Applicable documentation of any MAPOs and/or informal public meetings conducted by the district;
  - Copies of applicable resource agency correspondence;
  - Copies of all technical reports and checklists;
  - Updated STIP/TIP, MTP, and Total Project Cost (from DCIS);



- List of items incorporated by reference.
- Any other supportive documentation.

