In accordance with 23 CFR 771.129(a) and (b) and as stated in the ODOT NEPA Assignment Categorical Exclusion Guidance, re-evaluation of NEPA documents should be conducted in the following circumstances:

- If the document is an Environmental Impact Statement (EIS) and more than three years old and/or it has been more than three years since the last major federal action (authority to undertake final design, authority to acquire a significant portion of right-of-way, or approval of the plans, specifications, and estimates package) (Note: this does not apply to Categorical Exclusions (CEs) or Environmental Assessments (EAs));
- If the project scope has changed since the document was approved (applies to CEs, EAs, and EISs);
- If the project impacts have changed since the document was approved (applies to CEs, EAs, and EISs);
- In accordance with Council on Environmental Quality (CEQ) guidance, if the environmental studies are more than five years old agency re-coordination and/or new studies may be necessary (applies to CE, EA and EIS documents).

**Re-evaluation Format**

In general, re-evaluations can take different forms based on the age of the original document and the complexity of the changes.

- If the reevaluation is required for an EIS because it is more than three years old and/or it has been more than three years since the last major federal action and if no changes to the project scope or impacts have occurred then use of the Environmental Consultation Form (ECF) for the re-evaluation is permissible.
- If there is a minor change to the project scope or only minor updates are required (regardless of NEPA class of action), then a simple narrative re-evaluation is appropriate. For CE level documents that were originally completed in the EnviroNet (formerly Online CE) system, the re-evaluation should be completed in the system. Upon initiating the re-evaluation in EnviroNet, choose the “Administrative” format on the Re-evaluation Determination or Re-evaluation Level tab. For CEs completed prior to implementation of the EnviroNet system and for EAs and EISs, this narrative-type document can take the form of a memo-to-file, a one-page form, or an Inter-Office Communication, which should be appended to the original NEPA document (CE, EA and EIS).
- If the original document was a CE and the project scope has changed substantially or the impacts have changed substantially, a new CE form should be completed. For CE level documents that were originally completed in the EnviroNet system, the re-evaluation should be completed in the system. Upon initiating the re-evaluation in EnviroNet, the “Supplemental” or “Full” re-evaluation format option should be chosen on the Re-evaluation Determination or Re-evaluation Level Tab. Supplemental re-evaluations can be completed for CEs that require changes to only a few tabs of the CE form (for example, project changes that only require updated assessment of ecological resources). Full re-evaluations should be completed for projects with substantial changes to scope or impacts that require updates to most, if not all, of the tabs in the CE form. For CEs completed prior to the implementation of the EnviroNet (formerly Online CE system), completion of a new form is required.
Please remember that a re-evaluation has the same signature authority as the original NEPA document. If the original document was a C1, C2, or D1 (formerly Exempt, Level 1, or Level 2 CE), the District Environmental Coordinator must sign the re-evaluation. If the original document was a D2 or D3 (formerly Level 3 or Level 4 CE), an EA, or EIS, the document must be approved by OES, even if it is a one-page narrative. Note: for CE documents, if based on the most recent version of the CE Guidance, the project can be classified as a lower level CE, that change should be noted and the appropriate signatories for the current document level can approve the re-evaluation document.

Re-evaluation of Large Projects with Multiple Construction Phases

FHWA guidance states that re-evaluations are intended to encompass the same project limits as the original environmental document. That being said, for large projects that have been phased for construction, it may not make sense to conduct a complete re-evaluation on the entire project limits. On phased projects, a re-evaluation should address the current status of the entire project but focus on determining the validity of the NEPA document or decision with respect to the current phase of the project. The re-evaluation should consider what has happened on the entire project to date (including any prior construction phases), what will follow (including any future construction phases), and what or how any changes in the project or impacts will affect current phase (and potentially future phases if that information is known).

For example, Project X is a 20-mile long highway widening project that has been separated into three construction phases: Phase 1, Phase 2, and Phase 3. The original environmental document was signed more than five years ago. Phase 1 was constructed two years after the original document approval. Phase 2 is scheduled to begin construction this year. Phase 3 is scheduled for construction in four years. There has been a minor scope change to Phase 2 and the environmental studies were conducted more than five years ago. Therefore, a re-evaluation of the project is necessary. The re-evaluation can focus on Phase 2, referencing the original document, the fact that Phase 1 was previously constructed and that Phase 3 will not be constructed for several years. The document can then focus on any changes to the scope or impacts within Phase 2 that have occurred since the original document was approved.

Re-evaluation Best Practices

Some best practices for re-evaluations include:

- Please include when the original document was approved and why the re-evaluation is required.
- If your environmental studies are within the 5-year window, please cite the date of concurrence for each study for ease of reference. For simple re-evaluations (one-page form, memo-to-file, etc.), this can be a bullet-list of each resource area with the date of agency concurrence. For more complex re-evaluations, this information will be included in each resource area of the document.
- If you are preparing a simple one-page re-evaluation, please note that all original environmental commitments will be adhered to and list any new commitments that have been made as a result of the re-evaluation. If you are preparing a more complex re-evaluation or completing a new CE form, please list all previous and new environmental commitments in the appropriate section.
Questions
If you have any questions about NEPA re-evaluations, please contact Tim Hill (614.644.0377 or Tim.Hill@dot.ohio.gov) or Erica Schneider (614.387.0134 or Erica.Schneider@dot.ohio.gov).