

Guidance for Filling Out CDOT Form 1399

Updated: 4/30/14

Location of current Form 1399:

<http://www.coloradodot.info/library/forms/cdot1399.doc/view>

Original NEPA Approval Date: This is the date(s) the original NEPA document(s) was signed.

Reevaluation Date: Date this Form 1399 was completed.

Project Code: Should include the project number and the subaccount number.

Project Name and Location:

- This should be the name of this Reevaluation, not the original NEPA document.
- Give a brief description of the project location. Make sure to include highway names, mileposts and local jurisdiction (city, county, town).
- Attach a map at the end of the form (before attachments) that shows project location and all roads and buildings that are discussed in the text. This is really important if there have been design changes.

NEPA Document Title:

- Use the official name of the original NEPA document.
- If possible, add link to where the document can be found on the web.

Region/Program/Residency:

- Identify the appropriate CDOT Region that the Reevaluation occurs in.
- In July 2013, CDOT Region boundaries changed (there used to be six Regions and now there are five). Therefore, if appropriate, also identify whether the Region your project occurs in changed.

Project Description: Describe the whole project, not just the phase being reevaluated. If possible, this section should have an approximate length of 2 paragraphs or less. Please make sure that all things mentioned in this section are included on the map/figure attached at the end of the form.

Project Phasing Plan and Portions Completed (if warranted): Concisely describe all phases (past, present, and future) of the project. Also identify which phases have already been completed. Suggest using a bulleted format to list all project phases and then just adding a sentence or two describing each phase. Please do not say, “see Chapter 1 of EIS”.

Portion of the Project Currently Being Advanced: Only talk about the current phase that is being reevaluated. This is really important for mitigation purposes. Mitigation must be completed during the same project phase that the impacts occur. Talking about additional phases here makes mitigation tracking confusing.

Date(s) of Prior Reevaluations: If appropriate, list all dates of prior Reevaluations.

I. **Document Type**

Identify the type of document that you are reevaluating. May have two boxes checked if it is an EA/FONSI or EIS/ROD combination.

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Reason for Reevaluation

Box 1: This box is almost always going to be checked because any project with a signed NEPA document needs to be reevaluated prior to requesting an action or approval from FHWA to advance the project to the next major approval or action (for example, final design, ROW acquisition, PS&E, next phase of construction).

Box 2: There are three types of changes that could have occurred since the original NEPA document approval that would result in the need for a Reevaluation:

- Design Change: Sometimes the design that was originally approved changes during final design and results in newly discovered or otherwise unaccounted for impacts to resources not initially evaluated in the NEPA document. This could also result in beneficial impact changes such as fewer impacts to a resource, avoidance of a resource, and no (or less) mitigation required.
- Regulatory Change: Changes in laws, policies or guidelines that have occurred since the NEPA document was originally approved. Examples of this include changes in noise guidelines, changes in the USFWS Threatened and Endangered species list, changes in Air or Water Quality limits, etc.....
- Background Change: Changes to the environmental setting that could result in changes to the project's impacts or mitigation. For example, if there used to be a prairie dog town but now there is a shopping center, it would result in a reduction of impacts from the project. If there used to be a vacant lot but now there is a new subdivision, you will need to reanalyze noise, air quality etc.

Box 3: This box should only be checked if it is a **DEIS** or **FEIS** that is being reevaluated. According to FHWA regulations, the shelf life of a DEIS and a FEIS is 3 years. If you are reevaluating an EA you should not check this box.

Box 4: This box should only be checked if the above three reasons do not fit your project. Please use the area below to explain what the reason is for your Reevaluation. Feel free to add additional lines if needed.

II. Conclusion and Recommendation

This section needs to be skipped until the end. It was placed here at the front of the form to make it easier to find.

III. Evaluation

All Reevaluations need scoping to determine what level of Reevaluation needs to be completed and what resources may be involved. This is typically done by the CDOT Region for Levels 1 and 2 and in coordination with FHWA and EPB for Levels 3 and 4.

Level 1

These Reevaluations are completed at the CDOT Region level. EPB review is not required, but is available upon request. FHWA concurrence is not required.



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Level 2

These Reevaluations are completed at the CDOT Region level. EPB review is not required, but is available upon request. FHWA review and concurrence is required.

Level 3

EPB may need to review (Region Project Manager should call EPB NEPA staff to discuss all Level 3 Reevaluations). If the Reevaluation needs to go to EPB for review, the standard 11 business day review period applies. FHWA review and concurrence is required.

Level 4

This level of Reevaluation typically includes project changes that were not evaluated in the original document. EPB will need to review. The standard 11 business day review period applies for EPB reviews. FHWA review and concurrence is required.

Resource Table

- Check the box in the “Change in Affected Environment or Setting” Column if there have been any regulatory or guideline changes or changes to the existing conditions.
- Check the box in the “Change in Environmental Impact” column if changes have occurred. These changes could be either beneficial or negative impact changes.
- In the “Date Reviewed” column add the date that each resource was reviewed. Every line should have a date - even the resources that have not changed. By adding the date you are acknowledging that there are no changes to that resource.
- When neither the “Change in Affected Environment or Setting” nor the “Change in Environmental Impact” columns are checked, then an attachment for the resource is not needed. For this situation brief documentation should just be included in the project file.
- When the “Change in Affected Environment or Setting” Column is checked but the “Change in Environmental Impact” column is not checked: This means the change in the affected environment did not lead to a change in environmental impacts. Example: If there is now a shopping center where there used to be a prairie dog town, the project would result in less impacts to the prairie dogs town than previously evaluated. An attachment should be included and referenced in the appropriate column. The attachment should discuss the changes and document them with the use of figures and/or photos. However, this can also be a brief memo (depending on the change).
- When both columns are checked, an attachment that explains these changes should be included and referenced in the attachment column.

Design Alterations, Regulatory Changes, and Impact Assessments: This is where all the things checked in the table above are briefly summarized. A sentence or two is fine but please do not say “see Attachment X”. Only those things that have been checked should be included in this section. So, if it is listed here, there should be a corresponding check in the table above.

Mitigation

No matter which box is checked here, the CDOT Mitigation Tracking Spreadsheet should be attached to the back of this form (before the attachments). At a minimum, the first six columns of the table should always be attached. If phases of the project have already been completed and mitigation has already occurred, the entire table may be included to show all mitigation information.

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IV. Public/Agency Involvement

If there has been any public/agency involvement for this phase of the project, list and provide dates in this section. If there was no public/agency involvement necessary, write “N/A” or “None”.

V. Additional Studies Required for Proposed Action

If it was determined that additional studies were required for the Proposed Action please list them here. If none were required, write “N/A” or “None”.

VI. Additional Requirements

If it was determined in Section III of this form (which you need to go back and complete) that the environmental document or CE designation is no longer valid, then this section needs to indicate what the next level of appropriate analysis will be. If no additional requirements are needed please check the “None” box at the bottom of the list.

VII. Permits Updated:

The word “Optional” can be confusing here. This section needs to be completed when the next stage of the project is going to construction. Most Reevaluations occur because the project is going into a construction phase. List the permits that have already been obtained or that need to be obtained in this section. This section is only optional for projects that are not going to construction. If appropriate, coordination letters with consulted agencies should also be included.

VIII. Attachments Listed

Please do not include hard copies of technical reports when submitting Reevaluations. Submitting them on a CD is preferred. All attachments listed in the Resource Table should be included.

Distribution:

Upon completion (signature) of the Reevaluation, the original form (and attachments) should be sent to the Region Planning and Environmental Manager (RPEM). Copies of the form should also be sent to the following (indicated in footer of form):

- CDOT Project Manager
- Region Right of Way (if ROW required)
- Environmental Programs Branch (Note that the copy can be on a CD)
- Central Files
- Federal Highway Administration