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## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.0 INTRODUCTION</strong></td>
<td>11-1</td>
</tr>
<tr>
<td>1.1 Definition</td>
<td>11-1</td>
</tr>
<tr>
<td>1.2 Purpose</td>
<td>11-1</td>
</tr>
<tr>
<td>1.3 Changes that Trigger a Reevaluation</td>
<td>11-1</td>
</tr>
<tr>
<td>1.4 Types of Reevaluations</td>
<td>11-1</td>
</tr>
<tr>
<td>1.4 Applicability</td>
<td>11-2</td>
</tr>
<tr>
<td><strong>2.0 PROCESS</strong></td>
<td>11-3</td>
</tr>
<tr>
<td>2.1 Consultation</td>
<td>11-3</td>
</tr>
<tr>
<td>2.2 Written Reevaluation</td>
<td>11-3</td>
</tr>
<tr>
<td><strong>3.0 SUPPLEMENTAL REPORTS</strong></td>
<td>11-4</td>
</tr>
<tr>
<td><strong>LIST OF EXHIBITS</strong></td>
<td></td>
</tr>
<tr>
<td>Exhibit</td>
<td>Title</td>
</tr>
<tr>
<td>11-1</td>
<td>Reevaluation Statement - Sample Title Sheet</td>
</tr>
<tr>
<td>11-2</td>
<td>Environmental Reevaluation Checklist</td>
</tr>
</tbody>
</table>
INTRODUCTION

1.1 DEFINITION

A reevaluation is an assessment of any changes which may have occurred in either the project’s concept or the affected environment and a determination of what effects these changes might have on the validity of the environmental documentation.

1.2 PURPOSE

The purpose of a reevaluation is to determine if the NEPA/SEQR environmental documentation (CE, EA/FONSI, EIS/ROD, Type II and Non Type II) is still valid before proceeding with a major project approval or authorization.

1.3 CHANGES THAT TRIGGER A REEVALUATION

Changes that may have occurred since the preparation of the Design Approval Document (DAD) which would create the need for a reevaluation include but are not limited to:

- A change in the scope of the proposed project.
- A change in the social, economic or environmental circumstances or the setting of the project study area (i.e. the affected environment).
- A change in the federal or state statutory environmental standards.
- Discovering new information not considered in the original process.
- A significant amount of time has passed (equal or greater than three years) since the project has progressed through its last major step (e.g., Draft DAD or Final DAD submission, Design Approval, PS&E approval or ROW acquisition approval, etc.).

When performing a reevaluation, changes in the above items along with their relevance (i.e., effect on impact significance) should be considered.

1.4 TYPES OF REEVALUATIONS

- Consultation — A Consultation is typically a dialogue with FHWA regarding the validity of a project’s DAD. See Section 1.5, Applicability and Section 2.0, Process, for details.
- Written Reevaluation — A Written Reevaluation involves reexamining a project and outlining changes which may affect the validity of the project’s DAD. See Section 1.5, Applicability and Section 2.0, Process, for details.
1.5 APPLICABILITY

The Reevaluation process, Consultation and/or Written, is applicable to all Federal Aid projects per § 23 CFR 771.129. Following are the guidelines for applicability:

- Consultation is required for:
  - All levels of environmental documentation – After approval of the environmental documentation (CE, EA/FONSI, FEIS/ROD), a consultation with FHWA are required prior to proceeding with a major project action (e.g., Final Design, ROW acquisition, PS&E). Such consultations should be documented with a memo or a note to file. FHWA will determine if a written reevaluation is necessary.
  - All levels of environmental documentation – When changes may have occurred in either the project’s concept or the affected environment.

- Written Reevaluation is required for:
  - DEIS – if an acceptable final EIS is not submitted to FHWA within 3 years from the date of the draft EIS circulation.
  - FEIS – if major steps to advance the project (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of PS&E) have not occurred within three years after the approval of the FEIS, FSEIS, or the last major administration approval or grant.
  - Any environmental document if requested by FHWA following Consultation with their office.

Reevaluations can apply until the project is “committed” to construction. “Committed” is defined as having grading and drainage work awarded for the entire roadway length of the project (i.e., a contract in the construction stage that has been awarded to complete the major drainage and earthwork needed for the entire project length). Subsequent actions do not require reevaluation.

NOTE: The reevaluation process is required for 100% State funded projects also.
2.0 PROCESS

2.1 CONSULTATION

The consultation requirement is satisfied via phone, memo, e-mail, or in person contact between the Department and FHWA. The Region may contact FHWA directly or ask the main office liaison to consult with FHWA. It is the Region’s responsibility to ensure that FHWA and the main office liaison are kept informed of all developments regarding the reevaluation process.

The Region will document the consultation with a note or a memo to the project file detailing the items discussed and the outcome of the consultation. If it is determined that a written reevaluation is warranted, the Region will work closely with the main office liaison and FHWA on preparing and documenting the reevaluation, see next section.

2.2 WRITTEN REEVALUATION

2.2.1 Content

- Focus on changes in the project, their context and impacts.
- Highlight any new issue identified since the environmental document was approved.
- Undertake field reviews, additional environmental studies, and coordinate with other agencies as needed to address new potential impacts or issues.
- Document changes with appropriate level of detail to identify the affected environment and clarify the project impacts.
- Document major technical changes to the project. This will enable the Design Approval grantor; see Exhibit 4-2 Design Related Approval Matrix, to re-validate the Design Approval.

The written reevaluation must consider the entire project approved in the DAD (including segments previously constructed). This ensures that potential “roadblocks” that could affect future segments are identified, mitigated, avoided or minimized early in the reevaluation process. This includes long projects that have been segmented into smaller projects for design and construction after environmental approval is received.

Previously constructed segments can be a concern and need to be evaluated. However, only consider previously constructed segments in enough detail to determine if:

- Unexpected significant impacts occurred as a result of the construction that will have a bearing on future project decisions; or
- There were unexpected impacts that should be mitigated during future phases of the project; or
- Previous construction mitigation failed to achieve the desired results.
2.2.2 Format

The written reevaluation should consist of the following parts:

- Title Sheet, see exhibit 11-1 for sample, this section includes:
  - Executive Summary/Conclusion
  - Signatures (FHWA & DOT)

- Core, this Section will include:
  - Introduction – Describe the background and reasons for the reevaluation.
  - Completed environmental reevaluation checklist, see exhibit 11-2. Use the checklist to document changes in the project, its surroundings, impacts, and new issues identified since the approval of the environmental document.
  - Technical Appendix – Include technical studies, environmental studies, traffic studies, cross sections, plans, profiles and other appropriate data.
  - Coordination and Correspondence Appendix

The completed written reevaluation should follow the same approval process as the original DAD (e.g. FHWA, Regional Director, Chief Engineer).

3.0 SUPPLEMENTAL REPORTS

If the reevaluation concludes that changes in the project may result in a significant environmental impact that was not addressed in the original DAD, a supplement to the DAD/Environmental Document needs to be prepared. The supplemental environmental document should be processed in accordance with 23 CFR 771.130. NEPA scoping is not required. Refer to FHWA’s Technical Advisory T6640.8A (available at www.section4f.com/pdf_files/ta66408a.htm#supp) for further guidance.

For a Supplemental EA, a draft and final should be prepared along with a NEPA Finding of No Significant Impact and/or a SEQR Determination of No Significant Effect. If a significant impact is discovered, an Environmental Impact Statement must be prepared. For a Supplemental EIS, a draft and final, with a NEPA Record of Decision and/or a SEQR Record of Decision is needed.

When a supplemental EIS is needed, new approvals, the withdrawal of previous approvals, or the suspension of some or all of the project activities may be required in accordance with 23 CFR 771.130(f)(3).
As a result of the September 11, 2001 attacks and the ensuing need for reconstruction and revitalization of Lower Manhattan, it became necessary to make minor changes to the selected alternative described in the 1994 FEIS/ROD. This reevaluation statement examined the proposed changes and their potential impacts.

This reevaluation has been done in close coordination between NYSDOT and FHWA and in accordance with FHWA 23 CFR 771.129 Reevaluation, SEQR 17 NYCRR Part 15 Regulations, and New York State Department of Transportation (NYSDOT) Project Development Manual (PDM), Appendix 11. Based on this reevaluation, it is concluded that the Promenade South Project would not be substantially different from the selected Alternative in the 1994 FEIS/ROD and that it would not result in any new significant adverse impacts requiring new mitigation measures. Furthermore, the environmental analysis in the FEIS is still valid, up-to-date and complete. Therefore, the 1994 FEIS and Record of Decision are still valid.

FEIS Report Number - FHWA - NY EIS 93-02F
FEIS Approval Date - May 1994

Date
________________________
Robert Arnold, Division Administrator
Federal Highway Administration

Date
________________________
Richard Schmalz, Route 9A Project Director\(^1\)
New York State Department of Transportation

Notes:
1. The reevaluation statement should be signed by the regional Director or his designee.
New York State Department of Transportation

ENVIRONMENTAL REEVALUATION CHECKLIST

Project Name:
Project Number (State/Federal):
Bridge Identification Number:
Document Type & Approval Date:
Reevaluation Number:
Date of Last Reevaluation:

The purpose of the reevaluation is to assure that the conclusions of the Design Approval Document (DAD) (CE, EA/FONSI, EIS/ROD, Type II, Non Type II) remain valid. Information in this reevaluation should cover all changes that occurred after the last DAD’s review or reevaluation was performed.

I. Proposed Action:
1. Have changes occurred in the project scope since approval of the original DAD or subsequent environmental reevaluation?
   - YES
   - NO
   - N/A
2. Has there been a change in the project design parameters since the original DAD or subsequent DAD was approved?
   - YES
   - NO
   - N/A
3. Describe changes:

II. Purpose and Need of Project:
1. Has there been a change in the project purpose and need from that described in the approved DAD or subsequent DAD?
   - YES
   - NO
   - N/A
2. Describe changes:

III. Environmental Consequences: Identify (yes or no) if there have been any changes in project impacts from those identified in the original DAD or subsequent reevaluations. For each “yes,” describe the magnitude of the change and the potential for significant impact.
1. Has there been a change in the affected environment within or adjacent to the project area that could affect any of the impact categories (i.e. new legislation, transportation infrastructure, or protected resources)?
   - YES
   - NO
   - N/A
2. Describe changes:

   A. Right-of-Way Impacts
   1. Have the right-of-way requirements changed?
      - YES
      - NO
      - N/A
   2. Describe changes:
Exhibit 11-2, Reevaluation Checklist

B. Social Impacts:
1. Would there be any changes in the neighborhoods or community cohesion for the various social groups as a result of the proposed action? [YES □ NO □ N/A □]
2. Are there any changes in travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian)? [□ □ □]
3. Are there any changes to the impacts on school districts, recreation areas, churches, businesses, police and fire protection, etc.? Include the direct impacts and the indirect impacts that may result from the displacement of households and businesses. [□ □ □]
4. Are there any changes to the effects of the project on the elderly, handicapped, nondrivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged? [□ □ □]
5. Have the project’s effects on minorities or disadvantaged persons or those disproportionately affected changed? (i.e., E.O. 12898)? [□ □ □]
6. Describe changes, if any.

C. Economic Impacts:
1. Are there any changes to the economic impacts of the action on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales? [□ □ □]
2. Are there any changes to the potential impacts of the proposed action on established businesses or business districts, or changes to any opportunities to minimize or reduce such impacts by the public and/or private sectors? [□ □ □]
3. Describe changes, if any.

D. Local Land Use and Transportation Plan:
1. Have there been changes in the local land use or transportation plan? [□ □ □]
2. If yes, is the project consistent with the changes to the local transportation land use plan? [□ □ □]
3. Would project changes induce adverse secondary and cumulative effects? [□ □ □]
4. Describe changes.

E. Cultural Resource Impacts:
1. Are there changes in the project’s effect on cultural resource? [□ □ □]
2. Has there been a change in the status of National Register listed, eligible, or potentially eligible sites in the project area? [□ □ □]
3. Describe changes.

F. Farmland Impacts:
1. Are there changes in the project’s effects on Prime or Unique Farmland as defined in 7 CFR part 657 of the Federal Farm Protection Policy Act? [□ □ □]
2. Describe changes.
### Exhibit 11-2, Reevaluation Checklist

**G. Wetland Impacts:** *(If yes, resource coordination required.)*

1. Are there changes in project scope or design that affect the wetland impacts? [YES] [NO] [N/A]
2. Acres (original/proposed): ______/_______
3. Fill quantities (original/proposed): ______/_______ cubic yards.
4. Dredge quantities (original/proposed): ______/_______ cubic yards
5. Is there an impact on function and/or value of wetland? [ ] [ ] [ ]
6. Describe any changes from the original DAD and subsequent environmental reevaluation(s).

**H. Fish & Wildlife Impacts:**

1. Are there changes in the effects to fish and wildlife resources? [ ] [ ] [ ]
2. Has there been a change in status of listed Threatened & Endangered species directly or indirectly affected by the project? [ ] [ ] [ ]
3. Describe changes.

**I. Water Body Involvement:**

1. Have there been any changes to the project effects on water bodies? If yes complete 2-3 and describe in 4. [ ] [ ] [ ]
2. Project affects a navigable water body (as listed by USCG). [ ] [ ] [ ]
3. Project affects navigable waters of the U.S. (as defined by the Corps). [ ] [ ] [ ]
4. Describe any changes:

**J. Hazardous and Contaminated Material:**

1. Have there been any changes in the status of or our involvement with known or potentially contaminated sites along the corridor? [ ] [ ] [ ]
2. If buildings, residences are relocated, demolished or acquired, have they been evaluated for hazardous and contaminated material (i.e. asbestos)? [ ] [ ] [ ]
3. Describe changes.

**K. Air Quality Conformity:**

1. Does the project as proposed affect a non-attainment area, which will require a revised conformity determination? [ ] [ ] [ ]
2. Does the proposed change affect air quality monitoring? [ ] [ ] [ ]
3. Describe any changes.

**L. Floodplains Impacts:**

1. Have there been changes in the project effects to a regulatory floodplain? [ ] [ ] [ ]
2. Describe changes.
### Exhibit 11-2, Reevaluation Checklist

#### M. Noise Impact:
1. Have there been any changes in the proposed project that may change its status under 23 CFR 772 to a Type I project?  
   - YES  
   - NO  
   - N/A
2. Has there been any new land development that may result in a potential noise impact?  
   - [ ]  
   - [ ]  
   - [ ]
3. Have there been any changes in the geometric design of the proposed project that may result in potential noise impact?  
   - [ ]  
   - [ ]  
   - [ ]
4. Have there been any changes in the projected future traffic (volume, speed, or classification) that may result in a potential noise impact?  
   - [ ]  
   - [ ]  
   - [ ]
5. Have there been any changes in the proposed project that may revise its previous abatement recommendations?  
   - [ ]  
   - [ ]  
   - [ ]
6. Describe changes.

#### N. Water Quality Impacts:
1. Does the project now involve a public or private drinking source?  
   - [ ]  
   - [ ]  
   - [ ]
2. Would project changes affect the potential discharge of storm water into Waters of the U.S?  
   - [ ]  
   - [ ]  
   - [ ]
3. Will the project now involve a stormwater discharge SPDES permit and/or require changes to an existing permit?  
   - [ ]  
   - [ ]  
   - [ ]
4. Describe changes.

#### O. Permits and Authorization:
1. Are there any changes in the status of the permits and authorizations previously required for the project?  
   - [ ]  
   - [ ]  
   - [ ]
2. Will any additional permits be needed due to the changes in the project?  
   - [ ]  
   - [ ]  
   - [ ]
3. Describe changes.

#### IV. Construction Impacts:
Have the following potential construction effects changed:
1. Construction timing commitments?  
   - [ ]  
   - [ ]  
   - [ ]
2. Temporary degradation of water quality?  
   - [ ]  
   - [ ]  
   - [ ]
3. Temporary stream diversion?  
   - [ ]  
   - [ ]  
   - [ ]
4. Temporary degradation of air quality?  
   - [ ]  
   - [ ]  
   - [ ]
5. Temporary delays and detours of traffic?  
   - [ ]  
   - [ ]  
   - [ ]
6. Temporary impact to businesses?  
   - [ ]  
   - [ ]  
   - [ ]
7. Other construction impacts, including noise?  
   - [ ]  
   - [ ]  
   - [ ]
8. Describe changes.

#### V. Section 4(f)/6(f):
1. Has there been a change in status of Section 4(f) properties affected by the proposed action?  
   - [ ]  
   - [ ]  
   - [ ]
2. Would the project have “use” or “constructive use” of Section 4(f) properties?  
   - [ ]  
   - [ ]  
   - [ ]
3. Has there been a change in status of Section 6(f) properties affected by the proposed action?  
   - [ ]  
   - [ ]  
   - [ ]
### Exhibit 11-2, Reevaluation Checklist

4. Is the use of 6(f) property a conversion of use per Section 6(f) of the Land Water Conservation Fund Act?  
   ![☐☐☐]

5. If yes to any of the above, attach appropriate Section 4(f) and Section 6(f) documentation.

### VI. Comments and Coordination Conducted for the Reevaluation:

1. Has public/agency coordination occurred since the DAD was approved or since the last reevaluation?  
   ![☐☐☐]

2. Discussion: Describe comments and coordination efforts taken for this project since approval of the DAD or reevaluation. Discuss pertinent issues raised by the public and government agencies. Attach applicable correspondence and responses.

3. Independent Quality Control: An independent quality control review separate from the function group review has been conducted in the Region and all policies, procedures, standards, rules and regulations requisite to Design Approval has been followed.  
   ![☐☐☐]

### VII. Changes in Environmental Commitments or Mitigation Measures:

1. Have any changes in the environmental commitments or mitigation occurred?  
   ![☐☐☐]

2. Describe changes.

### VIII. Environmental Reevaluation:

1. The conclusions and commitments of the original DAD approval or subsequent reevaluations remain valid (if no, go to# 2).  
   ![☐☐☐]

2. The changes in the project scope, environmental consequences, or public controversy require a new, supplemental DAD or EIS.  
   *(No. 2 requires prior consultation with the FHWA Area Liaison and Environmental Specialist.)*  
   ![☐☐☐]

Prepared by: __________________________ Date: __________

Reviewed by: __________________________ Date: __________

Recommended by: ______________________ Date: __________

NYSDOT, Project Manager