



NEPA Revalidation/Re-Evaluation Process

Office of Environmental Compliance & Outreach

June 7, 2023

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Background

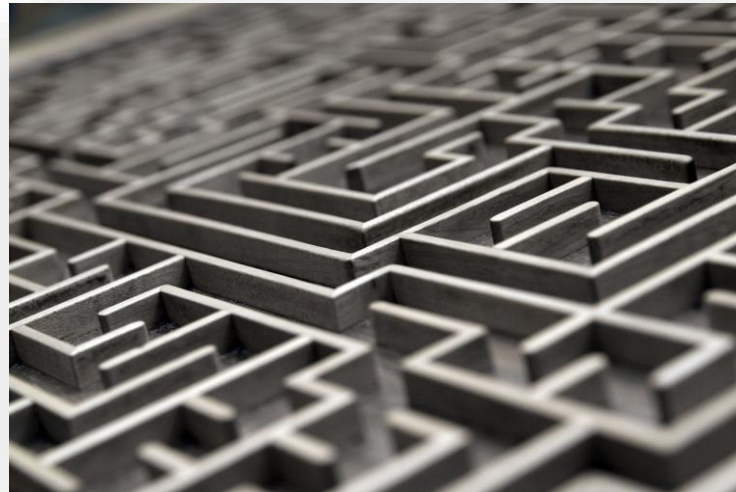


What is the Revalidation/Re-Evaluation (Reval) form used for...

- Used to determine if the environmental document or decision remains valid.
- Regulations and Guidance:
 - 23 CFR 771.129
 - NEPA Re-Evaluation Joint Guidance for FHWA, FRA, FTA (08/14/2019)

Where is the Revalidation Form found?

- [Chapter 33](#) of Caltrans' Standard Environmental Reference ([SER](#))
- [Chapter 6](#) of Caltrans' Local Assistance Procedures Manual ([LAPM](#))



Revalidation Triggers



What Triggers the Revalidation Process?

Trigger 1: Project is Proceeding to the Next Major Federal Approval
(Applies to all NEPA Documentation)

Trigger 2: Project Changed
(Applies to all NEPA Documentation)

Trigger 3: Three-Year Timeline
(Applies to EISs Only)

[Revalidation Flowchart](#)

Project is Proceeding to the Next Major Federal Approval

- No changes to the project
- Environmental doc./decision remains valid
- Email or letter from project proponent stating no changes



Change in Scope, Setting, Effects, Mitigations Measures, Requirements

- If there are any changes in your project's scope, environmental setting, or effects to the mitigation measures required for your project, or in the NEPA requirements effecting your project.
- Down-scoping/Up-scoping
- Increase/decrease in project limits



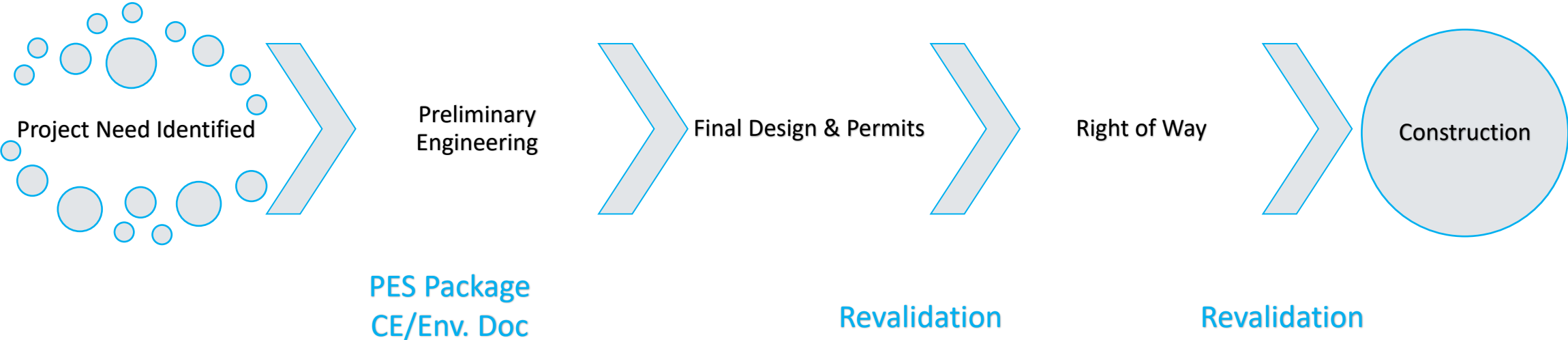
Three-Year Timeline (Environmental Impact Statements Only)

- For Environmental Impact Statements, revalidations are required every three years from the date it was originally signed, to the date that construction commences/is completed/is authorized.
- Triggers 1 and 2 also still apply



When is a Revalidation Needed?

Local Assistance Project Development Milestones



Roles and Responsibilities



Who Initiates the Process?

- While Caltrans staff completes the revalidation form, it is the local agency's responsibility to notify Caltrans of any changes to the project's scope or limits.
- The Local Area Engineer will work closely with the Project Proponent to remind them to revalidate at all the correct times in the process.



Who Does What?

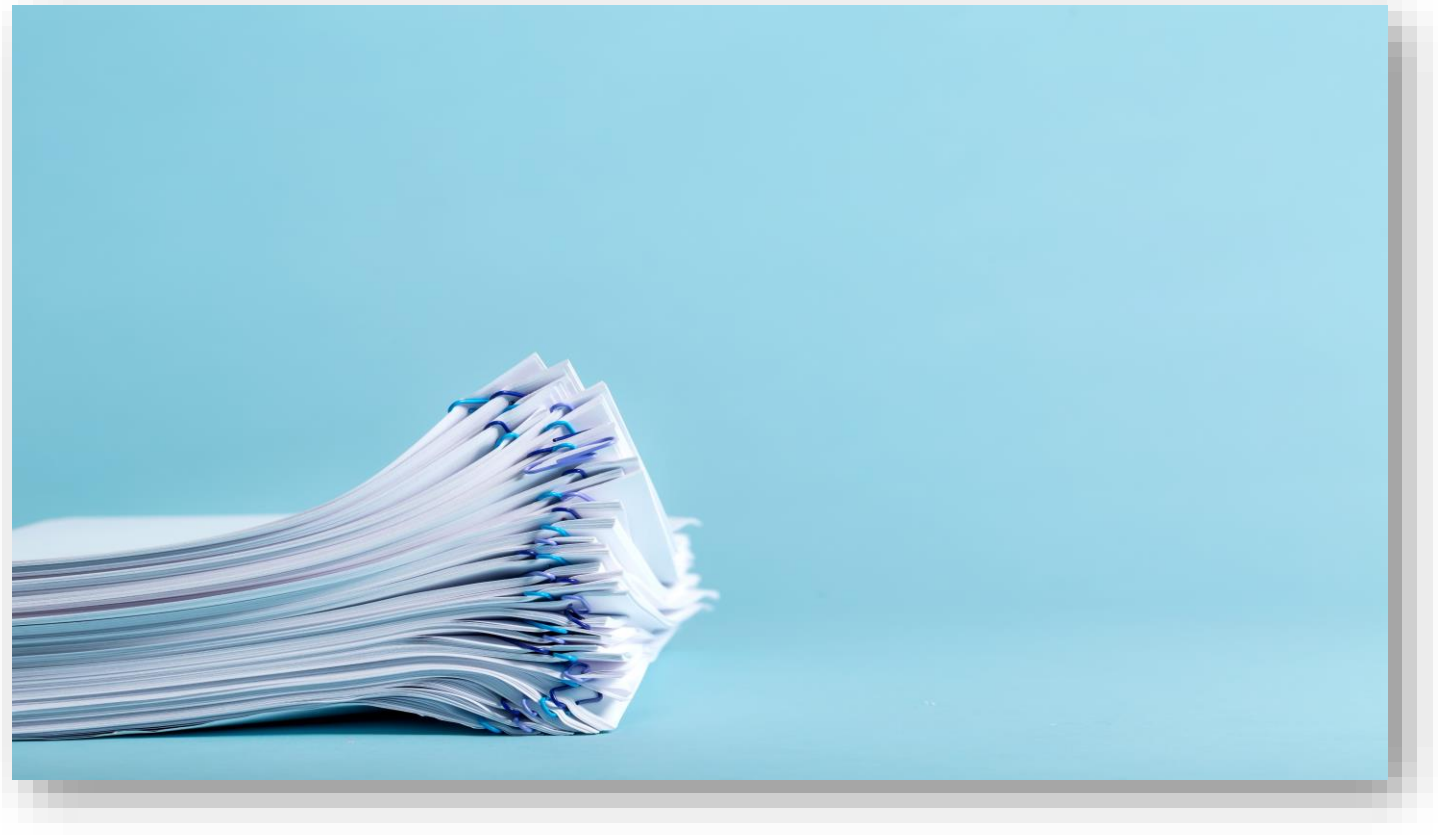
PROJECT PROPONENT

- Requests a revalidation via the DLAE or designee
- Provides clear documentation of the conditions that trigger the revalidation
- Documentation of the changes in environmental impacts or mitigation

CALTRANS

- Reviews the request for revalidation
- Works with the project proponent on additional information, if needed
- Determines whether the original environmental decision remains valid
- Fills out the Revalidation form

Documentation



How is it Documented?

- Caltrans and FHWA have agreed to use the NEPA/CEQA Revalidation Form for documentation.

- The analysis and documentation should be minimal (for example, memo to file, or email).

- Document only the changes (if any).

• Basic Project Information

• NEPA Conclusion

• Concurrence

- CEQA Conclusion... Does not apply to Local Assistance

• Explanation of changes, if any, to your project



NEPA/CEQA RE-VALIDATION FORM

- Basic Project Information

DIST-CO-RTE: [REDACTED]
PM/PM: [REDACTED]
EA or Fed-Aid Project No.: [REDACTED]
Other Project No. (specify): [REDACTED]
Project Title: [REDACTED]
Environmental Approval Type: [REDACTED]
Date Approved: [REDACTED]
Reason for Consultation (23 CFR 771.129), check one: <input type="checkbox"/> Project proceeding to next major federal approval <input type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input type="checkbox"/> 3-year timeline (EIS only) <input type="checkbox"/> N/A (Re-Validation for CEQA only)
Description of Changed Conditions: <i>Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary. Include a revised Environmental Commitments Record (ECR) when applicable.</i>

- NEPA Conclusion

NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: (Check ONE of the three statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.)

- The original environmental document or CE remains valid. No further documentation will be prepared.
- The original environmental document or CE is in need of updating; further documentation has been prepared and is included on the continuation sheet(s) or is attached. With this additional documentation, the original ED or CE remains valid.
Additional public review is warranted (23 CFR 771.111(h)(3)) Yes No
- The original document or CE is no longer valid.
Additional public review is warranted (23 CFR 771.111(h)(3)) Yes No
Supplemental environmental document is needed. Yes No
New environmental document is needed. Yes No (If "Yes," specify type: [REDACTED])

- Concurrence

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

[REDACTED]	[REDACTED]
Signature: Environmental Branch Chief	Date
[REDACTED]	[REDACTED]
Signature: Project Manager/DLAE	Date

CEQA CONCLUSION (Only mandated for projects on the State Highway System.)

Based on an examination of the changed conditions and supporting information, the following conclusion has been reached regarding appropriate CEQA documentation: (Check ONE of the five statements below, indicating whether any additional documentation will be prepared, and if so, what kind. If additional documentation is prepared, attach a copy of this signed form and any continuation sheets.)

- Original document remains valid. No further documentation is necessary.
- Only minor technical changes or additions to the previous document are necessary.
 An addendum has been or will be prepared and is included on the continuation sheets or will be attached. It need not be circulated for public review. (CEQA Guidelines, §15164)
- Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15163)
- Changes are substantial, and major revisions to the current document are necessary. A Subsequent environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15162)
 (Specify type of subsequent document, e.g., Subsequent FEIR):
- The CE is no longer valid. New CE is needed. Yes No

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.

<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Signature:	Environmental Branch Chief	Date	
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Signature:	Project Manager/DLAE	Date	

- CEQA Conclusion...
Does not apply to
Local Assistance

CONTINUATION SHEET(S)

Address only changes or new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, e.g., scope change; a new alternative; change in project alignment.

■

Changes in environmental setting, e.g., new development affecting traffic or air quality.

■

Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.

■

Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.

■

Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.

■

Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

■

- Explanation of changes, if any, to your project

- Document only the changes (if any).
- If the project is simply moving to the next major federal milestone state it on an email or letter on City/County letterhead.
- Revalidations can be processed at any point after completion of your project's environmental document or CE determination, to the extent that there are federal approvals for the project.
- Note that revalidations do not necessarily re-open the original NEPA decision, they simply consider whether it still holds.



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Questions

