

Highway 252/I-94 Environmental Impact Statement

Coordination Plan

Report Version 4.0

**Minnesota Department of Transportation
Metro District**

Prepared by:



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SP 2748-65

Table of Contents

Chapter 1 Introduction	1-1
1.1 Purpose of Coordination Plan.....	1-1
1.1.1 NEPA Environmental Review Process.....	1-2
1.1.2 MEPA Environmental Review Process.....	1-2
1.2 Project Background.....	1-3
1.3 Agency Coordination Prior to the Coordination Plan.....	1-7
1.3.1 Previous Agency Coordination	1-7
1.3.2 Cooperating and Participating Agency Invitations	1-8
Chapter 2 Lead/Cooperating/Participating Agencies	2-1
2.1 Agency Definition and Roles.....	2-1
2.2 List of Lead, Cooperating and Participating Agencies, and Key Contacts.....	2-2
Chapter 3 Coordination and Concurrence Points and Agency Responsibilities	3-1
3.1 Agency Expectations	3-1
3.1.1 Expectations for Lead Agencies	3-1
3.1.2 Expectations for all Cooperating Agencies	3-3
3.1.3 Expectations for all Participating Agencies.....	3-4
3.2 Coordination and Concurrence Points, Information Requirements, and Responsibilities.....	3-4
3.3 Issue Resolution Process.....	3-6
Chapter 4 Highway 252/I-94 EIS Schedule	4-1
4.1 Process and Milestones	4-1
4.1.1 Coordination Plan and Public Engagement Plan	4-1
4.1.2 Identification and Solicitation of Cooperating and Participating Agencies.....	4-1
4.1.3 Draft Purpose and Need and Evaluation Criteria.....	4-1
4.1.4 Draft Alternatives Development and Scoping Level Evaluation.....	4-3
4.1.5 Scoping Document/Draft Scoping Decision Document (SD/DSDD).....	4-4
4.1.6 Final Scoping Decision Document (SDD) and Final Purpose and Need and Evaluation Criteria.....	4-6

4.1.7 Notice of Intent (NOI) Published In Federal Register	4-6
4.1.8 Permitting Timetable	4-7
4.1.9 Draft EIS (DEIS)/Includes Identifying a Preferred Alternative	4-7
4.1.10 Final EIS (FEIS)/Record of Decision (ROD)	4-9
4.1.11 Adequacy Determination (AD).....	4-10
4.1.12 Notice of Statue of Limitations on Claims.....	4-11
4.1.13 Post-ROD Coordination and Authorization Decisions.....	4-11
4.1.14 Right of Way Acquisition.....	4-11
4.1.15 Construction	4-12
4.2 Coordination and Schedule.....	4-12
Chapter 5 Local Agency and Public Engagement.....	5-1
5.1 Local Agency Coordination	5-2
5.1.1 Technical Advisory Committee (TAC)	5-2
5.1.2 Policy Advisory Committee (PAC).....	5-3
5.1.3 Jurisdictions, Agencies and Governing Bodies.....	5-3
5.2 Public Engagement	5-3

List of Acronyms

AD = Adequacy Determination

BWSR = Board of Water and Soil Resources

CEQ = Council on Environmental Quality

CFR = Code of Federal Regulations

CP = Coordination Plan

DEIS = Draft Environmental Impact Statement

DNR = Minnesota Department of Natural Resources

DSDD = Draft Scoping Decision Document

EA = Environmental Assessment

EAW = Environmental Assessment Worksheet

EIS = Environmental Impact Statement

E.O. = Executive Order

EPA = Environmental Protection Agency

EQB = Environmental Quality Board

FEIS = Final Environmental Impact Statement

FHWA = Federal Highway Administration

FRA = Federal Railroad Administration

FTA = Federal Transit Administration

HPDP = Highway Project Development Process

MEPA = Minnesota Environmental Policy Act

MnDOT = Minnesota Department of Transportation

MPCA = Minnesota Pollution Control Agency

NEPA = National Environmental Policy Act

NPS = National Park Service

NOA = Notice of Availability
NOI = Notice of Intent
PAC = Policy Advisory Committee
PEP = Public Engagement Plan
RGU = Responsible Governmental Unit
ROD = Record of Decision
SD = Scoping Document
SDD = Scoping Decision Document
SEE = Social, Economic, and Environmental
SHPO = State Historic Preservation Office
TAC = Technical Advisory Committee
TPP = Transportation Policy Plan
USACE = United States Army Corps of Engineers
USFWS = United States Fish and Wildlife Service
U.S.C. = United States Code
WCA = Wetland Conservation Act

Revision History

The Highway 252/I-94 Coordination Plan is intended to be a living document that is anticipated to evolve over the timeframe of the environmental review process. Changes to the Highway 252/I-94 Coordination Plan are identified in the table below:

Version	Date	Document Name	Revision description and why needed.
1	March 8, 2021	Coordination Plan	Published Coordination Plan
2	March 7, 2023	Coordination Plan	Updated agency contacts in Table 2.1 Updated agency contacts in Table 3.1 Updated project schedule in Table 4.1 and Figure 5.1 Added reference to 23 USC 139(d)(10) regarding permits and authorizations in Section 4.1.13
3	October 24, 2023	Coordination Plan	Updated agency contacts in Table 2.1 Updated agency contacts in Table 3.1 Updated project schedule and added completion dates to Table 4.1
4	April 4, 2024	Coordination Plan	Updated agency contacts in Table 2.1 Updated agency contacts in Table 3.1 Added target schedule language 4.1.8 and 4.2. Updated project schedule and added completion dates to Table 4.1

Chapter 1 Introduction

1.1 Purpose of Coordination Plan

The purpose of the Highway 252/I-94 Coordination Plan (CP) is to guide and documents the Federal Highway Administration's (FHWA) National Environmental Policy Act (NEPA) and Minnesota Department of Transportation's (MnDOT's) Minnesota Environmental Policy Act (MEPA) interactions with Cooperating and Participating Agencies regarding the Highway 252/I-94 Environmental Impact Statement (EIS). A project as defined by 23 Code Federal Regulations (CFR) 1.2, is an undertaking for "highway construction, including preliminary engineering, acquisition of rights-of-way and actual construction, or for highway planning and research or for any other work or activity to carry out the provision of the Federal laws for the administration of Federal aid for highways." The CP defines the opportunities for agency involvement in determining decisions regarding the Highway 252/I-94 purpose and need and the range of alternatives to be considered, as well as agency collaboration on methodologies. A separate public engagement plan (PEP) outlines the goals, strategies, and messages for engaging the public during the EIS process for the project. This CP outlines how the Joint Lead Agencies (MnDOT and the FHWA) have divided responsibilities for compliance of the environmental review process, and how the Joint Lead Agencies will work together through the NEPA decision points prior to providing opportunities for input from interested agencies and the public, in accordance with applicable laws, regulations, and policies. The CP establishes concurrence points for important milestones and sets timeframes for interested agency input prior to these concurrence points.

Copies of the draft CP will be sent to the Cooperating and Participating Agencies for review and comment (Cooperating and Participating Agencies are defined in Section 2). A copy of the completed CP will be shared with the public on the project website, at public information meetings, or upon request. The CP is a living document through the NEPA process and will be updated as necessary to reflect substantive changes to information it contains. CP changes will be documented in the CP, agencies will have updated copies sent to them, and the public will be notified through the project website, at public information meetings, or upon request.

The CP activities align timeframes and activities with the required NEPA process and the MEPA. When a proposed NEPA action also requires compliance with MEPA, it is the responsibility of the Joint Lead Agencies to inform Cooperating and Participating Agencies regarding MEPA requirements and how MEPA compares with NEPA. Both federal and state statutes are designed to facilitate informed decision-making and environmental review. This CP addresses coordination steps and milestones required under both MEPA and NEPA.

The Highway 252/I-94 Coordination Plan has been prepared in compliance with 23 U.S.C. 139 to describe the steps in the project’s environmental review process. The environmental review process is described in the FHWA’s environmental regulations, 23 CFR 771, and is in conformance with the requirements of NEPA.

1.1.1 NEPA Environmental Review Process

The NEPA environmental review process planned for the Highway 252/I-94 Project is an EIS. The Highway 252/I-94 Project will be advanced following the new Council on Environmental Quality (CEQ) regulations, effective September 14, 2020.

CEQ Regulations

The Council on Environmental Quality (CEQ) recently updated its NEPA implementing regulations in 40 CFR Parts 1500-1508. In July 2020, CEQ published its final rule to update NEPA regulations in the *Federal Register*. The updated NEPA regulations took effect on September 14, 2020. According to the CEQ, the updated regulations “incorporate elements of the One Federal Decision policy, codify certain case law and CEQ guidance, revise the regulations to reflect current technologies and agency practices, eliminate obsolete provisions, and improve the format and readability of the regulations.”¹ The Highway 252/I-94 Project is will following the new CEQ regulations regarding NEPA.

Federal agencies have 12 months from September 14, 2020 to develop or revise, as necessary, proposed procedures to implement the updated NEPA regulations (40 CFR Part 1507.3(b)). FHWA implementing regulations are in development and were not available at the time this CP was prepared. Process decisions for the Highway 252/I-94 Project will be made on a case-by-case basis in the interim period until FHWA implementing regulations are available. The process decisions will consider both the updated CEQ regulations and FHWA’s existing environmental regulations under 23 CFR 771.

1.1.2 MEPA Environmental Review Process

The MEPA environmental review process planned for Highway 252/I-94 includes a Scoping Document/Draft Scoping Decision Document (SD/DSDD) and final Scoping Decision Document (SDD) followed by an EIS. When a project involves both state impact thresholds and the need to prepare a federal EIS, coordination between the local road authority (MnDOT is the road authority for Highway 252 and I-94) and FHWA allows environmental review to be conducted as a single process

¹ Council on Environmental Quality. NEPA.GOV National Environmental Policy Act. CEQ NEPA Regulations available at <https://ceq.doe.gov/laws-regulations/regulations.html>.

that fulfills both state and federal requirements. This CP may be amended to address further engagement activities to fulfill the MEPA and NEPA processes.

1.2 Project Background

Highway 252/I-94 project is in Hennepin County in the cities of Brooklyn Park, Brooklyn Center, and Minneapolis, Minnesota. The length of the Highway 252/I-94 project corridor is approximately 12 miles. Figure 1.1 illustrates the Highway 252/I-94 project area.

The City of Brooklyn Center completed the *Trunk Highway (TH) 252 Corridor Study* in February 2016. Other corridor study participants included Brooklyn Park, Metropolitan Council, Metro Transit, and MnDOT. The purpose of this study was to establish a long-term vision for Highway 252 that would address existing vehicle safety, congestion, and neighborhood connectivity issues. The *TH 252 Corridor Study* can be found online on the City of Brooklyn Center website at:

[2016 Brooklyn Center TH 252 Corridor Study | Brooklyn Center, MN \(brooklyncentermn.gov\)](https://brooklyncentermn.gov/2016-Brooklyn-Center-TH-252-Corridor-Study)

The Metropolitan Council and MnDOT completed the *Principal Arterial Intersection Conversion Study* in 2017. The purpose of this study was to analyze intersections on the non-freeway principal arterial system throughout the Twin Cities Metropolitan Area to identify and prioritize intersections that may be good candidates for conversion to grade-separated facilities, such as overpasses, interchanges, or other improvements, to improve vehicle safety and mobility. The *Principal Arterial Intersection Conversion Study* included consideration of existing signalized intersections along the Highway 252 corridor. The *Principal Arterial Intersection Conversion Study* can be found online on the Metropolitan Council website at:

<https://metro council.org/Transportation/Planning-2/Transit-Plans,-Studies-Reports/Highways-Roads/Principal-Arterial-Intersection-Conversion-Study.aspx>.

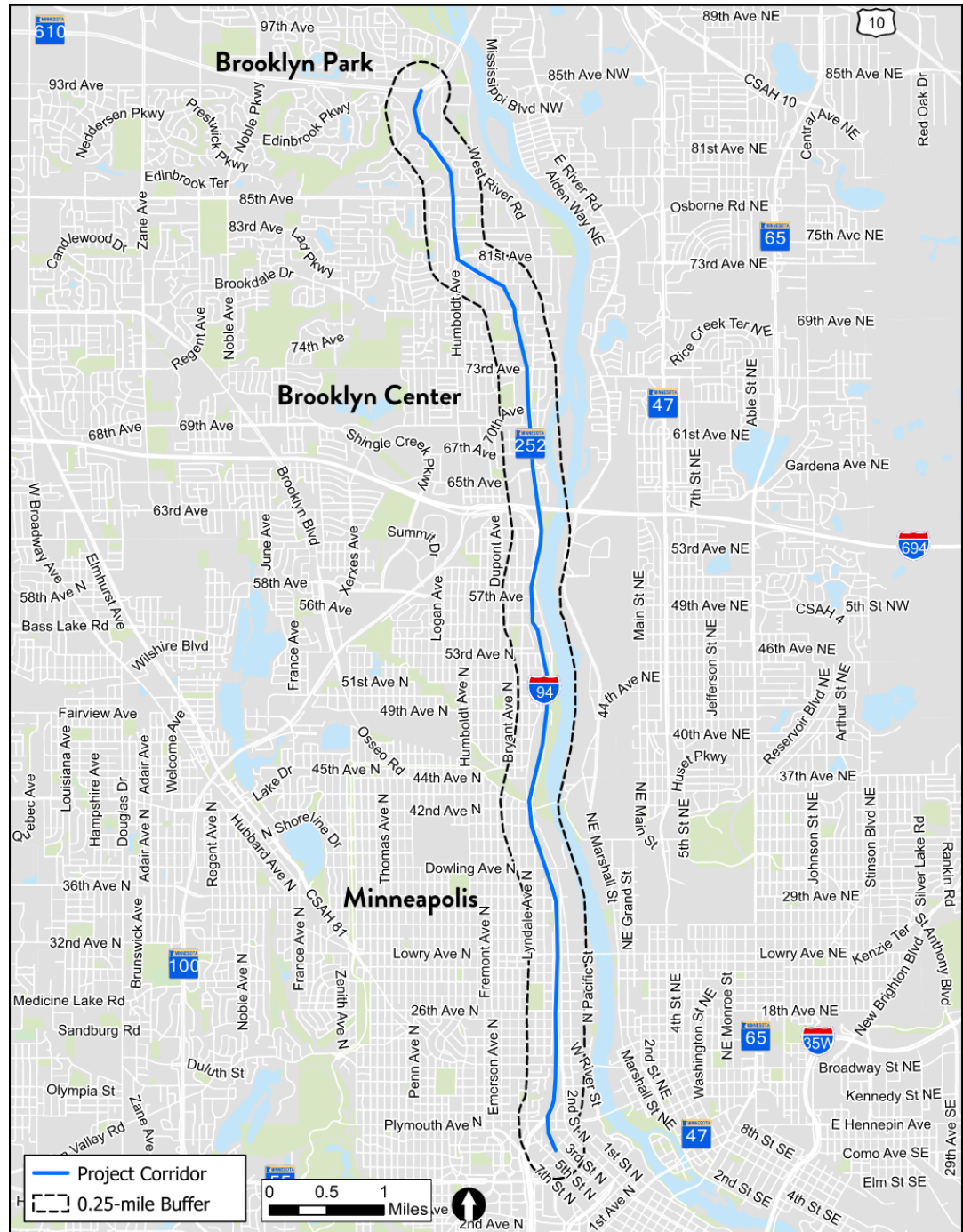
MnDOT completed the *MnPASS System Study Phase 3* in April 2018. The purpose of this study was to update the MnPASS system vision and develop a prioritized list of MnPASS corridors for the 2018 update to the Metropolitan Council's *2040 Transportation Policy Plan* (TPP). The MnPASS System Study Phase 3 looked at key risks, issues and opportunities affecting the MnPASS system, and included the Highway 252/I-94 corridor. The *MnPASS System Study Phase 3* can be found online at

[Minnesota Department of Transportation Metro District MnPASS System Study Phase 3 - June 2018 \(metro council.org\)](https://metro council.org/Transportation/Metro-District-MnPASS-System-Study-Phase-3-June-2018)

Hennepin County initiated the Highway 252/I-94 environmental review in 2018. Project partners included FHWA, MnDOT, Metropolitan Council, and the cities of Brooklyn Park, Brooklyn Center, and Minneapolis. Based on the complexity of the

project and input received during public engagement activities, FHWA and MnDOT made the decision in 2020 to prepare an EIS for Highway 252/I-94.

Figure 1.1 Highway 252/I-94 Project Area



State and federal funding has been identified for Highway 252/I-94; however, funding may not be available to construct all the Highway 252/I-94 improvements at once. Therefore, Highway 252/I-94 improvements may be implemented in phases. If there are changes to the identified improvements, new information or circumstances, or a lapse of time between the preparation of the EIS and implementation of subsequent phases, then there may be a need to re-visit the NEPA analysis. FHWA will determine through the re-evaluation process identified in 23 CFR 771.129 if the original Highway 252/I-94 decision remains valid, or if a supplemental or new analysis is needed (e.g., supplemental EIS).²

The Highway 252/I-94 EIS is focusing on the area of Highway 252 between Highway 610 and I-694, and on the area of I-94 between I-694 and the North 4th Street/North 3rd Street entrance and exit ramps to and from downtown Minneapolis. This area was identified due to the transportation needs for the project. The termini may be adjusted to ensure feasible alternatives can be developed. Figure 1.2 illustrates the location of what is referred to as the logical termini for the project. Please refer to the *Highway 252/I-94 Environmental Impact Statement Draft Logical Termini Report* dated May 2021 at the project website: [Highway 252/I-94 - MnDOT \(state.mn.us\)](https://www.state.mn.us/highway252/) for additional information.

From the perspective of MEPA, none of the mandatory EIS impact thresholds identified in Minnesota Rules 4410.4400 (Mandatory EIS Categories) are anticipated to be triggered. Due to the social, economic, and environmental (SEE) resources along the corridor, MnDOT has agreed to complete a discretionary EIS under the MEPA process.

The NEPA and MEPA process is iterative. Elements will be revisited and updated over the course of the environmental process as more information about the project becomes available.

Many required processes and term definitions can be found in the Transportation Project Development Process (TPDP) guidance on MnDOT's website located at: [Project Development - MnDOT \(state.mn.us\)](https://www.state.mn.us/highway252/). Key NEPA and MEPA process milestones are listed below:

- Prepare Coordination Plan and Public Engagement Plan;
- Identify and Solicit Cooperating and Participating Agencies;
- Define transportation needs (i.e., problems) in the Highway 252/I-94 corridor;

² Federal Highway Administration. NEPA Re-Evaluation Joint Guidance for Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA). Issued August 14, 2019 and available at https://www.environment.fhwa.dot.gov/legislation/nepa/Reevaluation_guidance_08142019.aspx.

Figure 1.2 Highway 252/I-94 Logical Termini



- Develop a purpose and need statement;
- Develop objective evaluation criteria for screening of alternatives;
- Determine appropriate methodologies to evaluate impacts;
- Identify a range of alternatives;
- Develop Scoping Document/Draft Scoping Decision Document (SD/DSDD);
- Develop final Scoping Decision Document (SDD);
- Publish EIS notice of intent in the *Federal Register*;
- Develop Draft Environmental Impact Statement (DEIS), including a preferred alternative and the level of design detail;
- Develop Final Environmental Impact Statement (FEIS);
- Complete and publish the Record of Decision (ROD), MEPA Adequacy Determination, and Notice of Statute of Limitations on Claims.

1.3 Agency Coordination Prior to the Coordination Plan

1.3.1 Previous Agency Coordination

As noted above, Hennepin County initiated the Highway 252/I-94 environmental review in 2018. The NEPA environmental review process identified at that time was an Environmental Assessment (EA). Agency coordination completed during the EA process included:

- Meetings with local watershed commissions to discuss stormwater management along the Highway 252/I-94 corridor;
- Agency coordination under the Minnesota Wetland Conservation Act (WCA) for approval of the Highway 252/I-94 wetland delineation;
- Coordination with the Department of Natural Resources (DNR) and National Park Service (NPS) regarding the Mississippi National River and Recreation Area and Mississippi River Corridor Critical Area;
- Coordination with regional and local units of government regarding trail facilities along the Highway 252/I-94 corridor;
- Regular meetings with local agency representatives to develop public engagement activities and review project development decisions.

MnDOT and FHWA have worked together in preparing this coordination plan for the Highway 252/I-94 EIS.

1.3.2 Cooperating and Participating Agency Invitations

Lead Agencies were sent letters inviting cooperating and participating agency participation in September 2020. Agencies were asked to provide written responses confirming their interest in being cooperating or participating agencies. The list of agencies can be found in Section 2 of this CP. A draft version of the CP was distributed for cooperating and participating agency review in January 2021. Cooperating and participating agency input was incorporated in the first published version of the CP.

Chapter 2 Lead/Cooperating/Participating Agencies

2.1 Agency Definition and Roles

The responsibilities for Lead, Cooperating, and Participating Agencies in the environmental review process for Highway 252/I-94 are described below.

Lead Agency³: FHWA is the Federal Lead Agency and MnDOT is the State Lead Agency for this project. As “Joint Lead Agencies,” their responsibilities include managing the environmental review and documentation process, preparing the EIS, and providing opportunities for public and Participating/Cooperating Agency involvement.

As the Federal Lead Agency, FHWA invites other affected or interested federal agencies and Federally Recognized Tribes to participate in the Highway 252/I-94 environmental review process. The State Lead Agency (MnDOT) invites other affected or interested state and local agencies to participate in the process. MnDOT is responsible for investigating Highway 252/I-94 alternatives, implementing the environmental review process and preparing the environmental document. FHWA must oversee the environmental review process and concur that the process, as implemented by MnDOT, satisfies applicable federal laws and guidance.

Cooperating Agency⁴: A Cooperating Agency is any Federal agency that has jurisdiction by law or special expertise to assist with the environmental process. Federally Recognized Tribes may be cooperating agencies when project effects are on lands of tribal interest. Table 2.1 in Section 2.2 identifies Cooperating Agencies for Highway 252/I-94.

Cooperating Agencies will use their knowledge and expertise to assist the lead agencies in identifying issues of concern regarding the project’s potential impacts and provide meaningful and timely input throughout the environmental review process.

After the Cooperating and Participating Agencies have been identified, we intend to hold an agency kick-off meeting to start the scoping process, and circulate for comment a draft Coordination Plan, including the proposed project schedule. The project schedule will explain the project documents that each agency will be expected to review, the dates that we expect the documents to be submitted, and the timeframe in which we expect to receive written agency comments. The Permitting

³ This is a summary of Lead Agency definition at 40 CFR 1508.1(o) (Lead agency).

⁴ This is a summary of Cooperating Agency definition at 40 CFR 1508.1(e) (Cooperating agency) and 40 CFR 1501.8 (Cooperating agencies).

Timetable will identify estimated intermediate and final completion dates for all environmental reviews and authorizations that are reasonably anticipated as being needed for the project. Cooperating Agencies required by law to develop schedules for environmental review or authorization processes should transmit a summary of such schedules to FHWA for integration into the Permitting Timetable.

The Highway 252/I-94 Project will be advanced following CEQ regulations (40 CFR 1500-1508, see Section 1.1.1), including development of an EIS within an approximate two-year time period (40 CFR 1501.10). Cooperating Agencies have a right to expect that the EIS will enable their ability to discharge jurisdictional responsibilities and adopt the EIS under 40 CFR 1506.3(b). Cooperating Agencies are not expected to write portions of the EIS; however, the Federal Lead Agency expects notification if Cooperating Agency needs are not being met at any point in the environmental review process. It is expected that at the time of the environmental review process, the EIS and public involvement process will satisfy Cooperating Agency NEPA requirements.

Participating Agency⁵: Participating Agencies include federal, state, or local agencies or Federally Recognized Tribes that have an interest in Highway 252/I-94. These agencies agree to identify issues of concern regarding the project's potential impacts and provide meaningful and timely input on purpose and need, range of alternatives, and impact analysis methodologies. Table 2.1 identifies Participating Agencies for Highway 252/I-94. The standard for Participating Agency status is more encompassing than the standard for Cooperating Agency status defined by NEPA regulations (40 CFR 1508.1(w)).

2.2 List of Lead, Cooperating and Participating Agencies, and Key Contacts

The intent of coordination with federal, state, and local review agencies is to cooperatively identify and resolve issues that could delay the environmental process or that could result in denial of any approvals required to implement the proposed Highway 252/I-94 process. The agency coordination process also facilitates an informed decision-making process inherent to the NEPA mandate to avoid, minimize, and mitigate impacts. In September 2020, FHWA and MnDOT invited interested agencies and Federally Recognized Tribes based on jurisdiction, expertise, and the natural, cultural, and socioeconomic resources in the Highway 252/I-94 area to participate in the process. Table 2.1 lists agencies that have accepted the invitation

⁵ This is a summary of 23 USC 139(d) (Efficient environmental reviews for project decision-making, Participating Agencies)

to be Cooperating or Participating⁶ Agencies for Highway 252/I-94. Additional agencies can be invited and added to the list at any time. Agency responses to this invitation will be updated as responses are received.

Table 2.1 List of Lead, Cooperating, and Participating Agencies and Key Contacts

Reference Number	Agency Name	Highway 252/I-94 Role	Contact Information
1	Federal Highway Administration (FHWA)	Federal Lead Agency	Anna Varney FHWA Minnesota Division 180 Fifth Street East, Suite 930 St. Paul, MN 55101-1857 anna.varney@dot.gov 651-291-6117
2	Minnesota Department of Transportation (MnDOT)	Minnesota Lead Agency	Amber Blanchard Project Manager MnDOT Metro 1500 West County Road B2 Roseville, MN 55113 Amber.blanchard@state.mn.us 651-234-7770
3	US Army Corps of Engineers (USACE)	Cooperating Agency	Sean Kelly Lead Project Manager St. Paul District, Regulatory Division 180 Fifth Street East, Suite 700 St. Paul, MN 55101-1678 Sean.R.Kelly@usace.army.mil 651-290-5769
4	US Environmental Protection Agency (EPA)	Cooperating Agency	Kathy Kowal NEPA Reviewer 77 West Jackson Boulevard Chicago, IL 60604-3590 kowal.kathleen@epa.gov 312-353-5206

⁶ FHWA's NEPA regulations (23 CFR 771) require that those federal agencies with jurisdiction by law (permitting or land transfer authority) be invited to be Cooperating Agencies for an EIS.

Reference Number	Agency Name	Highway 252/ I-94 Role	Contact Information
5	US Department of Interior, National Park Service (NPS)	Participating Agency	<p>Alan Robbins-Fenger Chief, Resource Management alan_robbins_fenger@nps.gov 651-293-8438</p> <p>Forest Eidbo Planning Program Manager Forest_Eidbo@nps.gov 651-293-8458</p> <p>Mississippi National River and Recreation Area (MNRRA) 111 Kellogg Boulevard East, Suite 105 St. Paul, MN 55101</p>
6	Federal Transit Administration (FTA)	Cooperating Agency	<p>Anthony Greep Director, Office of Planning & Program Development 200 West Adams Street, Suite 320 Chicago, IL 60606 anthony.greep@dot.gov 312-353-1646</p>
7	US Fish and Wildlife Service (USFWS)	Participating Agency	<p>Darin Simpkins Minnesota-Wisconsin Ecological Services Field Office 4101 American Boulevard East Bloomington, MN 55425 darin_simpkins@fws.gov</p>
8	Federal Railroad Administration (FRA)	Participating Agency	<p>Kevin Wright Environmental Protection Specialist 1200 New Jersey Avenue SE Washington, D.C. 20590 kevin.wright@dot.gov 202-868-2628</p>
9	Minnesota Department of Natural Resources (DNR)	Participating Agency	<p>Melissa Collins Regional Environmental Assessment Ecologist 1200 Warner Road St. Paul, MN 55106 melissa.collins@state.mn.us 651-259-5755</p>

Reference Number	Agency Name	Highway 252/ I-94 Role	Contact Information
10	Minnesota Pollution Control Agency (MPCA)	Participating Agency	Chris Green Project Manager, Environmental Review 504 Fairgrounds Road Suite 200 Marshall, MN 56258-1688 chris.green@state.mn.us 507-476-4258
11	Board of Water and Soil Resources (BWSR)	Participating Agency	Jed Chesnut Wetland Specialist 520 Lafayette Road North St. Paul, MN 55155 jed.chesnut@state.mn.us 651-286-9334
12	Minnesota Department of Health	Participating Agency	Emily Smoak Principal Planner, Office of Statewide Health Improvement Initiatives PO Box 64975 St. Paul, MN 55164-0975 emily.smoak@state.mn.us 651-201-3660
13	Metropolitan Council	Participating Agency	Bethany Brandt-Sargent 390 North Robert Street St. Paul, MN 55101 bethany.brandt-sargent@metc.state.mn.us
14	Metro Transit	Participating Agency	Adam Harrington adam.harrington@metrotransit.org Victoria Dan victoria.dan@metrotransit.org 560 Sixth Avenue North Minneapolis, MN 55411-4398
15	Shingle Creek/West Mississippi Watershed Management Commission	Participating Agency	Todd Shoemaker todd.shoemaker@stantec.com Senior Associate, Water Resources Engineer Stantec 2080 Wooddale Drive, Suite 100 Woodbury, MN 55125-2920

Reference Number	Agency Name	Highway 252/ I-94 Role	Contact Information
16	Mississippi Watershed Management Organization	Participating Agency	Kevin Reich kreich@mwmo.org Nancy Stowe nstowe@mwmo.org 2522 Marshall Street NE Minneapolis, MN 55418-3329
17	Hennepin County	Participating Agency	Josh Potter Senior Project Manager 1600 Prairie Drive Medina, MN 55340 Josh.Potter@hennepin.us 612-596-0820
18	Three Rivers Park District	Participating Agency	Danny McCullough Regional Trail System Manager 3000 Xenium Lane North Plymouth, MN 55441 Danny.McCullough@threeriversparks.org 763-559-6746
19	City of Brooklyn Park	Participating Agency	Jeff Holstein City Transportation Engineer jeff.holstein@brooklynpark.org 763-493-8102 8500 85 th Avenue North Brooklyn Park, MN 55443
20	City of Brooklyn Center	Participating Agency	Elizabeth Heyman Public Works Director ehyman@ci.brooklyn-center.mn.us 763-585-7100 6301 Shingle Creek Parkway Brooklyn Center, MN 55430-2199

Reference Number	Agency Name	Highway 252/ I-94 Role	Contact Information
21	City of Minneapolis	Participating Agency	<p>Katie White Transportation Planner katie.white@minneapolismn.gov</p> <p>Julieann Swanson Associate Transportation Planner julieann.swanson@minneapolismn.gov</p> <p>301 4th Avenue South, Suite #785 Minneapolis, MN 55415</p>
22	Minneapolis Park and Recreation Board	Participating Agency	<p>Michael Schroeder Assistant Superintendent for Planning Services MSchroeder@minneapolisparks.org</p> <p>Carrie Christensen Senior Planner Cchristensen@minneapolisparks.org</p> <p>2117 West River Road North Minneapolis, MN 55411</p>
23	Shakopee Mdewakanton Sioux Community	Participating Agency	<p>Leonard Wabasha Director of Cultural Resources 2330 Sioux Trail NW Prior Lake, MN 55372 leonard.wabasha@shakopeedakota.org 952-496-6120</p>
24	White Earth Nation	Participating Agency	<p>Jaime Arsenault Tribal Historic Preservation Office PO Box 418 White Earth, MN 56569 jaime.arsenault@whiteearth-nsn.gov 218-983-3285 ext. 5807</p>

Chapter 3 Coordination and Concurrence Points and Agency Responsibilities

3.1 Agency Expectations

The NEPA implementing regulations are found at 40 CFR 1500-1508. 40 CFR 1501.10 identifies time limits for agencies to conduct NEPA reviews, including an approximate two-year time period for the EIS process from Notice of Intent (NOI) to ROD. 40 CFR 1502 describes the EIS process, including timing, page limits, and recommended format. A Permitting Timetable is prepared that includes federally required authorizations for a project. The NEPA regulations are available online at <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A>.

3.1.1 Expectations for Lead Agencies

Expectations for the Lead Agencies include:

- Facilitate the efficient and effective review of the environmental process;
- Ensure that the NEPA document is completed in accordance with 23 CFR 771, 40 CFR 1500-1508, and other applicable federal and state laws;
- Define the purpose and need and objective evaluation criteria;
- Refine the definitions and analysis of the alternatives that were deemed feasible in the DEIS;
- Provide Highway 252/I-94 information and technical reports on purpose and need, environmental resources, alternatives, and proposed methodologies by agreed upon milestones for agencies to review and provide written comments within 14 to 21 days;
- Invite and collaborate with Cooperating and Participating Agencies;
- Prepare responses to comments from Cooperating and Participating Agencies, as well as substantive public comments;
- Develop, maintain, and distribute CP to Cooperating and Participating Agencies;
- Partner in the development of Highway 252/I-94 scoping, purpose and need, screening and evaluation criteria for alternatives, the range of alternatives to be considered, methodologies to investigate and analyze potential impacts, the level of detail for the analysis of alternatives, and other procedural matters;
- Involve Federally Recognized Tribes in the NEPA process, as appropriate.

MnDOT's specific responsibilities include the following:

- Ensure that the MEPA process is completed in accordance with state law;
- Develop CP and public engagement plan (PEP);
- Provide information for public and Cooperating and Participating Agency input on key decisions identified in Section 1.2 (Project Background);
- Prepare an environmental document that analyzes and compares the impacts of the alternatives;
- Identify means and methods to avoid, minimize, or mitigate adverse impacts;
- Recommend a Preferred Alternative;
- Approve Scoping Document (SD),⁷ Draft Scoping Decision Document (DSDD), final Scoping Decision Document (SDD) and Adequacy Determination (AD) in compliance with MEPA;
- Maintain an administrative record.

FHWA's specific responsibilities include the following:

- Ensure that the EIS required under NEPA is completed in accordance with federal law;
- Ensure that the State lead agency (MnDOT) complies with all design and mitigation commitments;
- Ensure all Federal agency information needs and comments are considered in the environmental review process;
- Ensure that Cooperating and Participating Agencies agree to a permitting timetable;
- Provide oversight in managing the NEPA process and resolving issues;
- Facilitate the timely and adequate delivery of the environmental review process;
- Identify and engage Cooperating Agencies;
- Issue concurrence action at key points in the NEPA process;
- Furnish guidance and independently evaluate documents;

⁷ Scoping Environmental Assessment Worksheet (EAW) pursuant to Minnesota Rules 4410.2100, Subp. 2.

- In partnership with MnDOT, and after consideration of input from the public and Participating Agencies, help determine the purpose and need used in the NEPA evaluation, and range of alternatives to be evaluated in scoping and the DEIS document;
- Determine whether the FEIS and ROD may be combined;
- Review and approve the NEPA documents (DEIS/FEIS/ROD);
- Issue Notice on Limitations of Claim, if appropriate;
- Coordinate with Cooperating Agencies to complete all Federal authorization decisions (permitting) subsequent to issuance of the ROD.

3.1.2 Expectations for all Cooperating Agencies

Expectations for all Cooperating Agencies include:

- Provide input related to your agency's areas of expertise;
- Identify issues of concern to your agency;
- Provide written concurrence determinations at key project decision points;
- Identify measures to avoid, minimize, or mitigate potential impacts to resources under your agency's jurisdiction;
- Identify any gaps in the detail of design and environmental information typically needed for your agency's post-NEPA action (e.g., permitting) that do not typically exist at the completion of the FHWA NEPA process;
- Participate in scoping process, including the SDD;
- Participate in meetings and field reviews;
- Make staff available at a Lead Agency's request;
- Use their resources and funds to support Highway 252/I-94;
- Participate as needed in the Issues Resolution Process described in Section 3.3;
- Provide meaningful written input on purpose and need statement, range of alternatives, analysis methodologies, and analysis findings for alternatives within 14 to 21 days of receipt thereof;
- Review and comment on drafts of the Draft EIS and Final EIS;
- Provide comments on this CP and on the Highway 252/I-94 schedule;
- Ensure environmental document fulfills the agency's NEPA responsibilities;

- Rely upon the DEIS and FEIS to satisfy their NEPA requirements;
- Incorporate their NEPA decision-making responsibility into one joint ROD, prepared by the Federal Lead Agency, to the extent practicable (40 CFR 1501.7(g)).

3.1.3 Expectations for all Participating Agencies

Expectations for all Participating Agencies include:

- Provide input related to your agency's areas of expertise;
- Identify issues of concern to your agency;
- Provide written substantive comments at key project decision points;
- Identify measures to avoid, minimize, or mitigate potential impacts to resources (if any) under your agency's jurisdiction;
- Participate in the NEPA process starting at the earliest possible time;
- Work cooperatively with the Lead Agencies to resolve any issues that could result in denial of any approvals for Highway 252/I-94;
- Participate in the issues resolution process described in Section 3.3 (Issue Resolution Process);
- Provide input on the purpose and need, methodologies, range of alternatives and level of detail to be used in the analysis of alternatives;
- Provide input on how the performance of alternatives will be evaluated or how the impacts of alternatives on various resources will be assessed;
- Provide input on this CP and on the Highway 252/I-94 schedule;
- Provide meaningful and timely input on unresolved issues;
- Provide written comment within 14 to 21 days of the receipt of information and request for comment at each of the NEPA milestones listed in Section 1.2 (Background Information).

3.2 Coordination and Concurrence Points, Information Requirements, and Responsibilities

To facilitate agency involvement and public engagement in the environmental review process for Highway 252/I-94, several coordination and concurrence points have been established. Coordination points occur when Highway 252/I-94 review activities or milestones will eventually result in important decisions affecting the

environmental review process and its outcome. Coordination points will involve exchanges of information and opinions between the Lead Agencies, Cooperating Agencies, Participating Agencies, and the public. This information exchange will often be accomplished by mail or email but may also occur through agency or public engagement meetings. Coordination points with agencies are typically established for the following activities, although coordination regarding other topics may occur, if other issues/decision points are identified as important to Highway 252/I-94 development/decision-making:

- Scoping Document/Draft Scoping Decision Document (SD/DSDD)
- Final Scoping Decision Document (SDD)
- Purpose and Need
- Evaluation Criteria
- Range of Alternatives to be Studied
- Draft EIS (DEIS)
- Identification of a Preferred Alternative
- Final EIS (FEIS/Record of Decision (ROD))

Concurrence points are steps in the environmental review process for which the Lead Agencies will request formal written agreement from Cooperating Agencies, and request comments from Participating Agencies, on finalizing certain decisions or outputs, and moving forward. The information collected at decision and concurrence points needs to be adequate to agree that the project can advance to the next stage of development. Agencies agree not to revisit the previous process steps unless conditions change. Concurrence by an agency at a concurrence point does not imply that Highway 252/I-94 has been approved by that agency. Agencies will need to determine whether the fully developed Highway 252/I-94 meets statutory review criteria.

There are four formal concurrence points in the EIS process:

- Concurrence Point #1: Purpose and Need Statement;
- Concurrence Point #2: Alternatives to be carried forward for detailed study in the DEIS;
- Concurrence Point #3: Identification of the Preferred Alternative;
- Concurrence Point #4: Mitigation.

Once a concurrence point is reached, the Federal Lead Agency will request written concurrence from Cooperating Agencies. Cooperating Agencies have 14 days to concur.

Figure 4.1 in Chapter 4 illustrates the NEPA/MEPA process and outlines these concurrence points. The Highway 252/I-94 Schedule in Chapter 4 lists the Coordination Plan's key concurrence and coordination points including which agency is responsible for activities during specific points, and the information required at each point. Concurrence Point #4: Mitigation does not preclude a regulatory agency from requiring additional mitigation for the Highway 252/I-94 Project as part of its permitting process.

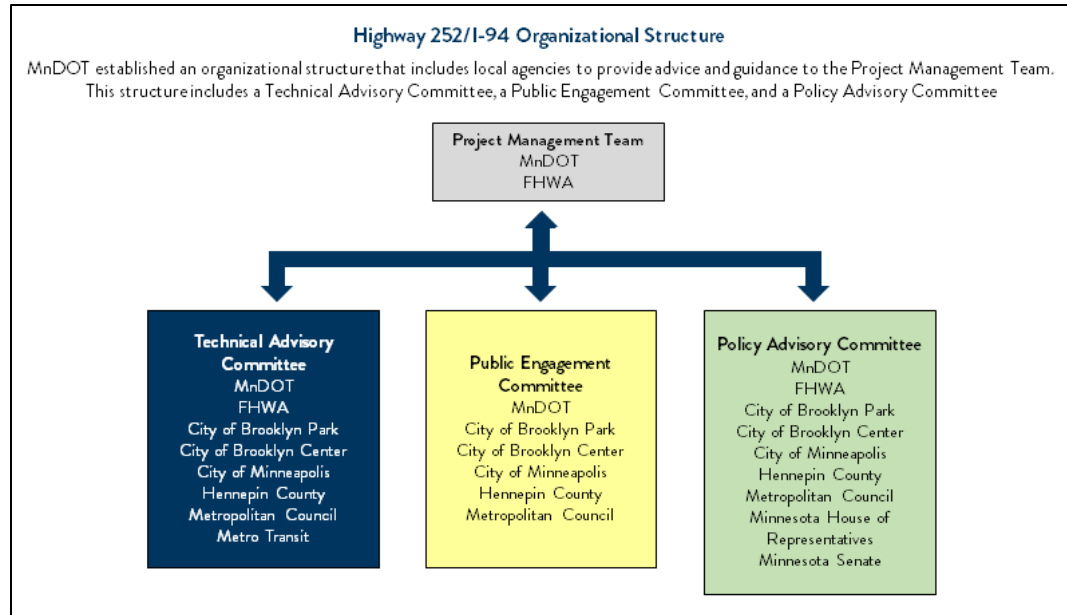
3.3 Issue Resolution Process

The Lead, Cooperating, and Participating Agencies will work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in denial of approvals required for Highway 252/I-94 under applicable laws.

Based on information received from the Lead Agencies, Cooperating and Participating Agencies will identify, as early as practicable, any issues of concern regarding the Highway 252/I-94's potential environmental or socioeconomic impacts. Issues of concern include those that substantially delay or prevent a Cooperating, Participating or Lead Agency from granting a permit or other approval that is needed.

At the outset of Highway 252/I-94, MnDOT established an organizational structure that includes local agencies to provide advice and guidance to the Project Management Team. Figure 3.1 on the following page illustrates this organizational structure. This structure includes a Technical Advisory Committee and a Public Engagement Committee. Technical Advisory Committee members also are Participating Agencies. A Policy Advisory Committee, consisting of elected and appointed officials, also was established to provide help in identifying important community issues, among other responsibilities. Section 5.1.2 of this CP describes the roles of the Policy Advisory committee.

Figure 3.1 Highway 252/I-94 Organizational Structure



For Cooperating Agencies, the following issue resolution process will be followed:

- Meetings will be held as needed during the course of the NEPA process to discuss and resolve issues.
- If the issues are not resolved in a timely manner:
 - An official issues resolution meeting agreed to by 1st level relevant parties will be scheduled. Table 3.1 identifies Cooperating Agencies and contacts.
 - If an issue cannot be resolved in 21 days following such a meeting and a determination has been made by the lead Federal agency that all information necessary to make a decision has been obtained, then;
 - The relevant 2nd level parties will schedule an issues resolution meeting. If the 2nd level parties are unable to resolve the issue within 14 days of their meeting, then;
 - The relevant 3rd level parties will schedule an issues resolution meeting. If the 3rd level parties are unable to resolve the issue, then;
 - The relevant 4th level parties will schedule an issues resolution meeting.

For Participating Agencies, issue resolution will occur through the FHWA and MnDOT Lead Agencies parties as identified in Table 3.1.

Table 3.1 Cooperating Agency Issue Resolution Ladder

Issue Resolution Level	FHWA	MnDOT	USACE	EPA	FTA
1 st Level	Anna Varney	Amber Blanchard	Sean Kelly	Kathy Kowal	Anthony Greep
2 nd Level	Bill Lohr	Ryan Wilson	Desiree Morningstar	Kathy Triantafillou	Kelley Brookins
3 rd Level	Susan Wimberly	Khani Sahebjam	Chad Konickson	Alan Walts	N/A
4 th Level ⁽¹⁾	HEP – Office of Planning, Environment, and Realty	N/A	District Engineer, USACE, St. Paul District	Cheryl Newton	N/A

(14) 4th level only for Federal agency to Federal agency disputes.

Chapter 4 Highway 252/I-94 EIS Schedule

A detailed project P6 schedule has been developed for the Highway 252/I-94 Project. The P6 schedule includes milestones in the project development and environmental review processes. These milestones are included in this chapter of the CP and in the Public Engagement Plan. Agency coordination and concurrence points are listed below. Chapter 5 summarizes Technical Advisory Committee responsibilities, the role of the Policy Advisory Committee, and opportunities for public input.

4.1 Process and Milestones

Figure 4.1 on the following page shows the steps for the combined NEPA/MEPA process for Highway 252/I-94. It should be noted that public and agency engagement is a part of every step in the state and federal process. The following subsections provide an overview of the various steps in the environmental review process.

4.1.1 Coordination Plan and Public Engagement Plan

Public engagement and coordination plans have been developed by MnDOT to identify key milestones and opportunities to engage agencies, stakeholder groups, and the general public in the development and review of key elements in the environmental documents, such as purpose and need, evaluation criteria, development of a reasonable range of alternatives, and identifying a preferred alternative. These plans will be updated as the process progresses.

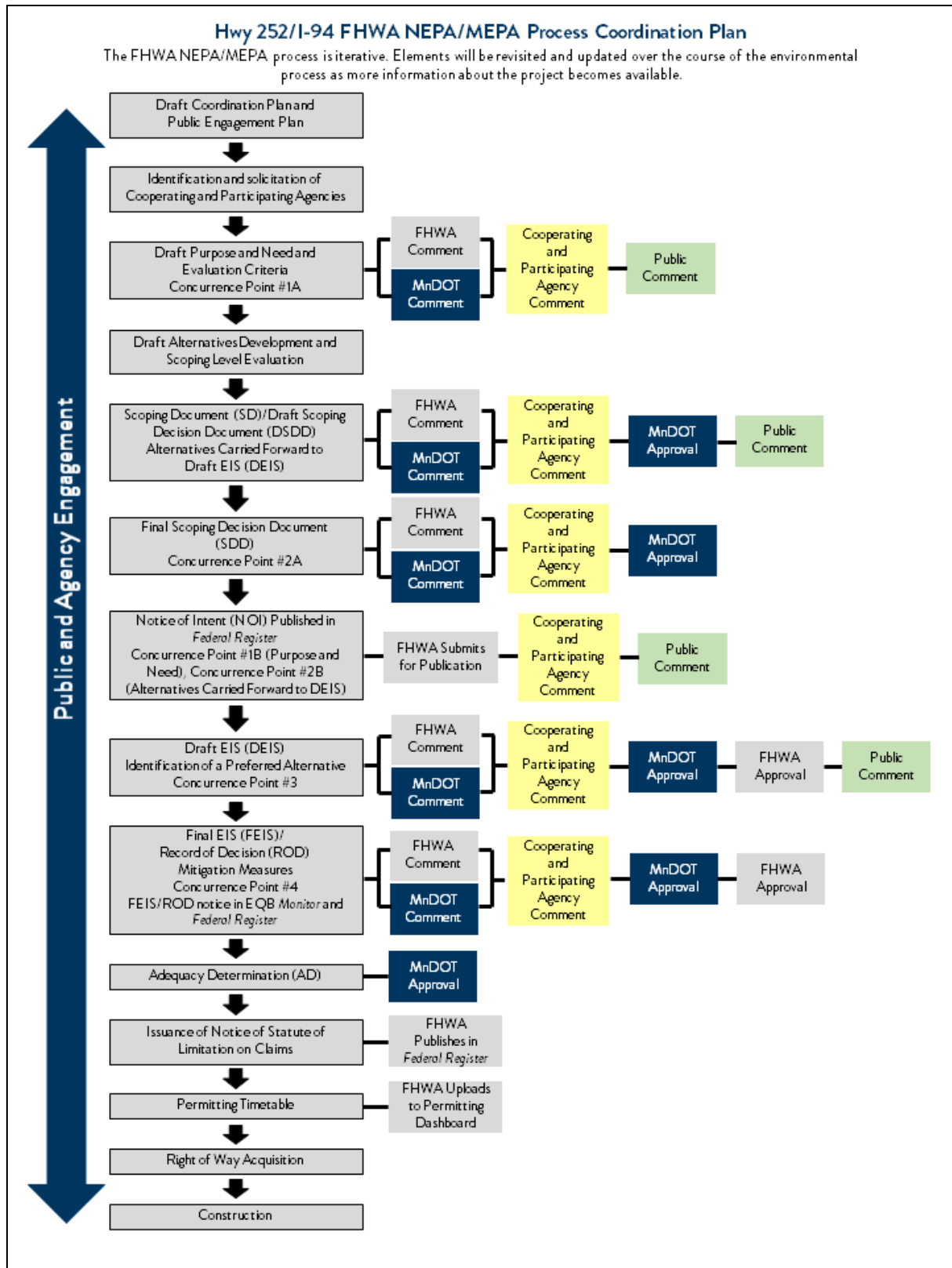
4.1.2 Identification and Solicitation of Cooperating and Participating Agencies

MnDOT and FHWA have identified Cooperating and Participating Agencies for Highway 252/I-94. Table 2.1 in Section 2.2 lists Cooperating and Participating Agencies.

4.1.3 Draft Purpose and Need and Evaluation Criteria

The purpose and need statement describes why a transportation project is necessary despite significant expense and potential environmental impacts. The “purpose” is a broad statement of the primary intended transportation results and other related objectives to be achieved by a proposed transportation improvement, while the “need” identifies the specific transportation problems or deficiencies. The draft document will be shared with Cooperating and Participating Agencies for review and comment.

Figure 4.1 Highway 252/I-94 NEPA/MEPA Process Coordination Plan



The draft purpose and need document will then be made available to stakeholder groups and the general public for comment. Following the public comment period, a final purpose and need document will be prepared. The final document will be shared with Cooperating and Participating Agencies for review (Concurrence Point #1A).

The NEPA process requires the evaluation of multiple build alternatives that could meet the project's purpose and need while identifying and considering potential social, economic, and environmental (SEE) impacts. The Joint Lead Agencies (FHWA and MnDOT) are responsible for determining the methodology and level of detail for the evaluation of alternatives. Evaluation criteria are the measures used to compare the set of alternatives identified for consideration. The criteria are applied to the potential "build" alternatives as well as the "no build" scenario, that functions as a baseline for comparison.

The purpose of evaluating alternatives is to assess which of them meet the purpose and need and provide benefits that can be justified despite significant cost and identified environmental impacts. In cases where no alternative completely meets the purpose and need, clear evaluation criteria can help establish critical, desirable, and supporting elements of the purpose and need to determine whether an action should be pursued despite financial and environmental costs.

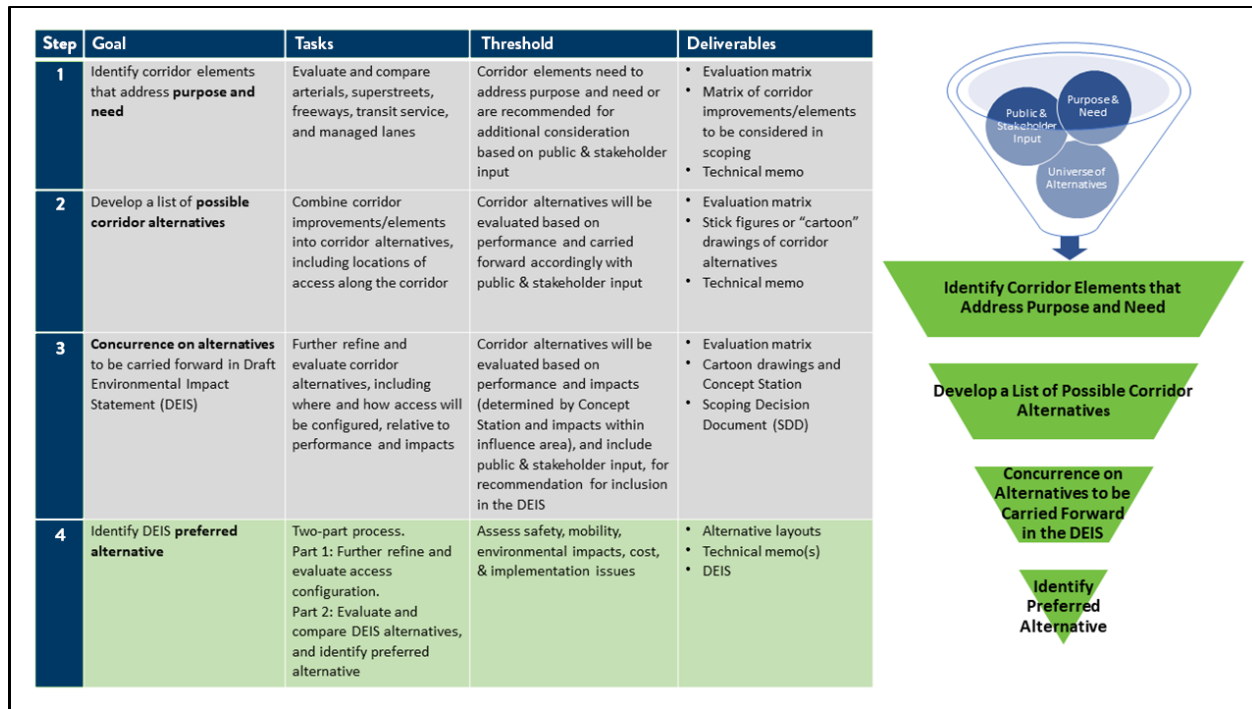
Draft evaluation criteria will be shared with Cooperating and Participating Agencies, stakeholder groups and the general public for comment.

4.1.4 Draft Alternatives Development and Scoping Level Evaluation

Once the purpose and need statement has been prepared and evaluation criteria have been developed, potential alternatives are identified. Draft alternatives will be developed by MnDOT with input from its partners. Alternatives will be developed with the purpose and need and evaluation criteria in mind. The draft alternatives will be shared with Cooperating and Participating Agencies and the general public for comment. The alternatives will be evaluated and screened using the evaluation criteria identified for the Scoping stage. Figure 4.2 on the following page illustrates the alternatives evaluation process for the project.

Alternatives that have significant impacts may be rejected at this point in the Scoping process, since if there are other build alternatives available with reasonable performance and that result in fewer impacts. The "no build" alternative will continue to the EIS stage along with the reasonable range of alternatives that address the purpose and need and avoid/minimize impacts to known SEE resources.

Figure 4.2 Highway 252/I-94 Alternatives Evaluation Process



Transit Feasibility Study

The Metropolitan Council and MnDOT initiated a study in spring 2020 to further evaluate the feasibility of transit service along the Highway 252 and I-94 corridors. The Transit Feasibility Study provided an opportunity to integrate potential transit improvements with highway planning, design, and environmental studies for Highway 252 and I-94 to maximize community benefit and minimize construction impacts to surrounding neighborhoods. In addition, the study also provides an opportunity to leverage highway improvements in the Highway 252 and I-94 corridors to reduce costs and redundancies of infrastructure investments.

This study is being completed concurrent with the Highway 252/I-94 EIS process. The findings of the Transit Feasibility Study will help inform alternatives development and evaluation for the Scoping phase. The Transit Feasibility Study report is anticipated to be complete and available for review with the Scoping Document/Draft Scoping Decision Document (see Section 4.1.5).

4.1.5 Scoping Document/Draft Scoping Decision Document (SD/DSDD)

Scoping is the formal process of identifying the major issues and/or impacts associated with the proposed action and determining the scope of the significant issues to be analyzed in depth in the EIS and eliminate from detailed study the issues

which are not significant. It identifies the level of effort that will be undertaken by the Joint Lead Agencies to address impacts to resources in the DEIS. For instance, in the case of Highway 252/I-94, there are very few high-quality wetlands within the project area; therefore, the DEIS will not undertake a robust investigation of wetlands. There are, however, low-income and minority populations in the project area. Therefore, the Joint Lead Agencies anticipate the environmental justice evaluation will be robust.

Identify the Reasonable Range of Alternatives to Carry into EIS and Recognize Issues to be Investigated/Resolved

The Scoping process outlines how alternatives will be evaluated and identifies the reasonable range of alternatives that will be studied in greater detail in the DEIS. As noted previously, evaluation criteria are established to identify how well an alternative addresses the project's transportation purpose and need. Alternatives that fail to address the purpose and need are rejected as unreasonable. Alternatives that address the purpose and need are further evaluated (at a high level in scoping) to determine their impacts to SEE resources within the project area, including right of way acquisition (e.g., residential and commercial relocations), Mississippi River concerns, environmental justice concerns, and more. Alternatives that have significant impacts may be rejected at this point in the Scoping process if there are other build alternatives available with reasonable performance and that result in fewer impacts. Figure 4.2 on the previous page illustrates the anticipated alternatives evaluation process for the project. Step #1 through Step #3 of this evaluation process will be completed in scoping. The SD/DSDD will make a recommendation on the reasonable range of Highway 252/I-94 alternatives to carry forward into the DEIS (in addition to the "no build" alternative). Additionally, key issues associated with SEE resources will be identified.

Public Scoping Meeting

The SD/DSDD is reviewed by MnDOT and FHWA. From there the document is distributed to Cooperating and Participating Agencies for comment, including the alternatives to be carried forward for detailed study in the DEIS. The SD/DSDD document is updated, if necessary. The MnDOT Chief Environmental Officer approves it before a notice of availability is published in the Environmental Quality Board (EQB) *Monitor* and the document is distributed to the public for comments. A scoping meeting, open to the public, is held during the official public comment period.

4.1.6 Final Scoping Decision Document (SDD) and Final Purpose and Need and Evaluation Criteria

The final Scoping Decision Document (SDD) incorporated the public and agency comments on the SD/DSDD and the responses to the comments. MnDOT and FHWA will review the SDD. Following the MnDOT and FHWA review, the final SDD document will be shared with Cooperating and Participating Agencies for review and comment (Concurrence Point #2A). MnDOT finalizes the SDD document with the signature of its Chief Environmental Officer and publishes a notice in the *EQB Monitor*. Additionally, an EIS notice is also published in the *EQB Monitor*.

At this stage, the purpose and need, evaluation criteria, and reasonable range of alternatives have been prepared to reflect input received to date from Cooperating and Participating Agencies and the public. If the SDD is amended after it has been signed, a notice of an Amended SDD will be published in the *EQB Monitor*.

4.1.7 Notice of Intent (NOI) Published In Federal Register

The Notice of Intent (NOI) is a public notice that informs federal, state, local agencies, and the public of the lead agency's intent to prepare an EIS for the project. A NOI is required to be published in the *Federal Register* under NEPA but is not a MEPA requirement. The NOI for Highway 252/I-94 is anticipated to be published by FHWA in April 2024 and will include, as appropriate (40 CFR 1501.9(d)):

The purpose and need for the proposed action;

- A preliminary description of the proposed action and alternatives the environmental impact statement will consider;
- A brief summary of expected impacts;
- Anticipated permits and other authorizations;
- A schedule for the decision-making process;
- A description of the public scoping process, including any scoping meeting(s);
- A request for identification of potential alternatives, information, and analyses relevant to the proposed action;
- Contact information for a person within the agency who can answer questions about the proposed action and the environmental impact statement.

A 30-day public comment period will commence following publication of the NOI in the *Federal Register*. A scoping meeting will be scheduled with Cooperating and Participating Agencies after the 30-day public comment period.

Because agency and public opportunities for involvement in the purpose and need and range of alternatives have occurred, it also finalizes the project purpose and need, range of alternatives that will be evaluated in the DEIS, and the methodologies and level of detail in the evaluation of alternatives.

At this stage, the purpose and need, evaluation criteria and alternatives to be carried forward for evaluation are finalized for use in the DEIS. The Joint Lead Agencies will request written concurrence from Cooperating Agencies regarding purpose and need (Concurrence Point #1B) and alternatives to be carried forward for evaluation (Concurrence Point #2B). Cooperating Agencies will have 14 days to concur.

4.1.8 Permitting Timetable

FHWA, in consultation with MnDOT and Cooperating and Participating Agencies, will develop a schedule, or Permitting Timetable, for Highway 252/I-94. The Permitting Timetable will identify actions and associated milestones for the environmental review and authorizations and should include milestones specified in *Guidance to Federal Agencies Regarding the Environmental Review and Authorization Process for Infrastructure Projects*, January 13, 2017, Appendix B. Environmental Review and Authorization Milestones to Include in Permitting Timetables. The Joint Lead Agencies will coordinate with agencies throughout the process to make updates to the Permitting Timetable. FHWA will use the updated information to maintain the national permitting dashboard.

The Permitting Timetable will be provided to Cooperating Agencies for review. Cooperating Agencies will have 14 days to provide written comments to FHWA. If no Cooperating Agency objects in writing to the Permitting Timetable within 14 days, the proposal will become the Permitting Timetable for the project.

The initial posting of the Permitting Timetable will meet the target two-year schedule from NOI to ROD. The schedule will be subject to quarterly agency review and modified as necessary.

4.1.9 Draft EIS (DEIS)/Includes Identifying a Preferred Alternative

The DEIS activities began during the MEPA Scoping effort to eliminate duplication of efforts between the MEPA and NEPA processes. The Highway 252/I-94 DEIS will build on the Scoping process by conducting additional studies to better understand SEE resources within the corridor and to further understand the benefits and disadvantages associated with the alternatives that carried into the DEIS. The DEIS will utilize more detailed evaluation criteria to clarify/highlight differences between the No Build Alternative and each Build Alternative and their ability to address purpose and need items, avoid and/or minimize impacts to SEE resources, and achieve other project objectives. The DEIS alternatives will also be evaluated

based on cost and additional considerations (e.g., maintenance, stormwater management, and consistency with regional plans, etc.).

The Joint Lead Agencies expect to identify a preferred alternative for Highway 252/I-94 that would likely be implemented in phases. Subsequent phases will be subject to FHWA requirements for a re-evaluation of the NEPA analysis.

The DEIS and the identification of a preferred alternative will be prepared and reviewed by MnDOT and FHWA. This will be completed in steps through a series of reviews and workshops as the DEIS is populated. Following revisions based on comments from MnDOT and FHWA, the DEIS and identification of a preferred alternative will be provided to Cooperating and Participating Agencies for their review and comment. The DEIS will be shared with Cooperating and Participating Agencies in a variety of formats based on agency preferences. Document formats may include, but are not limited to, electronic PDF copies provided via email, electronic PDF copies transferred using a USB drive, hard copies provided via mail, etc. Following review and comment from the Cooperating and Participating Agencies, the DEIS will be updated as needed.

The Highway 252/I-94 Project will require “prior concurrence” from FHWA Headquarters. Prior concurrence is a step in the environmental review process where a FHWA Division Office will obtain approval from FHWA Headquarters before proceeding with subsequent approvals under NEPA.⁸ After the Cooperating and Participating Agency review, the DEIS will be submitted for a 30-day FHWA Headquarters review. During the FHWA Headquarters review, MnDOT and FHWA will request concurrence on the DEIS and the identification of a preferred alternative from Cooperating and Participating Agencies (Concurrence Point #3).

Before the DEIS is approved by the MnDOT Chief Environmental Officer, the Metro District Engineer must sign to recommend approval. The Office of Environmental Stewardship (OES) delivers the DEIS to the FHWA Division Administrator for FHWA approval. As the Responsible Governmental Unit (RGU), MnDOT distributes the DEIS to agencies, publishes its availability in the EQB *Monitor* and local newspapers, and supplies a press release to local media. FHWA will publish its availability in the *Federal Register*. Cooperating and Participating Agencies and parties should receive a copy of the DEIS through their preferred transfer method on or prior to the date the DEIS availability notice is published in the EQB *Monitor* and *Federal Register*.

⁸ US Department of Transportation. Federal Highway Administration. NEPA Implementation. Guidance on FHWA Prior Concurrence Procedures for EISs. October 3, 2001. Available at https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_concurrence_procedures.aspx#1.

A public hearing notice for the DEIS is published in the *EQB Monitor* and the *Federal Register*. Under federal law, the DEIS shall be made available at least 15 days in advance of the public hearing and the comment period must be open for at least 45 days (but would not exceed 60 days). Copies of the DEIS will be available for review on the project website and at public facilities such as local libraries in and/or near the project area. Minnesota implements the same comment period as the Federal process. However, under the State EIS process, the comment period begins the day the DEIS is published in the *EQB Monitor*. Because the *EQB Monitor* and the *Federal Register* publish items on different days – the *Federal Register* publishes on a Friday whereas the *EQB Monitor* publishes on a Monday – it is important to ensure that the DEIS is published just before or just after the *Federal Register* publication date. A Certificate of Compliance is prepared and must be signed by the MnDOT District Engineer to indicate that a public hearing was held during the DEIS comment period and that the DEIS fully addresses the necessary social and economic impacts of the project.

4.1.10 Final EIS (FEIS)/Record of Decision (ROD)

The Joint Lead Agencies expect to combine the Final EIS (FEIS) and Record of Decision (ROD) into a single document. If the FEIS makes substantial changes in the proposed action that are relevant to environmental or safety concerns, or if there are significant new circumstances or information relevant to environmental concerns that bear on the proposed action or the anticipated impacts of the proposed action, then the FEIS and ROD would not be combined.

The FEIS incorporates responses to timely substantive comments submitted by the public, Cooperating Agencies, and Participating Agencies during the DEIS comment period. Based on those responses and any other necessary changes to the DEIS, a preliminary FEIS draft is developed.

At the same time the FEIS is being drafted, the Joint Lead Agencies would work with the MnDOT Metro District and OES to prepare a ROD that summarizes any project mitigation measures, decisions, and required Section 4(f) approval documents. The ROD is a decision by the Joint Lead Agencies that is considered acceptance of the general project location and concepts described in the environmental review documents (23 CFR 771.113(b)). The ROD also is a single document for all Federal agencies with authorization responsibility for the project to support necessary authorization (i.e., permitting) decisions. The Federal Lead Agency is responsible for coordinating and recording any individual agency decision in the one single ROD. The Joint Lead Agencies will work with federal agencies to fulfill their NEPA information needs necessary for agency authorization actions. The Lead Federal Agency will certify in the ROD that “the agency has considered all of the alternatives, information, analyses, and objections submitted by State, Tribal, and local governments and public commenters for consideration by the lead and

cooperating agencies in developing the environmental impact statement” (40 CFR 1505.2(b)).

If the FEIS and ROD are not combined in a single document, the ROD would not be signed sooner than 30 days after the *Federal Register* notice of availability of the FEIS or 90 days after the DEIS *Federal Register* notice of availability (23 CFR 771.127(a)). Mitigation requirements from the FEIS and ROD are summarized to include environmental commitments for the project’s design stages.

The preliminary FEIS/ROD is first provided to OES for review. Following the OES review, the FEIS/ROD is submitted to FHWA for a 30-day review and comment period. After the OES and FHWA review/comment periods, the FEIS/ROD is provided to Cooperating and Participating Agencies for a 21-day review and comment period. Following this review, MnDOT and FHWA will request concurrence on the project mitigation measures from Cooperating and Participating Agencies (Concurrence Point #4).

A legal sufficiency and Headquarters review of the document is then completed by FHWA over a period no longer than 30 days. Following the legal sufficiency and Headquarters review, the FEIS/ROD is finalized. The Metro District Engineer then recommends the approval of the FEIS/ROD. Once the document is approved by the MnDOT Chief Environmental Officer, it is transmitted to the FHWA Minnesota Division Administration for approval.

The Notice of Availability for the FEIS/ROD is published in the EQB *Monitor* and the *Federal Register*. A press release announcing the availability of the FEIS/ROD is provided to at least one newspaper of general circulation in the project area. The FEIS/ROD will be made available to Cooperating and Participating Agencies and the public via the distribution methods used for the DEIS (described in Section 4.1.8).

If a re-evaluation is needed or changes are made on the alternatives, a supplemental EIS, new EIS, revised ROD, etc. may be required. If the preferred alternative changes, a revised ROD will be required.

4.1.11 Adequacy Determination (AD)

The adequacy determination (AD) is the final environmental decision in the state environmental process. The AD will be drafted concurrently with the FEIS/ROD. The AD must address the rules of the Minnesota Environmental Quality Board (MEQB) outlined in Minnesota Rules 4410.2800 subpart 4 for a FEIS to be determined to be adequate. The FEIS is determined adequate if it:

- Addressed the potentially significant issues and alternatives identified in scoping;

- Provided responses to substantive comments received during the DEIS review regarding issues raised in scoping;
- Was prepared in compliance with MEPA procedures.

If all three criteria are met, an adequacy determination letter is prepared and signed by MnDOT's Chief Environmental Officer. It cannot be completed until at least 10 working days after the Notice of Availability of the FEIS/ROD appears in the EQB *Monitor*. The adequacy determination is distributed to everyone who received a copy of the FEIS/ROD and published in the EQB *Monitor*.

4.1.12 Notice of Statute of Limitations on Claims

Following publication of the Notice of Availability for the FEIS/ROD in the *Federal Register*, FHWA will make a determination to issue a Notice of Statute of Limitations on Claims for the Highway 252/I-94 Project (23 CFR 771.139). The Notice of Statute of Limitations on Claims will be published in the *Federal Register*. The purpose of this notice is to advise the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of Federal agency actions on the project will be barred unless the claim is filed on or before 150 days from publication of the notice in the *Federal Register*.

4.1.13 Post-ROD Coordination and Authorization Decisions

The FHWA will upload the Permitting Timetable to the Federal Permitting Dashboard no later than 30 days after the issuance of the FEIS/ROD. FHWA will track and communicate post-ROD authorization decisions through the Federal Permitting Dashboard. The Joint Lead Agencies will coordinate with agencies to provide project information as needed to support authorization (i.e., permitting) decisions, with the goal of issuing all authorization decisions within 90 days of the ROD issuance. Federal agencies having approval actions are expected to actively provide information on completed approval actions post-ROD.

Per 23 USC 139(d)(10), permits and authorizations are anticipated to be completed by no later than 90 days after the issuance of the ROD as described in 23 USC 139(d)(10). However, for this project, MnDOT has requested in accordance with 23 USC 139(d)(10)(C)(ii) that those permits and authorizations follow a different timeline because the construction date is not expected until 2028 or later.

4.1.14 Right of Way Acquisition

Following completion of the FEIS/ROD and AD, MnDOT will complete the right of way acquisition process for the project. It is anticipated that right of way acquisition would occur over a two-year period.

4.1.15 Construction

Following completion of the FEIS/ROD and AD, authorization decisions, and acquisition of right of way, construction will begin. It is anticipated that construction on Highway 252/I-94 would occur in phases over time as funding becomes available.

4.2 Coordination and Schedule

Coordination will be completed in several ways, depending on the needs at each individual step. The Joint Lead Agencies will work together through the NEPA decision points prior to requesting Cooperating and Participating Agency and public input. The coordination will include meetings with Cooperating and Participating Agencies and the public, and correspondence with individual agencies related to areas of their expertise. A multidisciplinary approach for screening and evaluating alternatives will be implemented with the goal to select an alternative.

The evaluation process will utilize qualitative and quantitative factors such as right of way impacts, costs, land use, environmental impacts, traffic issues, conceptual engineering, and public preferences.

The DEIS will be prepared to assess, compare the impacts and benefits of the build alternatives compared to the No Build Alternative, identify potential design alternatives to avoid or reduce adverse impacts, recommend means and methods to mitigate unavoidable adverse impacts and identify a preferred alternative. Cooperating and Participating Agencies will be invited to attend public meetings and to provide input during the process. Communications with individual agencies will continue as needed.

Table 4.1 on the following page lists major milestones, coordination, and concurrence points for Highway 252/I-94. Section 5.2 outlines public engagement activities that will be provided throughout the process.

This project is subject to 23 U.S.C. 139(g)(1)(B)(iii) such that the schedule is consistent with an agency average of not more than two years for completion of the environmental review process, as measured from the date of the publication of the NOI to the ROD. The public engagement plan, agency coordination plan and schedule, developed with input from Cooperating and Participating Agencies and the public, targets two years from the NOI to the ROD. In the event it becomes apparent to FHWA during project development that the schedule from NOI to ROD would be more than two years, FHWA may seek a modification to lengthen the schedule in accordance with 23 U.S.C. 139(g)(1)(D).

Table 4.1 Highway 252/I-94 Major Milestones, Coordination, and Concurrence Points

Row	Milestone, Coordination, or Concurrence Point	Information Provided or Action Taken	Who Contacted for Response	Information or Action Requested	Number of Calendar Days for Review	Completion Date/Estimated Date for Completion
1	Cooperating and Participating Agency kick-off	Information on project purpose, needs, logical termini, Coordination Plan, and schedule	Cooperating and Participating Agencies	Agency input and comments	21 days	February 10, 2021
2	Coordination Plan Concurrence	Coordination Plan	Cooperating and Participating Agencies	Concurrence on Coordination Plan and schedule	14 days	March 22, 2021
3	Draft Purpose and Need Statement, Evaluation Criteria, Concurrence Point #1A – Initial Discussion, Public Engagement	Information on draft purpose and need and evaluation criteria	Cooperating and Participating Agencies Other interested agencies and the public	Agency and public input and comments	21 days	June 1, 2021
4	Purpose and Need Statement, Concurrence Point #1A – Concurrence	Purpose and Need Statement	Cooperating and Participating Agencies	Initial Concurrence on Purpose and Need Statement by Cooperating Agencies	14 days	September 28, 2021
5	Draft Scoping Document/Draft Scoping Decision Document (SD/DSDD), Concurrence Point #2A – Initial Discussion	Draft SD/DSDD, including purpose and need, range of alternatives, and scoping level evaluation decisions (alternatives to be carried forward to DEIS and SEE issues level of analysis)	Cooperating and Participating Agencies	Agency input and comments on draft SD/DSDD document	21 days	February 6, 2023

Row	Milestone, Coordination, or Concurrence Point	Information Provided or Action Taken	Who Contacted for Response	Information or Action Requested	Number of Calendar Days for Review	Completion Date/Estimated Date for Completion
6	SD/DSDD and Public Scoping Meeting, Public Engagement	SD/DSDD distributed for public and agency review/comment	Cooperating and Participating Agencies Other interested agencies and the public	Comment on SD/DSDD including purpose and need, proposed DEIS alternatives, and level of study of issues	60 days	May 26, 2023
7	Final SDD Alternatives to be Carried Forward for Evaluation Concurrence Point #2A – Concurrence	Final SDD, including range of alternatives to be carried forward for evaluation in DEIS	Cooperating and Participating Agencies	Agency input and comment on Final SDD Initial concurrence on range of alternatives for DEIS by Cooperating Agencies	14 days	October 24, 2023
8	Final SDD Signed	State Final Scoping Decision Document (SDD) signed by MnDOT OES	Cooperating and Participating Agencies Other interested agencies and the public	For information, Notice of Final SDD published in EQB <i>Monitor</i>	N/A	October 30, 2023
9	Permitting Timetable	Permitting Timetable that identifies actions and associated milestones for environmental review and authorizations.	Lead Federal Agency responsibility Cooperating and Participating Agencies	Agency input and comment on Permitting Timetable	14 days	April 2024
10	Notice of Intent to prepare EIS	Notice of Intent to prepare EIS	N/A – Lead Federal Agency responsibility	Notice of Intent to prepare EIS/ proposed project scope published in <i>Federal Register</i>	N/A	April 15, 2024

Row	Milestone, Coordination, or Concurrence Point	Information Provided or Action Taken	Who Contacted for Response	Information or Action Requested	Number of Calendar Days for Review	Completion Date/Estimated Date for Completion
11	Notice of Intent Public Comment Period	Notice of Intent to prepare EIS, including Purpose and Need, Coordination Plan, Public Engagement Plan, and schedule	Cooperating and Participating Agencies Other interested agencies and the public	Comment on Notice of Intent, including purpose and need, Coordination Plan, Public Engagement Plan, and schedule	30 days	April 15, 2024, to May 14, 2024
12	Purpose and Need, Alternatives to be Carried Forward for Evaluation Concurrence Points #1B and #2B – Concurrence	Purpose and Need Alternatives to be carried forward to DEIS	Cooperating and Participating Agencies	Post-Notice of Intent scoping meeting with Cooperating and Participating Agencies Final concurrence on purpose and need and range of alternatives for DEIS by Cooperating Agencies	14 days	June 2024
13	Draft DEIS/ Identification of a Preferred Alternative, Concurrence Point #3 – Initial Discussion	Draft DEIS document	Cooperating and Participating Agencies	Agency input and comment on Draft DEIS document	21 days	Q4 2025
14	Identification of Preferred Alternative, Concurrence Point #3 – Concurrence	Identification of Preferred Alternative	Cooperating and Participating Agencies	Concurrence on Identification of Preferred Alternative by Cooperating Agencies	14 days	Q4 2025
15	Draft DEIS/ Identification of Preferred Alternative FHWA Headquarters Review	Draft DEIS document	N/A – Lead Federal Agency responsibility	Draft DEIS FHWA Headquarters Review	30 days	Q4 2025

Row	Milestone, Coordination, or Concurrence Point	Information Provided or Action Taken	Who Contacted for Response	Information or Action Requested	Number of Calendar Days for Review	Completion Date/Estimated Date for Completion
16	DEIS/Identification of a Preferred Alternative, Notice of Availability, DEIS Public Hearing, Public Engagement	DEIS Notice of Availability	Cooperating and Participating Agencies Other interested agencies and the public	Comment on DEIS document	45 days	Q1 2026
17	Draft FEIS/ROD, Mitigation Measures, Concurrence Point #4 – Initial Discussion	Draft FEIS/ROD, Information on mitigation measures	Cooperating and Participating Agencies	Agency input and comment on Draft FEIS/ROD document and mitigation measures	21 days	Q1 2026
18	Draft FEIS/ROD, Mitigation Measures, Concurrence Point #4 – Concurrence	Draft FEIS/ROD, Mitigation Measures	Cooperating and Participating Agencies	Concurrence on mitigation measures by Cooperating Agencies	14 days	Q1 2026
19	Draft FEIS/ROD, Mitigation Measures, FHWA Headquarters and Legal Sufficiency Review	Draft FEIS/ROD, Mitigation Measures	N/A – Lead Federal Agency responsibility	Draft FEIS/ROD, FHWA Headquarters and Legal Sufficiency Review	30 days	Q1 2026
20	FEIS/ROD, Mitigation Measures, Notice of Availability	FEIS/ROD Notice of Availability	Cooperating and Participating Agencies Other interested agencies and the public	For information, Notice of FEIS/ROD published in EQB <i>Monitor</i> and <i>Federal Register</i>	N/A	April 2026
21	Adequacy Determination Notice of Availability	Adequacy Determination Notice of Availability	Cooperating and Participating Agencies Other interested agencies and the public	For information, Notice of Adequacy Determination published in EQB <i>Monitor</i>	At least 10 days after FEIS/ROD notification published in EQB <i>Monitor</i> ⁽¹⁾	Q2 2026

Row	Milestone, Coordination, or Concurrence Point	Information Provided or Action Taken	Who Contacted for Response	Information or Action Requested	Number of Calendar Days for Review	Completion Date/Estimated Date for Completion
22	Notice of Statute of Limitation on Claims	Notice of Statute of Limitation on Claims	N/A – Lead Federal Agency responsibility	Notice of Statute of Limitation on Claims published in <i>Federal Register</i>	N/A	Q2 2026
23	Permitting Timetable	Permitting Timetable ongoing agency coordination Issue all necessary authorization decisions post-ROD	Lead Federal Agency and Permitting Agencies	Permitting Timetable uploaded onto Federal Agency Permitting Dashboard	Authorization decisions post-ROD issuance	Q2 2026

Q1 = January-March, Q2 = April-June, Q3 = July-September, Q4 = October-December

(1) Number of days from publication of the FEIS in the EQB *Monitor* to Adequacy Determination is 10 weekdays (e.g., Monday to Friday). Under Minnesota Rules 4410.0200, Subp. 12, when the period of time prescribed or allowed is 15 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the counting of days.

Chapter 5 Local Agency and Public Engagement

Engaging the public early and throughout the transportation decision-making process is key to the mission of MnDOT. Meaningful public engagement efforts build trust and credibility for the department and enhance the awareness and understanding of MnDOT actions. Working early, continuously, and with more of the public and stakeholders allows MnDOT to deliver transportation solutions that improve safety and efficiency, protect natural and human environments, and contribute to community vitality and general well-being.

Highway 252/I-94 includes ongoing public engagement, as summarized below and further detailed in the Highway 252/I-94 Public Engagement Plan (PEP). There is no one-size fits all approach to meaningful public engagement. Implementation of MnDOT's PEP is an adaptable process as the department engages, learns, evaluates, and modifies its efforts to better engage with the communities. The PEP serves as guidance to project staff for implementing effective opportunities for the public to participate, review and provide feedback at key project decision points.

The role of the public in transportation decision-making is established in Federal and State policies and regulations; however, public engagement is more than statutory requirements. *Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process* (Core Values of Public Participation, International Association for Public Participation). Highway 252/I-94 is committed to proactively collaborating with and providing opportunities that encourage public participation. This process is vital to building consensus, reducing misunderstanding, and resolving conflict.

At the outset of Highway 252/I-94, MnDOT established an organizational structure that includes local agencies to provide advice and guidance to the Project Management Team. This structure includes a Technical Advisory Committee and a Public Engagement Committee. Local agencies involved with the Technical Advisory Committee are identified as Participating Agencies for the Highway 252/I-94 environmental impact statement.

MnDOT and FHWA are implementing an extensive public engagement process for Highway 252/I-94, building on the engagement and numerous meetings that were held with the public, local governments, community groups, and others since 2018 with the initiation of the Highway 252/I-94 Environmental Review.

Notice of scheduled public meetings will be published in local papers, direct mailings, social media, and community newsletters in the Highway 252/I-94 area and posted to the Highway 252/I-94 website. A Highway 252/I-94 website has been established by MnDOT as an additional means of distributing information and is

found at the following address:

<https://www.dot.state.mn.us/metro/projects/hwy252study/index.html>.

Highway 252/I-94 newsletters will be developed prior to public meetings and distributed throughout the community. The website will be updated regularly and provide the most current information about the project. MnDOT has been developing an email list of interested members of the public to stay involved with the project. Important project updates and information about upcoming events will be sent through this list. Project updates will be sent at least monthly, and as needed when important information must be disseminated. MnDOT will establish a central email address where interested members of the public can submit questions or formal comments during the EIS process and during the DEIS review period.

5.1 Local Agency Coordination

As the Joint Lead Agencies, MnDOT and FHWA are the primary decision makers in this NEPA process for the Highway 252/I-94 EIS. The Joint Lead Agencies will seek input and collaboration with partner agencies and the public throughout the EIS process. Coordinating with local agencies and community members is essential in identifying concerns, issues, and potential solutions. Early and frequent coordination includes an opportunity for agencies and the public to provide input and guidance on the scoping decision document, purpose and need, and range of alternatives. Participating local agencies provide perspective for the Joint Lead Agencies to consider. Other technical meetings with resource agencies will be scheduled as needed to address technical issues and documents.

The local agency involvement described above is part of agency involvement documented in this Coordination Plan. Policy Advisory Committee involvement is described further in the Public Engagement Plan.

5.1.1 Technical Advisory Committee (TAC)

The Technical Advisory Committee (TAC) includes staff from Hennepin County, City of Brooklyn Park, City of Brooklyn Center, City of Minneapolis, MnDOT, FHWA, Metropolitan Council, Metro Transit, and Project Consultants. The TAC meets approximately monthly. The role of the TAC includes:

- Provide leadership and guidance for resolution of technical issues related to project options and refinements considered as part of the project development process;
- Provide input on public engagement activities and materials;
- Provide recommendations to the Policy Advisory Committee.

5.1.2 Policy Advisory Committee (PAC)

The Policy Advisory Committee (PAC) includes elected and appointed officials from MnDOT, State of Minnesota, FHWA, Hennepin County, City of Brooklyn Park, City of Brooklyn Center, City of Minneapolis, and Metropolitan Council. The PAC Chairs include the MnDOT Commissioner and City of Brooklyn Center mayor. The PAC meets approximately quarterly, and meetings are open to the public. The PAC is not a decision-making body. The roles of the PAC include:

- Guide policy and funding decisions pertaining to Highway 252/I-94;
- Review recommendations from the TAC and provide input on public engagement materials;
- Provide help in identifying important community issues;
- Provide help in communicating with neighboring constituents on project decision points/major milestones and encourage public participation;
- Provide input as requested by MnDOT.

5.1.3 Jurisdictions, Agencies and Governing Bodies

Jurisdictions, agencies, and government partners with substantial participation in Highway 252/I-94 include FHWA, MnDOT (serving as Joint Lead Agency with FHWA), Hennepin County, Metropolitan Council, Metro Transit, City of Brooklyn Center, City of Brooklyn Park, and City of Minneapolis. City staff will be utilized to review project materials and called on for engagement throughout the project beyond their involvement in the TAC and PAC.

5.2 Public Engagement

Public engagement for Highway 252/I-94 is a long-term effort that will involve FHWA, MnDOT, project consultants, local agencies, and local communities. The public engagement vision for Highway 252/I-94 is listed below.

MnDOT, FHWA, and their partners, building upon past community engagement efforts, will anticipate and respond to public, stakeholder, and agency engagement needs to facilitate two-way communications and effectively and efficiently navigate the environmental process, building broad project understanding along the way.





















The public engagement goals for Highway 252/I-94 include:

- Explain the EIS process under NEPA and MEPA and the reason an EIS is being prepared.
- Communicate key decisions in the EIS process and where stakeholders and the public can influence the project's direction.

- Meet the public engagement requirements of NEPA and MEPA.
- Acknowledge previously made project decisions and recommendations and the role of public and agency feedback in those decisions. Explain how previously made project decisions will apply to the EIS process.
- Gather community input on equity and health priorities.
- Tailor two-way communications and engagement activities to be accessible to a diverse group of corridor residents, businesses, and commuters including minorities, people with limited English proficiency, transit-dependent people, low-income people, mobility device users, youth, and seniors.
- Provide a wide variety of in-person (when possible) and online methods for the public to learn about and provide input on the project.
- Be aware of the ever-evolving dynamic of the corridor communities and adapt public engagement methods accordingly.
- Engage all people with an interest in the project no matter their income level, race, or other personal situations.

Public engagement for Highway 252/I-94 is divided into four phases corresponding to the EIS process: purpose and need statement, scoping process (SD/DSDD and final SDD), DEIS, and FEIS/ROD. Engagement methods vary through the four phases responsive to the goals and intent of each phase. MnDOT, FHWA, and project partners will use a mix of in-person and online meetings and communication tools as feasible given COVID-19 and other restrictions. The Public Engagement Plan provides detailed information regarding engagement methods, communication tools, objectives, and a detailed timeline for public engagement activities. Figure 5.1 illustrates Highway 252/I-94 public engagement techniques for each phase.

Figure 5.1 Highway 252/I-94 Public Engagement Phases

EIS Process	Ongoing Engagement	Pop-up/Community Picnics	Print and Social Media	Website Updates	Online Survey	Community Meetings	Educational Meetings	Council Meetings
Purpose and Need 2020-2021							EIS 101 Virtual Education Meetings	
Scoping 2022-2023								
Draft EIS 2023-2025								
Final EIS and Record of Decision 2026	