

# Scoping Document

## Contacts

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## Objectives

The Scoping Document and the Draft Scoping Decision Document (SD/DSDD) are the first formal documents required under Minnesota Environmental Quality Board (MEQB) rules for the state EIS process. The scoping process is an early and open process used before the preparation of an EIS to:

- Reduce the scope and bulk of the EIS,
- Identify only those potentially significant issues relevant to the proposed project,
- Define the form, level of detail, content, alternatives, time table for preparation, and preparers of the EIS, and
- Determine the permits for which information will be developed concurrently with the EIS (Minnesota Rules part [4410.2100](#), subpart 1).

The content of the Scoping Document (SD) is described below. The SD is issued, along with the [Draft Scoping Decision Document](#) (DSDD), for public review. Following a public comment period, a final Scoping Decision Document (SDD) is published and preparation of the Draft EIS begins.

The process that results in the final SDD per MEQB rules for the state EIS is also consistent with the scoping requirements for a federal EIS as described below.

The documents described above should not be confused with the scoping report typically prepared during a MnDOT project's early planning stage prior to the project's programming in the State Transportation Improvement Program (STIP).

## Legal / Regulatory Basis

### State

At the state level, the Minnesota Environmental Policy Act (MEPA) (MN Statutes, Ch. [116D.04](#), subdivision 2a, item (e)). The Minnesota Environmental Quality Board (MEQB) is responsible for Minnesota's environmental review program. State Scoping rules begin at Minnesota Rules part [4410.2100](#). MEQB's [Guide to Minnesota Environmental Review Rules](#) offers additional guidance.

### Federal

At the federal level, the [National Environmental Policy Act of 1969](#) (NEPA) contains the legal basis for scoping. The Council on Environmental Quality (CEQ) has issued regulations for implementing NEPA in 40 CFR 1500-1508. 40 CFR 1508.25 defines the term "scope" and [40 CFR 1501.7](#) discusses scoping requirements. Further CEQ guidance can be found in a paper entitled [NEPA's Forty Most Asked Questions](#).

Subsequent to the CEQ regulations, FHWA has also issued regulations. These regulations do not require a formal scoping document, however 23 CFR 771.123(b) requires a scoping process to identify the range of alternatives and impacts and the significant issues to be addressed in the EIS and to achieve the other objectives of [40 CFR 1501.7](#).

## Format and Content

The state Scoping Document requirements are found at Minnesota Rules [4410.2100](#). These rules state all projects requiring an EIS must have an Environmental Assessment Worksheet (EAW) filed with the Responsible Governmental Unit (RGU), and that the EAW shall be the basis for the scoping process. However, due to differences in state rules and federal regulations, MnDOT does not use the EAW as a scoping document. MnDOT uses an outline that addresses the purpose of the EIS scoping process and the expectations of a federal EIS. The content of the SD outline subsections is discussed below.

A Draft Scoping Decision Document is circulated with the Scoping Document according to Minnesota Rules part [4410.2100](#), subpart 2.

The topics below are those that, at a minimum, should be included in the Scoping Document. Other information that would be helpful to the public (e.g. project history, overview of the environmental process, other projects in the area) can be included. Reader-friendly text,

including for the topic headings, and graphics are recommended.

## **I. Report Purpose**

Text similar to the following example can be used to introduce the Scoping Document to the reader who is unfamiliar with the process:

This Scoping Document (SD) provides initial documentation of the proposed action and need for the [NAME] project in [LOCATION]. The scoping process is used before the preparation of an Environmental Impact Statement (EIS) to reduce the scope and bulk of the EIS by:

- *Selecting a reasonable range of alternatives for detailed study*
- *Identifying the appropriate level of detail for studying issues and impacts*

*The National Environmental Policy Act (NEPA) requires that social, economic, and environmental considerations be included in the planning of all projects that receive federal funding. This scoping document has been prepared to document the studies completed to date and early decisions made in accordance with Federal regulation (42 USC 4321 et seq.).*

*This SD also serves the same purpose as a Minnesota Environmental Assessment Worksheet (EAW), required by Minnesota Rules Chapter 4410. The Draft Scoping Decision Document (DSDD) provides a summary of the SD findings and documents the proposed scope and focus of the EIS. The SD and DSDD are distributed to federal, state and local agencies and the public to provide an opportunity for review of the proposed project and comment on project issues and alternatives. A 30-day comment period will begin when the availability notice for this SD is published in the Minnesota Environmental Quality Board (EQB) Monitor. A final Scoping Decision Document (SDD) will be prepared after the public comment period.*

## **II. Responsible Governmental Unit (RGU) and Project Manager**

Text similar to the following example describes the lead agency roles in the respective state and federal processes:

The Minnesota Department of Transportation (MnDOT) is the Responsible Governmental Unit (RGU) for the proposed project. The Federal Highway Administration (FHWA) is the lead federal agency. MnDOT will issue a scoping decision after the Scoping Public Meetings and the end of the SD comment period.

This section also identifies the project manager and contact information (postal and email addresses and phone number).

### **III. Level of Action**

The Scoping Document is only done for Class I (EIS) actions. The statement should be made that this project is considered a Class I action because there is the potential for significant environmental effect as documented in the SEE Section, and that this assessment may change after further information has been assembled.

### **IV. Purpose and Need**

This section discusses major transportation problems in a transportation corridor. See HPDP Chapter [Purpose and Need](#), as well as FHWA's [T6640.8A](#) and [The Development of Logical Project Termini](#).

### **V. Project Description**

This section should discuss where the project is located, the approximate length (if known), termini, and project setting (physical features of the surrounding area).

Existing facilities are often a good point of reference. Since the Scoping Document is prepared early in the NEPA/MEPA process, the description may need to be quite general since the extent of work is not yet determined.

### **VI. Cost and Funding Source**

The range of costs for alternatives should be discussed. The likelihood of federal funding should be discussed as well. Cost estimates are rough due to lack of design information from which to make detailed estimates.

### **VII. Schedule**

This section of the report sets the general time frame for key activities. These typically include estimated dates for the following:

- Notice of Intent (state and federal)
- Public Scoping Meeting
- Scoping Decision Document
- DEIS

- Public Hearing
- FEIS\*
- Adequacy Determination
- Record of Decision
- Detailed Design
- Right of Way Acquisition
- Contract Letting
- "Open to Traffic"

Other activity dates may also be estimated. A process flow chart, in graphic form, is often helpful at this stage to introduce the process ahead.

Indicate that the schedule is subject to change and will be updated as the project advances. It is a good idea for the schedule to be more specific for activities that are coming up shortly (e.g. Scoping Decision Document – July 2019) and be more general for future activities (e.g. Record of Decision – Summer 2021).

### **VIII. Alternatives**

One main purpose of the Scoping Document is to discuss alternatives that could meet project need. This may include location considerations, various transportation modes, design modifications, project magnitude and alternate means of achieving the project purpose. Potential alternatives which have been thought about, but which are not reasonable should be discussed. The facts as to why an alternative is unreasonable must be clearly established. If potential alternatives will not meet the transportation need, they are not reasonable and need not be carried into the DEIS with the exception of the "No Build." The "No Build" Alternative must be included as a base of comparison (and carried forward for discussion in the DEIS).

Enough description of the alternatives should be given to establish how they differ. If early coordination has brought out some potential alternatives, these should be discussed.

The location issue should be discussed. The scoping process can be used as a vehicle to narrow the range of locations to those which are reasonable (perhaps to one). Others may have been considered, but may not be reasonable. The basis for dismissal should

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\* Federal rules direct that a combined federal FEIS/ROD be done to the extent practicable unless certain circumstances apply. When a combined FEIS/ROD is done, the FEIS must first be issued under Minnesota rules which do not provide for a combined state FEIS/Adequacy Determination.

be included in the Scoping Decision Document.

## **IX. Social, Economic and Environmental Impacts (SEE)**

In depth SEE studies have not yet been done at this stage. Enough inventory and assessment work should be done, however, to determine which impacts may be potentially significant. Potentially significant impacts will require a larger study/analysis commitment than others during the DEIS stage. SEE factors may enter into the decision as to which alternatives should be considered in the DEIS process and which should be dismissed from further consideration.

A list of SEE potential issues with discussion of each is found in [T6640.8A](#). Also refer to the relevant topic guidance in the HPDP.

## **X. Public and Agency Involvement (and Permits/Approvals)**

The SD is used as one element of an early coordination and on-going engagement process with other agencies and the public. The document should discuss public and agency involvement that has already taken place and that is planned for the future. Cooperating and participating agencies that have been formally identified should be noted.

## **Processing / Circulation**

### **(Scoping Document / Draft Scoping Decision Document)**

1. **District** consults with OES/FHWA on need for EIS and timing of publication of Notice of Intent (in the Federal Register).
2. **District** [Distributes](#) copies of preliminary Scoping Document/Draft Scoping Decision Document for review to Central Office and FHWA:
  - For signature blocks, see [Who Approves Project Documents](#).
  - For guidance on FHWA review, see [FHWA and MnDOT Stewardship and Oversight Agreement](#).
3. **Reviewers** provide comments to District
  - Complete review within 45 days of receiving preliminary document
  - OES coordinator returns comments to Project Manager with copy to FHWA.

- FHWA comments to MnDOT Project Manager with copy to OES.
  - CO State-Aid (required only if local agency is involved and using federal aid funds) returns comments to Project Manager with copy to OES/FHWA.
4. **District** revises Scoping Document/Draft Scoping Decision Document based on comments received and consultations with OES/FHWA. District Engineer signs signature page.
  5. **District** submits to OES revised Scoping Document/Draft Scoping Decision Document for approval (electronic copy, one hard copy and one signed signature page if using e-signature, contact OES with questions).
  6. **OES:**
    - Conducts final review of Scoping Document/Draft Decision Document (review completed in 5 days).
    - Approves Document: Chief Environmental Officer signs signature page (once all comments are adequately addressed).
    - Returns original-signature page to District for project file.
    - The approved SD/DSDD must be filed in eDOCS.
  7. **OES / District** coordinate EQB Monitor notice information – notice information must be submitted at least seven (7) days prior to publication. See <https://www.eqb.state.mn.us/eqb-monitor> for submission details.

**OES sends** notice information to EQB, which includes:

- Name and location of project
  - Brief description of the work to be completed
  - Locations where the Scoping Document/Draft Scoping Decision Document can be reviewed
  - Process and time frame for sending in comments (30 days)
  - Date, Time and Location of Public Meeting
8. **District** provides a press release to newspapers in circulation of project area.
  9. **District** Distributes Scoping Document/Draft Scoping Decision Document and a transmittal letter. Documents should be mailed no later than the Wednesday before EQB Monitor publication date. The document must be made available at least 15 days prior to the public meeting (and must be available at the public meeting). The

document is also posted to the project website.

**10. District** holds public scoping meeting.

Scoping Document/Draft Scoping Decision Document is made available at the meeting and District takes comments from public.

**11.** After the public review and comment period the Draft Scoping Decision Document is revised into the Scoping Decision Document. (Refer to HPDP chapter for [Scoping Decision Document](#)).