



June 19, 2008

Representative Lee Gonzales  
Appropriations Transportation Subcommittee Chair  
Michigan House of Representatives  
P.O. Box 30014  
Lansing, Michigan  
48909-7514

**SUBJECT:**  
**AMBASSADOR BRIDGE ENHANCEMENT PROJECT**

Dear Mr. Gonzales:

I understand from the Canadian Consulate in Detroit that you are seeking information on the status of the Ambassador Bridge's environmental assessment, particularly as it relates to the status of the port of entry installations for the Canada Border Services Agency at the Canadian plaza.

You will find attached a letter addressed to Mr. Stamper, that I believe is self-explanatory. I also believe the letter from Minister Canon is an accurate description of the current status of the environmental assessment, particularly as it relates to our border security needs. On June 9<sup>th</sup> the Director General, Surface Infrastructure Programs at Transport Canada wrote to Mr. Stamper reiterating the position.

We have had discussions with the Ambassador Bridge, on and off, since early 2006 on the Enhancement Project and related border management issues at the plaza. We can, if you wish, share the correspondence we have sent officials of the Ambassador Bridge on this matter if this can inform your Subcommittee's work and advance the public interest. I believe that the correspondence will reflect that we have cooperated and will continue to cooperate with the Ambassador Bridge, consistent with our obligations to them, but without compromising our obligations to the public, and without compromising border management.

While it is accurate that the Ambassador Bridge submitted a preliminary proposal (a single option, with several variations) for the development of the plaza, CBSA met with them in February and discussed its shortcomings. After the February meeting we expected to receive the next iteration. Instead we received a forecast, with no methodology and assumptions that, in my opinion, is perhaps intended to situate the forecast to bolster an argument that no changes to the plaza are necessary.

.../2

I learned from Mr. Stamper's statements to your Subcommittee that he has retained the services of a specialist to produce another analysis. Unless I misunderstood the statement in the transcripts, it would suggest that we are at the beginning of the planning process rather than at the end. The ball has been, and is clearly in their court in this matter.

A meeting between Mr. Stamper, our Regional Director General, and myself is planned for Friday this week.

I hope that you find this information useful and constructive. Rest assured that we remain committed to working with all border stakeholders, in all modes of transportation, to ensure that we can meet the security and trade priorities of our countries.

Yours truly,



Claude Béland  
Director General  
Infrastructure and Environmental  
Operations Directorate  
Comptrollership Branch  
Canada Border Service Agency

Attachment



June 17, 2008

Mr. Dan Stamper  
President  
Canadian Transit Company  
Suite 202  
780 Huron Church Road  
Windsor, Ontario  
N9C 2K2

**SUBJECT:**  
**AMBASSADOR BRIDGE ENHANCEMENT PROJECT**

Dear Mr. Stamper:

The purpose of this letter is to clarify a number of issues related to your Environmental Impact Statement (EIS) as it relates to border security and management needs at the Ambassador Bridge's Canadian plaza and to discuss the next steps necessary to address those issues so that our meeting of Friday June 20<sup>th</sup> can be constructive.

First, as you know a cogent long-term development plan is based on an appropriate traffic forecast. Notwithstanding your constant and severe criticism of the corridor traffic forecast formulated for the Detroit River International Crossing study, you chose not to provide your own traffic forecast and specifically instructed CBSA by e-mail on July 18<sup>th</sup>, 2007, as follows:

*"Please let Claude know he should use the DRIC numbers to complete his SOR.  
He should forward to us as soon as possible."*

We provided shortly thereafter several Statements of Requirements for various planning horizons and for two scenarios: one with and the other without the construction of a new crossing within the corridor.

You then submitted a proposal for the redevelopment of the plaza, which was the subject of a meeting between our staffs in Windsor in February 2008. The outcome and conclusions of that meeting, as you know, were that the proposal did not provide a functional port of entry suitable for the long-term border management and traffic needs at the Ambassador Bridge.

.../2

Based on the work so far, it is becoming clear that our long-term needs cannot be addressed without expanding the plaza, most probably to the south and to the west, in the future. We expected the CTC to engage a professional planner to develop a revised proposal in the following weeks. You will recall that we provided a list of consultants who have completed this type planning successfully. Bottom line is that more planning is needed to address the current and long-term border management needs at the Ambassador Bridge.

Following our February 2008 meeting with Transport Canada in Ottawa, you tabled your "*own confidential internal traffic projections*" and requested that CBSA re-table a Statement of Requirements based on this latest forecast. As indicated in my e-mail to you (May 11<sup>th</sup>), we have declined to do so because we were having difficulty accepting it as a serious and professional forecast for the following reasons:

- a. You forecast no change in traffic for more than 40 years, which appears incomprehensible in the absence of any rationale and in the light of public statements that the Ambassador Bridge will have 10 lanes of traffic available over the Detroit River in the future. The forecast appears to have been formulated based on the limitation of existing installations rather than a logical response to more than doubling the bridge capacity over the Detroit River;
- b. In spite of our telephone conversation, you did not share the methodology, assumptions, or modelling approaches underpinning the forecast; and
- c. You did not reconcile any of the significant differences between your forecasts and those of the highway jurisdictions in Canada and the US, other than to dismiss those summarily.

As I have stated previously, I do not intend to get into a technical debate about the validity of one forecasting approach over another. In this case, given that we are in a public process and that CBSA's statement of requirements could constitute a tacit public validation, then sharing your forecast's methodology and assumptions would have been respectful, constructive and in the public interest. A credible forecast is essential to proceed further.

I understand that you stated to the Michigan House Appropriation Subcommittee on Transportation, on June 12<sup>th</sup>, that you have hired an outside forecaster to review traffic patterns and prepare another analysis, which should be available in a few months. I presume that you will share that analysis with CBSA in due course and will request that we formulate the statements of requirements as the basis of pursuing the development plan for the plaza.

There also have been several inaccurate and misleading statements about our relationship and CBSA's role in the environmental assessment of your project that needs to be corrected.

First, a letter from SISKINDS to Transport Canada and the Canadian Environmental Assessment Agency dated May 27<sup>th</sup> stated that:

*"CBSA has recently indicated that it is unclear as to its border crossing requirements at this time..."*

That statement misrepresents CBSA's view. We have consistently stated that we plan based on today's best information related to traffic and border processing. We have a good sense of the future direction and trends. But we obviously do not know specifically how our processes will change and technology's impact on their effectiveness (or lack thereof) in the future. To suggest that we should not plan because of future uncertainties about changes to border processing and the future impact of technology, and further, that no environmental assessment should be pursued because of these future uncertainties is preposterous. I would appreciate that you refrain from making statements that may misrepresent CBSA's views.

Second, the same letter refers to CBSA requesting the off-site secondary examination (in the 1990s) and then (post 911) advising that it was no longer required. I think the record speaks for itself.

In summary CBSA's view is:

- a. That the plans for enhancing an international crossing cannot be formulated in abstraction of the port of entry installations necessary for a functional crossing; one that meets the needs of the users and the security interests of Canada and the US. The construction of additional lanes of traffic over the Detroit River, in abstraction of border management needs will only exacerbates current security issues. CTC officials are on record that 10 traffic lanes will be available at the Ambassador Bridge in the future;
- b. Security is compromised in the current environment. There are significant risks within the corridor and there have been increases in seizures. Port running and failure to report have been issues in the past. Notwithstanding some of the interim measures taken, it is unacceptable and unsustainable in the post 911 environment to continue commercial secondary examination at an off-site installation and to have insufficient space now (let alone in the future) to use modern contraband detection equipment;

- c. The preliminary planning accomplished so far suggests there is insufficient land available to accommodate a functional port of entry without impact on the community south and west of the existing installations; and
- d. Integrating the 6 commercial primary inspection lanes West of Huron Church Road to address the security and traffic issues remains outstanding.

From our perspective the next steps are:

- a. Finalizing the traffic forecast for the Ambassador Bridge. We understand that you have retained an expert to do so and that his work will be completed in a few months; and
- b. Engaging a professional planner to take us through a logical planning exercise and develop integrated and feasible options for the future development of the plaza.

I hope you find the above useful. CBSA is willing to cooperate in a transparent and fair manner to ensure that border security and trade interests of both Canada and the US are addressed within the Windsor-Detroit corridor.

Yours truly,



Claude Béland  
Director General  
Infrastructure and Environmental  
Operations Directorate  
Comptrollership Branch  
Canada Border Service Agency



Transport Canada    Transports Canada

Place de Ville  
Ottawa  
K1A 0N5

Your file    Votre référence

Fax (613) 990-9639    Télécopieur (613) 990-9639

Our file    Notre référence  
CEAR#06-01-21100

June 9, 2008

Mr. Dan Stamper  
President and CEO  
The Canadian Transit Company  
780 Huron Church Road, Suite 202  
Windsor, Ontario  
N9C 2K2

Dear Mr. Stamper:

Thank you for your letter of June 3, 2008. Below is a brief response to the key issues that you raised.

During our meeting in February, I believe I was very clear in confirming what Transport Canada (TC) has communicated to you many times throughout this environmental assessment (EA) process. The Canada Border Services Agency (CBSA) has consistently advised you, and TC, that your proposed second span will require modification or expansion of the border inspection facilities, in order to meet their needs. We have been equally clear, both before and after you filed your Environmental Impact Statement (EIS), in explaining that this component of the project is included in the EA Guidelines.

Throughout the development of the EIS, TC staff made every effort to propose a review process to you and your consultants that would facilitate the ultimate review of your EIS in a timely manner. Although three work plans were reviewed, I wish to be very clear that TC did not provide comments on any of the actual studies – your EIS submission was the first time that these studies were provided to us. As discussed during the development of the EIS, the purpose of offering to review the studies in advance of your EIS submission was to identify issues before you used the data in your environmental analysis in order to facilitate the overall review process. Unfortunately, you decided not to accept this offer, and submitted your EIS without the benefit of this input. The effort required by federal authorities to review your entire submission is significant. Initiating that review process, while knowing that a key project component is missing, is not an effective use of resources.

.../2

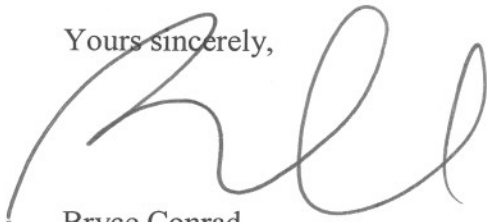
In a further effort to streamline the process following your submission, we conducted a preliminary review of your EIS so that we could provide you with an early opportunity to address major issues. TC clearly communicated the results of this review to you within weeks of receiving the EIS.

You continue to claim that TC is delaying your EA process, but you still have not completed the analysis, as requested. As such, we do not feel that your claims are justifiable. TC continues to make every effort to ensure that we fulfil our legal obligations in an open and transparent way.

I wish to acknowledge that TC has received a copy of the letter written by Paula Lombardi on May 27, 2008, and another dated May 30, 2008. I have also received e-mail correspondence on behalf of your company from Susan Whelan regarding her request for documents. I will respond to the issues raised in those letters under separate cover. In the meantime, while I appreciate that you have many people working on your behalf, I can respond to your issues more effectively if you coordinate your efforts and direct them to my office at [conrabr@tc.gc.ca](mailto:conrabr@tc.gc.ca) or 613-949-4641.

TC remains willing to work with you to conduct this review in a manner that allows us to meet our legal obligations. As noted above, we will be in touch again shortly on your other correspondence, in an effort to bring closure to the outstanding issues.

Yours sincerely,



Bryce Conrad  
Director General  
Surface Infrastructure Programs

c.c.: Dave Cree, Windsor Port Authority  
Mohammad Murtaza, Canadian Environmental Assessment Agency  
Claude Béland, Canada Border Services Agency