

**Detroit River International Crossing Study
Local Advisory Council/Local Agency Group Meeting
September 27, 2006
7:00 p.m.
Southwestern High School**

Purpose: To review the progress of the Detroit River International Crossing Study.

Attendance: See attached

Discussion:

Introductions

Mohammed Alghurabi asked for introductions of the LAC and LAG members and then the observers. He then reviewed the meeting conduct procedures and the agenda. There were no suggested revisions to the agenda.

Mohammed Alghurabi then indicated that a letter was sent by the MDOT Director Kirk Steudle to the United States Coast Guard indicating that there was no objection to the application submitted to the Coast Guard by the Detroit International Bridge Company. Mrs. Dolores Leonard then indicated that, upon first hearing about the letter from Director Steudle to the Coast Guard, she felt “undercut by the entire process.” Upon further consideration, she came to the understanding that the Detroit International Bridge Company has requested approval from the Coast Guard to cross the “water of the Detroit River” and that is the jurisdiction of the Coast Guard and the pending permit application. She further noted that Canada controls the land decision and the City of Detroit has jurisdiction over various permits that will be required by any bridge crossing the Detroit River that lands in its city. On that basis, she came to the conclusion that the process, including the letter from MDOT Director Steudle, is advancing in a manner that no longer makes her feel “undercut.”

Olga Savic, from Representative Tobocman's office, indicated her understanding of the statement "MDOT has no objection to the application before you" is not an endorsement, nor does it indicate support, of the Ambassador Bridge Enhancement Project.

Alison Benjamin commented that, at the very first meeting of the DRIC LAC in March 2005, it was requested that a moratorium be declared on the permitting of all border crossings until the DRIC Study were done.

Mohammed Alghurabi then recognized Joe Polak of the Detroit International Bridge Company.

Mr. Polak then stated as follows:

"As everyone should be aware, the Ambassador Bridge's twin span has continued to move forward. The DRIC Study, on numerous occasions, has acknowledged that the Ambassador Bridge twin span is completely separate from the DRIC and is free to proceed. That is exactly what we have done.

"The brief letter that MDOT sent to the Coast Guard was nothing if not consistent with MDOT's stated position over the years, including the Gateway Project studies and with the DRIC Study. This position is certainly not new and while MDOT's very brief neutral letter was not necessarily the type of endorsement letter that we would have preferred, it was not anything new.

"Despite the expectations created by others with an agenda, the DRIC process has never been a clearinghouse of the future of the border. It is a separate effort, and

distinct from the Ambassador Bridge's responsibilities to operate the most efficient, effective crossing anywhere. The Ambassador Bridge will continue through the process with the proper federal agencies while continuing to improve our border infrastructure, technology and processes for the benefits of our region.

Mohammed Alghurabi then recognized Joe Corradino for a comment. Joe Corradino noted that the report dated November 2005 on the Illustrative Alternatives, Volume 1, states on page S-20 as follows: "Therefore, it is eliminated from further DRIC Study analysis. But, this decision does not prevent (it) from continuing with its own environmental studies in accordance with the processes in the U.S. and Canada." Joe Corradino stated that the "it" in this context refers to the Detroit River Tunnel Partnership project, but, it applies by inference to the Ambassador Bridge as well.

Karen Kavanaugh stated that a letter was sent to the Governor's office on the subject. That letter is attached to these notes.

Mohammed Alghurabi then asked if there were any other comments or questions from the LAC, the LAG members, or the observers. There being none, he returned to the agenda.

August LAC Notes

Mohammed Alghurabi asked if there were any comments or questions on the notes of the LAC/LAG meeting of August 29th. Mrs. Leonard then asked the following questions/made the following comments:

C: *“As I recall, during the demonstration playback of sound at the (August 24th CSS workshop at the) Doubletree (Hotel), there was also a video of the areas where the measurements were taken.”*

R: There was no video but there were still pictures of the areas at which sound measurements were taken.

Q: *When the noise measurements were conducted, how far away were the tests conducted (the proximity to people and their homes?? What was the actual footage?*

R: The actual distances are shown on the photographs that have been referred to. Nonetheless, in most cases, the areas in which the noise measurements were taken are not residential. One measurement was taken in proximity to the Ste. Anne Gates condominiums, which is about a block away from the noise source of the Ambassador Bridge/Customs plaza.

Q: *Noise levels were recorded for 10 minutes each during the time periods of the day at the five locations. What were the timing intervals during the 10 minutes that tests were conducted?*

R: The measurements were for a continuous 10 minutes and the noise was the averaged.

Q: *During the 10 minutes, what amount of noise registered high and what amount registered low for each of the five locations?*

R: That information is not currently available, but it will be provided to you as soon as possible.

Q: Heretofore, whenever the Ambassador Bridge was mentioned, comments have been made that MDOT has no control over what the Ambassador Bridge does and, therefore, (MDOT) has no comment. Since the Ambassador Bridge was used as the source of the noise simulation, can you project the noise levels to year 2030 when bridge traffic is projected to be at 150 percent increase?

R: Yes, noise will be forecast using models acceptable to the federal review agencies and it will be a function of traffic that will cross over the new bridge in the year 2035.

Q: Considering that air quality and noise levels are separate issues for environmental purposes, what will be the combined cumulative effects of air quality and noise level increases rather than isolating noise from air quality?

R: The DRIC environmental document will include a section on the indirect and cumulative effects of actions that have been taken in the past, present, and will take place in the foreseeable future. It is that section that will address the “cumulative” issues in your question.

There were no other questions/comments about the August LAC/LAG meeting or the August 24th Context Sensitive Solutions workshop.

Preliminary Underwater Survey Results

Joe Corradino indicated that an underwater survey was conducted using both a submarine and then a “hard-hat” diver to look for mussels in the Detroit River where piers for the new crossing could potentially be located. The results indicate that, while shells of various mussels were found, including the shells of the endangered species known as the “Northern Riffleshell” mussel, the scientists doing the underwater survey concluded that there was no habitat there for threatened or endangered mussels.

CSS Preference Evaluation

Joe Corradino reviewed the preferences from the August 24th CSS workshop. He noted that some results, particularly as they relate to Crossing X-11, reflect more of a vote against that crossing than a preference for a particular CSS theme. He advised that the crossing preference determination would occur later in 2007 and urged everyone to participate without a bias towards one crossing or another in the continuing CSS work on the DRIC.

CSS Animation Workshops

Regine Beauboeuf talked about the November 2nd U.S. and the November 15th Canadian workshops dealing with the look and fit of the bridge, plaza and interchange in the U.S. and the bridge only in Canada. She noted that the meeting would be open to the public from 10:00 a.m. to 8:00 p.m. and anyone could walk in at anytime and stay as long as they wished to apply their concepts for the look and fit of the crossing components by using the computer software or the services of an artist/illustrator. Regine stressed that this set of workshops would allow the

common element to the bridge to be focused on by representatives of each community in the same workshop fashion. In response to a question from Mrs. Leonard, it was stressed that people can come in at any time from 10:00 a.m. to 8:00 p.m. either at the workshop in the U.S. at the IBEW Hall on November 2nd or at the November 15th workshop at the Cleary International Centre in Windsor.

At that point, Joe Corradino noted that another public meeting would be held on December 5th at Southwestern High School to display the updated impacts of the border crossing system – crossing, plaza and interchange. Preceding that meeting on November 29th, there would be a joint gathering of the LAC/LAG and the Canadian CCG to review the evaluation data. It was noted that this will be comparable to the meeting held in Canada at the Ciarro Club in March, 2006. Len Kozachuk of the Canadian consulting team, URS, indicated that the public meeting of December 5th in the U.S. would be followed by public meetings in Canada on December 6th at the Holiday Inn on Huron Church Road and on December 7th at the Ciarro Club. Mohammed Alghurabi noted that the U.S. meeting would be held from 5:00 p.m. to 8:30 p.m. and again noted that it would be at Southwestern High School.

Update of the Drilling Program

Joe Corradino indicated that a report had been delivered to him the day before on the results of the shallow drilling program. Forty-five holes were completed consistent for determination of placement of the alternative plazas.

Joe Corradino also noted that the deep drilling program is still being advanced, however slowly, dealing with gaining access to a number of properties. He indicated that holes were being shifted to avoid the most problematic property entry issues. For example, Hole #13 was moved away from Morrell Street to minimize the number of property owners that needed to give permission and the number of people to be relocated for the drilling program.

Joint LAC/CCG Meeting

Mohammed Alghurabi noted again that a joint meeting of the U.S. LAC and the Canadian CCG would be held on November 29th at Southwestern High School beginning at 7:00 p.m.

Other LAC Business

Mrs. Leonard indicated that she was pleased to see so many officials in attendance from the City of Detroit.

Public Comment

Mohammed Alghurabi asked if there were additional public comments. There were none.

With that, the meeting ended at approximately 8:45 p.m.

September 27, 2006

Ben Korhman, Policy Advisor
Office of the Governor
Policy and Management Division
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909

Dear Mr. Korhman:

I am writing on behalf of the Gateway Communities Development Collaborative and the Delray Community Council regarding the correspondence to the United States Coast Guard (USCG) dated September 14, 2006 and signed by Kirk Steudle, Director of the Michigan Department of Transportation (MDOT) regarding the Ambassador Bridge Enhancement Project Notice 09-03-06. While we were initially puzzled as to the reason for the letter, as it appeared to be a departure from MDOT's stance on the Detroit International Bridge Company's (DIBC) permit application for the Ambassador Bridge Enhancement Project to the Michigan Department of Environmental Quality, we are now persuaded that this is not the case. Instead, we are now concluding that the letter simply reaffirms MDOT's previously expressed position. We have based our conclusion on the following review and analysis:

1. In a recent conversation on this matter, you confirmed that the intention of the letter is merely to communicate what MDOT, as the lead state agency in the DRIC Study, has already publicly stated regarding a private entities' pursuit of its business interests. The Michigan Department of Transportation is reiterating that it has no objection to the DIBC's *right* to pursue its business interests, including the Ambassador Bridge Enhancement Project - just as MDOT has no objection to the Detroit River Tunnel Partnership pursuing their converted rail tunnel project or the principals of MICHCAN pursuing their proposed bridge. Therefore, the letter simply communicates that MDOT acknowledges that the DIBC has the right to submit an application to the USCG. The letter does not communicate MDOT's support of the DIBC's Ambassador Bridge Enhancement Project.
2. The DRIC Study concluded in November, 2005, following rigorous analysis, that the construction of a second bridge adjacent to the Ambassador Bridge is not a feasible alternative and removed it from further consideration through the DRIC Study process. In addition, MDOT provided extensive testimony and data, along with its partnering agency, the Federal Highway Administration, on the DRIC Study process and its conclusions at the hearings held by the Joint House and Senate Transportation Committee earlier this year. Certainly, MDOT would not now be reversing its position on the efficacy of a new bridge next to the Ambassador Bridge, based on months of empirical analysis, close consultation with their Canadian partners, and unprecedented public participation. Once again, the statement "MDOT has no objection to the application

before you” is not an endorsement, or indicate support, of the Ambassador Bridge Enhancement Project.

3. Other federal agencies (Federal Highway Administration, Environmental Protection Agency) with jurisdiction have communicated to the U.S. Coast Guard their strong objections, along with detailed rationale, to the preliminary designation of a categorical exclusion on the Ambassador Bridge Enhancement Project. Certainly, MDOT would not have an antithetical position to their U.S. DRIC Study partnering agencies absent extensive consultation, a rigorous review of the data, and public input. Therefore MDOT’s statement is not an endorsement or supportive of the USCG preliminary determination of a categorical exclusion.

4. The municipalities that will host this new international border crossing infrastructure have communicated to the U.S. Coast Guard their disagreement with the preliminary designation that the proposed project qualifies for a categorical exclusion. The city of Windsor, through its legal counsel as well as the city of Detroit, through the legislative branch, have strongly urged the USCG to reconsider the preliminary designation and require that an Environmental Assessment or Environmental Impact Statement be completed. MDOT would surely consider, as it did in its analysis of the impact on the downriver alternatives last year, the positions of the two host communities in its correspondence to the USCG. Once again, there is no evidence that the statement in the letter supports the USCG’s preliminary designation of a categorical exclusion.

5. The DRIC Study is conducting an Environmental Impact Statement – the most comprehensive environmental assessment – on each of the alternative locations under consideration. Certainly the same level of environmental analysis would be supported by MDOT regardless of ownership.

6. Finally, MDOT is participating in the financing for the multi-jurisdictional DRIC Study to ensure that the optimal location, design, and security operations are determined for expanded international border crossing capacity at one of the busiest crossings in North America. MDOT would not now unilaterally reverse its position – once again based on extensive and rigorous analysis – without an equally rigorous process. Therefore, MDOT is not suggesting through this correspondence that they intend to abandon the DRIC Study and the eventual implementation of its preferred alternative.

There are two additional items that warrant mention. First, on September 14, 2006 the Michigan Court of Appeals ruled that the Detroit International Bridge Company is not a federal instrumentality and therefore must comply with all local regulations. The ruling provides additional guidance and clarification on the state and federal agencies that have jurisdiction over the construction of international bridges. The process for construction of an international bridge will continue and is not conclusively determined by the U.S. Coast Guard. Secondly, Senator Carl Levin and Congressman John Dingell submitted correspondence dated September 26, 2006 to the U.S. Coast Guard requesting responses to several questions that have been raised as to the preliminary determination of a categorical exclusion, the relationship of the analysis that led to the preliminary

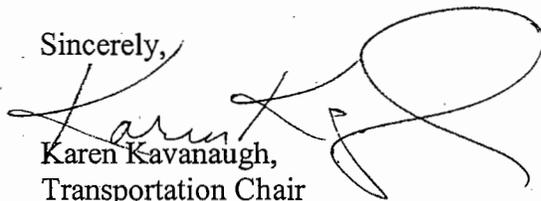
determination and the analysis conducted by the DRIC Study which removed a second bridge at the Ambassador Bridge location, and the extent to which public comments are incorporated into the USCG's process. Certainly MDOT awaits a full response to this inquiry as do the elected officials and the impacted communities.

In conclusion, while the manner in which MDOT's position was communicated could have been improved upon, the correspondence states nothing more than the Detroit International Bridge Company has a right to submit an application for their proposed Ambassador Bridge Enhancement Project to the U.S. Coast Guard.

We would like a meeting with the Governor at her earliest convenience.

Thanks you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Kavanaugh', written over a large, stylized circular flourish.

Karen Kavanaugh,
Transportation Chair
Gateway Communities Development Collaborative

cc: Governor Jennifer Granholm
Representative Steve Tobacman
John Burchette, Chief of Staff, Governor Granholm
Senator Carl Levin
Congressman John Dingell
Congresswoman Carolyn Cheeks-Kilpatrick
Detroit Mayor Kwame Kilpatrick
Detroit City Council
U.S. Coast Guard, Ninth Coast Guard District
Kirk Steudle, MDOT Director