Appendix F

Detroit River International Crossing Study
Agency, Elected Officials and
Major Stakeholders -
Comments on DEIS and Responses
Analysis of the economic effects of a new DRIC crossing on all existing crossings indicate they will have revenues that exceed expenses under high and low traffic forecast scenarios, indicating the business viability does not appear to be threatened. See Section 3.5.1.4 of the FEIS.

While auto traffic is down, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project’s purpose.
There is absolutely no transportation justification for a DRIC bridge in this corridor, especially in light of the Ambassador Bridge Gateway Project (currently under construction) investing $231 million, closing I-75 for 2 years and only taking minimal properties from citizens. DRIC on the other hand calls for 414 homes, 56 businesses and 14 civic non-profits. (See Detroit News, Feb. 22, 2008; Detroit Free Press Feb. 25, 2000; and DRIC DEIS, Appendix A, p. 2.) As the final map attached to this letter shows, Michigan simply cannot afford to harm its transportation facilities and our strengths as a distribution hub while Canada systematically builds only infrastructure projects that provide a competitive advantage to Canada alone. (See North American report covers/maps, attached. A more thorough briefing on this may beneficial to inform your views.)

The economic devastation of the Ambassador Bridge, the Detroit/Windsor Tunnel and the MDOT’s twinned Blue Water Bridge is surely not the legacy that your administration would like to leave Michigan.

Regards,

DETOUR INTERNATIONAL BRIDGE COMPANY

Dan Stamper
President
Letter 1, continued
3.5 Traffic

This section covers how traffic was predicted for the new bridge and how the nearby freeways and major local roads would operate with the traffic changes. Reference is made to the two-volume set of Traffic Analysis Technical Reports for details.9

3.5.1 Travel Demand Model and Results

3.5.1.1 Overview

The travel demand model that was created specifically for the DRIC project is a composite of detailed roadway networks and trip tables representing the SECOG region, the State of Michigan, Windsor, and Ontario. The model also covers all of Canada and the U.S. with less-detailed networks than in the Detroit-Windsor region. The travel demand model treated all crossings equally in terms of tolls and the time consumed in paying tolls and Customs processing. All travel model applications used the same Canadian approach road to the plaza at the new crossing.

A number of travel demand modeling analyses were performed for the DRIC. The highest traffic volumes in a range of forecasts are used in this DEIS. This is consistent with MDOT’s approach to the NEPA process, which is to examine maximum-impact scenarios during preliminary analyses and, then, modify the analyses in the FEIS as the specifics of the project become better defined.

Providing a new border crossing would cause travel shifts over a wide area. For example, a new Detroit-Windsor crossing could attract travelers from the Blue Water Bridge at Port Huron, Michigan. At the same time, the proposed border crossing would reduce traffic on the Ambassador Bridge and in the Detroit-Windsor Tunnel.

Because of their similarity, Practical Alternatives #1, #2, #3, #14 and #16 are represented by a single set of travel demand model applications. They include an X-10 crossing, Plaza P-a, and a similar trumpet-type interchange at I-75. Alternative #5, also with an X-10 crossing and including Plaza P-a, has a trumpet-type interchange shifted far enough east (i.e., upstream on I-75) that a separate set of traffic data was produced. Alternatives #7, #9 and #11 are represented by a single set of travel demand model applications as they are variations of an X-11 crossing with Plaza P-C.

The key to these groupings is their overall plaza layout. Alternative Set #1/2/3/14/16 provides a relatively direct connection to I-75 through Plaza P-a (Figure 3-18). This means less time to cross the river and connect to I-75. Alternative #5 follows this same general pattern. Alternative Set #7/9/11 has a routing within Plaza P-c that causes traffic to double back on itself causing more time and distance to be traveled to reach I-75 (Figure 3-19).

3.5.1.2 Volumes

The travel demand analyses are designed to provide traffic data for the AM peak hour, the highest-traveled midday hour, and the PM peak hour in 2004 (the base year of the analysis for which complete data are available), 2015, and 2035. Alternative Set #1/2/3/14/16 and Alternative #5 show similar volumes (Table 3-11A). This is expected considering both groups use crossing X-10, have the same plaza configuration, and the length and travel time distinction between these groups is measured at 0.1 miles and fewer than 12 seconds. Alternative Set #7/9/11 is different, because it has a much longer route that results in travel times between 90 seconds and two minutes longer than the other alternatives. Therefore, it would be expected to carry less traffic.
Table 3-11A provides further definition of how traffic on the DRIC alternatives is drawn from other border crossings in the Port Huron/Sarnia and Detroit River areas in the 2035 PM peak hour. It illustrates the following:

- A seven percent decline (○ red oval) in overall auto traffic on the Blue Water Bridge and a 16 to 18 percent decline in overall truck traffic with the introduction of a proposed DRIC crossing in the 2035 PM peak hour (○ blue oval). The decline is expected to be greater in the peak U.S.-to-Canada direction than the Canada-to-U.S. direction.

- The Detroit-Windsor Tunnel would register a 20 to 26 percent decline in total traffic (○ green oval), with the most significant reduction expected to occur in auto traffic in the U.S.-to-Canada peak direction.

- With Alternative Set #1/2/3/14/16 and Alternative #5, the Ambassador Bridge would realize a 37 to 39 percent reduction in car traffic (□ red squares). Also, with Alternative Set #1/2/3/14/16 and Alternative #5, the Ambassador Bridge is expected to realize a reduction of 75 percent of its truck traffic (□ green squares).

- With Alternative Set #7/9/11, the Ambassador Bridge is expected to realize a reduction of only 30 percent of its car traffic (□ blue square) and a reduction of 54 percent of its truck traffic (□ black square). The increased travel time of Alternative Set #7/9/11 compared to the other DRIC alternatives causes retention of car traffic at the Ambassador Bridge.
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*Note: (21-25) refer to specific scenarios or configurations.*

Source: Detroit River International Crossing Study Draft Environmental Impact Statement

3 - 52
With Alternative Set #1/2/3/14/16 and Alternative #5, the proposed DRIC crossing is forecast to carry approximately 43 percent of all international Passenger Car Equivalents (PCEs) in the peak U.S.-to-Canada direction (△ red pyramid). In the non-peak, Canada-to-U.S. direction, the proposed DRIC crossings would carry 33 percent of all PCEs (△ green pyramid). Overall, Alternative Set #1/2/3/14/16 and Alternative #5 would carry 40 percent of all PCEs (▽ green wedge).

The extra travel time associated with Alternative Set #7/9/11 would lower its share to 34 percent of all PCEs in the peak U.S.-to-Canada direction (△ blue pyramid). With this alternative set, the proposed DRIC crossing would carry 24 percent of all PCEs in the Canada-to-U.S. (non-peak) direction (△ black pyramid) and 30 percent of total PCEs (▽ black wedge).

The traffic volume assignments for the Ambassador Bridge and proposed DRIC crossings are highly sensitive to travel time differences. A proposed DRIC crossing could carry as much as 80 percent of the truck traffic handled by the two bridges and about 60 percent of all traffic, depending on the alternative (Table 3-12A).

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* Passenger Car Equivalents. One truck equals 2.5 cars.
Source: The Coordinating Group of Michigan, Inc.
Two years of I-75 pain begins

Tom Greenwood / The Detroit News

DETROIT -- Monday's morning commute will look very different for the 110,000 motorists who daily drive Interstate 75 near the Ambassador Bridge.

By midnight Sunday, the Michigan Department of Transportation will have closed I-75 between Clark Street and Rosa Parks Boulevard, an area that stretches from the shadow of the old Tiger Stadium to just past the Ambassador Bridge, in southwestern Detroit.

MDOT will begin preliminary work at 10 a.m. today, when it closes the left two lanes of northbound I-75 from the Rouge Bridge to Lafayette Boulevard. When that occurs, traffic will not be allowed to use northbound I-75 to westbound I-96. The lane configuration will remain this way until 10 p.m. Sunday when all traffic will be forced off the freeway at Clark Street.

Additionally, the right two lanes of eastbound I-96 will be closed from I-94 to the I-75 split from 9 a.m. until 5 p.m. today. After 5 p.m., the left two lanes will open and there will be a right lane closure of eastbound I-96 until early July. Then, starting at 7 tonight, the left two lanes of westbound I-96 will be closed from Martin Luther King Boulevard to Warren until early July.

According to MDOT, the shutdown of the 1 1/2-mile stretch of freeway is part of the massive Gateway Project, a major economic development project that will remove thousands of trucks that daily rumble through southwestern Detroit on surface streets. For the first time, trucks will be allowed to use the Ambassador Bridge, crossed each year by more than 11 million vehicles, making it the single busiest international crossing in the United States.

The project also will provide better access to the popular Mexicantown area and its dozens of restaurants, bakeries and mariscos. As for the shutdown, which could last up to two years, MDOT believes the key word for commuters is "adjustability." MDOT points to the apprehension that came with the closing of large stretches of M-10 over the past two years; the dreaded "Dodge the Lodge, Parts 1 & 11."

But, according to MDOT Deputy Engineer Tony Kratoch, after a week or two, motorists adopted favored alternate routes or simply left for work a little earlier than usual.

"Motorists will seek out the route that's best for them," Kratoch said.

"We are offering motorists several alternate routes, plus we're encouraging commuters to join car and van pools. They can also take advantage of the HOV lanes and special MDOT/SMART "Gateway Express" buses that will run on Michigan Avenue."

Southgate resident Kay Kasic has been preparing for the shutdown by conducting trial runs on various alternate routes to her job in the Eastern Market area.

"I tried taking Fort into the downtown area, but I wasn't crazy about it," Kasic said. "Finally I ended up choosing a route which takes me from I-75 to Livernois to Rosa Parks and then back to the freeway. I'm all for this project if it eases truck traffic to the Ambassador Bridge, but I wish they had delayed it for a few years."

Sami Schrandt, one of the owners of the 51-year-old Mexican Village Restaurant, is trying to think positive about the upcoming shutdown.

"We started as a one-room restaurant and we grew; which is progress," Schrandt said.

Two years of I-75 pain begins

“This project is also progress, although I'm sure it will affect our business in the short run. Our regulars know how to get here but we're concerned that newcomers may not want to make the effort because of construction. We're hoping it will bring in more business once the project is completed.”

MDOT realizes closing the freeway was an unpopular choice, but said it really had no other option.

"It would cause massive traffic backups, plus it would have extended length of the project from two years to three or four years. Closing the freeway also frees up room for construction equipment and makes the work zone safer for workers. The important thing to remember is that despite the closure, "Detroit will be open for business."

According to MDOT, in a "worst case scenario," I-75 could be closed for up to two years, but the state has 8 million reasons why it could open much sooner than that. The Gateway Project contract calls for the project to be completed by December 2009, but offers an $8 million bonus if it's finished by January 2009.

"(The contractor) can collect up to $5 million if it's finished by the 'March Madness' quarterfinals in March. After that it's on a prorated basis," Kratofil said.

According to MDOT, three prior phases to the Gateway Project have already been completed: the rehabilitation of Fort Street from Clark to Rosa Parks, the reconstruction of West Grand Boulevard bridges over I-75 and the reconstruction of the I-75/96 southbound service drive and the I-96 off-ramp from Vernor Highway to Michigan Avenue. This final phase of the project will include the reconstruction of 1 1/8 miles of I-75, from Clark to Rosa Parks; the rebuilding of one mile of I-96, from the I-75/96 interchange northward; and repairs to 18 ramps and 24 bridges within the work zone. One of the highlights of the project will be the construction of a lighted, cable pedestrian bridge over the freeways that will reconnect the east and west sides of Mexicantown at Bagley Avenue.

The total cost of all four phases of the project comes to $231 million, making it the largest project in MDOT history.

Detroit resident Deborah Thower grimaced at the thought of the closing.

"I guess I'll have to seriously start looking for alternate routes. It's going to make it tougher for me to reach downtown Detroit, but it sure isn't going to stop me!"

You can reach Tom Greenwood at (313) 222-2023.

Find this article at:

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New Detroit bridge would displace 400 homes, up to 920 jobs

By ZACHARY GORCHOW • FREE PRESS STAFF WRITER • February 25, 2008

A new border crossing in southwest Detroit would require relocating 400 houses, as many as 920 jobs and up to seven churches, according to a draft environmental impact statement on the project released today.

Officials from the Detroit River International Crossing study presented the draft to the Detroit City Council. Officials told council members they would decide on an exact location for a new bridge in April. The two sites now under consideration are just north of Zug Island near the River Rouge border and a mile farther upriver.

Council members were told the project would cost between $1.3-$1.5 billion.

The bridge has not yet been approved, but a major study is underway and expected to conclude this year. Government officials in the study say the Detroit-Windsor Tunnel, the Ambassador Bridge and the truck ferry will not be sufficient to meet rising traffic demands.

Leaders of several community groups told the council that while they would have preferred the bridge not be built in southwest Detroit, state officials have reached out to the community, giving them hope a new crossing will have positive economic spinoff benefits to the troubled Delray neighborhood.

The study is separate from a review being conducted by the Detroit International Bridge Co., which owns the Ambassador Bridge, and is looking at “twinning” the Ambassador to create a new span adjacent to the existing one.

Find this article at:
Michigan Department of Transportation  
Real Estate Division  
Conceptual Stage Relocation Plan  
Detroit River International Crossing  
Job #802330  
February 8, 2008

**GENERAL AREA AND PROJECT INFORMATION**

The purpose of the Detroit River International Crossing (DRIC) project is to provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area and to support the economies of Michigan, Ontario, Canada and the United States. In addition, it will address future mobility requirements across the U.S.-Canadian border and provide new border crossing capacity to meet increased long-term demand. There are nine DRIC Alternatives.

The general area of the proposed project consists of a mixture of residential, commercial, non-profit, industrial and vacant properties.

**DISPLACEMENTS**

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DRIC Alternative 11

340 Residential
56 Commercial
13 Non-Profit Organizations

DRIC Alternative 14

338 Residential
41 Commercial
9 Non-Profit Organizations

DRIC Alternative 16

356 Residential
45 Commercial
13 Non-Profit Organizations

DISPLACEMENT EFFECTS AND ANALYSIS

Acquisition of property for this project will allow for an orderly and timely relocation of all eligible displaced residents, businesses and non-profit organization (community facilities). The acquiring agency will ensure the availability of a sufficient number of replacement properties in the Tri-county area (Wayne, Oakland & Macomb counties) for all eligible displaced.

Residential: The project may cause the displacement of approximately 414 residential properties. A study of the Tri-county housing market indicates a sufficient number of replacement homes and rentals will be available throughout the relocation process. It is anticipated that the Tri-county residential real estate market will have the capacity to absorb the residential displacements impacted by this project.

Commercial: The project may cause the displacement of approximately 56 businesses. A review of the Tri-county commercial real estate market indicates that there are a sufficient number of replacement sites available to relocate eligible displaced businesses.

Non-Profit Organizations (Community Facilities): The project may cause the displacement of approximately 14 non-profit organizations. A review of the Tri-county real estate market indicates that there is an adequate supply of properties available as replacement sites for eligible non-profit organizations.
ASSURANCES

The acquiring agency will offer assistance to all eligible residential, commercial and non-profit displaces impacted by the project including persons requiring special services and assistance. The Agency’s relocation program will provide such services in accordance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 87, Michigan P.A. 1980, as amended, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquiring agency’s relocation program is realistic and will provide for the orderly, timely and efficient relocation of all eligible displaced persons in compliance with state and federal guidelines.

Prepared By:

[Signature]
William J. Swigler

[Signature]
Teresa Vanis

3-12-08
Date:

2-18-08
Date:
Letter 1, continued
Letter 1, continued
Letter 1, continued
References to the Fort Wayne Master Plan have been added to the FEIS (Section 3.3.1.3 of the FEIS).

There is no known relationship and neither refers to the other.

That discussion is expanded and included in Section 4.14 of the FEIS.

Signing on I-75, the plaza, and in appropriate locations within the host community will be provided. Additionally, information and directions can be made available at Welcome Centers, AAA, and other venues. Cross-border marketing coordination could be used to inform Canadian travelers about the fort and other Delray, Detroit, and regional attractions (and information on Sandwich Towne, Windsor and regional attractions in Canada would be provided on the U.S. side).

Coordination with SHPO staff and further research indicated that some historic resources listed in the December 3, 2007 letter are no longer considered potentially eligible for the National Register. Section 3.9.4 of the DEIS reflected that coordination.
Thank you for the opportunity to participate in the review of this proposal. If you have any questions, please feel free to contact me by telephone at 402-661-1944 or via electronic mail at dena_sanford@nps.gov.

Sincerely,

[Signature]

Dena Sanford
Architectural Historian

cc:

Mr. Brian Conway, State Historic Preservation Officer, Department of History, Arts and Libraries
Michigan Historical Center, 702 W. Kalamazoo St., P.O. Box 30740, Lansing, Michigan 48909-8240

Mr. James Conway, Historic Fort Wayne, 6325 W. Jefferson, Detroit, Michigan 48209

Mr. Don Klima, Advisory Council on Historic Preservation, The Old Post Office Building, Room 809, 1100 Pennsylvania Ave., Washington, D.C. 20004

Mr. Thomas Berlucci, Historic Fort Wayne Coalition, 2024 Crabtree, Troy, Michigan 48083

Mr. Lawrence Hemmingsway, Deputy Director, Detroit Recreation Department, NW Activity Center, 18100 Meyers Road, Detroit, Michigan 48235
April 2, 2008

Mr. Robert Parsons
Public Involvement/Hearing Officer
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Parsons:

Regarding:  Detroit River International Crossing (DRIC) Study
Draft Environmental Impact Statement and Draft Section 4(f) Evaluation

Reference is made to the enclosed letter from Mr. David W. Wresinski, dated February 21, 2008
regarding the subject study.

The Detroit Water and Sewerage Department (DWSD) appreciates early involvement with the initiatives
MDOT has advanced specific to the proposed Detroit River International Crossing. Pursuant to Mr.
Wresinski’s request, involved DWSD staff reviewed the Draft Environmental Impact Statement and Draft
Section 4(f) Evaluation. Consistent with further instructions contained in the reviewed document, we are
forwarding our attached comments to date direct to your attention. However, we respectfully reserve the
right to comment further should circumstances warrant.

Please give careful consideration to our remarks and apprise of advances to coordinate this endeavor.
You may contact me at (313) 224-4784, Ramesh Shukla at (313) 964-9894, or Mirza Rabbag at (313)
964-9880 with any questions or to make arrangements to meet on this.

Sincerely,

Gary Fujita, P.E.
Deputy Director

GF/MR/GS
Enclosures

c:  David W. Wresinski, Administrator, MDOT

Kwame M. Kilpatrick, Mayor.
Sixteen alternatives are presented in the report X-1 through X-15. The river crossing alternatives are situated as far south as Grosse Isle and as far north as Belle Isle. Alternative X-10 has two variations X-10A and X-10B.

Among the proposed alternatives evaluated located in the City of Detroit, Alternatives X-11, X-10B and X-10A are preferred with lesser impacts to current infrastructure than other alternatives in Detroit. These 3 alternatives are generally located north of West Jefferson between Campbell, Post south of Fort.

All of the proposed alternatives in Detroit city limits will require significant water distribution and sewer and outfall modifications to accommodate various proposed approach routes and plazas to new bridge locations. Costs allocated for such utility modifications for these alternatives range between $143 million and $183 million.

DWSD’s future CSO facilities planned along the Detroit River are not considered in the DEIS. DWSD’s future Summit CSO facility being finalized in our LTCSO Plan Amendment due to the MDEQ later this year will be located on portion of the Revere Copper property parcel adjacent, the Campbell south of Jefferson will impact and may conflict with aspects of Alt. X-11. Similarly, our future Schroeder CSO facility will likely impact Alts. X-10A and X-10B.

With any of these alternatives between 324 and 414 residential dwelling displacements and between 43 and 56 business displacements are anticipated. The Delray community would be impacted if either of these preferred alternatives are implemented. U.S. dollar estimated cost for all alternatives range from $1.2 billion to $1.5 billion.

Questions on this review may be directed either to:

Mirza Rabbag, Head Engineer
DWSD, CSO Control Group
rabbag@dwsd.org
313 964 9880

Gary Stoll, Sr. Asst. Mechanical Engineer
DWSD, CSO Control Group
stoll@dwsd.org
313 964 9883

Issued: March 15, 2008

1 Comment acknowledged, which is consistent with the information presented in Section 3 of the DEIS and the FEIS.

2 The Preferred Alternative does not impact the proposed DWSD Summit CSO facility. Consultations with DWSD staff indicate the Preferred Alternative will not impact the Schroeder CSO facility.
Letter 7, Southeast Michigan Council of Governments (SEMCOG)

David W. Wresinski, Administrator/Proj Planning Div, Bureau Trans Planning
Michigan Department of Transportation
P O Box 30050
Lansing, MI 48909

RE: Application for federal assistance from Department of Transportation for a project entitled "The Detroit River International Crossing Study"
Regional Clearinghouse File No.: TR 080553

Dear Mr. Wresinski:

SEMCOG, the Southeast Michigan Council of Governments, has processed a review for the above application according to intergovernmental review procedures established in Presidential Executive Order 12372 and assumed in the Michigan Federal Project Review System.

As the designated regional planning agency for Southeast Michigan, we notified the following local government agencies of your project: Wayne County Division of Planning; SEMCOG/Transportation Programs; Detroit Planning & Development Dept; City of Wyandotte; City of Woodhaven; City of Trenton; City of Southgate; City of Riverview; City of River Rouge; City of Melvindale; City of Lincoln Park; City of Gibraltar; City of Ecorse; and City of Allen Park.

As of this date, SEMCOG/Transportation Programs has submitted written comments, which are attached. We will forward additional comments, if any, for your information and attention.

SEMCOG's staff has reviewed the application materials which you submitted and finds that your project does not conflict with areawide plans.

Sincerely,

William Parkus
Regional Review Office

cc: SEMCOG/Transportation Programs
Letter 7, continued

MEMO

April 4, 2008

TO: Bill Parkus

FROM: Jennifer Evans

SUBJECT: Comments on the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Detroit River International Crossing Study

SEMCOG staff has reviewed the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Detroit River International Crossing Study and submits the following comments, followed by comments on the Air Quality Impact Analysis Technical Report.

Comments on Environmental Impacts

The development of a second span across the Detroit River will increase impervious surface. Storm water often carries sediment and pollutants that can impact the aquatic ecology of a water body. A storm water management system that avoids discharge, but rather collects, detains, and treats on-site should be developed as part of the project.

For houses or other structures that will be demolished or relocated, sewer lines should be filled with concrete or grout at the basement level. Abandoned wells should also be filled with concrete or grout from the bottom up. This is to avoid contamination of local groundwater that eventually would be discharged to the Detroit River.

Construction activities create conditions that promote erosion and sedimentation. The City of Detroit’s sewer system as well as any wetlands in the project area should be protected from sedimentation pollution. Thus, compliance with and a permit under Part 91 (Soil Erosion and Sedimentation Control) of PA 451 of 1994, the Natural Resources and Environmental Protection Act, may be required.

0.70 acres of wetlands have been identified in the project area. A hydrologic connection does exist between some of the wetlands and the Detroit River. The wetlands cleanse storm water — removing sediment — before release to the Detroit River. These wetlands and their natural functions should be protected to the fullest extent possible from encroachment or destruction. Thus, compliance with and a permit under Part 303 (Wetland Protection) of PA 451 of 1994, the Natural Resources and Environmental Protection Act, may be required.

---

1. See Section 4.8 of the FEIS.
2. See Section 4.9 of the FEIS.
3. See Section 4.7 of the FEIS.
4. See Section 4.10 of the FEIS.
Because that second span is only a proposal, not part of the Existing Plus Committed System, it is not part of the No Build Alternative. Nonetheless, the possibility that the replacement span of the Ambassador Bridge could be built was considered under indirect and cumulative impacts (Section 3.14 of the DEIS and FEIS).

The text beneath Figures 2-11C and 2-12C of the DEIS that describes the characteristics of the alternatives has been edited for the FEIS to note that the mainline of I-75 would have been shifted by these alternatives.

No individual private entity was considered in the DRIC. Most of the private alternatives were not developed beyond conceptual ideas. Alternatives that reflected the concepts offered by a private sector proponent were analyzed. The Don Flynn proposal was one of the Downriver Alternatives. Those alternatives were elemental in the Illustrative Alternatives Analysis. By the same token, all Practical Alternatives resemble the Mich-Can Proposal. Selecting Crossing X-10B and Plaza P-a as the Preferred Alternative is not an endorsement of the Mich-Can Proposal.

At the writing of the DEIS, it was a viable alternative. The FEIS indicates it is not the Preferred Alternative.

The traffic forecast represents a shift in traffic from the Blue Water Bridge and Detroit-Windsor Tunnel as noted in Section 3.5.1.2 of the DEIS and FEIS.

No individual private entity was considered in the DRIC. Most of the private alternatives were not developed beyond conceptual ideas. Alternatives that reflected the concepts offered by a private sector proponent were analyzed. The Don Flynn proposal was one of the Downriver Alternatives. Those alternatives were elemental in the Illustrative Alternatives Analysis. By the same token, all Practical Alternatives resemble the Mich-Can Proposal. Selecting Crossing X-10B and Plaza P-a as the Preferred Alternative is not an endorsement of the Mich-Can Proposal.

The DEIS summarizes the various alternatives that were initially considered. These were evaluated and narrowed down to address Practical Alternatives and how they were developed. Information on Illustrative Alternatives is summarized. Reference is made to the three-volume set of reports on Illustrative Alternatives referred to in footnote 1 of Section 2 of the FEIS. With respect to the narrowing of Practical Alternatives, Tables 2-4 and 2-5 provide the information requested.

The traffic forecast represents a shift in traffic from the Blue Water Bridge and Detroit-Windsor Tunnel as noted in Section 3.5.1.2 of the DEIS and FEIS.

No. The Blue Water Bridge plaza enhancements are needed to address existing problems. The diversion from the Blue Water Bridge is of traffic growth and that is relatively small. Data included in the FEIS indicate traffic on the Blue Water Bridge will increase from today’s conditions under both the build and no-build forecast.

No existing and committed projects are included in the traffic analysis of Build and No Build Alternatives. A “sensitivity test” of traffic effects of the proposed second span of the Ambassador Bridge on the DRIC crossing was conducted (see Section 3.14.3 of the FEIS).

Comment acknowledged.
<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
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<tbody>
<tr>
<td>15</td>
<td>In the DEIS, 2000 Census data were used to identify minority and low-income population groups, and non-minority population groups. Remember, the study area (based on 2000 census) was one of the most diverse communities in Detroit. At the time of the analysis, the Preferred Alternative was not identified. Analysis of the different variations of the build alternatives could not specifically identify (minority, low-income or non-minority) who lived in the homes to be potentially displaced. It was recognized that further analysis of community demographics would be needed for the FEIS. A Preferred Alternative has been identified. Further field reviews along with updated census information indicates it will have a disproportionately high and adverse effect on minority and low-income populations in the study area (Section 3.1.5 of the FEIS).</td>
</tr>
<tr>
<td>16</td>
<td>Since the publication of the DEIS, a Preferred Alternative has been identified which will impact 257 dwelling units and 43 businesses. A field review of the study area indicates that there is adequate replacement housing and industrial/commercial space available in Southwest Detroit (Section 3.1.4 and Conceptual Stage Relocation Plan – Appendix A).</td>
</tr>
<tr>
<td>17</td>
<td>Application of the federal Uniform Relocation and Real Property Acquisition Act requires the relocation needs of each renter and home owner be addressed. See Section 4.1 of the DEIS and FEIS.</td>
</tr>
<tr>
<td>18</td>
<td>The project will involve acquisition of 40 commercial lots on Fort Street between Crawford and Campbell streets. Of these, 12 provide retail services to local residents. It is the objective of MDOT’s relocation program to place these businesses at a new location as close as possible to the current one, if the owner so desires. Further, it is the objective of the land use planning of the DRIC and the City of Detroit to stimulate increased presence of retail businesses in the area. Further, The massive investment in the new crossing can encourage private investment in housing, logistics, light industry and commercial. A potential commercial historic district in the West Jefferson/West End area, if formally recognized, would allow investors the opportunity to apply for federal and state historic preservation tax credits.</td>
</tr>
<tr>
<td>19</td>
<td>Such buffers will be provided as indicated in Section 4.3 of the FEIS.</td>
</tr>
<tr>
<td>20</td>
<td>The Preferred Alternative will provide access across I-75 at Springwells, Green, Livernois, and Clark, plus five pedestrian crossings.</td>
</tr>
<tr>
<td>21</td>
<td>Sections 4.21 and 4.22 of the FEIS includes measures to improve Delray.</td>
</tr>
</tbody>
</table>
22 Analysis of cumulative impacts is required and is included in Section 3.14 of the FEIS. Sections 4.21 and 4.22 on mitigation, specifically the Green Sheet, discuss coordination efforts to improve Delray.

23 Issue addressed in FEIS.

24 Issue addressed in FEIS.

25 Issue addressed in FEIS.

26 The FEIS reports on the Canadian findings in the Indirect and Cumulative Impacts section. Reference is made to supporting technical reports and their availability at www.partnershipborderstudy.com. Comments on the Canadian findings should be directed to Roger Ward of the Ministry of Transport Ontario.

27 The change is noted in the errata sheet of the FEIS. It does not affect the outcome of the study. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.
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<tr>
<td><strong>Section 5.1 NAAQS and Regional Attainment Status</strong></td>
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<tr>
<td>The CO conformity budget is 3,842.8 tons/day, not 1,946 tons/day.</td>
<td></td>
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<tr>
<td>Table 5-1: On March 12, 2008 USEPA changed the 8-hour ozone standard from 0.08 ppm to 0.075 ppm. The one-hour standard has been revoked.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 5.3.1 Regional Conformity</strong></td>
<td></td>
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<tr>
<td>A project to construct a new border crossing is proposed to be amended to the 2030 Regional Transportation Plan for Southeast Michigan on June 26, 2008. The project has already been included in a regional air quality conformity analysis. Depending on the Preferred Alternative selected, minor adjustments may be necessary.</td>
<td></td>
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<tr>
<td><strong>Section 5.3.2.2 PM2.5 Hot-spot Qualitative Analysis</strong></td>
<td></td>
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<tr>
<td>The last paragraph in this section (Summary) says the Southwestern High School and Lafayette monitors are “well within the 24-hour standard.” In fact, both of these monitors are currently violating the 24-hour standard. The standard is 35 μg/m³. The latest three-year averages for these monitors is 40 for Southwestern High School and 37 for Lafayette. The rest of the information in this paragraph is correct.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 6 Construction Impacts</strong></td>
<td></td>
</tr>
<tr>
<td>MDOT should require contractors to use construction equipment that at least meets USEPA’s Tier 3 standards for off-road equipment. If Tier 4 equipment (which is being phased in between 2008 and 2016) is available, this should be used.</td>
<td></td>
</tr>
<tr>
<td>The project design should include landscaping — using native vegetation — to help absorb pollution, reduce fugitive dust, and approve overall aesthetics in the vicinity of the project.</td>
<td></td>
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</tbody>
</table>

|   | This change does not affect the FEIS. The change is noted in the DEIS errata sheet of the FEIS. |
|   | This change is noted in Table 3-18 of the FEIS. |
|   | Comment acknowledged. Coordination with SEMCOG will continue. |
|   | The statement referred to relates to the standard of 65 ppm that applies until EPA makes non-attainment determinations with respect to the new standard. |
|   | MDOT's plans during construction are covered in Section 4.6 of the DEIS and FEIS. |
|   | Section 4 of the FEIS notes under Visual Effects that Context Sensitive Solution (CSS) meetings to address the specifics of landscaping will be held during the design process. |
1 Comment acknowledged. MDOT and FHWA cannot speak to whether a second span of the Ambassador Bridge is an international priority to Canada. In the U.S., the Coast Guard is in charge of reviewing the Bridge Company's application for a permit to build a replacement bridge. MDOT and FHWA have provided input to the Coast Guard's process.

2 Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.

3 The Canadians are proceeding in a timely manner with their process and the Partnership is coordinating activities between the countries on a continuous basis. It is noted that the Canadian process does not allow preparation of its environmental documents until the Preferred Alternative is chosen.

4 In the absence of understanding what the concerns might be, the cumulative and transboundary impacts are fully covered in Section 3.14 of the DEIS and FEIS.
The study has cost about $28 million to date. The DRIC decision process continues to advance at a reasonable pace.

The NEPA document on the proposed second span of the Ambassador Bridge now being reviewed is under the control of the U.S. Coast Guard that is part of the U.S. Department of Homeland Security, not the Department of Transportation.
March 25, 2008

David W. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
State of Michigan DOT
P.O. Box 30050
Lansing, MI 48909

RE: Detroit River International Crossing Study

Dear Mr. Wresinski:

This letter is provided as a response to your February 21, 2008 letter requesting comments relevant to the Draft Environmental Impact Statements (EIS) for the various proposals for the Detroit River International Crossing in Wayne County.

We have noted that there are no licensed health care facilities in the vicinity of the project proposals. United Community Hospital, approximately two miles from the proposed sites, currently does not have any patients and their licensed beds are in the process of being transferred to another facility.

Specifically, we have noted that within a radius of three miles of the proposed improvements there are:

- No licensed hospitals
- No licensed nursing homes
- No licensed homes for the aged, and
- No certified End Stage Renal Dialysis (ESRD) facilities

The draft EIS mentions that the construction “will not affect major roads except Fort Street (M-85) and Jefferson Avenue, which will both be bridged. Short term temporary detours may be necessary at those two streets.”

The draft also mentions that there is a Community Health and Social Services (CHGASS) center in the Delray area that would be relocated.

Since the licensed health care facilities/services are not in close proximity to the proposed construction; most of the patients, visitors, and staff at these facilities will not be adversely impacted for the duration of the project in terms of longer travel times to/from these facilities.

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Printed by members of:
Thus at this time, we believe there would be no significant adverse impact of the proposed project on licensed healthcare facilities. Also, there do not appear to be any permitting requirements relevant to your project within the regulatory jurisdiction of the Health Policy, Regulation and Professions Administration.

Sincerely,

Nick Lyon
Deputy Director, Health Policy, Regulation and Professions Administration

cc: James D. Scott, P.E., HFES

NL/PGZ/mw
Dear Sirs,

I appreciate the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. This project has and continues to seek a level of public involvement that is unsurpassed. It is with this in mind that I request that you be judicious in granting any extension to the public comment period on the DEIS.

As a State Senator and member of the DRIC Local Advisory Council (LAC), I have had the pleasure of observing a public process that has gone above and beyond to encourage the use of public input in developing a plan for an additional border crossing in the Detroit/Windsor corridor. In addition to the 40 formal public meetings and workshops held during the DRIC study over the past 36 months, I have attended or been represented at over 30 DRIC LAC meetings which were also open to the public. These meetings were advertised in thousands of direct postal and electronic mailings, broadcast over radio and television, and explained in detail on the DRIC website. Citizens, community leaders, business groups and other interested parties were provided with information in multiple languages and were given ample opportunity to comment on the DRIC Study at every step of the process.

I anticipate that there may be some who will request an extension to the public comment period on the DEIS for the DRIC Study. However, an extension to the public comment period would only serve to bog down a process that has remained transparent and open to public scrutiny for over three years. The citizens of the State of Michigan and others affected by this potential project would not benefit in any way from an extension. Keeping this in mind, I again ask that you be judicious when considering any request to extend the public comment period.

Sincerely,

Raymond E. Basham
Michigan State Senate
8th District

The comment period was extended 30 days to May 29, 2008.

Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
The most important mobile source change in the near term will result from reduced driving from SEMCOG's forecast of a regional economic downturn. The effects of other projects is almost negligible in a regional context. DIFT will reduce truck traffic regionally and, within Southwest Detroit, will reorient truck traffic to I-94. The Gateway Project will reduce congestion (air emissions) at the border. Transit development projects will be positive, if they occur.

The MSAT analysis followed the Air Quality Protocol agreed to by regulatory agencies, as explained in Section 3.6.1 of the DEIS and FEIS.

Decisions regarding bridge type and final design will be made after the FEIS and Record of Decision are completed.
Letter 22, continued

The DRIC will be a catalyst for action on contaminated site remediation where there may be none or where it may occur later in time without the DRIC.

That is a correct statement as presented in Section 3.2.2 of the FEIS.

The economic analysis cited in Section 3.2.2 of the DEIS and FEIS focused on the State of Michigan as the smallest area unit. Data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Models, Inc.) model indicate the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.

First, as noted in Section 3.2.3 of the DEIS and FEIS, most businesses want to relocate in or near Delray. Second, a number of construction jobs are likely to be held by city residents, some of whom live in and near Southwest Detroit. Third, a number of long-term permanent jobs, outside those for crossing operations, can be expected to be held by people in Detroit. Data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Models, Inc.) model indicate the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.

The discussion cited is that additional/new tax revenues will offset any losses. This is particularly true as the Renaissance Zone designation area eliminates most taxes on Delray property.

There will be no “sacrifice” of Delray because of the DRIC. Further, progress until now to protect the area as a residential enclave has not been evident as stated in many interviews with those knowledgeable about the area, particularly those who live and work there. Those interviews are included in the Community Inventory Technical Report that accompanied the DEIS.

Responses continued on next page.
Letter 22, continued

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<td>10</td>
<td>Past trends indicate Delray has become more industrial in the last 50 years, particularly in the last 10 years. Reference is made to Section 3.1.2.1 and Section 3.3 of the DEIS and FEIS.</td>
</tr>
<tr>
<td>11</td>
<td>The DEIS and FEIS consider broad economic impacts at state and national levels. Nonetheless, using data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Model, Inc.) model indicates the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.</td>
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<td>12</td>
<td>The statements made in Sections 3.3.2 and 4.21 of the DEIS and FEIS are indicative of the efforts to preserve Delray's identity during and following DRIC construction. To that end, the community has been very active through the environmental process and has actively informed MDOT of its vision of the future with and without a crossing. MDOT will coordinate the identification of the partners needed to maintain the evolving community identity through and after construction.</td>
</tr>
<tr>
<td>13</td>
<td>Construction jobs will be filled by the contractors that build the crossing system. Indirect jobs stem from money spent and are not &quot;allocated.&quot;</td>
</tr>
<tr>
<td>14</td>
<td>The federal Uniform Relocation Act procedures that must be followed on any project sponsored by the Federal Highway Administration and MDOT are summarized in Section 4.1 of the DEIS and FEIS.</td>
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</table>
Letter 22, continued

| 15 | Other possible crossing locations, including those downriver, were studied and eliminated as a result of application of a deliberative screening process including seven evaluation criteria and dozens of performance measures. This evaluation process is fully documented in the Illustrative Alternatives Analysis Technical Reports that accompany the DEIS and FEIS. |
| 16 | In the DEIS, there is no conclusion that conditions will worsen due to additional vehicle miles and vehicle hours of travel in the border crossing area. However, EPA regulations, such as cleaner fuels, efficient gas engines, and cleaner diesel engines will improve air quality in the study area even though vehicle use will increase. |
| 17 | Projections were made using U.S. EPA data and an analysis protocol in which EPA has concurred. |
| 18 | This EPA designations result from application of stricter standards, not poorer air quality. |
| 19 | The EPA regulations will improve air quality even though vehicle hours of travel will increase. That increase has been accounted for in the DRIC analysis. |
20 FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the DEIS and FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.

21 The most important mobile source change in the near term will result from reduced driving from SEMCOG’s forecast of a regional economic downturn. The effects of other projects is almost negligible in a regional context. DIFT will reduce truck traffic regionally and, within Southwest Detroit. The Gateway Project will reduce congestion (air emissions) at the border. Transit development projects will be positive, if they occur.

22 The fleet of vehicles, by type and age, used in the air quality analysis is that specified by EPA for the SEMCOG region.

23 Comment acknowledged.

24 FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.

25 Fort Wayne was considered a sensitive receptor. It is analyzed both in terms of carbon monoxide (Section 3.6.4.1) and noise (Section 3.7.3 of the DEIS and FEIS).

26 The primary noise sources are and will be Jefferson Avenue truck traffic, traffic internal to the Fort, and airplane overflights, not a new crossing.
27. MDOT anticipates ongoing consultation with the State Historic Preservation Office on this subject as the project develops. A series of workshops have been held with the community on Context Sensitive Solutions to better integrate Fort Wayne into its surroundings.

28. Fort Wayne was considered a sensitive carbon monoxide receptor, but no impacts were found. Fort Wayne is one area in the Delray community which underwent extensive analysis.

29. There would be no such impacts. The Preferred Crossing is over a quarter mile away. Room and pillar salt mining requires daily detonations that have been noted by neighbors at community meetings. These have been ongoing for years. Modern construction techniques simply do not propagate substantial vibrations. If there is a concern, MDOT provides for before and after surveys to document any change.

30. The air quality analysis followed the Air Quality Protocol developed specifically for the project by MDOT and FHWA in cooperation with USEPA, MDEQ and SEMCOG. The noise analysis was consistent with FHWA guidance.

31. Such dialogue has been ongoing and extensive with the community (see Section 6.2) and will continue as the project moves into design and subsequent phases of work.
May 2, 2008

Mr. David W. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
Murray D. Van Wagoner Building
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Wresinski:

Re: Draft Environmental Impact Statement (EIS)
Detroit River International Crossing
Wayne County, Michigan
FHWA-MI-EIS-05-02-D

Thank you for the opportunity to comment on the Detroit River International Crossing (DRIC) Draft Environmental Impact Statement (EIS). The Department of Housing and Urban Development (HUD), Detroit Field Office, has reviewed the proposed design and route alternatives for DRIC. We have the following comments.

Based on the information provided, we are concerned about possible impacts on HUD funded activities along the proposed design and route. We have identified City of Detroit initiated actions 1992 up to date such as identifying and removing blighted conditions, relocating affected households and businesses, encouraging private investment, redeveloping cleared sites, and creating new opportunities for residents. These activities (Cluster 5 and small part of Cluster 4) fall into HUD Community Development Block Grant (CDBG), HOME, Section 108 and Economic Development Initiative (EDI) Grants up to $44,231,828.92. Enclosed please find the City of Detroit expenditures for HUD funded activities for the DRIC Study Area (Cluster 5 and small part of Cluster 4).

There may be additional activities in the area funded through other entities under HUD programs that are as yet unidentified.

We believe it is necessary to have a more thorough understanding of the Demolition and Relocation Plans to appreciate the potential impacts to HUD funded activities within the area. Certain HUD assisted activities, even if owned by other governmental or private entities carry restrictions on disposition, reuse, or continuity of use. Prior approval of demolition or relocation may be required.

www.hud.gov

1. The plans to use portions of Delray for the DRIC do not require use of HUD-funded properties.
In summation, based on our review and in accordance with HUD policy, a specific mitigation plan should be developed to ensure that appropriate consideration be given to any such use restrictions and that compensation is provided if required by HUD program regulations. Should you have any questions concerning this letter, please contact Carmen Reverón, Field Environmental Officer, at (313) 226-7900, Ext. 8194. Also, feel free to contact me directly with regard to this or other matters that may be of mutual interest or concerns. I can be reached at (313) 226-7900, Ext. 8146.

Sincerely,

[Signature]

Lana Vacha, Director
Detroit Field Office

Enclosure:
HUD expenditures for funded activities for the Detroit River International Crossing Study Area (Cluster 5 and a small part of Cluster 4)

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION</th>
<th>EXPENDITURE</th>
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<tr>
<td>Abayomi CDC</td>
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<td>Alpha Kappa Alpha</td>
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<td>Alzheimers Association</td>
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<td>Bridging Communities</td>
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<td>Clark Park</td>
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<td>Covenant House</td>
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<td>Delray United Action Council</td>
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<td>Detroit Inner City Drill Team</td>
<td>$17,799.87</td>
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<td>Freedom House</td>
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<td>International Institute</td>
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<td>LASED</td>
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<td>Life Directions</td>
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<td>Living Arts</td>
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<td>Matrix Theatre Company</td>
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<td>Matrix Walter/Mary Ruether Senior Cntr.</td>
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<td>Neighborhood Centers Inc.</td>
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<td>Peoples Community Services</td>
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<td>Senior Home Repair Program 05-06</td>
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<td>Southwest Detroit Environmental Vision</td>
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<td>Southwest Housing Corporation</td>
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<td>United Generation Council</td>
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<td>Young Detroit Builders Youthbuild</td>
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<td>Demolition – 05-07</td>
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**TOTAL:**                                                **$10,368,789.92**
**HOME – since 1992**

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<tr>
<td>388 W. Grand Blvd.</td>
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<tr>
<td>250 W. Grand Blvd.</td>
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<td>3615 W. Vernor</td>
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<td>1185 Clark Street</td>
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<td>1930 Cabot</td>
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<td>1324-36 Porter</td>
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<td>9200 W. Vernor</td>
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<td>4108 31st street</td>
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<td>1250 18th street</td>
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<td>275 W. Grand Blvd.</td>
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<td>Bagley Housing Homebuyer Program</td>
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**TOTAL: $26,834,868**

**SECTION 108 LOANS/EDI GRANTS**

| NAME OF ORGANIZATION       | EXPENDITURE       |  |
|----------------------------|------------------|
| Mexicantown                | $4,647,510       | 2002  |
|                            | $250,000         | EDI 2002 |
| West Vernor/Lawndale       | $1,530,661       | 2002  |
| West Vernor/Lawndale       | $600,000         | EDI 2002 |

**TOTAL: $7,028,171**

**GRAND TOTAL: $44,231,828.92**
May 13, 2008

Mohammed Alghurabi  
Senior Project Manager  
Michigan Department of Transportation  
Murray D. Van Wagoner Building  
425 W. Ottawa Street  
P.O. Box 30050  
Lansing, MI 48909

Subject: Detroit River International Crossing Study, Draft Environmental Impact Statement

Dear Mr. Alghurabi,

This letter is in response to your letter dated May 1, requesting review comments on the Draft Environmental Impact Statement (DEIS) for the proposed new Michigan-Ontario international crossing. The comments transmitted with this letter are observations from the perspective of the General Services Administration (GSA).

Attached is a copy of Michigan Department of Transportation comment form, “DRIC Draft Environmental Impact Statement and Draft Section 4(f) Evaluation”, with GSA’s comments inserted. Our comments are primarily concerned with broadening the description of activities at the inspection plaza beyond Customs and Border Protection to include the other federal inspection services who have expressed their interest in this project – U.S. Department of Agriculture, Animal and Plant Health Inspection Service – Veterinary Services, and U.S. Department of Health and Human Services – Food and Drug Administration.

The General Services Administration appreciates having the opportunity to participate in this important project. Please feel free to contact me on (312) 353-1237 if you have any questions or need additional information.

Sincerely,

[Signature]

Donald R. Melcher, Jr.  
Project Manager  
Office of Border Stations  
GSA, Great Lakes Region

Enclosure
<table>
<thead>
<tr>
<th>Page</th>
<th>Paragraph or line number</th>
<th>Comment</th>
<th>Priority</th>
<th>Response (How was the comment addressed?)</th>
</tr>
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<tbody>
<tr>
<td>Preface</td>
<td>1</td>
<td>Para. 2</td>
<td>Change, “U.S. Customs” to “U.S. border inspection activities”</td>
<td>2</td>
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<td>Executive Summary</td>
<td>ES-2</td>
<td>Para. 3</td>
<td>Change, “Customs inspections plaza” to “U.S. border inspection plaza”</td>
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<tr>
<td></td>
<td>ES-3</td>
<td>Para. 1</td>
<td>Change, “Customs processing” to “U.S. border inspection processing”</td>
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<td></td>
<td>ES-19</td>
<td>Para. 4</td>
<td>“400 jobs”: Is that CBP alone, or does it include the other federal inspection services? “200 brokers”: Seems to be a high number – the current population at the Cargo Inspection Facility, 2810 W. Fort St., is 18 broker firms, with a total employee population of approximately 50-60 persons over multiple shifts for a 24 hour work day. Electronic transactions have reduced the number of people needed on site.</td>
<td>3</td>
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<tr>
<td></td>
<td>ES-27</td>
<td>Para. 1-3</td>
<td>Is consideration to physically relocate historic structures a possibility; to relocate displaced residents who desire to remain in Delray, to a “new” neighborhood community?</td>
<td>3</td>
</tr>
</tbody>
</table>

1 Change made in FEIS.
2 Change made in FEIS.
3 Change made in FEIS.
4 It is 400 jobs in 2035 at U.S. Customs and Border Protection.
5 200 brokers is the total employee broker-related population in 2035.
6 Relocation of the impacted historic structure - St. Paul AME Church - is not likely to occur based on contact with the pastor. Relocation of other, non-historic structures, is an option but contact with owners indicates this is not a likely option either.
<table>
<thead>
<tr>
<th>Page</th>
<th>Paragraph or line number</th>
<th>Comment</th>
<th>Priority</th>
<th>Response (How was the comment addressed?)</th>
</tr>
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<tbody>
<tr>
<td>1-10</td>
<td>Para. 2 2nd Bullet</td>
<td>Change “Customs services” to “U.S. border inspection processing”</td>
<td>2</td>
<td></td>
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<tr>
<td>1-11</td>
<td>Para. 2</td>
<td>Change “… efficiency of the Customs staff… to, “…efficiency of U.S. border inspection activities…”</td>
<td>2</td>
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<tr>
<td>1-12</td>
<td>2.1.3 2nd sentence</td>
<td>Change heading “Customs Processing Capability”, to “U.S. Border Inspection Processing Capability”</td>
<td>2</td>
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<tr>
<td>2-35</td>
<td>2.2.3.2</td>
<td>See page 2-14, Paragraph 3: GSA and CBP analyzed the four plaza layouts independently.</td>
<td>1</td>
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</tr>
<tr>
<td>2-51</td>
<td>2.2.5.3 2nd sentence</td>
<td>Change to read, “… Customs and Border Protection (CBP), U.S. Department of Agriculture, Animal and Plant Health Inspection Service-Veterinary Services (USDA APHIS-VS), and Food and Drug Administration (FDA), in cooperation with GSA…”</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

7 Change made in FEIS.
8 Change made in FEIS.
9 Change made in FEIS.
10 Change made in FEIS.
11 Issue addressed in FEIS.
12 Change made in FEIS.
May 6, 2008

Bob Parsons, MDOT Public Hearing Officer
Bureau of Transportation Planning
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Parson:

Detroit River International Crossing
Review Comments for draft
Environmental Impact Statement (DEIS)
FHWA-MI-EIS-05-02-D

Irene Porter of the Federal Aviation Administration (FAA) Detroit Airport District Office requested that I prove comments on the DEIS.

In general we have no comments on the draft document. We strongly encourage you to file a FAA form 7460 with the general bridge location and height, so that we can perform any required airspace analysis of the proposed project. This could provide you with valuable information on any potential airspace impacts. There is no cost for this analysis and the data can be submitted to our web site https://oceaa.faa.gov/oceaa/external/portal.jsp. This analysis will also provide information on what type of marking and lighting will be required for the project. General information on marking and lighting is contained in FAA Advisory Circular 70/7460-1K “Obstruction Marking and Lighting”.

If you have any additional questions please contact me at (734) 229-2905.

Sincerely,

Ernest P. Gubry
Environmental Protection Specialist
Detroit Airports District Office

Form has been filed.
April 29, 2008

Mr. David E. Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Wresinski:

SUBJECT: Draft Environmental Impact Statement (DEIS)
Detroit River International Crossing Study (DRIC), Wayne County, Michigan

The Michigan Department of Environmental Quality (MDEQ), Land and Water Management Division (LWMD), has completed its review of the DEIS for the Detroit River International Crossing Study (DRIC), Wayne County Michigan. The DEIS discusses proposed impacts in Michigan. Other divisions within MDEQ may provide a separate response.

The purpose of the proposed project is to:

- Provide safe, efficient, and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada, and the United States.
- Support the mobility needs of national and civil defense to protect the homeland.

The project needs include:

- Provide new border-crossing capacity to meet increased long-term demand.
- Improve system connectivity to enhance the transportation of people and goods.
- Improve operations and processing capability of transporting people and goods.
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Nine practical build alternatives and the no-build alternative have been identified. The build alternatives consist of three elements:

- One of three bridge alternatives that will fully span the Detroit River. These alternatives are X-11, X-10A, and X-10B.
- A new plaza consisting of approximately 150 acres.
- A new interchange to connect the plaza to the existing highway network.
Potential relocations range from 324 to 414 residences and up to 56 businesses, as well as other facilities.

The LWMD has the following comments:

1. The DEIS indicates that only 0.01 acres of wetlands will be impacted by the three bridge alternatives. A permit for these minor impacts will be required from LWMD, under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The mitigation ratio for these impacts would be 1:1.

2. The bridge crossing over the Detroit River will require a permit under Part 301, Inland Lakes and Streams, and Part 31, Water Resources Protection, of the NREPA. Only minimal impacts are expected, as the proposed bridge will completely span the Detroit River. Proper storm water runoff controls should be implemented to ensure that there is no direct runoff from the bridge into the Detroit River.

3. LWMD staff reviews projects for consistency with Michigan's Coastal Management Program (MCMP), as required by Section 307 of the Coastal Zone Management Act, PL 92-583, as amended. The proposed bridge crossing project is within Michigan's coastal zone management boundary, and as such is subject to consistency requirements. A determination of consistency with the MCMP requires evaluation of a project to determine if it will have an adverse impact on coastal land or water uses or coastal resources. Projects are evaluated using the permitting criteria contained in the regulatory statutes administered by the MDEQ. These statutes constitute the enforceable policies of the Coastal Management Program. Provided no valid objections based on valid environmental concerns are received during the public notice period and all required permits are issued and complied with, no adverse impacts to coastal resources are anticipated. Upon issuance of all necessary permits, this project will be consistent with MCMP.

4. We concur with the alternatives to be carried forward in the DEIS.

If you have any questions, please contact Mr. Alex Sanchez at 517-335-3473, or you may contact me.

Sincerely,

Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Land and Water Management Division
517-335-3172

cc: Mr. David Williams, U.S. Federal Highway Administration
Ms. Sherry Kamke, U.S. Environmental Protection Agency
Mr. Craig Czarnecki, U.S. Fish and Wildlife Service
Mr. John Konik, U.S. Army Corps of Engineers
Mr. Andrew Hartz, MDEQ
Mr. Alex Sanchez, MDEQ
Dear Madame Secretary:

It is my understanding that the Federal Highway Administration (FHWA) and the Michigan Department of Transportation (MDOT) have recently released a draft environmental impact statement (DEIS) for the Detroit River International Crossing (DRIC) project. I write today to express my concerns regarding this project.

The Michigan-Ontario frontier is among the busiest border trade regions in the United States. Canada is our country’s largest trading partner, so it is important that we maintain sufficient infrastructure to expedite the flow of traffic with our neighbor to the north. My congressional district includes the Blue Water Bridge in Port Huron, Michigan, which is the second busiest commercial crossing on the Canadian border. Port Huron is also home to the Canadian National Rail Tunnel, which is the busiest rail port of entry into the United States. A mere 60 miles to the south of Port Huron sit both the Ambassador Bridge, the busiest commercial crossing on the northern border, and the Detroit-Windsor Tunnel.

As traffic has increased over the last few decades, the operators of these crossings have taken significant steps to ensure the continued smooth flow of traffic along the border. In 1995, Canadian National Railroad replaced the original Port Huron-Sarnia Tunnel with a larger tunnel capable of handling the double-stacked rail trains which have taken over the industry. The Blue Water Bridge was twinned in 1997 in order to double its capacity, and currently is in the process of greatly expanding the American plaza.

While these improvement projects have been planned, designed, and have been or are near completion, we have seen a leveling off of traffic growth at many of these same crossings. Actual traffic at the Blue Water Bridge is nowhere near the growth that had been projected. Time will tell whether the past few years are simply a brief pause or the beginning of a long term stagnation. It is in this setting that Michigan residents are being asked to consider the construction of another major border crossing on the Michigan/Ontario frontier, which would sit a few miles south of the Ambassador Bridge.
Letter 31, continued

The recent report of the National Surface Transportation Policy and Revenue Study Commission encouraged greater private sector participation in transportation infrastructure due to the pressure on public sector revenue sources. Relying on available private dollars to meet our transportation needs frees up public dollars to maintain existing critical infrastructure.

As the Committee on Transportation and Infrastructure begins its work on the next highway reauthorization, I intend to raise the issue of the DRIC because it represents an important choice for transportation officials. Our nation is facing numerous transportation priorities including updating deficient and obsolete bridges, replacing our decades old interstate highway system, and reducing stifling congestion. With limited resources at all levels of government to devote towards transportation infrastructure, it is important that we make the best possible decisions.

As a result, I will not support a federal initiative for a new crossing that would hurt our established and existing crossings, especially when we are already expending significant amounts of public funds, time, and effort to make security and efficiency improvements at the Blue Water Bridge.

To protect Michigan and the U.S. taxpayers from further wasteful expenditure on the DRIC process, I not only support the request of my colleagues, Rep. Kilpatrick and Rep. Knollenberg, for a six-month extension of the DEIS public comment period, I also request that the Department put the DEIS on hold indefinitely to more fully understand the impacts that the DRIC may cause to our region.

Thank you for your time and consideration.

Sincerely,

Candice S. Miller
Member of Congress

Cc: Acting Administrator James Ray, Federal Highway Administration
    David Williams, Federal Highway Administration
    David Wresinski, Michigan Department of Transportation
    James L. Oberstar, U.S. House Committee on Transportation and Infrastructure

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1 Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
The Honorable Mary Peters
Secretary
Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Peters:

I write to you today to comment on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. As you know, the border crossing along the Detroit River is of critical importance not only to my home state of Michigan, but also to the U.S., supporting millions of jobs in the Michigan area and throughout the country. It has come to my attention that a six-month extension may be requested. As the author of the National Environmental Policy Act (NEPA), it is critically important that members of the community have ample opportunity to comment, however, it is equally important that an extension is not used simply as a tactic to delay the process.

When the Memorandum of Cooperation between the United States and Canada was signed, you commented that new capacity at this crossing would not only strengthen our economies, but it would also cut congestion and improve the flow of goods and people. Like you, I believe it is clear that a second crossing is necessary and a right thing to do.

Given that the comment period for the DEIS ends this week, please answer the following questions:

1) How many public comments has the U.S. Department of Transportation (DOT) received in response to the DEIS?

2) In your opinion, has the 60 day comment period been sufficient to meet the needs of the people? If so, please explain why. If not, please explain why not.

The NEPA permit process was designed in such a way as to ensure that federal agencies carefully examine any environmental consequences before undertaking any building activities. As such, it is critical that the DOT give every consideration to all comments and concerns regarding the DEIS in a timely and fair manner. The work that you do is important to Michigan and the 15th District and any delays could impede the progress made on an important proposal.

1 On the order of 700 comments were received. The comments received during the 30-day extension of the comment period were not different in content and substance from those received during the initial comment period which ended on April 29, 2008.
Thank you for your anticipated cooperation. Because of the sensitive nature of this situation, I would ask that a response be sent to me no later than May 19, 2008. I would further ask that you fax your response to my Washington office at (202) 226-0371. Should you have any questions, please have your staff contact Kimberlee Trzeciak in my office at (202) 225-4071.

With every good wish,

Sincerely,

John D. Dingell
Member of Congress
Dear Mr. Parsons:

Submitted herein are comments on the Detroit River International Crossing Study (DRIC) Draft Environmental Impact Statement (DEIS). The DRIC Study entails one of the most critical issues facing Michigan: how to remain competitive in a globally integrated economy. Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The United States and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are inextricably linked. It is critical that the bi-national partners take the steps to expand international border crossing infrastructure, and enhance the seamless flow of goods and people in order to strengthen the vitality of the Great Lakes economic region.

Equally important to insuring that Michigan is poised to take advantage of its strategic geographic location within the global trade market, is the need for Michigan to revitalize its urban neighborhoods. We must insure that transportation infrastructure located in revitalizing and growing urban neighborhoods, like southwest Detroit, is designed in a manner that limits its environmental and community impacts on residential and commercial retail development.

Public ownership of a new international border crossing system is critical to U.S. economic competitiveness and security. The Detroit Windsor border is the most valuable international crossing in North America. Public ownership and oversight protects this asset by ensuring that structural maintenance and integrity, security, and safety objectives are met. Public ownership further ensures that the toll structure is transparent and based solely on debt financing and maintenance requirements. The toll rates are therefore not based on a profit-making objective and provide a competitive rate for freight shippers and passenger vehicles. Ensuring public

| 1 | Comment acknowledged. |
| 2 | DRIC infrastructure does that, to the extent practical, in light of engineering standards and security measures that must be applied. Work dealing with Context Sensitive Solutions will continue throughout the project's following phases to support, to the extent practicable, neighborhood revitalization. |
| 3 | See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing. |
safety is first and foremost a public function and responsibility. There is a wide literature on the continuing vulnerability of the nation's critical transportation and supply chain infrastructure. As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability - both are equally important.

During the Twentieth Century, the Canadian provinces and the Great Lakes states progressively integrated their economies and formed one of the largest bi-national economic regions in the world. Today, this economic region faces a vast array of economic challenges. One of these challenges is that the international border went from one of the most open crossings in the world facilitating a relatively seamless flow of goods and people between the two countries, to one that is reaching capacity, is landlocked and is tightened by new border security requirements.

The DRIC Study estimates that vehicle traffic at the Detroit-Windsor border crossing will increase by 57 percent and commercial truck traffic by 128 percent during the next thirty years. Current capacity at the border will be overloaded by as early as 2015 if high traffic growth occurs and by 2035 if traffic grows more slowly. The forecast of capacity indicates that deficiencies will develop in the roadways leading to the Ambassador Bridge and Detroit Windsor Tunnel, the available lanes of these two crossings, and the ability to process vehicles through customs and immigration. It is prudent and appropriate to plan now. To address future mobility needs, the DRIC Study outlines the following requirements:

- Provide new border crossing capacity to meet increased long-term demand
- Improve system connectivity to enhance the seamless flow of people and goods
- Improve operations and processing capacity
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, and other disruptions.

Southwest Detroit hosts the most extensive transportation network in Michigan. The Ambassador Bridge, the Detroit River Rail Tunnel, the Port of Detroit, four Class One Railroads, and three interstate freeways are all located in the area. The Detroit Windsor Truck Ferry and Michigan's largest intermodal facility are additional components of this transportation system.

For almost a decade, community representatives have advocated for a coordinated and comprehensive approach to transportation infrastructure project planning such that community development objectives are supported rather than undermined. The proposed Detroit Intermodal Freight Terminal (DIFT), the widening of Interstate 94, the reconstruction of the Detroit River rail tunnel, the construction of the MDOT Gateway Project, and the DRIC Study project are all located in Southwest Detroit. No similar geographic region in the state, and perhaps even the country, hosts such important and valuable transportation infrastructure. Segmenting the planning and evaluation of these projects dilutes the real impacts, particularly cumulative impacts, and misses the opportunities to gain greater efficiencies and public benefits. In fact, the Policy Principles adopted by the Detroit Regional Chamber and the Windsor & District Chamber of Commerce include such a recognition. One of their principles on border infrastructure states that a new crossing should be part of a broad development and economic vitality vision for the
Redevelopment of Delray will be aided by the mitigation measures listed in Section 4 of the FEIS. Public and private sector entities will be needed to redevelop the area, including building infill housing. That will not be done by MDOT and FHWA.

The DRIC mitigation plan (Sections 4.21 and 4.22 of the FEIS) includes some funding to develop such a strategy.
Thank you for the opportunity to comment on the DRIC Study DEIS. This represents the most important projects in decades impacting the future of the Detroit, the region, and the State of Michigan. As always, we are available for further discussion and we look forward to a productive relationship moving forward.

Sincerely,

RAYMOND E. BASHAM  
State Senator  
8th District

GLENN S. ANDERSON  
State Senator  
6th District
April 24, 2008

David Williams
Environmental Program Manager
Federal Highway Administration
315 West Allegan Street, Rm. 201
Lansing, MI 48933

Dear Mr. Williams:

I am writing to inform you of my concerns regarding the Draft Environmental Impact Statement (“DEIS”) prepared by the Michigan Department of Transportation (“MDOT”) for the Detroit River International Crossing Study (“DRIC Study”). I want to be sure that FHWA is aware that the law has, and continues to, restrict MDOT’s participation in the DRIC Study and that the Legislature has scheduled oversight hearings for late April and May on MDOT’s activities and whether additional restrictions should be imposed. Currently, the public comment period on the DEIS is set to expire on April 29, 2008. Because the legislative oversight hearings will not be completed before then, we believe that the public comment period should be extended for at least six months. After the hearings, members of the Legislature may submit comments on the DEIS, and we believe that those comments would be a key piece of information to the NEPA decision-making process.

The people of Michigan have a direct and substantial interest in the DEIS and the study of potential border crossings between Michigan and Canada. MDOT is a leading participant in the DRIC Study. However, MDOT’s activities are limited by the authority granted by law. The law does not authorize MDOT to design, construct, finance, or operate a crossing over the Detroit River between Detroit and Windsor. MDOT’s sole authority to engage in the DRIC Study stems from the appropriation of State funds, and this authority contains significant restrictions on MDOT’s participation in the DRIC Study.

For fiscal year 2006-2007, the enacted budget law directed that MDOT “shall not, directly or indirectly, expend any funds appropriated [through line-item appropriations] for design or right-of-way acquisition associated with a new crossing of the Detroit River between Detroit, Michigan and Windsor, Ontario.” Public Act. 345 of 2006, Art. 18, § 384.

1 The comment period was extended 30 days or until May 29, 2008.
2 Comment acknowledged.
Letter 34, continued

For the 2007-2008 fiscal year (Public Act 129 of 2007, Sec. 384) the law imposes more severe limits on MDOT. The law permits MDOT to finish the DRIC Study, but prohibits MDOT from binding the State in any way to future action of any DRIC project recommendation. The law specifically provides that “the department is prohibited from pursuing actions beyond the normal completion of the study phase. Such prohibited actions include, but are not limited to, applications for federal permits, design engineering work, right-of-way acquisition, construction, routine property acquisition, or condemnation activity.” The law also specifies that “any additional spending to implement any recommendation of the DRIC Study will require prior approval of the full legislature.” MDOT was required to make a full accounting of all funds associated with the DRIC Study back to 2003, and both the Senate and the House are directed to hold committee hearings on the involvement of MDOT in the DRIC Study.

In light of the upcoming oversight hearings, I believe that there is a possibility of additional legislation restricting MDOT’s participation in the DRIC Study, both in the use of State funds and MDOT’s authority to further engage in the NEPA process. The State has a vested interest in ensuring that public funds are put to use appropriately. MDOT dollars provide 20% of the overall funding for the DRIC Study. Should the law impose further restrictions on MDOT’s participation in the project, the sustainability of the DRIC Study may be affected.

For all of these reasons, I ask that the FHWA hold off on consideration of the DEIS and extend the public comment period for at least six months.

Sincerely,

Alan L. Cropsey
State Senator
33rd District

cc: James Ray
David Wresinski

Comment acknowledged.
April 29, 2008

Robert H. Parsons
Public Involvement and Hearing Officer
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

RE: Detroit River International Crossing Draft Environmental Impact Statement

Dear Mr. Parsons:

Submitted herein are comments on the Detroit River International Crossing Study (DRIC) Draft Environmental Impact Statement (DEIS). The DRIC Study entails one of the most critical issues facing Michigan: how to remain competitive in a globally integrated economy while protecting the quality of life for its residents. Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The United States and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are inextricably linked. It is critical that these bi-national partners take steps to expand international border crossing infrastructure and enhance the seamless flow of goods and people to strengthen the vitality of the Great Lakes economic region.

Equally important to ensuring that Michigan is well-positioned to take advantage of its strategic geographic location in the global trade market is the need for Michigan to revitalize its urban communities. We must ensure that transportation infrastructure located in revitalized and growing urban neighborhoods, like Southwest Detroit, is designed in a manner that limits the negative environmental and community impacts on both residential and commercial retail development.

Southwest Detroit is one of the only growing communities in the City of Detroit; this is a substantial reversal of a decades-long trend of population decline in the City. It is also the most ethnically diverse neighborhood in Michigan. Southwest Detroit is thriving economically based in large part on its strong support of and welcoming stance toward immigrants. It is imperative that the spirit of environmental justice directives are followed to ensure that Southwest Detroit is not further disproportionately impacted by adverse air and noise impacts, loss of cultural and social resources, and an overall undermining of the residential and commercial development

1 Comment acknowledged.

2 DRIC infrastructure does that, to the extent practical, in light of engineering standards and security measures that must be applied. Work dealing with Context Sensitive Solutions will continue throughout the project's following phases to support, to the extent practicable, neighborhood revitalization.

3 Comment acknowledged.
potential of this community. Otherwise, all of the of the economic benefits to manufacturers and commercial enterprises will be more than offset by the adverse impacts to regional economic competitiveness resulting from blight, disinvestment, and environmental degradation resulting from poorly planned transportation infrastructure run amok.

During the 20th century, the Canadian provinces and the Great Lakes states progressively integrated their economies and formed one of the largest bi-national economic regions in the world. Today, this region faces a vast array of economic challenges. One of these challenges is that the international border went from one of the most open crossings in the country, facilitating a relatively seamless flow of goods and people between the two countries, to one that is quickly reaching maximum capacity; is landlocked; and is restricted by new border security requirements.

Project Need

The DRIC Study estimates that the Detroit Windsor border crossing vehicle traffic will increase by 57 percent and commercial truck traffic by 128 percent during the next thirty years. This estimate has been relied upon by the Detroit International Bridge Company to justify the Ambassador Bridge Enhancement Project. Current capacity at the border will be overloaded by as early as 2015 if high traffic growth occurs, and by 2035 if traffic grows more slowly. The forecast of capacity indicates that deficiencies will develop in the roadways leading to the Ambassador Bridge and Detroit Windsor Tunnel; the available lanes of these two crossings; and the ability to process vehicles through customs and immigration. It is prudent and appropriate to plan for these increased demands now. To address future mobility needs, the DRIC Study outlines the following requirements for new border crossing:

- Provide new capacity to meet increased long-term demand;
- Improve system connectivity to enhance the seamless flow of people and goods;
- Improve operations and processing capacity; and
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, and other disruptions.

Redundancy

Redundancy is a critical objective of the DRIC Study Project and an essential feature of a final project. The current international border crossing system at the Detroit Windsor border is outdated and does not work in a new global economy with heightened international security issues. It constricts billions of dollars of trade onto three lanes of traffic, with limited plaza space in the heart of two, older, and dense residential communities. A breakdown in one lane of traffic, or on a local road connecting the asset (bridge or tunnel) to the interstate, or a similar system failure can significantly disrupt the flow of commerce for the entire region. A natural disaster or terrorist attack on such infrastructure would have truly enormous debilitating impact on the Great Lakes economic region. Additional lanes across the river, seamless interstate and roadway connections, and adequate plaza capacity are needed for the system to respond to the requirements of global economic integration. Border crossings are a significant source of congestion, delay, unpredictability, and increasing costs. Inadequate border crossing system
infrastructure threatens thousands of health care workers crossing into the U.S. to work, air emissions, tourism industry workers, and manufacturing jobs. Only a new crossing with adequate lanes, plaza facilities, and direct freeway connections can truly provide adequate system redundancy.

**Public Ownership and Governance**

Public ownership of a new international border crossing system is critical to the U.S. economic competitiveness and security. The Detroit-Windsor border is the most valuable international crossing area in North America. Public ownership and oversight protects this asset by ensuring that structural maintenance and integrity, security, and safety objectives are met. Public ownership further ensures that the toll structure for the crossing is transparent and based solely on debt financing and maintenance requirements. Under public ownership, the toll rates provide a competitive rate for freight shippers and passenger vehicles because they are not structured to generate profits. Ensuring public safety is first and foremost a public function and responsibility.

There are volumes of literature on the continuing vulnerability of the nation's critical transportation and supply chain infrastructure. As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability. Both are equally important.

Discussions regarding governance should include a thorough evaluation of the efficacy of a Public-Private Partnership regarding operation of the international bridge crossing system. Specific principles that protect the investment in the asset, ensure unfettered commercial and passenger access, security, and long-term viability must first be established to guide an evaluation. Equally important is that this discussion continue to recognize and respect the binational partnership established at the commencement of the DRIC Study.

**The DRIC Study Project Context: Southwest Detroit**

Southwest Detroit hosts the most extensive and valuable transportation network in Michigan, including the Ambassador Bridge; the Detroit River Rail Tunnel; the Port of Detroit; four Class-One railroads; and three interstate freeways. The Detroit Windsor Truck Ferry and Michigan's largest inter-modal facility are additional components of this transportation system.

Historically, the region has benefited from this comprehensive transportation system, while the host community has shoudered the brunt of the negative impacts. The balance of benefits and impacts must be recalibrated such that the community receives tangible and sustained economic benefits, physical improvements, and air quality protections. The DRIC Study represents an unprecedented opportunity for the Michigan Department of Transportation and the Federal Highway Administration to systematically reform the manner in which major transportation projects are planned and implemented. Historical analysis and empirical studies have repeatedly demonstrated the negative unintended consequences of interstate freeway construction on communities, particularly urban locales.
Letter 35, continued

It is imperative that the growth and revitalization of the host community is equally as important of an objective of the DRIC Study as increasing international border crossing capacity. The Context Sensitive Solutions community workshops initiated by MDOT and conducted through several months of planning represent a strong commitment toward this outcome. As the DRIC Study proceeds to the Final Environmental Impact Statement and potentially to a design phase, similar workshops should recommence. An important component to the efficacy of the workshops was their facilitation by an architectural design firm with substantial knowledge of the impacted communities. It will be important to retain a similarly situated entity to complete the neighborhood land use plan through the design phase of the project.

Design Objectives and Local Roadways

Future design planning should include the goals of concentrating residential and commercial density; creating connections between neighborhoods and to the Detroit River; and increasing non-motorized routes and pathways. The design analysis must be extended to those areas that will be impacted north of Interstate-75 by changes to the local roadway, new freeway ramps, and relocation. Additionally, the current Interstate-75 exit ramps function as the southern access routes to the Southwest Detroit's main commercial corridor. Impacts to the West Vernor and Springwells commercial districts must be thoroughly assessed with optimal traffic routing options determined for ensuring that the customer base can continue to access these districts.

The long-awaited MDOT Gateway project commenced the final, and most intrusive, construction phase in February 2008. One of the objectives of the Gateway Project is to provide direct access ramps to and from the Ambassador Bridge plaza and the Interstate freeway system. The direct access ramps will result in a significant decrease of truck traffic on the local roadways adjacent to the Ambassador Bridge plaza and will enhance access to the local community for passenger vehicles. It is critical that the preferred alternative is determined based on its ability to remove trucks from the local roadway system. The removal of truck traffic from the local roadway system, particularly on Clark Street, must be undermined by a new configuration of freeway ramps. Direct connections for truck traffic to and from the bridge plaza and Interstate-75 and safe, efficient routing for passenger vehicles must be components of the final design of the bridge system. Additionally, there will likely be a number of process-related lessons learned from the implementation of the Gateway Project that should be implemented during the construction phase for a new international bridge system.

Clark and Junction streets function as the main north and south access routes connecting Southwest Detroit neighborhoods. These routes should be protected for continued residential use. The final traffic design should be based on removing trucks from residential and neighborhood commercial corridors as well as increased connectivity between neighborhoods. A revitalized Delray neighborhood must be connected to surrounding neighborhoods.

The Livernois and Dragoon intersection has long functioned as a one-way pair thoroughfare between Interstate 75 service drive and West Vernor – the main commercial corridor serving southwest Detroit. Despite the fact that Livernois and Dragoon are residential, a substantial

Responses continued on next page.

<p>| 7  | The Context Sensitive Solutions work will continue into the DRIC design phase. Land use planning and zoning is the purview of the City of Detroit. |
| 8  | Access across I-75 has been recognized as a primary community concern. The Preferred Alternative improves this access compared to any Practical Alternative in the DEIS, by providing vehicular access across I-75 via Springwells, Green, Livernois, and Clark, plus five pedestrian crossings. Today, there are seven vehicle crossings and five pedestrian/bicycle crossings. The Preferred Alternative provides new boulevards on Green and Campbell to enhance access to the Detroit River. Also, bike lanes will be added to connect to the West Riverfront and Rouge River Gateway paths when they are constructed. Finally, there will be non-motorized pathways within the plaza buffer zone. |
| 9  | Impacts to the West Vernor and Springwells commercial districts have been thoroughly assessed. No adverse effects are expected to occur. |
| 10 | The Preferred Alternative traffic analysis has taken into account local truck routes due to placement of the plaza that will cut off several streets. See Section 3.5 of the FEIS. |
| 11 | Comment acknowledged. |</p>
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<td>Access across I-75 has been recognized as a primary community concern. The Preferred Alternative improves this access compared to any Practical Alternative in the DEIS, by providing vehicular access across I-75 via Springwells, Green, Livernois, and Clark, plus five pedestrian crossings. Today, there are seven vehicle crossings and five pedestrian/bicycle crossings. The Preferred Alternative provides new boulevards on Green and Campbell to enhance access to the Detroit River. Also, bike lanes will be added to connect to the West Riverfront and Rouge River Gateway paths when they are constructed. Finally, there will be non-motorized pathways within the plaza buffer zone.</td>
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<td>The Preferred Alternative maintains connections to surrounding neighborhoods through access to/from and across I-75 for pedestrians and vehicles.</td>
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<td>Measures that will discourage use of Livernois/Dragoon are noted in Section 3.5.3 of the DEIS and FEIS. The DIFT project to the north of the DRIC project will reorient an entrance to a major truck/train intermodal yard in a way that will reduce truck traffic on the one-way pair. The interchange of Livernois and I-94 will be reconstructed to facilitate truck access from that direction, not I-75.</td>
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volume of truck traffic travels these streets. Consequently, years of truck travel have resulted in a diminished quality of life for those living on these streets. House foundations have been compromised from constant vibration, air quality is lessened, and public safety is compromised. A community planning process which developed an alternative design for the proposed Detroit Intermodal Freight Terminal resulted in a strong consensus that trucks should be permanently removed from Livernois and Dragoon and that the Interstate 75 service drive be rebuilt such that trucks would no longer be able to access this intersection. Achieving this outcome must be a priority of any DRIC Study alternative.

Several community land use plans developed during the previous decade by a collaborative of community development corporations included “gateways” into the various southwest Detroit neighborhoods. Design alternatives to the local roadway changes should include concepts for increasing green spaces, non-motorized paths, lighting, and signage. There also is support for land bridge treatments that host local pocket parks, such as that which crosses Interstate 696 in Oak Park.

I am encouraged that the DEIS includes identification of the various plans to develop and increase nonmotorized greenway paths throughout southwest Detroit as well as the redevelopment of Historic Fort Wayne. It is important that opportunities for green linkages connecting neighborhoods to each other, Detroit River, and Historic Fort Wayne are fully explored and included in the FEIS. In particular, the West Riverfront and Rouge River Gateway plans should be components of the final land use design of the DRIC Study project.

Community Benefits Agreement

A newly-elected board of eleven community representatives, organized under the Community Benefits Agreement Coalition should be empowered to guide the process of developing a Community Benefits Agreement in association with the DRIC Study project. I strongly support developing and implementing a Community Benefits Agreement in association with the DRIC Study project. A final CBA must provide legal rights for community signatories and beneficiaries.

While the CBA Coalition is in the process of determining their priorities for mitigation and benefits, the Delray Community Land Use Plan provides a template for the types of activities likely to be included in a CBA. The CBA developed in association with the Detroit Intermodal Freight Terminal project provides a model upon which to build. Replacement housing, an economic development strategy, infrastructure upgrades and improvements, and air quality improvements have all been identified as areas of critical need in southwest Detroit.

The DEIS does not fully identify those mitigation strategies associated with each alternative and therefore substantially limits the commentary that can be provided as part of the DEIS process.

Coordinated Transportation Infrastructure Planning

For almost a decade, community representatives have advocated for a coordinated and comprehensive approach to transportation infrastructure project planning such that community

| 15 | Landscaping will be included in the buffer around the plaza. A non-motorized path is also contemplated. All will be developed in the design phase through the application of Context Sensitive Solutions principles. |
| 16 | While the number of pedestrian crossings will be maintained after the DRIC project is completed, they will not be "land bridges." |
| 17 | The DRIC mitigation items included in the ROD are enforceable through legal action. |
| 18 | Additional mitigation is included in Section 4 of the FEIS. |
19 Redevelopment of Delray will be aided by the mitigation measures listed in Section 4 of the FEIS. Public and private sector entities will be needed to redevelop the area, including building infill housing. That will not be done by MDOT and FHWA.

20 The land use concept developed as part of the DRIC recognizes the logistic potential of the area to be served by two bridges, particularly Delray.

21 The Relocation Plan allows the relocatee to select a location of his/her/its (business) choosing.
Letter 35, continued

The Preferred Alternative improves access to I-75 compared to any of the previously presented Practical Alternatives. Full interchanges are preserved at Springwells and at Clark, although the location for two of the Clark interchange ramps will be changed. Some access to the freeway in the vicinity of the existing Livernois interchange has been retained. Major businesses will be met with during the design phase of the project, which is standard procedure.

The development of housing will be the responsibility of public and private entities outside MDOT and FHWA.

Michigan law may allow for some short term tax relief on an individual basis. This is an incentive to relocate to Renaissance Zone.

Mobile source air pollution will decrease because emissions decrease at a higher rate than the number of vehicle miles increase.

Comment acknowledged. But, mobile sources of pollution are, appropriately, the sole focus of the DRIC air quality analysis.

Southeast Michigan already has the most comprehensive monitoring network in Michigan, which includes a monitor located at the south limit of Southwestern High School. It measures PM2.5, PM10, SO2, manganese, arsenic, cadmium, nickel, volatile organic compounds, and carbonyls.

Idling occurs with toll payment and U.S. Customs inspections and clearance. Vehicle engines must be turned off during secondary inspection. By the year of the project opening (2013), trucks will be six years into the transition to the clean engines required by EPA of all new diesel trucks beginning in 2007. Pollutants of construction vehicles and dust will be controlled per MDOT contract specifications.
Letter 35, continued

The DEIS does not adequately evaluate the potential health impacts that the shift in Mobile Source Air Toxics (MSAT) emissions will have on Delray residents and Southwestern High School students. Public health experts have indicated that reasonable estimates can be made using available modeling protocols for dispersion. Although there is a degree of uncertainty associated with modeling dispersion, it should be completed to provide some projections of potential health impacts and to assist in formulating adequate mitigation strategies. In addition, this would add to the principles of transparency and disclosure that the DRIC Study has already demonstrated it is committed to.

Southwest Detroit Environmental Vision has put forth a Construction and Ongoing Mitigation Plan that should be implemented. I am herein referencing those comments and strongly concur with their suggestions. Elements of the mitigation include:

- Limiting the age of on-road vehicles used in construction
- Minimizing engine operations
- Restricting construction activities surrounding Southwestern High School and other sensitive receptors
- Instituting fugitive dust control plans
- Using diesel particulate traps and oxidation catalysts on construction vehicles
- Using existing power sources or clean field generators rather than temporary power generators
- Require contractors to use construction equipment that at least meets the Environmental Protection Agency’s (EPA) Tier 3 standards for off-road equipment. If Tier 4 equipment is available, this should be used
- Regular Sweeping of road to minimize fugitive dust

Ongoing Mitigation

- Enforcement of anti-idling policies during primary and secondary truck inspections
- Air filtration systems for sensitive receptors including Southwestern High School
- Funding for comprehensive air monitoring in the impacted area
- Regular sweeping of area roads
- The project design should include landscaping using native vegetation

Noise and Vibrations

Infrastructure designs that reduce noise impacts should be implemented along the Interstate-75, adjacent residential areas, and Southwestern High School. Noise barriers and walls should be designed in consultation with those immediately impacted and through the Context Sensitive Solution workshops. Particular care for the historic character of the area should be considered as well as opportunities for further greening. Noise monitoring must be an ongoing activity following construction with a commitment to further mitigation if levels exceed the established standards.

Responses continued on next page.

| 29 | FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards. |
| 30 | Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged. |
| 31 | Minimizing engine running time is economical for contractors. MDOT can add engine idling restrictions to contract specifications. |
| 32 | Restriction of construction around sensitive receptors such as Southwestern High School is noted in Section 4.6 of the DEIS and FEIS. |
| 33 | Fugitive dust control plans are included in standard MDOT construction specifications as noted in Section 3.6.4.2 of the FEIS. |
| 34 | Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged. |
| 35 | Emissions from generators and similar small engines are now regulated by EPA. |
| 36 | Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged. |
| 37 | Sweeping roads is part of the MDOT-required fugitive dust control plans (Section 4.6 of the DEIS and FEIS). |
| 38 | U.S. Customs and Border Protection already enforces anti-idling during secondary inspections and will continue to do so. |
| 39 | Air filtration systems are not required as the DRIC will not have adverse impacts on Southwestern High School and other sensitive receptors. |
### Letter 35, continued

40. Southeast Michigan already has the most comprehensive monitoring network in Michigan, which includes a monitor located at the south limit of Southwestern High School. It measures PM2.5, PM10, SO2, manganese, arsenic, cadmium, nickel, volatile organic compounds, and carbonyls.

41. The roads involved in the project are the plaza connection to Campbell and the ramps to I-75, which will be subject to normal MDOT maintenance. Other roads in Delray are under the jurisdiction of the City of Detroit.

42. A statement has been added to the Green Sheet that landscaping will emphasize native vegetation and not include invasive species.

43. As noted in Table 3-23 of the DEIS, no sensitive receptors around the plaza require mitigation. The areas of vehicle activity are far enough away that noise levels are low. Table 3-25 lists the reasonable and feasible noise walls that will be implemented with the Preferred Alternative.

44. The noise modeling follows FHWA and MDOT guidelines and is adequate to predict future project noise.
The nearest ramp to the CHASS Clinic does not approach to any closer than 200 yards with the Preferred Alternative.

The public involvement process included over 40 meetings at Southwestern High School. Parents and students were among the attendees. The school administration and Detroit Public Schools has been involved in DRIC discussions.

Such considerations are consistent with the development and application of Context Sensitive Solutions which will continue into the design phase of the DRIC project. CSS is based on significant public engagement.

Local permits will not be known until the design phase. So they are not listed in the FEIS.
Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.

The U.S. and Canadian environmental processes have been fully integrated from the outset of the Detroit River International Crossing Study per Section 2 of the DEIS and FEIS.
Letter 39, continued

(which will displace an entire community on the U.S. side) and move forward to a final environmental process when Canada is so far behind in its own process.

For these reasons, we do not consider the 60-day comment period nearly long enough for an adequate review of the DEIS, and we support the requests of others who want additional time to prepare meaningful comments on the DEIS. Give the volume of materials, the complexity of the issues to be addressed, and the lack of need to rush the US process along while the Canadian side of the project is lagging, we ask that you extend the comment period for an additional 6 months.

Nevertheless, because no extension of the comment period has thus far been granted, we are enclosing the Detroit International Bridge Company and the Canadian Transit Company’s Initial Comments on the DRIC DEIS. As explained above, we believe additional time would allow for a more in-depth review of the DEIS, and would generate more comments and critiques.

Thank you for your attention to this matter.

Sincerely,

Dan Stamper

cc: James Ray, FHWA Administrator
     David Williams, Regional FHWA Environmental Program Manager
     David Wresinski, Administrator, MDOT Project Planning Division
Letter 39, continued

Detroit International Bridge Company
Canadian Transit Company

Initial Comments On The
Detroit River International Crossing
Draft Environmental Impact Statement

Submitted to:
U.S. Department of Transportation, Federal Highway Administration
Michigan Department of Transportation

Dan Stamper
President
Patrick Moran
General Counsel
Detroit International Bridge Company
P.O. Box 32666
Detroit, MI 48232

John C. Berghoff, Jr.
Kathryn A. Kusske Floyd
Jay C. Johnson
Mayer Brown LLP
1909 K Street, NW
Washington, DC 20006-1101
EXECUTIVE SUMMARY

The Detroit River International Crossing ("DRIC") project proposes the construction of a new border crossing between Detroit, Michigan and Windsor, Ontario, including a new bridge across the Detroit River, new customs plazas in both countries, and new roads connecting the bridge to U.S. Interstate 75 and Canada Highway 401, all at an estimated cost of up to $1.5 billion in the U.S. alone. The DEIS also expressly states that the new DRIC bridge will compete with, and divert traffic from, the Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge in Port Huron—each of which has received substantial U.S. taxpayer-funded improvements.

A review of the Draft Environmental Impact Statement ("DEIS") for the DRIC project reveals a number of fundamental shortcomings. These problems are not the sort of things that could be corrected in the course of preparing a Final Environmental Impact Statement. Rather, they are fatal flaws that reveal rushed, arbitrary and capricious agency decisionmaking, and leave the entire environmental review process vulnerable to legal challenge.

Purpose and Need

The DEIS claims that the DRIC project is needed because future traffic volumes will exceed the capacity of existing Detroit-Windsor border crossings as early as 2015. This claim is demonstrably false on a number of levels.

- The DEIS’s model completely ignores the stark fact that traffic volumes at the existing Detroit-Windsor border crossings have declined steeply since 1999, and show no signs of turning around in the near future.
- The DEIS’s Ambassador Bridge traffic projections, which were originally issued in 2004, overstated actual traffic volumes in 2007 by 10% for commercial traffic,

Comment acknowledged.
and by 20% for non-commercial traffic, and are on course for exponential error in just the third year of the forecast.

- The DEIS’s population and employment forecasts are also outdated, and assume an unattainable recovery of the automobile industry; more recent forecasts require a downward revision of the DEIS’s traffic predictions.

- The DEIS uses commodity trade forecasts that are more optimistic and aggressive than FHWA’s own projections; substituting the FHWA numbers requires another downward revision in the predicted Detroit-Windsor traffic volume.

- The DEIS’s calculations of border crossing capacity do not account for the Ambassador Bridge Enhancement Project—a privately-financed improvement that will result in the construction of a new, six-lane span to replace the existing four-lane span, thereby increasing the physical capacity of that crossing by 50%—or for planned improvements to the Detroit-Windsor Tunnel and the Blue Water Bridge plaza.

- These simple changes to the data used in the DEIS traffic model move the point at which traffic volumes would exceed capacity from 2020 to 2055—a thirty-five year increase from the DEIS’s dire predictions, and well beyond FHWA’s planning horizon.

**Proposed Action**

NEPA requires, and the DEIS repeatedly promises, an “end-to-end” analysis of the entire DRIC project. Nevertheless, the DEIS contains little-to-no detail about the shape or scope of the DRIC project in Canada.
The DEIS does not contain a description of the Canadian aspects of the DRIC project, and therefore does not adequately describe the proposed action supposedly under review.

The Canadian environmental review of the DRIC project is lagging behind the U.S. NEPA process, making it unlikely that the Canadian review will be available to the public before decisions are made by U.S. authorities.

Without a full project description, the DEIS does not contain a sufficient analysis of potential transboundary impacts—the environmental effects of the DRIC project’s Canadian side in the U.S. and vice versa—as required by law.

**Screening of Alternatives**

The “alternatives” reviewed in the DEIS are essentially one build alternative. All of them propose the construction of a new customs plaza and a new connection to Interstate 75 in the low-income, heavily-minority community of Delray.

- The DRIC project conducted a screening process in 2005 that eliminated all alternatives outside Delray, including alternatives in the much wealthier, far less diverse and predominantly Caucasian Downriver area.

- Even though the DRIC project will force hundreds of Delray residents to relocate, will close dozens of local businesses, and will destroy several historic properties protected by Section 4(f), the DEIS fails to analyze reasonable, feasible and prudent alternative locations for the proposed new bridge and plaza.

- The DEIS’s “environmental justice” review does not sufficiently describe these disproportionate impacts on the mostly poor, minority residents of Delray.
Environmental Impact Analysis

A DEIS must contain a complete NEPA review, to allow for full, fair and meaningful public comment. The DEIS in this case improperly postpones a number of vital reviews until the Final EIS stage, after the public comment period has closed. For example:

- The DEIS acknowledges that the DRIC project may have disproportionate impacts on the low-income residents of Delray, but declines to consider those impacts in detail until the Final EIS.
- Similarly, the DEIS postpones its review of land use impacts to Delray, even though the construction of a new border crossing and customs plaza would have a significant impact on land use in that community.
- The new DRIC crossing and new plaza would also have important consequences for Clean Air Act conformity, but the DEIS postpones that analysis as well.

Conclusions

There are several ways in which FHWA should correct the inadequacies in the DEIS.

- The unrealistic traffic forecasts that are central to the DEIS’s purpose and need statement must be updated and adjusted to account for readily-available data and information.
- The alternatives analysis must be revised and reexamined in a first tier DEIS that considers more than one build alternative, as provided by FHWA regulations.
- Those parts of the DEIS that are insufficient, postponed or omitted must eventually be revised and reissued for public comment, in coordination with the Canadian environmental review process.
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The owners of the Ambassador Bridge were informed via a letter from the Canadian Customs and Border Services Agency dated June 17, 2008, that "the preliminary planning accomplished so far suggests there is insufficient land available to accommodate a functional port of entry (i.e., a plaza) without impact on the community south and west of existing installations." The areas south and west of existing Canadian installations is occupied by institutional, residential and other uses. (Letter available at www.partnershipborderstudy.com.)
Going forward with the DRIC project, on the other hand, requires building a new border crossing between Detroit, Michigan and Windsor, Ontario, including a new bridge across the Detroit River, new customs plazas in both countries, and new roads connecting the bridge to U.S. Interstate 75 and Canada Highway 401. According to the DEIS, the U.S. costs alone for the DRIC project will range between $1.277 and $1.488 billion. DEIS at 3-205. The DRIC project would build the U.S. customs plaza and connection to Interstate 75 in the diverse Detroit community of Delray, displacing homes and businesses and destroying historic properties. The DEIS furthermore projects that the construction of the proposed new DRIC bridge would divert significant amounts of traffic away from existing crossings, including the Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario.

DIBC and CTC’s years of experience as operators of a Detroit-Windsor border crossing give them a unique perspective on the DRIC DEIS. No one understands better the traffic projections that serve as the fundamental justification for the entire DRIC project. No one has more direct experience with the sort of “end-to-end” crossing between U.S. Interstate 75 in Detroit and Highway 401 in Windsor that the DRIC project envisions. And after 80 years of operation, no one has a better grasp of the potential impacts that a major border crossing can have on the local communities in Detroit and Windsor. So while DIBC and CTC have an obvious commercial interest in the construction of a new crossing in close proximity to the Ambassador Bridge, their perspective on the DEIS is also informed by their many years of experience operating just the sort of border crossing that the DRIC DEIS proposes.

After examining the DEIS in light of their singular knowledge and experience, DIBC and CTC have identified several serious problems with its process and analysis. First, and most
fundamental, the DEIS explains the need for the DRIC project on the basis of 2004 traffic projections that already have proven to be hopelessly optimistic, and which promise to become even more unrealistic as time goes by. When these inflated numbers are replaced with more accurate estimates of future traffic and capacity, the supposedly imminent need for an additional border crossing that serves as the primary rationale for the DRIC project vanishes. Second, the DEIS does not fulfill its commitment to evaluate the DRIC project on an end-to-end basis, from U.S. Interstate 75 to Canada’s Highway 401. At present, the Canadian environmental review process is not only lagging behind the U.S. process, it has been split into multiple parts, making it impossible to evaluate the DRIC project as a whole. Third, a flawed alternatives screening process led to the selection of what amounts to a single build alternative for analysis in the DEIS, and unjustifiably eliminated feasible and prudent alternatives that would have avoided adverse impacts to the diverse Delray community, and to historic properties in that community. Fourth, the DEIS improperly postpones some of the most relevant environmental impact analyses, thereby depriving the public of a legally-mandated opportunity to comment on the potential environmental impacts of the proposed DRIC project.

These four issues are not minor errors or omissions that could be corrected in the course of preparing a Final Environmental Impact Statement (“FEIS”). As discussed in more detail below, they are fatal flaws that leave the entire environmental review process vulnerable to legal challenge. To repair this damage, the Federal Highway Administration must address these serious problems by providing a fair and transparent process—to include a revision of its traffic forecasts, a tiered alternatives review and, ultimately, a thorough revision of the DEIS and additional opportunity for public comment.
A new border crossing is needed in the Detroit-Windsor area to:
* Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S.
* Support the mobility needs of national and civil defense to protect the homeland.
To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:
* Provide new border-crossing capacity to meet increased long-term demand;
* Improve system connectivity to enhance the seamless flow of people and goods;
* Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and,
* Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

It is unclear where such portrayals have been made or by whom. The traffic forecasts show capacity being exceeded between 2015 and 2035.
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The latest information has been used. When SEMCOG released a socioeconomic forecast with lower growth than projected earlier, a sensitivity analysis was performed and reported in Section 3.2.1.3 of the FEIS. It did not substantively change the forecast travel demand.
Letter 39, continued

The Ambassador Bridge Enhancement Project Environmental Assessment submitted to the U.S. Coast Guard April 24, 2007 states “the second span will provide four full service traffic lanes plus two lanes dedicated to low risk commercial travelers.” (p.1) These FAST lanes do not represent an expansion of capacity since they are restricted to those that have been pre-approved for their use.” (p 43). Capacity is not otherwise discussed in that EA. As it was stated that the FAST lanes do not contribute to capacity (and it is unclear how that could be so), the position of the DIBC at the time of the writing of the DRIC FEIS was interpreted to be that a new bridge would not add capacity. Nonetheless, travel demand modeling was performed for both a four-lane Ambassador Bridge and a six-lane Ambassador Bridge. The analysis of the six-lane condition is reported in Section 3.14.3 of the FEIS.

The immediacy stems from the need for redundancy. The need for a completely new border crossing is immediate. The schedule for implementation is designed to move forward as quickly as practicable to address that need.
construction of this new span is noted in the DEIS’s discussion of alternatives, which specifies that the DEIS “consider[s] the proposal by the private-sector owners of the Ambassador Bridge to build a six-lane span to replace the existing, four-lane bridge as a variation of the No Build Alternative,” i.e., as something that will take place regardless of the DRIC project. DEIS at 2-36. Nevertheless, the DEIS’s discussion of border crossing capacity assumes that the Ambassador Bridge will operate only two lanes in each direction through the year 2035. This failure to account for the increased capacity of the new, six-lane span of the Ambassador Bridge—even though the new span is explicitly included as part of the DEIS No Build Alternative—results in a significant underestimate of future border crossing capacity.

By increasing the number of lanes on the Ambassador Bridge from four to six, the Ambassador Bridge Enhancement Project will increase that crossing’s physical capacity by 50%. To be conservative, considering only the number of additional new lanes, and using the lane capacity estimates in the DEIS, operation of the replacement span will grow Ambassador Bridge capacity from approximately 3,500 passenger-car equivalents (“PCEs”) per hour in each direction to 5,250 per hour. DRIC Travel Demand Forecasts at 104 (September 2005). Adding and continues to permit direct access and relief from traffic congestion between the Ambassador Bridge and the trunkline system . . . and protect plans identified by the Ambassador Bridge, including a second span . . . ”). In phase one of the Gateway project, already underway and scheduled for completion in 2009, significant upgrades designed to improve direct access to the interstate system have been made to the U.S. customs plaza and the I-75 interchange, at substantial public expense. See Photographs of the Ambassador Bridge Enhancement Project (attached as Exhibit A). The I-75 interchange upgrades have required a lengthy and costly closure of I-75. If the DRIC project were to go forward, a similar closure that would have to be repeated just a few miles away.

The purpose of adding new lanes as part of the Ambassador Bridge Enhancement Project is not to increase capacity. As explained in detail below, traffic volume is primarily a function of economic, population and trade conditions in the U.S. and Canada, not the number of lanes available at a given border crossing. Moreover, two of the new lanes on the replacement span of the Ambassador Bridge will be dedicated to low-risk commercial traffic as part of the Free And Secure Trade (“FAST”) program. As is the case today, four lanes will remain dedicated to regular commercial and passenger vehicle traffic.
this new capacity to the capacity of the Detroit-Windsor Tunnel thus conservatively changes total Detroit-Windsor border crossing capacity in the DEIS from around 5,000 PCEs per hour to 6,750 PCEs per hour (again, in each direction). Thus, even if everything else about the DEIS’s traffic projections were accurate, the mere inclusion of the Ambassador Bridge Enhancement Project as part of baseline traffic capacity moves the earliest conceivable date for traffic “breakdown” from 2015 to approximately 2040. Those twenty-five additional years of capacity transform the DRIC project from the urgent need described in the DEIS to something that is at least premature, and potentially completely unnecessary.7

2. The DEIS’s 2004 traffic estimates have already proven to be overly optimistic.

As indicated above, the traffic forecasts that appear in the DEIS were made using data from 2004. The forecasts were not revised to include subsequent years, even though the DEIS was not published until 2008, when the actual traffic data for 2005, 2006 and 2007 was readily available, and well known to be substantially lower than projected in the DEIS. A review of traffic volumes for those years severely undermines the DRIC traffic forecasts, and with them, the DEIS’s statement of purpose and need.

For example, the DEIS predicts that in 2005, 6,330,217 passenger vehicles and 3,482,572 commercial vehicles would cross between Detroit and Windsor on the Ambassador Bridge. Actual Ambassador Bridge traffic numbers for that year were significantly lower—only

7 The DEIS also conveniently overlooks other prominent features of the Ambassador Bridge Enhancement Project that will enhance traffic flows. For example, the Enhancement Project will further increase efficiency by employing the FAST program; by participating in the NEXUS program to simplify border crossings; by implementing the most modern and efficient cross-border “mixing” and “segregation” of traffic flow; and by employing pre-inspection and reverse inspection procedures. In addition, Ambassador Bridge may make the existing span’s four lanes available when circumstances so demand. Had the DEIS acknowledged these features, its asserted need for a new bridge would have seemed even more far-fetched.

12 DEIS page ES-3 notes capacity involves: 1) roads leading to the Ambassador Bridge and Detroit-Windsor Tunnel; 2) customs processing; 3) and, the crossings themselves. An increase in capacity on a bridge does not change the capacity of the approach roads. The Enhancement Project EA states, “Finally, the construction of any new roads linking the Ambassador Bridge with Highway 401 is outside the scope of the Ambassador Bridge Enhancement Project and would be within the exclusive control of Canadian and Ontario government agencies.” Because the Enhancement Project includes no provision for a roadway capacity expansion, the existing capacity limitations of the approach corridor remain.

13 Auto traffic is down because of changes/enhancements of border security procedures, economic conditions, and changes in the value of the U.S. currency, to cite a few reasons. But, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project’s purpose.
5,876,103 passenger vehicle trips and 3,464,178 commercial vehicle trips. By 2007, the DEIS predicts a dramatic increase in passenger trips (to more than 6.6 million) and commercial trips (to more than 3.7 million) over the bridge. The actual data show a decrease in both passenger and commercial trips between 2005 and 2007. Indeed, by 2007 the difference between the DEIS’s traffic estimates and the actual traffic shows that the DEIS grossly overstated traffic volumes, by nearly 20% for passenger traffic and nearly 10% for commercial traffic. As the following table demonstrates, the ever-increasing error in the DEIS’s traffic figures would compound exponentially over a 30-year horizon. The size of that error just in the first three years of the projection is remarkable.

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Traffic Predicted</td>
<td>6,330,217</td>
<td>6,494,595</td>
<td>6,663,242</td>
<td></td>
</tr>
<tr>
<td>Passenger Traffic Actual</td>
<td>6,167,915</td>
<td>5,876,103</td>
<td>5,839,044</td>
<td>5,556,457</td>
</tr>
<tr>
<td>Difference</td>
<td>&lt;7.7%</td>
<td>&lt;11.2%</td>
<td>&lt;19.9%</td>
<td></td>
</tr>
<tr>
<td>Commercial Traffic Predicted</td>
<td>3,482,572</td>
<td>3,610,602</td>
<td>3,743,339</td>
<td></td>
</tr>
<tr>
<td>Commercial Traffic Actual</td>
<td>3,390,938</td>
<td>3,464,178</td>
<td>3,514,239</td>
<td>3,413,839</td>
</tr>
<tr>
<td>Difference</td>
<td>&lt;0.5%</td>
<td>&lt;2.7%</td>
<td>&lt;9.7%</td>
<td></td>
</tr>
</tbody>
</table>

With these projections, FHWA and MDOT appear to be on a course to repeat the forecasting error they made in 1991, when they projected a steady increase in traffic across the Blue Water Bridge. Instead, traffic volumes on the Blue Water Bridge are lower today than they were in 1991, and far below what FHWA and MDOT predicted. As the following graphic illustrates, a discrepancy in the first years of a projection can quickly compound in subsequent years.
The conclusion in the Induced Demand Technical Report is consistent with and takes into account the lower SEMCOG population and employments forecasts the commenter notes. (Refer to Section 3.5.1.4.) Cross border travel is driven by trade/truck traffic that is a function of broad national issues rather than the number of people and jobs in the SEMCOG region. With that said, it is recognized the auto traffic forecast for 2035 indicates it will just about return to 2000 levels. That forecast is more sensitive to population and employment. The 2035 auto traffic forecast is reasonable.
The conclusion in the Induced Demand Technical Report (Section 2.1) is consistent and takes into account the lower SEMCOG population and employment forecasts the commenter notes. Cross border travel is driven by trade/truck traffic that is a function of broad national issues rather than the people and jobs in the SEMCOG region alone. With that said, it is recognized the auto traffic forecast for 2035 indicates it will just about return to 2000 levels. Auto traffic is more sensitive to population and employment. The 2035 auto traffic forecast is reasonable. Regarding trucks, recent U.S. Department of Transportation data indicate April 2008 set a new record for U.S. trade with our North American neighbors, at $74.3 billion. (The previous high was $74.2 billion in October, 2007). Trade with Canada alone reached $48.9 billion, a 15% increase from April 2007. April also marked the 14th straight month that surface trade with Canada improved compared to the same month the previous year. Michigan was the leading state in trading with Canada, at $6.4 billion, a full 33% higher than the number two state, Illinois. These numbers support the conclusion that the DRIC crossing is needed sooner rather than later to address economic security.
Response to be determined.

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To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:
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* Improve system connectivity to enhance the seamless flow of people and goods;
* Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and,
* Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

The DEIS’s commercial vehicle traffic prediction is based on outdated and overly aggressive commodity trade forecasts.

The economic studies that underlie the DEIS traffic forecasts predict relatively strong growth in exports, including 4.4% annual growth in automotive exports to the United States, between 2004 and 2010. Because automotive trade accounts for nearly one third of commercial vehicle traffic between Detroit and Windsor, this optimistic view of industry growth results in higher cross-border traffic predictions. Since that study was performed, however, actual export data contradicts the DEIS’s predictions. Instead of increasing, Canadian automotive exports to the United States have in fact declined sharply, as illustrated below.

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>CAGR² (2005-2035)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Value of Auto Exports</td>
<td>83,380,930</td>
<td>81,098,253</td>
<td>76,196,057</td>
<td>-4.4%</td>
</tr>
<tr>
<td>Total Value of Auto Trade Balance</td>
<td>23,483,313</td>
<td>22,294,401</td>
<td>17,665,916</td>
<td>-13.2%</td>
</tr>
</tbody>
</table>

See Industry Canada data. This short-term failure in the DEIS’s commodity trade forecasts could easily be corrected by using the more realistic projections of the Freight Analysis Framework (“FAF2”) commodity flow database developed by FHWA in cooperation with the Bureau of Transportation Statistics. This data set projects a decline in Detroit-Windsor freight activity in the automotive sector until 2015, and overall lower growth in that sector between 2004 and 2035.

Using the FAF2 data instead of the DEIS’s too-optimistic projections further lowers the volumes of traffic forecast by the DEIS’s model.

Revising the DEIS’s traffic forecasts to include more recent data and the Ambassador Bridge Enhancement Project eliminates the supposed “need” for a new border crossing.

By simply updating the traffic, population and economic data underlying the DEIS’s travel forecasts, and revising the border crossing capacity to include the six-lane Ambassador Bridge.
Auto traffic is down because of changes/enhancements of border security procedures, economic conditions, and changes in the value of the U.S. currency, to cite a few reasons. But, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project's purpose.
immediate, sharp increase in trans-border traffic, even though crossings had declined steadily between 1999 and 2004. Instead, three more years of data show a continued decline in Detroit River crossings (as well as crossings over the Blue Water Bridge).

![Automobile and Truck Combined Totals 1999 through 2007]

Note 1: The Santa Fezaz opened in 2003 resulting in the Blue Water Bridge traffic remaining relatively constant.
Note 3: November and December 2006 were estimated based upon the average change of the first 12 months between 2005 and 2006.

Data from the first months of 2008 are down 10% from the same months in 2007, continuing this trend. See BTOA Monthly Reports, January and February 2008. The intricacies of traffic modeling forecasts aside, it defies common sense to predict a sudden and dramatic turnaround in Detroit-Windsor traffic, especially when a number of factors apparently not accounted for in the DEIS’s optimistic traffic model point toward a long-term decline in that traffic.
The DRIC model uses an increase in intermodal traffic of 20% by 2030 which reduces truck traffic at the border by almost five percent in 2030. That reduction then is taken into consideration in projecting a 128% growth in truck traffic by 2035.
That statement is not consistent with the latest surface transportation U.S. and Canadian data for April 2008. They show an increase of 15.9 percent in the value of trade compared to April of 2007. Michigan was the greatest trading partner with Canada in April 2008 at $6.4 billion. It is also noteworthy that most, if not all, of the "foreign" automakers with plants in the U.S. who are gaining market share also have plants in Canada and they contribute to the cross-border traffic. The relative locations of those plants indicate that the Detroit - Windsor border crossing is the most likely route for this traffic.

Figure 1-3 in the DEIS and FEIS shows the combined effects of all the risk factors that could move forward or delay the time when a new or expanded crossing is required. The Extreme High Scenario consists of a combination of High Trade Growth and High Passenger Car Demand Scenarios. The Extreme Low Scenario is a combination of the Low Trade Growth, Diversion to Intermodal Rail, High Diversion to St. Clair River crossing and Low Passenger Car Demand Scenarios. Such unlikely scenarios would advance the year in which capacity is reached by five years to about 2015 or delay it by fourteen years to about 2034, respectively. This information can be found on the project Web site under Canadian Reports - "Travel Demand Forecasts, 2005," Section 6.2.5. Such effects on cross border traffic are part of the risk analysis in the DRIC forecasting. Reference is made to 3.5.1.4.
Letter 39, continued

Grand Casino, which is owned and operated by the MGM Las Vegas juggernaut. Thus, the jump in personal trips to Windsor that occurred when the Windsor casino opened has now receded, and likely will not return.

Finally, in 2004, when the DRIC project made its traffic projections, the currency exchange rate was around $1 U.S. dollar to $1.37 Canadian dollars. See Bank of Canada, 10-year Currency Converter, http://www.bankofcanada.ca/en/rates/exchform.html (last visited April 25, 2008). Due to the favorable purchasing position of the U.S. dollar, Windsor’s restaurants flourished and personal car traffic across the border was increased. The exchange rate today is nearly one-to-one, so that little cross-border traffic is generated by the promise of better purchasing power. Indeed, as a result of this neutral exchange rate, Windsor restaurants are in serious economic difficulty, and cross border passenger traffic is not anticipated to return to levels experienced in previous years. See Thomas Walkom, Campaign Snapshot: Windsor; An economic engine out of gas, The Star (Sept. 22, 2007).

* * *

Especially in light of the DEIS’s badly overestimated traffic projections, even the strongest proponents of the DRIC project, as well as the sponsoring agencies, must concede the need to collect several more years of current and readily available traffic data before deciding whether it is necessary to open a new border crossing in the Detroit-Windsor area. Going forward as things now stand would be proceeding on the basis of a DEIS whose purpose and need underpinnings cannot survive legal scrutiny. To amend this failing, a new statement of purpose and need, based on more current and more realistic traffic data, should be prepared and circulated for public comment.

Reasonable and secure crossing options are needed now. The sensitivity to traffic volumes is related to financing a new bridge. A separate and independent investment grade traffic study will follow the FEIS.
23 The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation’s respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.

24 The goal of a new border crossing was determined through the binational feasibility study in 2004. The DRIC study has been transparent from the outset.

25 The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.
persons reviewing the DEIS do not have a complete picture of the DRIC project’s environmental impacts. Until the details of the Canadian project become clear, any further action in the U.S. is premature.\footnote{Unlike the review process under NEPA, the Canadian environmental review process is front-loaded. All technical studies and public consultation takes place before documents are submitted to the government for review, comment and approval. As currently scheduled, the NEPA comment period will end before the Canadian environmental review is published. It is entirely possible that the entire NEPA process, including issuance of an FEIS, will be completed before anyone knows what the DRIC project will look like in Canada.}

Pursuant to statutory requirements of the Federal and Provincial governments, Canadian agencies are conducting two completely separate environmental reviews in connection with the DRIC project. One study is focused on the proposed new bridge and customs plaza, and another addresses a new highway or road network connecting that new bridge to Highway 401. \textit{See id.} ("[I]t is likely the [DRIC] recommendations will be made in two parts . . . one announcement would be made to detail a border route from Hwy. 401 and another for the actual location of the new Windsor-Detroit bridge and accompanying plaza."). Neither of the planned Canadian environmental studies is available for public review at the present time. The DEIS does not explain when they will be available or what they might say. Consequently, readers of the DEIS have little idea what the Canadian half of the DRIC project will look like. Before the DRIC project can be considered on an “end-to-end” basis, this missing link in the plans between the U.S. side of the proposed DRIC crossing and Canada Highway 401 must be completed. Until it is, the proposed action that is being considered in the DEIS cannot be evaluated as a single project. Without a unified project to evaluate, the DRIC project cannot fulfill the DEIS’s stated purpose and need for a new border crossing.

If the U.S. and Canadian environmental authorities had wanted to achieve the “end-to-end” coordination they have always promised, they could have. The DEIS could have been
issued simultaneously with the Canadian environmental review, and parties interested in the project could have examined the two documents side-by-side. Inexplicably, neither government has taken the steps necessary achieve effective coordination. So while the DEIS’s reliance on the Canadian Environmental Assessment makes clear that transboundary impacts (among other things) cannot adequately be assessed or commented upon until the Canadian environmental review is complete, the governments of the two countries have not done what they could and should to allow interested persons in the U.S. to understand and review the Canadian project.\(^\text{12}\)

2. **The DEIS fails to adequately address the DRIC project’s transboundary impacts.**

In 1997, CEQ issued Guidance that interpreted NEPA as requiring “analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of actions in the United States.” CEQ, *Guidance on NEPA Analysis for Transboundary Impacts*, July 1, 1997. Courts relying on this guidance have required that agencies consider *both* (1) the impact of actions in the United States on other countries, and (2) the impacts of actions in other countries on the United States. *See, e.g.*, *Swinomish Tribal Cmty. v. Federal Regulatory Comm’n*, 627 F. 2d 449, 512 (D.C. Cir. 1980) (Canadian environmental impacts of action in the United States sufficiently studied); *Border Power Plant Working Group v. Dept. of Energy*, 260 F. Supp. 2d 997, 1015 (S.D. Cal. 2003) (requiring NEPA review of federal permits issued to power plants operating in Mexico). CEQ Guidance further states that the agency has a “responsibility to undertake a reasonable search for relevant, current information associated with an identified potential effect.” CEQ, *Transboundary Impacts*. Especially because the DEIS holds itself out as an “end-to-end” review of a proposed new border crossing, the public is entitled to a complete

\(^{12}\) Despite this lack of coordination, and the lack of information in the DEIS concerning the Canadian aspects of the DRIC project, the Ministry of Transportation of Ontario recently published a prebid notice for construction of the DRIC project from the “end of I-10 in Windsor through the I-75 in Detroit.” *Daily Commercial News* at 11 (April 21, 2008).
The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.
The Gateway Project has independent utility and does not rely in any way on changes in Canada. It was designed to accommodate a second span of the Ambassador Bridge but is in no way dependent on, or a justification for, a second span. Canada and Ontario continue to make improvements consistent with the program entitled: Let's Get Windsor-Essex Moving Strategy for 15 projects in various stages of implementation. These improvements include $300 million in Border Infrastructure Funds.
The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.

29 The DRIC project serves the broad public economic good. When traffic flow, travel time/distance saved, and jobs created are considered, as documented in Section 3.5.1.4 of the FEIS, that good is well served.
the alternative selected, the DEIS estimates that the DRIC project will cause a seven percent decline in peak-hour auto traffic and a 16-18 percent decline in peak-hour truck traffic on the Blue Water Bridge. DEIS at 3-51. Traffic diversion would be even greater in the Detroit-Windsor area. According to the DEIS, the tunnel “would register a 20 to 26 percent decline in total traffic,“ and the Ambassador Bridge would experience a loss of up to 39% of its car traffic, and 75% of its truck traffic. *Id.*

The DEIS does not explain why it makes financial sense for the government to build a new bridge that with the intention of capturing this amount of traffic from existing border crossings that have been and continue to be supported with some level of public funding. The U.S. federal government and the State of Michigan have invested hundreds of millions of dollars in upgrades to the Blue Water Bridge and the Ambassador Bridge Gateway Project that will increase capacity and efficiency. The Detroit-Windsor Tunnel is currently owned by the City of Detroit and the City of Windsor. At the same time, the government-sponsored DRIC project is planning to spend well over a billion dollars on a new bridge that will to absorb so much traffic from the Blue Water Bridge and Ambassador Bridge that these expensive upgrades will become unnecessary and wasteful at a time when there is already a shortage of public funds for infrastructure maintenance. Even if the DEIS were right about the future capacity that will be needed in the region, this sort of cross-purposed spending is a waste of taxpayer dollars.  

16 Detroit’s half of the tunnel is currently under consideration for a securitized lease or sale to the City of Windsor. Such a transfer leaves open the impact of tunnel management, expansion of Windsor plaza facilities, etc., which are not even acknowledged in the DEIS. Moreover, the impact on Detroit, should Detroit remain owner of the tunnel, of losing 20 to 26% of its future traffic (DEIS at 3-51) has not been calculated by the DEIS.  

17 If accurate traffic forecasts are compared to the U.S. construction costs for the DRIC project (between $1.3 billion and $1.5 billion), debt service, operating and maintenance costs for the bridge will exceed projected revenue, necessitating a continuing public subsidy for the DRIC bridge.
A wide range of alternatives was initially considered. These alternatives were then reviewed and ranked based on the identified need and other evaluation factors. Only those that ranked highest were carried further. The alternatives that best met the combined evaluation were in the Delray area. The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C of the DEIS and FEIS.
The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C (Concurrence of FHWA in Analysis of Practical Alternatives and Results) of the DEIS and FEIS. That documentation demonstrates sufficient analyses were conducted to eliminate the referenced alternatives. The analyses occurred, the decision was made and the Governor's announcement is consistent with it.
35 Michigan's Preconstruction Process Documentation Manual guides project development. It includes Task 2340 - Develop and Review Practical Alternatives. "Practical alternatives" is the standard nomenclature used by MDOT (as well as FHWA) for "reasonable alternatives." This has been the case for years.

36 The "cursory" discussion involves: Volume 1: Summary (70 pages); Volume 2: Technical Analysis (220 pages with numerous comparative tables); Volume 3: Technical Data (bound as three separate volumes covering Crossing, Plaza and Route data) (over 500 pages total). The analysis documented in these reports was certified as acceptable by FHWA as documented in Appendix C of the DEIS and FEIS.

37 The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C (Concurrence of FHWA in Analysis of Practical Alternatives and Results) of the DEIS and FEIS. That documentation demonstrates sufficient analyses were conducted to eliminate the referenced alternatives. The analyses occurred, the decision was made and the Governor's announcement is consistent with it.
in the case of the Ambassador Bridge alternative, by FHWA. Because analysis of alternatives is an essential feature of any NEPA review, these unusual screening decisions, which appear to have eliminated reasonable alternatives that meet the DRIC project’s purpose and need, leaving a single build alternative, thereby making the DEIS legally vulnerable. City of Shoreacres, 420 F.3d at 450.

3. FHWA should have used a first-tier DEIS to allow public involvement in the crucial screening decisions.

Regulations promulgated by CEQ authorize federal agencies to carry out NEPA studies for large or complex projects on a “tiered” basis. See 40 C.F.R. § 1502.20. A tiered NEPA study involves preparation of a separate environmental impact statement, including a Draft EIS, full public comment period, and Final EIS, at each stage of the proposed action. See id. FHWA regularly employs this dual-layered process in connection with “major transportation actions.” 23 C.F.R. § 771.111(g). In such cases, FHWA regulations provide that a first tier EIS should “focus on broad issues such as a general location, mode choice, and area wide air quality and land use implications of the major alternatives.” Id. “The second tier,” by contrast, has a much narrower focus, and is intended to “address site-specific details on project impacts, costs, and mitigation measures.” Id.

The DRIC project is an ideal candidate for tiered NEPA analysis. Indeed, the agencies essentially took a two-stage approach here, first eliminating the alternatives they considered not “practical,” and then preparing the DEIS to evaluate the remaining Practical Alternatives. The problem with the process employed in this case is decisions were made during the first stage analysis on “broad issues such as general location” without a thorough environmental review, presented in a first tier DEIS. As a result, apparently reasonable alternatives were excluded from further analysis, for reasons that are less-than-clear, because the review lacked the fairness.
MDOT and FHWA have worked with the community to balance disproportionate impacts with benefits. See Sections 4.2 and 4.21 of the DEIS and FEIS.

Communities other than Delray were eliminated from further study beyond the Illustrative Alternatives Evaluation, such as River Rouge and the Belle Isle area, have greater concentrations of minority populations.
Letter 39, continued

- Between 800 and 1,000 Delray residents would be moved (id. at 3-22).
- Between 41 and 56 active businesses, which provide an estimated 685 to 920 jobs, would have to be “relocated,” if possible (id. at 3-24).
- Up to seven churches would no longer be able to occupy their buildings (id. at 3-24).

In spite of these impacts to Delray, the DEIS’s discussion of environmental justice issues shows little evidence of the requisite heightened agency attention. After reciting the basic population statistics that make clear Delray is a protected community under environmental justice standards, and acknowledging that the DRIC project “would impact a larger number of minority groups being displaced as compared to non-minority groups” (id. at 3-32), the DEIS devotes just two sentences to minority group environmental justice considerations.

However, the impacts would not be disproportionately high and adverse to minority population groups; and the overall adverse impacts would not be predominately borne by minority population groups. The impacts to minority population groups are not appreciably more severe than the impacts that would be experienced by non-minority population groups in the study area.

Id. No further evidence or discussion is offered to support these assertions.

The DEIS seems to be saying that the project is not an environmental justice problem because it will harm minorities living in the study area in proportion to the overall population of minority groups in the study area. Put another way, the study appears to argue that if the minority population in the entire Central study area is 69%, the percentage of minorities in Delray harmed by the DRIC project will also be around 69%, and therefore the project will not have a “disproportionate” impact on minority groups. This argument falls to pieces when any location outside of Delray is considered. For instance, the Illustrative Alternatives in the Downriver Study Area (identified as crossings X1 through X9 in the EIA) have far smaller minority populations than the Delray community. The Downriver census tracts that would have

The disproportionate impacts on minority and low-income populations are discussed in Section 3.1.5 of the FEIS. Mitigation of them is presented in Sections 4.2 and 4.21 of the FEIS and the “Green Sheet” in that section.
been affected by the DRIC project are between 62.7 and 95.6 percent white. The three Delray census tracts affected by the alternatives studied in the DEIS are between 18.1 and 38.6 percent white. The demographic details that appear in the following table speak for themselves:

<table>
<thead>
<tr>
<th>Census Tract</th>
<th>U.S. Plaza</th>
<th>Alternative</th>
<th>White</th>
<th>Black</th>
<th>Native American</th>
<th>Asian</th>
<th>Hawaiian</th>
<th>Other race, non-Hispanic</th>
<th>Two or more races, non-Hispanic</th>
<th>Hispanic/Latino origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>5940 S-1 &amp; S-2</td>
<td>X1</td>
<td>93.95</td>
<td>0.00</td>
<td>0.00</td>
<td>0.39</td>
<td>0.00</td>
<td>0.11</td>
<td>1.27</td>
<td>4.28</td>
<td></td>
</tr>
<tr>
<td>5950 S-2</td>
<td>X1</td>
<td>95.63</td>
<td>0.66</td>
<td>0.61</td>
<td>0.73</td>
<td>0.00</td>
<td>0.00</td>
<td>0.59</td>
<td>1.78</td>
<td></td>
</tr>
<tr>
<td>5980 S-4</td>
<td>X2 &amp; X3</td>
<td>92.72</td>
<td>0.62</td>
<td>0.00</td>
<td>1.74</td>
<td>0.00</td>
<td>0.00</td>
<td>1.12</td>
<td>3.81</td>
<td></td>
</tr>
<tr>
<td>5989 S-3</td>
<td>X2 &amp; X3</td>
<td>95.19</td>
<td>1.04</td>
<td>0.49</td>
<td>0.97</td>
<td>0.00</td>
<td>0.00</td>
<td>1.06</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>5776 S-5</td>
<td>X4</td>
<td>94.58</td>
<td>0.00</td>
<td>0.12</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>1.39</td>
<td>3.90</td>
<td></td>
</tr>
<tr>
<td>5797 S-5</td>
<td>X4</td>
<td>62.70</td>
<td>13.04</td>
<td>1.25</td>
<td>0.40</td>
<td>0.00</td>
<td>0.19</td>
<td>3.27</td>
<td>19.15</td>
<td></td>
</tr>
<tr>
<td>5798 C-1</td>
<td>X5, X6, &amp; X7</td>
<td>73.01</td>
<td>12.51</td>
<td>0.69</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>2.15</td>
<td>11.64</td>
<td></td>
</tr>
<tr>
<td>5795 C-2</td>
<td>X8 &amp; X9</td>
<td>76.24</td>
<td>12.17</td>
<td>0.48</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>5.05</td>
<td>6.06</td>
<td></td>
</tr>
<tr>
<td>5235 C-4</td>
<td>X11</td>
<td>36.89</td>
<td>16.60</td>
<td>0.85</td>
<td>0.38</td>
<td>0.00</td>
<td>0.00</td>
<td>4.91</td>
<td>40.38</td>
<td></td>
</tr>
<tr>
<td>5236 C-4</td>
<td>X11</td>
<td>18.06</td>
<td>65.66</td>
<td>0.71</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>1.25</td>
<td>14.32</td>
<td></td>
</tr>
<tr>
<td>5237 C-3</td>
<td>X10</td>
<td>38.59</td>
<td>21.46</td>
<td>0.00</td>
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<td>0.00</td>
<td>2.63</td>
<td>3.79</td>
<td>33.54</td>
<td></td>
</tr>
</tbody>
</table>

The environmental justice analysis is meaningless if a project proponent can simply locate all of its “Practical Alternatives” in a minority community, and then claim that the people in that community will not be disproportionately affected when the project is built. The whole point of the environmental justice mandate issues is to require consideration of alternatives that do not affect minority groups. In this case, those alternatives were eliminated years ago, as part of the EIA process, without any apparent consideration of the environmental justice effects. The only way to correct this failing is to go back and reconsider other build alternatives not located in Delray, such as the Downriver Study area and other areas outside of the Delray community, with an eye toward environmental justice.
C. The DEIS’s alternatives analysis is also inadequate with respect to Section 4(f) properties.

Consideration of alternatives is even more important under 49 U.S.C. § 303(c), a law more commonly known as Section 4(f). Unlike NEPA, which requires consideration of reasonable alternatives to the proposed action, Section 4(f) affirmatively prohibits the Secretary of Transportation from approving a project that involves the use of, among other things, “land of an historic Site of national, State or local significance,” unless there exists “no prudent and feasible alternative to using that land.” See, e.g., City of Alexandria v. Slater, 198 F.3d 862, 871 (D.C. Cir. 1999) (noting that “section 4(f) . . . imposes a substantive mandate on the Administration”). Although the DEIS acknowledges that all proposed build alternatives will require demolition of between 6 and 8 properties protected by Section 4(f) (see DEIS at 5-2), its review of prudent and feasible alternatives falls short under Section 4(f)’s standard.

As an initial matter, it is important to recognize that Section 4(f)’s “prudent and feasible” standard is different from NEPA’s “reasonable alternatives” standard. An alternative that qualifies as unreasonable under NEPA may or may not be prudent and feasible alternatives under Section 4(f). See, e.g., Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 203 (D.C. Cir. 1991) (rejecting agency argument that “anytime an alternative is unreasonable under NEPA . . . the alternative would also be imprudent within the meaning of section 4(f)(1)”).

Thus, even if the EIA document were correct to eliminate Downriver and Belle Isle alternatives as unreasonable under NEPA, those study areas must still be considered under Section 4(f)’s prudent and feasible alternatives standard. The DEIS failed to give them such consideration, and thus failed to satisfy its obligations under Section 4(f).

Furthermore, although the DEIS asserts that “[a]ll feasible and prudent alternatives have been carried forward for detailed study” (DEIS at 5-19), a review of the alternatives eliminated...
through the EIA process in light of the relevant regulations demonstrates that several feasible and prudent alternatives were excluded from the DEIS’s Section 4(f) analysis. Recently-issued FHWA regulations specify the circumstances under which the agency may find an alternative not prudent.19 See 49 C.F.R. § 774.17. Those circumstances include (1) failure to meet the project’s purpose and need, (2) the existence of unacceptable safety or operational problems, (3) severe social, economic or environmental impacts, (4) severe disruption to established communities, (5) severe disproportionate impacts to minority or low-income communities, (6) severe impacts to federally-protected species or habitats, (7) extraordinary additional construction, maintenance or operational costs, and (8) other unique problems. See id. The Downriver and Belle Isle alternatives do not appear to be imprudent under these criteria.20

To begin with, the EIA acknowledges that all of the Illustrative Alternatives meet the project’s purpose and need, (see EIA at S-1), meaning they cannot be eliminated as imprudent under criteria (1). Next, a review of the EIA reveals no evidence that the Illustrative Alternatives would involve unacceptable safety or operational problems on the U.S. side of the Detroit River (criteria (2)), “severe” social, economic or environmental impacts (criteria (3)), harm to federally-protected environmental features (criteria (6)), or “extraordinary” construction, maintenance or operation costs (criteria (7)) that could render an alternative imprudent and support the agency’s action. See Stop H-3 Ass’n v. Coleman, 533 F.2d 434, 445 (9th Cir. 1976) (Although “Section 4(f) does not require . . . specific findings and reasons for approving a project . . . . a court reviewing the Secretary’s 4(f) decision must satisfy itself that the Secretary evaluated the highway project with the mandates of section 4(f) clearly in mind.”). Finally,

19 These regulations are consistent with prior FHWA guidance concerning feasible and prudent alternatives under Section 4(f).
20 The requirement of feasibility is an engineering criteria. None of the illustrative alternatives in the EIA fail to meet the feasibility standard.
This comment addresses U.S. impacts, not Canadian. Canadian impacts were judged to be significant to owners of properties and historic areas.

These resources were fully investigated in consultation with the State Historic Preservation Office. See the Archaeological Phase I and II Investigations and the two-volume Above-Ground Resources Survey which is available at the 21 repositories and on the Web.

CEQ regulations were fully complied with by incorporating public input to the DEIS combined with refined data to fully assess disproportionate and adverse effects on populations protected by the Environmental Justice Executive Order.
Letter 39, continued

is intended to “respond to comments,” not to describe new aspects of the review itself. *Id.* § 1502.9(b). “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” *Id.* § 1502.9(a). Contrary to these regulatory requirements, even an initial review of the DEIS reveals numerous examples of analyses that have been postponed for further evaluation in the FEIS.

**B. Numerous evaluations are improperly postponed until the FEIS.**

1. *The DEIS postpones its review of potential disproportionate impacts to low-income residents of Delray.*

First and foremost, the DEIS postpones a full review of environmental justice issues. Even though it acknowledges that each of the alternatives may have “disproportionately high and adverse effects on low-income population groups in the Delray Study Area,” the DEIS pushes off a detailed review of those potential impacts. DEIS at 3-32. “These impacts will be further evaluated after MDOT has completed its interviews with the property owners and tenants who may be displaced [by the DRIC project], and after the public comment period has ended.” *Id.* (emphasis added). Thus, the DEIS explicitly acknowledges that its full review of environmental justice impacts on low-income Delray residents will occur at a time when the public will have little chance to comment on the adequacy of that review. Even “[i]f additional impacts are identified,” the DEIS acknowledges that those “impacts and mitigation measures will be addressed in the FEIS.” *Id.* Because this procedure blatantly violates CEQ regulations, a revised draft of this section must be circulated for public comment. See 40 C.F.R. § 1502.9(a).

2. *The DEIS improperly delays its discussion of land use impacts to Delray until the FEIS.*

The DEIS’s illusory discussion of land use suffers from a similar flaw. In its land use section, the DEIS describes a “vision” of making Delray “a better place to live, with a new crossing system as its neighbor.” DEIS at 3-46. MDOT and FHWA claim to be “exploring a

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47 MDOT is not the official land use planning agency. The City of Detroit is. MDOT has and will continue to coordinate with the City as the project advances. Additionally, MDOT will continue to work with the community and will facilitate partnership building to include agencies and organizations that have tools, programs, and expertise to implement strategies for land use and investment.
48 The DEIS states that the conformity test will occur after the Preferred Alternative is identified. The test has been run and the project found to conform, so it has been added to the Regional Transportation Plan.
The claim of “postponement leading to rushed judgment” is not understandable. Public engagement of all DRIC materials has allowed the fullest evaluation of project impacts and appropriate mitigation of adverse effects.

This business was never a potential relocation. Only those businesses falling within the potential right-of-way of an alternative were contacted.
of detailed design plans and data,” nothing more than “mitigation concepts” are possible. DEIS at 4-1. Thus, the Delray residents who would be forced from their homes if the DRIC project were to proceed are offered nothing more than a “Conceptual Stage Relocation Plan.” Id. at 4-3.

No sources of funding for this plan are identified, and no concrete commitments to the residents are made. Other mitigation plans are similarly sketchy. The vast bulk of mitigation planning is reserved for future development in the “design phase” (id. at 4-1), effectively precluding public comment on mitigation measures.

The analysis of air toxics from the DRIC project is also problematic. The DEIS contains a mobile source air toxics (“MSAT”) analysis up to a quantification of MSAT emissions for ramps and (plaza and crossing) for 2013 and 2030. In addition, the DEIS references the FHWA Feb 3, 2006 Interim Guidance on Air Toxics Analysis in NEPA documents, which lists a number of reasons excusing performance of an air quality and risk assessment. But the DEIS does not apply NCHRP’s best practices guidance for informing the public and decision-makers, which would be appropriate for a project of the size and scope of the DRIC.

It is also noteworthy that the DEIS contains no discussion whatsoever of greenhouse gas emissions or their potential impact on climate change. A recent Ninth Circuit Court of Appeals decision, Center for Biological Diversity v. National Highway Safety Administration, 508 F.3d 508 (9th Cir. 2007), suggests that greenhouse gas analysis is an important consideration in any NEPA review. Such a review of greenhouse gases would seem particularly relevant for a project that is being studied on the basis of a predicted increase in automobile traffic.

All of these issues, and many more, could be addressed in detailed technical comments regarding the DEIS, if an extension of the comment period were granted. At present, it is enough

51 Correct. FHWA has not adopted the NCHRP guidance.

52 To date no national standards have been set for greenhouse gases. EPA has established no criteria or thresholds. But, on April 2, 2007, the Supreme Court issued a decision in Massachusetts et al v. Environmental Protection Agency et al that the USEPA has authority under the Clean Air Act to establish motor vehicle emissions standards for carbon dioxide (CO₂) a primary greenhouse gas. The USEPA is determining the implications of the decision. However, the Court’s decision did not have any direct implications on requirements for evaluating transportation projects. Further, because of the interactions among elements of the transportation system as a whole, project-level emissions analyses for greenhouse gases are less informative than those conducted at the regional, state, or national level. Because of these concerns, FHWA concludes that CO₂ emissions cannot be usefully evaluated in this EIS in the same way as other vehicle emissions.
to note that, in addition to the four major issues identified in these preliminary comments, the DEIS’s environmental review appears to be fundamentally deficient in a number of areas.

CONCLUSION

For the reasons discussed, DIBC and CTC conclude that the DEIS is wholly inadequate under NEPA. The only way for FHWA and MDOT to address these inadequacies is to reevaluate several aspects of the DEIS from scratch. The traffic data that is central to the DEIS’s purpose and need statement must be updated and adjusted to account for more recent economic conditions. The alternatives analysis must be revised and reexamined on a tiered basis that considers more than one build alternative. And those parts of the DEIS that are insufficient, postponed or omitted must eventually be revised and reissued for public comment.
Letter 39, continued
Letter 39, continued

[Image of a map showing various locations and roads around the Detroit River, including West Grand Blvd, 25th St, 24th St, and Fort St.]
Letter 42, Michigan Representatives Lee Gonzalez and Hoon-Yung Hopgood

May 23, 2008

Robert H. Parsons
Public Involvement and Hearing Officer
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Parsons:

In our roles respectively as Chair of the House Appropriations Subcommittee on Transportation and Chair of the House Standing Committee on Transportation, we submit herein our comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. A basic question is how to best manage the busiest trade corridor in the world by thoroughly studying the best options aimed at increasing capacity and redundancy in today’s global (and integrated) economy. This integrated economy between the United States and Canada, Michigan and Ontario, and Detroit and Windsor demands a deeper process of reform—and in the case of the Detroit-Windsor border crossing—one that aims at the transformation of our infrastructure and its governance.

Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The U.S. and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are intrinsically linked. It is critical that the bi-national partners take the steps to expand international border crossing infrastructure, and enhance the seamless flow of goods and people in order to strengthen the viability of the Great Lakes economic region. As a border improvement project the DRIC Study is essentially a bi-national economic security imperative.

Public ownership of a new international border crossing system is critical to U.S. economic competitiveness, security and redundancy. The Detroit-Windsor border is both the most valuable international crossing in North America and a dynamic asset. Public oversight/governance would protect this asset by ensuring proper measures, such as strategic priorities, capacity, security, and structural maintenance and integrity on a bi-national scope. Additionally, public oversight/governance further ensures that the toll structure is transparent, along with greater crossing choice that induces competitive rates for freight shippers, passenger vehicles and others. We seek to be proactive in the new economy, there is the opportunity for long-term private sector investment in the form of a private-public partnership.

1 See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.

2 See Response 1 above.

3 See Response 1 above.
As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability. Both are equally critical. In today's global knowledge economy and a post 9-11 world, we must be concerned with just-in-time (JIT) business relationships and the unfortunate reality of the major challenge of redundancy—a just-in-case (JIC) backup plan.

One of the most critical mitigation activities that must be incorporated into the DRIC Study Final Environmental Impact Statement is a comprehensive economic development strategy that focuses on Michigan’s significant international trade strengths. Canada is the leading market for thirty-nine states and is a larger market for U.S. goods than all twenty-five counties of the European Union. Michigan’s share of bilateral trade with Canada is more than double that of the next highest ranking state (New York). In 2005, the Great Lakes region and the Canadian provinces account for more than $500 billion in two-way merchandise trade. Sixty-two percent of the total trade between the U.S. and Canada originates in the Great Lakes region. The trade volume that currently crosses the Ambassador Bridge exceeds all U.S. exports to Japan. In 2007, $122 billion of two-way surface trade at the Detroit-Windsor border represented 28% of total U.S.-Canada trade.

Redundancy is a core issue of the DRIC Study Project and an essential feature of a final border improvement project. While the Ambassador Bridge operates effectively in its current form and will celebrate its 80th year in 2009, there is a need to take the next step in a global context. A breakdown in one lane of traffic on the current span can significantly disrupt the flow of commerce for the entire region. A natural disaster or terrorist attack on such infrastructure would have a truly enormous debilitating impact on the Great Lakes economic region. Additional lanes across the river, seamless interstate and roadway connections, and adequate plaza capacity are needed for the system to respond to the requirements of global economic integration. Border crossings are significant sources of congestion, delay, unpredictability, and increasing costs. The shortcomings of an inadequate border crossing system infrastructure extends to the many health care workers crossing into the U.S. to work daily, as well as negative impacts to air emissions, and the tourism industry.

Again, thank you for the opportunity to comment on the DRIC Study DEIS. As chairs of our respective transportation committees in the Michigan House of Representatives we cannot express enough how important this project is to the future of the Detroit region, the State of Michigan and international trade. As always, we are available for further discussion and look forward to a productive relationship moving forward.

Sincerely,

Representative Lee Gonzales
Chair, Subcommittee on Transportation
49th House District

Representative Hoon-Yung Hopgood
Chair, House Transportation Committee
22nd House District

4 | Security protocols will be determined by the Department of Homeland Security.
5 | Comment acknowledged.
6 | The DRIC mitigation plan (Sections 4.21 and 4.22 of the FEIS) includes some funding to develop such a strategy.
7 | Comment acknowledged.
8 | Comment acknowledged.
1 A meeting held with DDOT on September 25, 2008, concluded that rerouting of their two bus lines could be accomplished as documented in Section 3.5.6.1 of the FEIS.

2 The Preferred Alternative reduces the number of residential relocations to 257. For these households, and others in the area, transit use is less than 5 percent of all trips. The two Department of Transportation bus routes have been re-routed in collaboration with DDOT to minimize impacts.

3 A new border crossing is needed in the Detroit-Windsor area to:
   * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S.
   * Support the mobility needs of national and civil defense to protect the homeland.
   To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:
   * Provide new border-crossing capacity to meet increased long-term demand;
   * Improve system connectivity to enhance the seamless flow of people and goods;
   * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and,
   * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>The project has been judged by FHWA and SEMCOG to be financially sustainable. Only with this determination can the DRIC be included in the Regional Transportation Plan. It was added to the RTP on June 26, 2008.</td>
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<td>5</td>
<td>MDOT and the community have been working together to identify key issues and concerns such as blight in the Delray Area. A conceptual Master Plan was developed by the community (hopefully the city will adopt the plan) which will help guide the community in the future. The community has also been working with MDOT and other agencies to identify community enhancements that would improve the Delray Area.</td>
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<td>6</td>
<td>Expected local benefits are not &quot;minimal.&quot; Many residents indicate they will relocate in the City of Detroit and most business relocate near Delray. A number of construction jobs are likely to be held by city residents, some of whom live in and near Southwest Detroit. A number of long-term permanent jobs, outside those for crossing operations, can be expected to be held by people in Detroit. Exact estimates are not available.</td>
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Letter 43, continued

The enhancements MDOT is exploring with residents of Delray are also setting a precedence that will result in costly community benefits for future major developments. To allow a community to develop a Master Plan for themselves when the city already has a plan in place is misleading and inappropriate for residents. The State has overstepped it’s boundaries because if the city rejects the proposed plan, then city officials are left with a poor perception for residents in Delray. Also if the city rejects the new plan, the time, money, and participation were a complete loss.

The beneficiaries of this development are the Canadian’s, they had an increase in manufacturing jobs, many of which used to be in Michigan, and the study has eliminated the option for twinning the Ambassador Bridge. A public private partnership with the Bridge Company would have been the best solution for the City and State. The fact that Canada has not developed the Huron Church Rd to accommodate truck traffic is not the State of Michigan’s problem or the City of Detroit’s. Why would it be proposed that SW Detroit destroy a community regardless of it’s socioeconomic level to accommodate Canadian requests? When the reasoning is the exact same that Canada has not developed Huron Church Rd and does not want the Ambassador twinned.

The issue of redundancy is important and homeland security is obviously on everyone’s radar, but would it not be more difficult to defend and protect two separate structures and plazas covering a vastly greater land and river mass area, then consolidated facilities and coordinated crossings and plazas?

The continued development of manufacturing and highways in Southeast Michigan will only result in the continued transformation of Michigan into a giant truck stop. The amount of highways within Detroit already outweighs most major cities by a long shot. The focus should be on providing amenities/infrastructure to residents of southeast Michigan that attracts white, blue, and green collar jobs and less truck traffic.

The city of Detroit is transitioning into a diverse career hub a project of this magnitude will only hinder city progress.

Thank you for your time and if you have any questions please don’t hesitate to contact Wesley King at (313) 833-9602, weskin@detroitmi.gov or myself at (313) 833-7670.

Sincerely,

Lovevett Williams
DDOT Interim Director

cc: Tim Roseboom, DDOT
    Wesley King, DDOT

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7 Comment acknowledged.
8 The land use plan in the DRIC DEIS (Section 3.2.2.1) is compatible with the land use plan for the area pending before the Detroit City Planning Commission for adoption. The City Planning Commission as well as the Detroit Economic Growth Corporation participated in the plan's development. It was shaped based on their comments.
9 The alternative evaluation process took into account both benefits and impacts on an end-to-end basis involving both nations.
May 28, 2008

Kirk T. Steudle
Director
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Director Steudle:

I am writing to inquire about issues involving the Detroit River International Crossing, which is now undergoing environmental review in the U.S.

To begin with, I am concerned about the substantial cost for the new DRIC bridge. The DRIC study indicates that the U.S. cost of the project will be close to $1.5 billion, and media reports have put the cost substantially higher. Our County and State are already facing extremely difficult budget constraints. I believe that we need to spend more time understanding the increased demand for the new bridge in light of traffic patterns over the past eight to ten years.

Just as important, the plans for the new DRIC bridge show that the construction of the bridge, customs plaza and connection to I-75 will fundamentally impact the Delray community in Southwest Detroit. The plan will require the relocation of hundreds of residents and the closing or relocation of several businesses. In order to justify this dramatic change, I would want to see the full business case and relocation strategy. My understanding is that the community redevelopment scenarios envisioned within the DRIC study are not traditionally funded by FHWA funds, and as such, should be disclosed to the community that they are separate and distinct from the mitigation expected from the DRIC project.

Finally, I would simply ask that we make sure that all appropriate United States environmental reviews are completed and that all proper due diligence is followed. I understand that the Canadian Government is further ahead on its reviews than we are on our side, and just want to make sure that we are able to complete all of our reviews prior to making any final decision.
Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
The DEIS does not assert that the traffic volumes will increase dramatically. It does state that they will increase using reasonable forecasting assumptions.

The GSA study the comment refers to states as follows:

"In addition to projections derived through standard GSA/Regal protocols (emphasis added), the most relevant forecasts available for this application are derived from the Detroit River International Crossing (DRIC) process, . . . . These forecasts are driven by economic forecasts and a cross border regional travel demand models, and the traffic outputs are higher than the standard statistical projections derived through the GSA/Regal Protocol. Taken together, these two approaches inform low and high traffic forecasts that yield a range of facility requirements used in the development of master plan layout options. Options developed within this context can be evaluated for the adaptability to the actual traffic flows experienced over the planning horizon."
The best available data were used to develop the DRIC travel forecasting models. They have been reviewed by a peer group and found to be acceptable. No further data collection is needed nor will be conducted to complete the FEIS.
Ontario’s cross-border truck traffic slumping in 2008

By: Adam Ledlow
TORONTO, Ont. — Ontario truck crossing statistics issued earlier this week by the Public Border Operators Association (PBOA), shows that international truck traffic is down 8.6% in the first four months of 2008 compared to the same period last year. If the timeline comparison is extended to 2005 the decrease in international truck crossings is 8.4% which could translate into 900,000 fewer truck crossings in 2008 compared to 2005.

"Trucking activity is a leading economic indicator, and these numbers are yet another sign that the Ontario economy is going through a series of challenges that requires rethinking on the parts of all levels of government," said Ontario Trucking Association president, David Bradley.

Trade with the US has been the cornerstone of economic growth for Ontario, with trucking hauling upwards of 75% of this trade measured by value.

"The removal of this many international trucking shipments from the supply chain is a reflection of many causes including a high Canadian dollar, slumping US economy and ongoing glut of border security programs," Bradley said.

PBOA president Stan Korosec, also vice-president of operations for Blue Water Bridge Canada, agrees with Bradley. "Our members are also concerned about the thickening of the border," he says. "We have been meeting with representatives of the Department of Homeland Security and US Customs and Border Protection since the summer long delays experienced in 2007 and are pleased with their efforts to date to facilitate legitimate trade and tourism without affecting security. We hope that the Canadian government allocates the proper staffing and resources to the Canada Border Services Agency (so that similar delays are not experienced coming into Canada this summer)."

OTA has called on the Ontario and federal governments to assist the trucking industry by improving the tax treatment of its equipment, introducing incentives for the purchase of energy-efficient equipment and changes in regulatory language that would allow the industry to utilize more productive equipment.

"A more productive and energy efficient trucking industry is one part of the solution to helping revive the Ontario manufacturing sector," Bradley said.

5/21/2008
Travel to Canada hit all-time low in March

American and overseas travel to Canada hit a record low in March, Statistics Canada reported Tuesday.

CTV.ca News Staff

In total, only 2.3 million foreign visitors, including those from the U.S., came to Canada in March — a 12.4 per cent drop in travel compared to March 2007.

March had the fewest number of tourists since record-keeping began in 1972. It also marks a fifth consecutive month of all-time lows for the Canadian tourism industry.

U.S. residents made only 730,000 trips in March, down 2.5 per cent from the previous month.

Overseas travellers to Canada made just 384,000 trips in March, 3.0 per cent fewer that in February.

Eight of Canada's top 12 international markets saw decreases. The most significant drops in tourism were from Mexico, Germany and Hong Kong. Visits from Indian, Italian and Dutch tourists were up slightly.

Randy Williams, president and CEO of the Tourism Industry Association of Canada says the StatsCan report is not surprising. His organization has been noticing the significant declines in American tourism to Canada for over five years.

"Every year we think we hit rock-bottom, and we should start to see a turnaround and it's worse than the year before. We don't know where the bottom of this well is," Williams told CTV.ca.

Williams believes the American market will continue to slip as long as gas prices are high, the U.S. economy is slowing, and lineups at the border are long because of increased documentation requirements.

The Tourism Industry Association of Canada has been lobbying for the use of enhanced drivers' licences to replace passports that will soon be mandatory to cross the U.S.-Canada border by land.

But Williams says it's not all bad news for the industry, which has seen other international tourists visiting Canada in healthy numbers.

Meanwhile, Canadian residents were making a record number of trips outside of the country in March, StatsCan reported.

The number of Canadian trips abroad rose 1.4 per cent to almost 4.5 million. The vast majority of trips — 85 per

5/21/2008
The past six months has seen rates of Canadian travel to the U.S. at their highest since 1998. Canadian travel to countries other than the United States was a record 670,000 — an increase of 0.4 per cent. March was the 10th month in which a record high was set for Canadian travel over the past year. The StatsCan report comes just before national tourism week kicks off June 2.

5/21/2008
Airport’s faulty data show it is trying to steamroll over Romulus
May 29, 2008

BY EMAIL AND EXPRESS MAIL,

Mr. Robert H. Parsons
Public Involvement and Hearings Officer
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: Submission of Supplemental Comments on Detroit River International Crossing Draft Environmental Impact Statement

Dear Mr. Parsons:

I am enclosing Supplemental Comments on the Detroit River International Crossing Draft Environmental Impact Statement, which I am filing on behalf of the Detroit International Bridge Company and the Canadian Transit Company.

Please let me know if you have any questions. Thank you for your attention to this matter.

Sincerely,

/s/

Kathryn Kusske Floyd

Encl.
Detroit International Bridge Company
Canadian Transit Company

Supplemental Comments On The
Detroit River International Crossing
Draft Environmental Impact Statement

Submitted to:
U.S. Department of Transportation, Federal Highway Administration
Michigan Department of Transportation

Dan Stamper
President
Patrick Moran
General Counsel
Detroit International Bridge Company
P.O. Box 32666
Detroit, MI 48232

John C. Berghoff, Jr.
Kathryn A. Kusske Floyd
Jay C. Johnson
Mayer Brown LLP
1909 K Street, NW
Washington, DC 20006-1101
1. **Traffic and Capacity**

   To put it bluntly, there is no reason whatsoever to expect that traffic volumes will exceed border crossing capacity in the foreseeable future.

   - For numerous reasons reviewed in DIBC and CTC’s Initial Comments, the model used by the DRIC study to predict future traffic volumes is hopelessly optimistic.
   - The arguments in DIBC and CTC’s Initial Comments were confirmed when GSA performed its own study of the traffic here at issue and concluded that future growth will be far lower than what the DRIC study predicts.
   - Even if the DRIC study’s traffic model was viable, the inputs it uses are four years old; newer data shows that actual traffic volumes are far lower than the DRIC model predicted.
   - FHWA recently obtained an updated traffic study for a proposed new border crossing where the existing study was about the same age as the DRIC study.

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The Ambassador Bridge replacement span, which will be constructed as soon as regulatory approvals are received, would provide 50% more physical capacity than currently exists at that crossing and even more throughput capacity as a result of more efficient traffic sorting design.

The DRIC study’s own analysis of “induced demand” indicates that such an agreement cannot supply the justification for a new crossing.

2. Improvements to Existing Plazas and Approach Roads in Canada

The DEIS’s claimed needs for improved “system connectivity” and for improvements at plazas could readily be resolved if Canada would follow through with its prior commitments to upgrade existing crossings.

- U.S. federal and state governments have spent or are spending: $107 million for a second span of the Blue Water Bridge; $433 million for a new Blue Water Bridge plaza; and $230 million on Phase One of the Ambassador Bridge Gateway Project.
- Canadian federal and provincial governments agreed in 2002 to spend $300 million on “improvements to existing crossings and their approaches.”
- Despite their 2002 commitment, Canadian authorities have never upgraded the existing crossings, and indeed rejected Phase Two of the Ambassador Bridge Gateway Project (i.e., the Ambassador Bridge replacement span) as an alternative during the DRIC study.
- According to the DEIS, the proposed DRIC bridge would cannibalize substantial amounts traffic from the existing crossings, which have been the subject of nearly $800 million in total U.S. investment.
Enhancement of Homeland Security

The DEIS’s claimed need for additional redundancy to provide “reasonable and secure border crossing options” does not withstand scrutiny.

- Not counting the replacement span of the Ambassador Bridge, the existing regional transportation network already includes six crossings, none of which are operating at capacity.
- The Ambassador Bridge replacement span will be a cable-stayed structure, which is designed to avoid catastrophic failure through structural redundancy.
- The proposed DRIC bridge would connect to only one interstate (I-75) in the United States, whereas the Gateway Project will connect the Ambassador Bridge to three different U.S. interstates (I-75, I-94 and I-96) upon its completion.

Conclusions

- The comment period should be extended by six months to allow for additional study and public participation, especially in light of the fact that the Blue Water Bridge plaza EIS comment period was extended six months for similar reasons.
- FHWA should prepare a new traffic study that utilizes updated data, including the physical capacity of the Ambassador Bridge replacement span.
- In addition to the economic consequences of diverting traffic from the existing crossings, FHWA should reconsider the impacts of the proposed DRIC project on the low-income, heavily-minority community of Delray, including Section 4(f) impacts, environmental justice and air quality impacts.
- FHWA and MDOT should thoroughly reevaluate the other needs stated in the DEIS, and eliminate those needs that are unsupported.
INTRODUCTION

COMMENTS

I. The Alleged Need For Improvements To Existing Plazas And Approach Roads Is Not Sufficient Reason To Construct An Entirely New Crossing

A. Federal and State governments in the U.S. are investing hundreds of millions of dollars to improve access to existing crossings

B. Canada has abandoned its commitment to improve access to existing crossings, and decided instead to act a competitor to those crossings

II. The Proposed New Crossing Would Not Enhance Homeland Security

A. The existing transportation network already provides multiple, redundant routes between Michigan and Ontario

B. The Ambassador Bridge Enhancement Project will create a state-of-the-art bridge far less susceptible to failure

C. Public ownership of infrastructure is not a prerequisite for national security

III. The Most Recent Traffic And Economic Data Do Not Support The DEIS’s Claimed Need For A New Border Crossing

A. The DEIS’s traffic projections are unsupportable

B. Declining to conduct an updated traffic forecast and present it to the public for comment would be an arbitrary and capricious decision

C. DDBC and CTC will construct the Ambassador Bridge replacement span as soon as they receive regulatory approval

D. “Induced demand” cannot account for the increase in traffic that would be necessary to create a need for the proposed new crossing

IV. The DEIS’s build alternatives would disproportionately affect the low-income, predominately minority community of Delray

A. Alternatives that would not affect Delray were apparently eliminated from further study at the behest of Michigan’s governor

B. EPA has recently highlighted the potentially serious air quality impacts to the Delray community

CONCLUSION
SUPPLEMENTAL COMMENTS OF THE DETROIT INTERNATIONAL BRIDGE COMPANY AND THE CANADIAN TRANSIT COMPANY ON THE DETROIT RIVER INTERNATIONAL CROSSING DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Detroit International Bridge Company ("DIBC") and the Canadian Transit Company ("CTC") respectfully submit these Supplemental Comments regarding the Draft Environmental Impact Statement ("DEIS") that has been prepared in connection with the proposed Detroit River International Crossing ("DRIC") project. DIBC and CTC submitted their Initial Comments regarding the DEIS on April 29, 2008. These Supplemental Comments should be treated as cumulative. DIBC and CTC reserve the right to submit additional comments if the public comment period is extended.

INTRODUCTION

Despite the recent 30-day extension of the public comment period for the DEIS, all indications are that the DRIC approval process remains on the fast track. On May 1, the day after the comment period was originally supposed to end, Canadian authorities announced plans for new road connecting Highway 401 to the new DRIC bridge. Subsequent Canadian press reports have made clear that an announcement about the final location of the proposed new DRIC bridge is scheduled for no later than mid-July. FHWA and MDOT appear poised to close the comment period on May 29, and proceed to issue a Final Environmental Impact Statement. According to the DEIS, issuance of the Final EIS and Record of Decision are the last steps in the DRIC alternative evaluation process. In this rush to decision, no one seems to have taken the time to stop and ask whether a new bridge between Detroit and Windsor is actually needed, or to take a hard look at the declining cross-border traffic.

The facts surrounding the DRIC project are not in dispute. If it goes forward as planned, the new crossing would cost U.S. taxpayers between $1.3 billion and $1.5 billion. (Canadian officials peg the total project cost at $5 billion.) The result would be a new bridge that plans to
poach significant amounts of traffic from the nearby Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge in Port Huron, Michigan—crossings which have recently received close to a combined $800 million in government-funded improvements, and which have reported steady declines in traffic to levels comparable to volumes in the early 1990s.

Construction of the proposed DRIC bridge, plaza and interstate connection would devastate the low-income, heavily-minority community of Delray, destroying historic structures, hundreds of homes and dozens of businesses. The DEIS does not explain how alternative sites for the proposed bridge in communities that are over 90% white in population, were eliminated from consideration, leaving build alternatives in Delray as the only option. Furthermore, as recently pointed out by the Environmental Protection Agency ("EPA"), the DRIC project would potentially cause a serious, unmitigated decline in air quality that will directly affect Detroit public schoolchildren.

In return for these harms, the proposed DRIC bridge offers no real benefits. At the same time, the alleged “need” for improvements to approach roads and plazas described in the DEIS could easily and economically be met if Canada followed through with its longstanding commitment to upgrade existing border crossings. Simply extending the recently-announced Canadian Windsor-Essex Parkway by 1.8 kilometers would create a direct, “end-to-end” connection between Highway 401 and the Ambassador Bridge corridor, thus realizing the public benefits recognized by Congress when it appropriated $230 million for improvements presently being made on the U.S. side of the Ambassador Bridge. Following through with the DRIC plan, on the other hand, would leave the improvements to the existing Ambassador Bridge crossing half-finished, essentially wasting hundreds of millions of dollars that Congress intended as part of a two-step border crossing solution. It makes no sense for Congress to spend hundreds of
millions of dollars to bring traffic from three U.S. highways to the Ambassador Bridge, only to have that traffic hit a potential bottleneck in Windsor because Canada has reneged on its end of the bargain—to connect Highway 401 to the Ambassador Bridge.

The DEIS’s claim that a new bridge is needed to create “crossing system options” is similarly absurd. There are already six border crossings in the region, not counting the replacement span of the Ambassador Bridge, and none of them is operating at capacity. This abundance of existing crossings could absorb any extra traffic that might result in an emergency, thereby belying the DEIS’s claim that a new bridge is needed for the sake of redundancy. What is more, the proposed DRIC bridge would not provide significant redundancy, since it would only connect to one interstate highway in the U.S., while the Ambassador Bridge connects to three U.S. interstate highways.

Most importantly, a new DRIC bridge could not possibly satisfy the DEIS’s stated need for additional crossing capacity, because no such need actually exists. Simply updating the DEIS’s traffic forecasting model with recent, accurate traffic volume and economic data, and accounting for the two additional lanes of physical capacity created by the Ambassador Bridge replacement span, leads inescapably to the conclusion that traffic volumes will not even approach the capacity of existing crossings for at least another 47 years. Applying the alternative model employed by the General Services Administration for the same traffic would push the at-capacity date even further into the future, as would any calculation that included the four lanes of the original Ambassador Bridge, which will be renovated and available for use if circumstances warrant. These serious questions about the accuracy of the DRIC traffic forecasts highlights the reasons that FHWA recently requested and received an updated traffic forecast for a proposed
A new border crossing is needed in the Detroit-Windsor area to:

* Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S.
* Support the mobility needs of national and civil defense to protect the homeland.

To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:

* Provide new border-crossing capacity to meet increased long-term demand;
* Improve system connectivity to enhance the seamless flow of people and goods;
* Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and,
* Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Comment acknowledged.
The Gateway Project also does not address the need for crossing options (redundancy) in case of incidents. It will improve plaza operations in the U.S., but connectivity on one side of the border alone is meaningless without connectivity on the other side.

The "Windsor Gateway" referred to in that memorandum is not the DIBC "Gateway Project." The funds referenced in that memorandum have since been expended on a number of projects which complied with the stated goals/intentions/objectives of that memorandum.
investment was supposed to “focus on improvements to the existing border crossings and their approaches.” Id. (emphasis added). An internal email from May of 2003 confirms that Canada and the U.S. were planning on bi-lateral Gateway improvements on each side of the border. According to that communication, Canada’s Transport Minister discussed “extending [Highway] 401 through Windsor to facilitate a truck-only route to the Ambassador Bridge . . . .” Email to Louis Ranger, et al., Re: UNTD-0003 Report Minister Collenette’s Visit (May 2, 2003) (attached as Exhibit B). A map depicting the “Windsor Gateway Action Plan” that was appended to a Canadian press release a few weeks later showed the route this extension would take:
As illustrated by this map, the press release commits to “[w]ork together with . . . the Canadian Transit Company . . . to build connections to the border crossings.” News Release, Canada and Ontario Announce Next Steps at Windsor Gateway (May 27, 2003) at 1 (attached as Exhibit C).

B. Canada has abandoned its commitment to improve access to existing crossings, and decided instead to act a competitor to those crossings.

Despite the promises it made in 2002 and 2003, Canada has never built a connection between Highway 401 and the Ambassador Bridge corridor. While Phase One of the Detroit Ambassador Bridge Gateway Project has moved quickly ahead, at a public cost of $230 million and a cost to DHBC of over $100 million, Canada reneged on its Windsor Gateway Project promises before the work was performed. Now, the Canadian governments seem to have completely shifted their efforts to the DRIC project, a new crossing that would poach traffic from the existing crossings. ¹

The Canadian government’s exclusive focus on the DRIC project is contrary to the written objectives of the Bi-National Border Transportation Partnership and Canada’s prior public commitments to improve the existing border crossings. The U.S. and Canadian partners agreed in the Ontario-Michigan Border Transportation Partnership Framework that their goal would be to “improv[e] the movement of goods, people and services . . . across the U.S./Canadian border . . . to connect with existing national, regional and provincial transportation systems”—a goal entirely consistent with connecting Highway 401 to the Ambassador Bridge corridor, and with the U.S. investments being made to improve that corridor. Ontario-Michigan Border Transportation Partnership Framework (“Partnership Framework”) at 2 (Feb. 7, 2001). In May of 2008, however, Transport Canada announced plans to construct an

¹ Taking traffic away from at least three existing crossings (the Ambassador Bridge, the Detroit-Windsor Tunnel, and the Blue Water Bridge) threatens the viability of each crossing and will have severe economic repercussions for individuals, businesses and communities that rely on those crossings.
extension of Highway 401 toward the Detroit River called the Windsor-Essex Parkway. Although the Parkway route is similar to what is pictured in the 2003 map of the Windsor Gateway Action Plan, it does not include the obvious connection to the Ambassador Bridge. See http://www.partnershipborderstudy.com/pdf/Parkway_TEPA_RollPlan_small.pdf (last visited May 29, 2008). Thus, notwithstanding the fact that the proposed Windsor-Essex Parkway would end just 1.8 kilometers from the Ambassador Bridge, Transport Canada has broken its promise to connect Highway 401 to the existing Ambassador Bridge crossing.

This shift in Canadian policy against improvements to Ambassador Bridge roadway access was blindly approved in a 2005 letter from FHWA Regional Administrator James Steele. According to that correspondence, written as part of the DRIC process, the “Canadian partners have firmly stated their objections to [the Ambassador Bridge] alternative . . . .” DEIS App. C at 1. Worse, Regional Administrator Steele acquiesced to Canada’s “unwillingness to consider” the Ambassador Bridge replacement span as an option, even though governments in the U.S. were investing hundreds of millions in the Congressionally-approved Gateway Project, and even though the Ambassador Bridge’s minimal environmental impacts and benefits to regional mobility placed it among the highest ranking U.S. alternatives in preliminary DRIC studies. See id. Regional Administrator Steele overstepped his authority by making a significant decision (i) solely on the basis of Canadian desires, (ii) in direct conflict with the U.S. alternative rankings, (iii) that flouts the will of Congress, and (iv) wastes the millions of dollars currently being spent on the Ambassador Bridge Gateway Project. FHWA’s actions in assisting the Canadian government’s attempt to evade its commitment are contrary to Congress’ investment in Phase One of the Ambassador Bridge Gateway Project, and its expressed intent to “protect” plans for a second span of the Ambassador Bridge. H.R. Rep. No. 107-722, at 101 (2002) (Conf. Rep.).
In sum, rather than spending billions on a new border crossing, the DEIS’s stated need to improve system connectivity and plaza operations could readily be satisfied by connecting the Highway 401 directly to the Ambassador Bridge. This would be consistent with the Partnership Framework, and with Canada’s 2003 commitments regarding the Windsor Gateway project. It would also avoid stranding the hundreds of millions of dollars already invested by U.S. taxpayers in improvements to existing crossings, including the Blue Water Bridge and the Ambassador Bridge corridor, have far fewer environmental impacts, and would provide capacity sufficient for the foreseeable future. Put simply, carrying out the long-standing U.S. and Canadian plan to improve access to existing Detroit-Windsor crossings is a superior option to going forward with a new crossing.


The DEIS also claims that the DRIC project is needed to provide a “reasonable and secure border crossing system options in the event of incidents, maintenance, congestion, or other disruptions.” DEIS at 1-4. The DEIS ignores the redundancy already provided by the six existing crossings, as well as the replacement span of the Ambassador Bridge, which was treated as part of the No Build alternative. Instead, the DEIS advocates what it describes as a “second, distinct crossing system” that would provide a “new crossing at a different location, with separate inspection plazas and connections to the freeway network in both countries.” Id. at 1-14. In fact, six separate and distinct crossings systems already exist throughout the region, with plenty of capacity to handle traffic overflow in the event of unforeseen “disruptions.” As even Canadian officials have admitted, the Ambassador Bridge replacement span (a seventh regional crossing) would create further redundancy by virtue of its state-of-the-art cable stayed design. Moreover, the new DRIC bridge would provide limited security benefits, given that it would...
The Preferred Alternative would create a new river crossing two miles down river from the Ambassador Bridge. It would provide a new interchange on I-75, plazas in the U.S. and Canada separate from that at the Ambassador Bridge and a new access road to Highway 401 in Canada.

The connections of the two crossings to the U.S. interstate highway system are effectively the same.
15 The 2005 Letter from the State Department was cautioning against selecting an alternative that was located too close to the existing crossing (like a twinned bridge option) because of the dangers cited in the letter. Additionally, the State Department has reviewed all major products of the DRIC produced since the 2005 letter that lead up to the DEIS. It reviewed and commented on the DEIS. The project's purpose and need and the Preferred Alternative both address national security and redundancy. That position with the U.S. State Department involvement has not changed.

16 Cable-stay and suspension bridges are both candidates for use in the DRIC. For the DRIC, a decision on bridge type will be made during the design phase. Nonetheless, bridge type does not address the security and redundancy issues.
significant redundancy” already, the agency advised that in the “long run” it would be “appropriate to develop cost-effective designs utilizing improved materials, components, and structural systems,” and to rely on increased detection and surveillance techniques. *Id.* (emphasis added). This long-run approach is eminently sensible, given that there are over 600,000 bridges in the United States, nearly 1,000 of which have been identified as high priority bridges to protect from attack. *See Recommendations for Bridge and Tunnel Security, FHWA Blue Ribbon Panel, at 2 (Sept. 2003).*

The Ambassador Bridge Enhancement Project adopts FHWA’s recommended approach by incorporating state-of-the-art security and design features. The replacement span will be a cable stayed structure, meaning that the roadway will be supported by numerous cables, rather than a suspension bridge, which relies entirely on two main catenary cables. *See Draft Environmental Assessment, Ambassador Bridge Enhancement Project at 2 (Apr. 2007).* Cable stayed bridges are “extremely resilient and resistant to failure since they contain considerable internal structural redundancy. This means that such structures are very robust and can withstand failures of one or more cables without a catastrophic failure of the bridge.” *Id.* at 19. Environment Canada accordingly acknowledged in 2005 (obtained pursuant to Canada’s Freedom of Access Act) that a “cable stayed bridge is preferred by US and Canadian security agencies as it provides a structural redundancy not provided by a conventional suspension bridge.” Email from Michael Shaw, Environment Canada, to Dave Broadhurst, et al., Re: Windsor, Detroit River Crossing 1 of 2 (Dec. 5, 2005) (attached as Exhibit F). In short, the replacement span of the Ambassador Bridge (designated by FHWA and MDOT as part of the DEIS’s No Build alternative) significantly enhances security and safety by building and
operating, at private expense, a bridge that is far less likely to be put out of service in the event of an emergency.

C. Public ownership of infrastructure is not a prerequisite for national security.

Although the DEIS does not advance this argument, recent stories in the media have suggested that public ownership of the proposed new DRIC bridge would somehow enhance homeland security, especially in comparison to the privately-owned Ambassador Bridge. (Notwithstanding these reports, the DEIS actually lists private ownership as one of several potential governance structures that could be used for the DRIC bridge. See DEIS at 3-208 – 3-209.) To the extent the advocates of this position are serious in their belief that privately-owned structures are somehow less safe, the history of the Ambassador Bridge refutes their claim.

After the events of September 11, 2001, the Ambassador Bridge was one of the first border crossings to implement important safety improvements, including heightened security and expanded inspection facilities to allow federal agencies to fulfill their increased responsibilities. When those new security requirements created unacceptable traffic delays, DIHC and CTC constructed more inspection facilities. Today, through cooperation with the Department of Homeland Security, the General Services Administration and other responsible federal agencies, the Ambassador Bridge is one of the safest border crossings in North America, especially when many publicly owned crossings are still struggling to expand their facilities in a way that will allow Homeland Security to properly process traffic. The Ambassador Bridge employs its own armed, 24-hour protection service, as well as off-duty law enforcement officers, in addition to the security already provided by the local police force and the federal agencies that work on the plaza. On May 7, 2008, the Michigan Supreme Court unanimously held that the Ambassador Bridge if a federal instrumentality for the limited purpose of facilitating transportation and commerce, recognizing the stewardship that Bridge management has shown in fulfilling its

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17 See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.
obligation to maintain the Ambassador Bridge as the premier trade crossing in the world. See
City of Detroit v. Ambassador Bridge Company, 748 N.W.2d 221 (2008). No evidence suggests
that public ownership would somehow improve the bridge’s record of safety, or that another,
publicly-owned bridge would be a more secure alternative.4

III. The Most Recent Traffic And Economic Data Do Not Support The DEIS’s Claimed
Need For A New Border Crossing.

The first and most important “need” for the new DRIC bridge described in the DEIS,
providing “new border crossing capacity to meet increased long-term demand” (DEIS at 1-4), is
the primary subject of DIBC and CTC’s Initial Comments. During the 30-day extension of the
public comment period, DIBC and CTC have analyzed several assertions made in the media and
elsewhere. The discussion below ultimately reemphasizes the Initial Comments’ conclusion:
The DRIC traffic study is fatally flawed, and cannot justify construction of a new border
crossing.5

A. The DEIS’s traffic projections are unsupportable.

DIBC and CTC’s Initial Comments document their profound skepticism about the
validity of the DRIC traffic model. Total crossings on the Ambassador Bridge and Blue Water
Bridge, and through the Detroit-Windsor Tunnel, have declined steadily since 1999. See Initial
Comments at 13-14. The decline in the automotive industry, which generates a large share of
commercial border crossings between Detroit and Windsor, continues unabated. See id. at 15;
see also Neal E. Boudette & Norihko Shirouzu, Car Makers’ Boom Years Now Look Like A

4 The extensive existing border crossing network also includes several publicly-owned
crossings, such as the Detroit-Windsor Tunnel and the Blue Water Bridge.

5 Other problems identified in DIBC and CTC’s Initial Comments, including the DEIS’s
failure to address Native American heritage issues, and potential historic sites such as the
location of the earliest Michigan State Fairs, the Detroit International Exposition, and the Solvay
“company town” also remain unresolved. See Initial Comments at 34 n.21.
Bubble, Wall Street Journal, May 20, 2008, at A1; Chris Van der Doelen, Windsor's Last GM Plant To Close, Windsor Star, May 12, 2008, at A1. Personal travel to Canada recently hit an all-time low. See CTV.ca, Travel to Canada hit all time low in March, http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080520/travel_record_080520/20080520?hub=CTVNews#at11 (last visited May 29, 2008). These and numerous other data points thoroughly undermine the DRIC traffic model's unrealistic prediction of annual traffic growth at a rate of 1.9% (2.7% for commercial vehicles) for the next 30 years.\(^6\)

As DIBC and CTC's Initial Comments also discuss, it is not necessary to question the DRIC traffic model—i.e., the actual formula from which the traffic forecasts are derived—in order to conclude that the DEIS's purpose and need statement is fatally flawed. Even if the DRIC traffic model were assumed to be completely legitimate, the data it uses dates to 2004, and the DEIS's capacity estimate does not include the planned replacement span of the Ambassador Bridge that will provide six lanes of physical capacity when it is completed in 2010 (and which is included as part of the DEIS's No Build alternative). Merely including these factors, without making any change to the actual model itself, pushes the date at which crossing capacity would

\(^6\) Even if the DRIC's pie-in-the-sky growth predictions were to happen, the DEIS indicates that 12 lanes of traffic would handle the resulting demand (four lanes at the existing Ambassador Bridge, two lanes at the Detroit-Windsor Tunnel and six lanes at the proposed new DRIC bridge). See DEIS at 1-13 ("The need exists for six more lanes of cross-border roadway capacity . . ."). But the DEIS's capacity calculations completely ignores the six-lane twin span of the Blue Water Bridge, located just 60 miles away, even though the DEIS states that the Blue Water Bridge would lose 16-18% of its volume if a new DRIC bridge were built. See id. at 3-51. If the Blue Water Bridge would lose traffic to the proposed new bridge, then the Blue Water Bridge should have been included in the DRIC study's border crossing capacity calculations. Doing so would lead to even greater total capacity—six lanes at the Blue Water Bridge, two at the Detroit Windsor Tunnel, four at the existing Ambassador Bridge, six at the Ambassador Bridge replacement span—18 lanes in all. Even if the current four lane span of the Ambassador Bridge were used only for emergencies and overflow traffic, that leaves 14 lanes of continuous use. The proposed DRIC bridge would add another six lanes that, by its own estimation, are unnecessary. No traffic study, however rosy a picture it paints, justifies 24 lanes of traffic (18 existing lanes plus six new DRIC lanes).
The second span of the Ambassador Bridge is not an approved project. Nonetheless, its impacts are appropriately noted in Section 3.14 of the DEIS and FEIS.

A new border crossing is needed in the Detroit-Windsor area to:

* Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S.
* Support the mobility needs of national and civil defense to protect the homeland.

To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:

* Provide new border-crossing capacity to meet increased long-term demand;
* Improve system connectivity to enhance the seamless flow of people and goods;
* Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and,
* Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Traffic forecasts relate to capacity. Capacity is one of four listed needs. Redundancy is another. Redundancy requires a new plaza and interchange in the U.S. and a new plaza and access road in Canada.
The traffic modeling has been established on sound data and principles. It includes a risk analysis to address “unknown unknowns.” Its traffic modeling procedures and results have been vetted by a team of internationally-recognized peers who concur the models are sound and effective predictors of future traffic.

"In addition to projections derived through standard GSA/Regal protocols (emphasis added), the most relevant forecasts available for this application are derived from the Detroit River International Crossing (DRIC) process, ... These forecasts are driven by economic forecasts and a cross border regional travel demand models, and the traffic outputs are higher than the standard statistical projections derived through the GSA/Regal Protocol. Taken together, these two approaches inform low and high traffic forecasts that yield a range of facility requirements used in the development of master plan layout options. Options developed within this context can be evaluated for the adaptability to the actual traffic flows experienced over the planning horizon."

Using the DRIC forecast in this light is neither arbitrary nor capricious.
than the GSA projections—underscores the over-aggressiveness of the DRIC model.8 It would be arbitrary and capricious to rely on the DRIC traffic study when an independent federal agency such as GSA reaches strikingly different conclusions about the same traffic just months before FHWA and MDOT issued the DEIS.

These traffic debates can be solved the same way they were solved in the case of the proposed Calais, Maine border crossing: by conducting a new traffic study. FHWA and MDOT must reconsider the validity of the DRIC study’s traffic model in light of the different traffic model used by GSA, and the numerous criticisms previously advanced by DIBC and CTC (see Initial Comments at 13-17). No matter what model or models are ultimately used, the data inputs ought to include: (1) the additional physical capacity created by the Ambassador Bridge replacement span (see infra at 17-20; Initial Comments at 6-8); (2) actual traffic volumes from 2005, 2006, 2007 and 2008, which are substantially lower than the DRIC model predicted (see Initial Comments at 8-10); (3) updated SEMCOG regional population and employment forecasts (see id. at 10-11); and (4) Freight Analysis Framework (“FAF2”) commodity trade forecasts developed by FHWA (see id. at 11).9

As explained in DIBC and CTC’s Initial Comments, these simple adjustments demonstrate that even under the DRIC study traffic model, traffic volumes will not reach

*Detroit-Windsor border crossing capacity until 2055 or later. See Initial Comments at 12-13.*

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8 Both commercial and non-commercial traffic has declined in recent years, at different rates. For the reasons articulated in their Initial Comments, DIBC and CTC do not expect commercial traffic to rebound in the foreseeable future. See Initial Comments at 13-17. Nevertheless, by using the same traffic model as the DRIC study, including the conversion of commercial vehicles to Passenger Car Equivalents (“PCEs”), DIBC and CTC have demonstrated that even DRIC’s hopelessly optimistic traffic model does not lead to the conclusion that a new border crossing is necessary.

9 DRIC participants have long been aware of this type of updated data. See, e.g., DRIC Meeting Notes at 7 (June 13, 2007) (acknowledging the existence of SEMCOG’s “reduced forecast of population and employment growth”) (attached as Exhibit G).
Changes to the model itself, especially changes along the lines of the model used by GSA, would push that number even further into the future. An adjustment to traffic projections this dramatic, especially when those projections are fundamental to the project’s stated purpose and need, must be reviewed by the public. “NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken,” and that “information must be of high quality.” 40 C.F.R. § 1500.1(b).

C. DIBC and CTC will construct the Ambassador Bridge replacement span as soon as they receive regulatory approval.

The DRIC traffic study failed to account for the construction of the six-lane Ambassador Bridge replacement span—a 50% increase in physical capacity over the current, four-lane span, and a greater increase in throughput capacity achieved by traffic handling design—even though the DEIS describes the replacement span as a “variation” of the “No Build” alternative. See Initial Comments at 6-8. Instead, the DEIS’s border crossing capacity calculations assume just four lanes of Ambassador Bridge capacity all the way through 2035. See id.; see also Dave Battagello, DRIC comes up short—literally, Windsor Star, May 3, 2008, at A1 (quoting Sean O’Dell of Transport Canada as saying that “[t]he DRIC process was done on assumption the Ambassador Bridge would continue to offer four lanes of service . . . ”). The DEIS contradicts itself by including the Ambassador Bridge replacement span as part of the No Build alternative, but not accounting for the added physical capacity that span would provide. Plans for the replacement span are proceeding as scheduled. Phase One of the Ambassador Bridge Gateway Project, which includes $230 million in publicly-funded improvements to the connection between the Ambassador Bridge plaza and I-75, I-94 and I-96, as well as over $100 million in private improvements to toll facilities, ramps and other items, is 40% complete. See http://www.michigan.gov/gateway (last visited May 29, 2008). These
improvements will be open to traffic by the end of 2009, and the entirety of Phase One will be completed by 2010. See id. Phase Two of the Gateway Project, the privately-funded construction of the Ambassador Bridge replacement span, at a cost of approximately $787 million, is set to begin in 2009. When Phase Two is finished, the existing, 80-year-old, four-lane span of the Ambassador Bridge will be closed for renovation, and the new, six-lane span will be open to traffic. See Ambassador Bridge Enhancement Project Environmental Assessment at 7.

At this point, the only things standing in the way of construction of the replacement span of the Ambassador Bridge are regulatory approvals in the U.S. and Canada. In Canada, these approvals must be obtained from the same federal agency that is now forcefully advocating the DRIC project, and which has explicitly rejected the Ambassador Bridge as an alternative to the proposed new crossing (see DEIS App. C at 1). Indeed, the DEIS acknowledges that DRIC proponents intend the new bridge to act as a competitor to the Ambassador Bridge, and to other existing crossings that have been improved at taxpayer expense. See DEIS at 3-51 (explaining that the DRIC project would steal up to 75% of Ambassador Bridge truck traffic); Initial Comments at 23-25. Under these circumstances, the Canadian governments have clear self-interest in slowing down the progress of the Ambassador Bridge replacement span, while at the same time speeding ahead to complete the DRIC process.11

10 Phase One of the Gateway Project was the subject of a 1997 Environmental Assessment. Subsequent Congressional funding enactments have made clear that the Gateway Project is part of “plans identified by the Ambassador Bridge, including a second span of the Ambassador Bridge.” See Conf. Comm. Report at 101 (emphasis added).

11 As one MDOT official participating in DRIC planning has admitted, “the intent is not to have two bridges. If [DIIB] were to succeed . . . then the [DRIC] will not continue.” Andy Henion, Who will build Ambassador twin?, Detroit News, Mar. 31, 2007, at 3A. Plainly, proponents of the DRIC project perceive that they are in competition with the Ambassador Bridge Enhancement Project.
These governmental authorities’ conflicting interests have already resulted in contradictory agency decisions. In March, MDOT announced a six-month delay of the environmental studies related to the proposed expansion of the Blue Water Bridge plaza. Among the reasons for this delay: declining traffic over the Blue Water Bridge, which calls into question the need for the expanded plaza. See Editorial, MDOT is right to delay bridge plaza study, Times Herald (Port Huron), March 23, 2008. Yet declining traffic at the Detroit-Windsor crossing for over 8 years has not resulted in a similar delay for the DRIC project. In fact, recent media reports cite unnamed Canadian officials as stating that the location of the new DRIC bridge will be officially announced by the middle of July. See, e.g., The Canadian Press, New bridge planned for Windsor, report says, Globe and Mail, May 8, 2008 at A6.

On the U.S. side, Department of Transportation Under Secretary for Policy Jeffrey Shane wrote a letter in April 2007 stating that federal agencies should “proceed expeditiously with appropriate federal input and support.” Letter from Jeffrey N. Shane, U.S. DOT Under Secretary for Policy to Michael P. Jackson, Deputy Secretary, U.S. Department of Homeland Security (Apr. 12, 2007) (attached as Exhibit H). Meeting notes from a 2007 gathering of DRIC cooperating agencies attached to that letter describe a “Unified Federal Approach to DRIC” that would “ensure [u]ninterrupted progress in DRIC planning and construction.” Id., Meeting on Federal Role in a New Detroit-Windsor International Crossing at 1 (Mar. 14, 2007). This memo raises a number of serious questions about agency conflicts of interest, lack of fundamental fairness and arbitrary and capricious agency action. How can FHWA move forward with the DRIC project, while at the same time postponing review of the Blue Water Bridge plaza expansion for six months due to declining cross-border traffic? How can FHWA act as an arbiter of the DRIC DEIS when it would also be an owner of the proposed new DRIC bridge, and thus a
competitor with the existing border crossings? How can agencies involved in a “unified federal approach to DRIC” fairly judge the proposed Ambassador Bridge replacement span? Indeed, why should FHWA be the agency decision-maker concerning the DRIC bridge when it is the proponent of that bridge, and while the United States Coast Guard is the agency decision-maker for the replacement span of the Ambassador Bridge? To avoid a conflict of interest, should not an agency less involved in the DRIC process, such as the Coast Guard, be the decision-maker on the DRIC EIS? What property rights have been pursued, directly or indirectly, by the DRIC proponents in furtherance of the project?

D. “Induced demand” cannot account for the increase in traffic that would be necessary to create a need for the proposed new crossing.

Internal memoranda obtained by DIBC and CTC pursuant to the Freedom of Information Act suggest that DRIC proponents may consider “induced demand” a “critical component” of the DRIC traffic projections. Memorandum to File from Matt Hunter, Wilber Smith Associates, Re: MDOT / DRIC Coordination Meeting at 3 (June 19, 2007) (attached as Exhibit I). These DRIC proponents apparently postulate that construction of a new border crossing will create traffic volume that otherwise would not have existed. In this view, building a new bridge does more than accommodate traffic growth, it causes traffic growth. But the reason for recent declines in traffic is not pent-up demand that has no bridge to cross; the problem is the decline of manufacturing industries and the accompanying loss of production jobs. Building a new, multi-billion dollar bridge will not solve that problem.

This sort of “induced demand” argument is fails in several ways. First and foremost, DRIC consultants have already prepared an Induced Demand Analysis Technical Report designed to “describe how the population and employment growth forecasts in the region could be affected by a new bridge connecting Detroit to Windsor.” Induced Demand Analysis

24 The induced demand analysis (Section 3.2 of the DEIS and FEIS) was not used to justify a crossing. It was employed to define the shifts in jobs that could occur if a new crossing were built.
Technical Report, at S-2 (Jan. 2008). On the whole, the Technical Report concludes that “changes in accessibility in the SEMCOG\textsuperscript{12} region are limited because only one new/improved link – another border crossing – is introduced into the extensive roadway network.” \textit{Id.} at S-7. In fact, the Technical Report predicts that population growth in the region would be a mere 0.7\% higher between 2005 and 2035 if the proposed new bridge were constructed. \textit{See id.} at 3-10. This is hardly the type of growth that justifies spending up to $1.5 billion (in the U.S. alone) on a new crossing. In short, the DRIC study’s own report shoots down any argument that induced demand will supply a need for the project.\textsuperscript{13}

Moreover, the suggestion that a new crossing is needed because the additional traffic demand that such a crossing would create is more than the existing crossings can handle is the worst kind of circular argument. A DEIS is supposed to “specify the underlying purpose and need to which the agency is responding.” 40 C.F.R. § 1502.13 (emphasis added). The purpose and need statement should therefore contain an accurate description of existing problems, not an estimate of what might happen if the agency were to select one of the build alternatives. An argument that constructing a new bridge would induce more trips across the border does not answer the pertinent question—whether current and reasonably foreseeable traffic volumes will exceed the capacity of the already-existing crossings. “If you build it, they will come,” is a slogan suited to the silver screen, not a technical theory to guide traffic predictions on which billions of dollars are riding.

\textsuperscript{12} Southeast Michigan Council of Governments (“SEMCOG”).

\textsuperscript{13} The DEIS asserts that if a new crossing is not constructed, Michigan and Ontario would lose a combined 41,500 jobs by 2035. \textit{See DEIS} at 1-6. These projections stem from the DRIC study’s dire traffic and capacity forecasts, which, as discussed above and in DIBC and CTC’s Initial Comments, are wildly overstated. They have nothing to do with induced demand. Indeed, the DEIS’s traffic forecasts were prepared in 2004, years before the Induced Demand Analysis Technical Report, and do not account for the findings of that report.
IV. The DEIS’s build alternatives would disproportionately affect the low-income, predominately minority community of Delray.

A. Alternatives that would not affect Delray were apparently eliminated from further study at the behest of Michigan’s governor.

DIBC and CTC’s Initial Comments discussed several aspects of the requisite environmental justice review in this matter (see Initial Comments at 25-34), but did not focus on the decision to eliminate alternatives in the so-called Downriver area more than two years before the DEIS was issued (see id. at 26-27). As reported in the News-Herald in October 2005, “Gov. Jennifer Granholm trumped her own Michigan Department of Transportation and, indeed, Canada by announcing that any new border crossing would be in Detroit,” i.e., in the Delray community. Bobby Ampezzan, Governor steals the spotlight on bridge, News-Herald, Oct. 9, 2005. The paper explained that “Granholm, who had not actively participated in the debate or even the unveiling of the bi-national study in December, suddenly announced that any new border crossing between the United States and Canada would not be anywhere but in Detroit.” Id. The Evaluation of Illustrative Alternatives prepared as part of the DRIC study was released to the public a month after the governor’s sudden announcement. See Initial Comments at 26.

The elimination of the Downriver communities as potential sites for the new DRIC bridge is significant because the population of those communities is more than 90% white, whereas the Detroit areas that became the sole focus of the DRIC project are predominately minority and low-income. See MDOT, Detroit River International Crossing Study, Power Point Presentation, at 2 (excerpts attached as Exhibit J). Such a decision is contrary to applicable authorities concerning environmental justice, which require consideration of disproportionate impacts to poor, largely minority communities like Delray. By allowing Michigan’s governor to dictate the elimination of alternatives, the agencies involved with the DRIC DEIS are abdicating...
their legal responsibilities to consider a range of reasonable alternatives and fairly assess those alternatives in light of environmental justice considerations.

B. EPA has recently highlighted the potentially serious air quality impacts to the Delray community.

On May 14, 2008, EPA Acting Region 5 Administrator Bharat Mathur sent a letter to FHWA expressing EPA’s concerns with the environmental impacts described in the DEIS, and indicating that “additional information needs to be provided . . . to alleviate these public health issues.” Letter from Bharat Mathur, Acting Regional Administrator, to David Williams, Environmental Program Manager, at 2 (May 14, 2008) (attached as Exhibit K). In Detailed Comments attached to that letter, EPA emphasized its concerns about air quality in Detroit, explaining that “DRIC raises air quality concerns because large numbers of diesel trucks are associated with the project.” *Id.*, Detailed Comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), at 3. EPA further pointed out “the proximity of the proposed project to Detroit Public Schools facilities and an early childhood center,” warning that studies concerning the adverse effects of living near major roadways “should be given greater prominence in the FEIS.” *Id.* at 5. These adverse effects cannot be adequately mitigated without relocating the entire DRIC project out of the Delray community, or relocating the public schools and early childhood center.14

The failure to fully address air quality in the DEIS is related to another problem identified in DIBC and CTC’s Initial Comments, the inadequate discussion of transboundary impacts. See Initial Comments at 20–21. Documents obtained pursuant to Canada’s Access to Information Act reveal that this issue has long been a part of DRIC discussions. For example, a June 2006

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14 A power point presentation prepared by MDOT for a recent public meeting on the DRIC project boldly asserts that “[a]ir quality will improve.” Exhibit J at 3. This claim cannot be reconciled with EPA’s May 14 letter.
email states that the DRIC project “will include an air quality impact study that examines the combined effect of emissions on the Canadian and US sides of the border,” as well as “any transboundary movement of primary air pollutants . . . .” Email from Dave Broadhurst to Michael Shaw & John Clarke (June 14, 2006) (attached as Exhibit L); see also DRIC Meeting Notes (Aug. 27, 2007) (describing International Joint Committee’s concerns with “transboundary air pollution”) (attached as Exhibit M); cf. Environment Canada’s additional comments on draft work plans (July 29, 2005) (recommending the use of meteorological data from Flint, Michigan, as opposed to Detroit) (attached as Exhibit N). These comments and EPA’s concerns further illuminate the shortcomings of the DEIS’s discussion of air quality impacts.

CONCLUSION

- The comment period should be extended by six months to allow for additional study and public participation, especially in light of the fact that the Blue Water Bridge plaza EIS comment period was extended six months for similar reasons.
- FHWA should prepare a new traffic study that utilizes updated data, including the physical capacity of the Ambassador Bridge replacement span.
- In addition to the economic consequences of diverting traffic from the existing crossings, FHWA should reconsider the impacts of the proposed DRIC project on the low-income, heavily-minority community of Delray, including Section 4(f) impacts, environmental justice and air quality impacts.
- FHWA and MDOT should thoroughly reevaluate the other needs stated in the DEIS, and eliminate those needs that are unsupportable.
March 14, 2008

Mr. David E. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: Detroit River International Crossing Draft Environmental Impact Statement

Dear Wresinski:

I received your request for review and comment on the Detroit River International Crossing Draft Environmental Impact Statement (DEIS). I have reviewed the DEIS with Michigan Department of Agriculture staff as well as attended the regular meetings of the state and federal agencies leading up to the development of the DEIS document.

This area is a highly urbanized corridor. There are no impacts to agriculture within the site location. We have not identified nor do we anticipate any impacts on established county or intercounty drains.

As this would serve as a primary international border crossing, our main concern at this point is that the plaza areas have sufficient facilities to conduct necessary inspections of incoming animals and plants to prevent potential introduction of unwanted insects, pests, and disease before they travel a significant distance into the State. The DEIS does not address this directly but it is my understanding that the Government Service Agency is serving as the primary conduit for translating the needs of USDA-APHIS into the development of adequate inspection facilities. We look forward to the resulting improvement in the screening capabilities in this very busy international corridor.

To the best of our knowledge, we do not have any additional concerns regarding the issues identified in the DEIS. We appreciate being included in this NEPA process. Feel free to contact me at 517-241-3933, if I can be of further assistance on this project.

Sincerely,

Abigail S. Eaton
Environmental Resource Specialist

1 Comment acknowledged.
2 Comment acknowledged.
3 The General Services Administration is conducting its analysis of the plaza to ensure adequate facilities are available for functions required to take place there.
Reply to the attention of:  
R-19J

Mr. David Williams  
Environmental Program Manager  
Federal Highway Administration  
315 West Allegan Street, Room 201  
Lansing, Michigan 48933  

Re: Comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), Wayne County, Michigan, EIS No. 20080067

Dear Mr. Williams:

I am providing comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), consistent with our responsibilities under Section 102(2)(c) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(c), and EPA’s authority under Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609.

The purpose of the DRIC is to provide safe, efficient and secure movement of people and goods across the U.S-Canadian border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the United States, and to support the mobility needs of national and civil defense. The DEIS describes four needs:

1. Provide new border-crossing capacity to meet increased long-term demand;
2. Improve system connectivity to enhance the seamless flow of people and goods;
3. Improve operations and processing capability in accommodating the flow of people and goods;
4. Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Nine practical Build Alternatives and one No Action Alternative have been evaluated in the DEIS. Each of the build alternatives consists of three elements: (1) an interchange connecting the plaza to the existing highway network, (2) a Customs and Immigration inspection plaza, and (3) a bridge from the plaza that spans the Detroit River into Canada. The Federal Highway Administration (FHWA) and Michigan Department of Transportation (MDOT) have not identified a preferred alternative.

The United States Environmental Protection Agency - Region 5 (EPA) has agreed to work with FHWA and MDOT on this project as a cooperating agency. As such, we have reviewed the.
Letter 53, continued

project’s purpose and need, the range of alternatives, and methodologies used to evaluate environmental impacts. We previously provided concurrence with these points in July 2007. Through this letter, we are providing our concurrence with the fourth point: results of key environmental studies. We offer our comments below because we believe that FHWA and MDOT can make several important adjustments to the project and its FEIS related to air quality. The comments that we have on air quality are provided in the attached detailed comments. Our detailed comments also discuss opportunities for this project to incorporate energy efficiency in design and operation.

Based on our review of the information provided in the DEIS and the detailed comments we have enclosed on air quality, we have rated the DEIS as “Environmental Concerns-Insufficient Information” (EC-2). The “EC” means that EPA identified environmental impacts that can be reduced in order to attain the fine particulate (PM2.5) National Ambient Air Quality Standard and provide adequate protection for public health. The “2” indicates that additional information needs to be provided in the Final Environmental Impact Statement (FEIS) to alleviate these public health issues. Our rating applies to each of the build alternatives presented in the DEIS. We have enclosed a summary of EPA’s rating system under NEPA.

Thank you for the opportunity to comment on this DEIS. We are available to discuss these comments. We are confident that these issues will be addressed and reflected in the forthcoming FEIS. If you have any questions, please contact me. The staff person assigned to this project is Sherry Kamke; she can be reached at (312) 353-5794 or via email at kamke.sherry@epa.gov.

Sincerely,

[Signature]

Bharat Mathur
Acting Regional Administrator

Enclosures (3)

1) Detailed Comments
2) EPA’s Summary of NEPA Rating Definitions and Followup Actions
3) DRIC concurrence page for DEIS Technical Reports

cc: Robert Parsons, Michigan Department of Transportation
    David Wresinski, Michigan Department of Transportation
Detailed Comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC)

Air Quality in Detroit

EPA is concerned about major infrastructure projects in the Detroit Metropolitan area because of their potential to adversely impact ambient air quality. EPA has designated Southeast Michigan as a non-attainment area for the fine particulate standard, referred to here as particulate matter 2.5 microns or less (PM2.5). Because of their impact on human health, EPA has emphasized the need to address PM2.5 and diesel emissions through various national, regional, and local initiatives. Work is currently underway to develop and implement control programs that will assist in bringing this area into attainment of the health-based PM2.5 standard as expeditiously as practicable. Despite implementation of national air pollution control programs, additional local controls will likely be necessary for this area to reach attainment of the National Ambient Air Quality Standard (NAAQS) for PM2.5. Any increase in the emissions in this area is cause for concern and will make the state’s task of developing a control strategy for bringing the area into attainment more challenging.

Particulate Matter (PM)

The DRIC raises air quality concerns because large numbers of diesel trucks are associated with the project. The proposed DRIC project must be added to the long-range Regional Transportation Plan to determine if the DRIC will conform to the State Implementation Plan. This transportation conformity test will occur after the Preferred Alternative is identified and will be reported on in the FEIS.

In addition to the regional conformity test, FHWA and MDOT are required to prepare qualitative hot-spot analyses for PM2.5 and PM10 for the DRIC alternatives. This is because the project qualifies as a new or expanded project that has a significant number of or significant increase in diesel vehicles (See 40 CFR 93.123 (b)(1)). A microscale or “hot-spot” analysis is designed to evaluate whether there are air quality impacts on a local scale rather than an entire nonattainment or maintenance area. Transportation projects subject to the conformity requirement must not cause new air quality violations, worsen existing violations, or delay attainment of the air quality standards. See Clean Air Act § 176(c) and EPA’s implementing regulations at 40 CFR Part 93. The transportation conformity rule requires that projects of air quality concern be assessed qualitatively for local PM impacts.

The required analyses were included in MDOT’s technical report entitled “Air Quality Impact Analysis.” Since no preferred alternative has been identified as part of the DEIS, MDOT’s hot-spot analysis treats all the existing alternatives equally. The analysis should be based on the vehicle activity at the location being analyzed. The DEIS included a discussion about the

1 The project will not cause an increase in emissions in the non-attainment area in the timeframe of the applicable State Implementation Plan. Decreases in emission rates will not be exceeded by increases in vehicle miles traveled.
With identification of the Preferred Alternative, information has been added about local traffic. See 3.5.2 of the FEIS.

MDOT has identified two additional studies, neither yet available to the public. Studies that are available are referenced in Section 4.2 of the Air Quality Analysis Technical Report, notably the Detroit Air Toxics Initiative (DATI) and the Detroit Exposure Aerosol Research Study (DEARS).

FHWA understands EPA's concerns, but the pre-amble language in the conformity rule for PM 2.5 hot spot analysis explains why the mobile source emissions model (MOBILE6.2) is not adequate for use in a spot location analysis. The same argument against analyzing health effect applies to MSATs. The interim guidance on MSATs was developed, because of the concerns over the inability of MOBILE6.2 to adequately predict emissions at spot locations. FHWA is concerned about the health impacts of MSATs. That is why FHWA supports research such as the National Near Roadway MSAT Study, which may eventually lead to the ability to develop meaningful analyses of the impacts of MSATs.

Refer to #4.
Letter 53, continued

cannot assess the validity of these studies. However, numerous publications, including those of EPA and the Centers for Disease Control and Prevention (CDC), have reviewed available public health studies of current populations exposed to current levels of traffic-related air pollution. The available reviews conclude that there is consistent evidence across a range of different studies for several health endpoints, including respiratory effects (lung developmental decrements, exacerbation of respiratory symptoms in asthmatics and non-asthmatics, and onset of asthma and allergic disease), cardiovascular disease and mortality, and all-cause mortality in adults (Adar and Kaufman, 2007; Salam et al., 2008; Samet, 2007). In 2004, these studies prompted the American Academy of Pediatrics (AAP), the licensing board for pediatricians, to advise that schools and child care centers be sited away from roads with heavy traffic. Given the proximity of the proposed project to Detroit Public Schools facilities and an early childhood center, these studies and their interpretation by the AAP should be given greater prominence in the FEIS. The studies establish a presumptive public health problem with populations near major transportation infrastructure, and as such, the Environmental Impact Statement should include analysis of a broader range of mitigation options. EPA can provide technical advice and assessments of available mitigation options.

As the FHWA guidance acknowledges, these studies are not specific to MSATs. As such, these studies should be treated separately from MSATs. Available information suggests that a portion of the observed health decrements in populations living near major roads may be attributable to mechanically-generated particles from brake and tire wear, ultrafine particles, or other pollutants not herein defined as MSATs. As an indicator of concern over non-tailpipe and non-evaporative pollutants for the current DEIS, a 2004 study of residents near the Peace Bridge border crossing near Buffalo, New York estimated that in the community around the bridge, hospital discharges for adult asthma increased between 1991 and 1996, while the national hospitalization rate fell (Lwebuga-Mukasa et al., 2004). Given the sharp reductions in motor vehicle emissions that occurred during that time frame, the study highlights concerns that MSAT and tailpipe and evaporative emission trends are insufficient to explain likely health impacts of the current project.

**Mitigation for Air Quality Impacts**

**Construction** - Construction emissions may represent a substantial source of PM2.5 emissions in areas that currently have serious air pollution problems, for which it will be challenging to meet the PM2.5 Standard. We recommend that MDOT and FHWA do all that can be done to minimize PM2.5 emissions from the project, including construction activities.

For this project, construction emissions could be a major component of air emissions. We acknowledge the Air Quality Mitigation information that MDOT included in their Green Sheet Project Mitigation Summary, which is part of the DEIS. We note that the air quality measure is for a construction emissions plan that will include actions such as:

- Retrofitting off-road construction equipment,
- Using ultra-low sulfur fuels for equipment,
9. As Section 3.6.3.1 of the DEIS and FEIS notes, eliminating the Livernois/Dragoon interchange will substantially reduce truck traffic on these two arterials that penetrate the densely residential Southwest Detroit area.

10. The Preferred Alternative includes Plaza P-a which has a direct routing of traffic through the plaza that minimizes travel compared to the other plaza alternative not chosen.

11. Border delay will be a function of staffing levels by U.S. Customs and Border Protection and the enforcement of security rules set by the U.S. and Canadian governments.

12. Anti-idling strategies during secondary inspection are already in effect by U.S. Customs and Border Protection. So, the same measures in place at the Blue Water Bridge and Ambassador Bridge would be followed.

13. Sound barriers are planned as noted in Section 3.7 of the DEIS and FEIS.

14. Vegetation will be placed in the buffer around the plaza as permitted by U.S. Customs. A clear, unobstructed view will influence the landscape design. Mature vegetation will be retained as noted on the Green Sheet. See also the Preferred Alternative section of Section 3.11.2.

15. Comment acknowledged.

16. The GSA is conducting its own Feasibility Study concurrent with the EIS. Its stated goal is to achieve a LEED Silver level status.
U.S. Green Building Council. Projects are encouraged to exceed basic LEED green building certification and achieve the LEED Silver level. Please document in the FEIS how DRIC will implement this GSA policy.
SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO - Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO - Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1 - Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3 - Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment
Interagency Streamlining Agreement for Preparation of the Detroit River International Crossing Environmental Impact Statement

Key Point: Draft Environmental Impact Statement and Draft Section 4(f) Evaluation & All Supporting Technical Reports*

Please check one:

☐ My signature indicates that
U.S. Environmental Protection Agency
Agency Name
has achieved general agreement with the FHWA on the above Key Point.

☐ My signature indicates that
Agency Name
has no statutory authority with regard to this Key Point.

☐ My signature indicates that
Agency Name
has not achieved general agreement with the FHWA on the above Key Point for the following reasons:

---

Bharat Mathur
Print Name
Signature

1/14/08
Date

* Air Quality Analysis, Induced Demand, Community Inventory, Wetlands-Threatened & Endangered Species-Coastal Zone Management, Brine Well Cavity Investigation, Cultural Analysis – Aboveground, Cultural Analysis – Archaeological, Indirect & Cumulative Impacts Analysis, Noise Study, Initial Site Assessment/Preliminary Site Investigation, Traffic Analysis Level 1: Illustrative Alternatives, Traffic Analysis Level 2 Part 1: Travel Demand Model, Traffic Analysis Level 2 Part 2: Highway Capacity Analysis & Microsimulation Modeling Results, Conceptual Engineering

Project: 18505
Mr. James J. Steele
Division Administrator
Federal Highway Administration
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Dear Mr. Steele:

As requested, the Department of the Interior (Department) has reviewed the draft Environmental Impact Statement (EIS) and draft Section 4(f) Evaluation for the Detroit River International Crossing Study, Wayne County, Michigan. The Department offers the following comments and recommendations for your consideration.

General Comments

The draft EIS provides a comparison between the No Build Alternative and nine Practical (Build) Alternatives crossing the Detroit River at one of three possible locations for a new bridge. A preferred alternative has not been identified. The draft EIS provides an adequate discussion of the consequences to fish and wildlife resources from construction of each of the practical alternatives.

Section 4(f) Evaluation Comments

The draft Section 4(f) Evaluation identified properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)). Eight properties, both historic and recreational, were found to be in the project area and at least one of the nine build alternatives will use all or parts of these properties. These properties include the Berwalt Manor Apartment Building, Kovacs Bar, St. Paul African Methodist Episcopal Church, Frank Beard School, the Detroit Savings Bank/George International Building, the South Rademacher Community Recreation Center, the South Rademacher Playground, and the Post-Jefferson Playlot. The Post-Jefferson Playlot appears not to be currently used for recreation and its significance is currently under discussion.

Comment acknowledged.
Mr. James J. Steele

Of the five historic properties that have been determined to be eligible for the National Register of Historic Places, three would be removed under all practical alternatives, varying portions of one historic property would be used under each practical alternative, and one historic site would be removed by only one of the practical alternatives. Of the three recreational properties, all three would be removed by all of the practical alternatives. The evaluation considered other alternatives and the no-action alternative that would have avoided impacts to these properties; however, these were determined not to be prudent alternatives. The draft does not identify a preferred alternative, and consultation with the Michigan State Historic Preservation Officer (SHPO) has not reached a conclusion.

Therefore, the Department concurs with the Federal Highway Administration (FHWA) that there appears to be no feasible or prudent alternative resulting in the loss of eligible Section 4(f) properties. The Department does not concur that all measures to minimize harm to the property have been employed because a preferred alternative has not yet been identified and the Michigan SHPO has yet to concur in determinations of effect; though there is a draft version of a Memorandum of Agreement (MOA) in the document. A copy of the MOA, once executed, should be attached to the final evaluation.

**Specific Comments on the Draft EIS**

**Effects on Wildlife and Wetlands**

Section 3.8.1.4, *Wildlife and Migratory Birds*, page 3-107: This section addresses potential effects to migratory birds from the bridge lighting design and indicates that coordination with the Fish and Wildlife Service (FWS) will occur during the design phase. We appreciate the willingness of the FHWA and the Michigan Department of Transportation (MDOT) to work with the FWS on the lighting design to minimize potential avian mortality at a new crossing of Detroit River. In addition to the lighting plan, we recommend that the coordination with the FWS also involve discussion of designs and measures that the transportation agencies might consider to minimize potential avian impacts as they develop and evaluate bridge structure designs (e.g., cable-stay vs. suspension bridge, height of the bridge towers, etc.) to meet the primary design criteria for a new bridge. We recommend that any such coordination be documented in the final EIS.

The Department has a continuing interest in working with the FHWA and the MDOT to ensure impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f), please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102; telephone 402-661-1844. For matters related to fish and wildlife resources, please continue to coordinate with Mr. Craig Czarnecki, Field Supervisor, or Ms. Barbara Hosler, Project Biologist, Ecological Services Field Office, U.S. Fish and Wildlife Service, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823-6316, telephone 517-351-2555.

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2 An executed MOA will be included in Appendix E prior to the signing of the Record of Decision.

3 Decisions regarding bridge type and final design will be made after the FEIS and Record of Decision are concluded.
Letter 54, continued

Mr. James J. Steele

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental Policy and Compliance

cc: Mr. David E. Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909
August 26, 2005

Ms. Margaret Barondess, Manager
Environmental Section
Project Planning Division
P.O. Box 30050
Lansing, Michigan 48909

RE: Detroit River International Crossing Study and Draft Environmental Impact Statement (DEIS), Wayne County, Michigan, U.S.A.

Dear Ms. Barondess:

We have reviewed the DEIS for the Detroit River International Crossing Study. It is apparent that most if not all of the area is heavily developed. There is no potential that the alternatives described in this study will have a negative impact on prime or unique farmland.

Special attention, however, should be given to the possible movement of soil particles to surface waters as construction begins. The nature of the specific soils and the knowledge as to how easily they may erode is not available since this part of Wayne County was not included in the Soil Survey of Wayne County Area, Michigan. Such data may also tell how quickly surface contaminants can travel while attached to finer soil particles or how quickly soil infiltration may occur and threaten groundwater.

Thank you for this opportunity to comment on the DEIS.

William E. Frederick, For

JOHN A. BRICKER
State Conservationist

cc:
Steve Olds, District Conservationist, NRCS, Ann Arbor, Michigan
Albert Jones, ASTC(FO), NRCS, Flint, Michigan