

14. Chapter 3, Page 3.5-11 again proposes a moveable barriers and gates in the corridor, which is not supported by CBP.
15. Chapter 3, Page 3.5-12, DEIS states that PA-3 would have little effect on Port Huron emergency services. This conclusion is based on the proposal that CBP would allow an access gate at Pine Grove Avenue, which we do not support
16. Chapter 3, Page 3.5-14: This repeats the conclusion that response time is unaffected. PA-2 would not affect response times. However PA-3 would be affected unless CBP grants access to the corridor at Pine Grove Avenue, which we do not support. Also on Page E-9 (sheet D): The DEIS shows the Duty-free and Maintenance facility being built on the elevated plaza above Pine Grove avenue. CBP is concerned how and where is the duty free shop going to receive their deliveries. How does MDOT plan on delivery trucks parking on Pine Grove Avenue and deliver the merchandise via an elevator? Also how are supplies being delivered to the MDOT Maintenance Facility?
17. Chapter 3, Page 3.5-10: The Blue Water Bridge Plaza is a major hazardous material crossing. The existing plaza has an emergency spill containment area. In the DEIS (3.5-10) it states that Practical Alternative 3 will also include an emergency spill containment area 1.5 miles from the crossing. The DEIS does not address what would happen if a hazardous spill occurs in the secure corridor, what happens to the vehicles and or the personnel in the vehicles caught behind the spill, and how would they be released or sent to a safer area?
18. Chapter 6, List of Preparers, Page 6-1. This table does not identify if any physical security firms or subject matter experts who participated in the development and review of the DEIS. Revise the table to reflect the participation of the HNTB physical security specialists who participated in the analysis and development of this DEIS and the supporting Security Technical Memorandum developed for MDOT.
19. Chapter 8, Glossary of Terms: There is no definition of what is a "secured corridor" nor is there a definition for US Customs and Border Protection. Provide a definition for Secured Corridor and provide an approved definition of the role and mission of CBP.
20. All Radiation Portal Monitors (RPM) are currently in front of inspection booths and all vehicles are screened for potential radiation threats before entering the United States. If RPM's are moved to the PA-3 locations, all vehicles will travel 1.5 miles into United States before being screened for any potential radiation threats.
21. The current layout at the Blue Water Bridge Plaza, does not allow vehicles to travel at high speeds while crossing the bridge. Accidents on the bridge are usually low impact accidents with few life threatening injuries. Emergency units

are not called on every low impact accident on the Blue Water Bridge Plaza. PA-2 layout would also encourage low speed limits, however, the PA3 design allows vehicles to travel at higher speeds, where more accidents will be high impact accidents, needing more emergency units to be dispatched. High impact accidents could cause the secure corridor to be closed from the time of the accident until the vehicles and or the personnel are safely removed, causing the Blue Water Bridge crossing to be closed for a few hours during each occurring accident.

22. The DEIS states there will be a 12 foot shoulder on each side of the secure corridor, to allow emergency vehicles access along the secure corridor. During winter months, when Port Huron has received large amounts off snow, the snow would be pushed off the roadways onto the shoulder making the shoulder virtually useless for emergency vehicles.

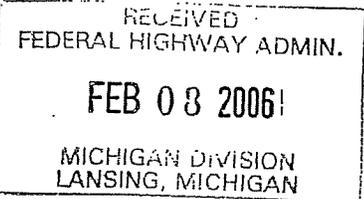


City of Port Huron 100 McMorran Boulevard Port Huron, Michigan 48060

RISCAN  
Del.

**Office of the City Manager**

Phone: (810) 984-9740 • Fax: (810) 982-0282  
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February 7, 2006



Mr. Jim Steele  
Federal Highway Administration  
315 W. Allegan Street, Room 201  
Lansing, MI 48933

Dear Mr. Steele:

The City of Port Huron would like to emphasize that we have maintained a formal position regarding which Practical Alternative we would find acceptable. **The City of Port Huron strongly supports Practical Alternative 3. We find Practical Alternative 2 unacceptable and not feasible for our community for the reasons stated in this letter.**

The issues under review through this study process will have a significant impact on the community of Port Huron. The decisions at the conclusion of the study will shape the future of our city for generations to come. In this light, as City Manager, I wanted to take this opportunity to again express our community's positions and concerns.

The City of Port Huron formally supports Practical Alternative 3 and the family of alternatives represented by this concept. Practical Alternative 3 conceptually calls for the construction of an extended bridge plaza for the Blue Water Bridge Gateway approximately 1.7 miles west of the international border. This alternative, the City of Port Huron believes, meets the requirements of the project's objectives as stated in the Purpose and Need statement for the study.

In comparison, Practical Alternative 2 would greatly disrupt the community of Port Huron. Our strongest concern about Practical Alternative 2 is its long range impact on development and traffic patterns within our community. Our City Council has expressed its lack of support for Practical Alternative 2 because of the following impacts. As City Manager of Port Huron, I feel it is important to again write to the record and ask the Michigan Department of Transportation to assure the City of Port Huron that the concerns listed below are adequately addressed through the study.

- **Air Pollution**

It is the City of Port Huron's position that Practical Alternative 2 would have a large volume of semi trucks and cars stopping and idling adjacent to residential neighborhoods. The neighborhoods left untouched by the acquisition process will remain within close proximity to the complex. The vehicles will be at grade level, and this will increase the dispersion of this polluted air into the adjacent neighborhoods. Practical Alternative 2 also envisions the relocation of the Department of Agriculture inspection processes into the City of Port Huron. The storage of livestock adjacent to residential neighborhoods is not allowed by our zoning ordinances. Michigan is a home rule state and we have a right to establish community standards. We believe that the draft EIS must address these issues.

- **Socioeconomic**

It is the City of Port Huron's position that our community will lose approximately 150 residential properties under Practical Alternative 2. The homes that will be lost are affordable owner-occupied dwellings. Affordable housing in a neighborhood setting is difficult to find in St. Clair County. This housing stock and the neighborhoods surrounding Practical Alternative 2 provide a balance which would be difficult to replace. We believe that the draft EIS must address this issue.

The community of Port Huron has estimated that Practical Alternative 2 would displace approximately 36 commercial properties in our core City. The loss of businesses within our community will change the economic matrix and shopping patterns of our citizens. The loss of these 36 commercial properties and the business activity they represent will significantly impact the City of Port Huron's tax base. We believe that the draft EIS must address this issue.

The community of Port Huron has calculated that the total fair market value of the property that would be removed under Practical Alternative 2 is approximately \$32 million. This translates into a potential \$13 million property tax loss in city revenues. We believe that the draft EIS must address this issue.

Practical Alternative 2 will place upon the City of Port Huron a greater demand for emergency, police and public works services presently not within the city's budget. In the post 9/11 era, small communities such as Port Huron have been asked to shoulder a greater degree of costs in keeping our nation safe and secure. The community of Port Huron believes that these issues have not been adequately addressed to date in the public hearings. The City of Port Huron believes that these issues need to be addressed by the study in relationship to how Practical Alternative 2 addresses these issues under the

Purpose and Needs statement. The study needs to address how these essential services are provided to the second largest border crossing on the Michigan/Ontario frontier. We believe that the draft EIS must address this issue.

- **Community Master Plan and Linear Connectivity**

It is the City of Port Huron's position that Practical Alternative 2 will have a significant impact on the community's ability to maintain cohesion within the community. The City believes that consideration under the study should be given to how Practical Alternative 2 and the buildings and facilities it represents will interface with the community's river front project, its historic districts, and its adjacent neighborhoods. We believe that the draft EIS must address this issue.

- **Light Pollution**

It is the City of Port Huron's position that Practical Alternative 2, if not properly designed, would generate a significant amount of light pollution adversely affecting adjacent neighborhoods. We believe that the draft EIS must address this issue.

- **Local Traffic Mobility**

It is the City of Port Huron's position that Practical Alternative 2 will have a significant impact on the traffic patterns within the community of Port Huron. Practical Alternative 2, as presently represented in the study, would eliminate and greatly impact the City's only three major north/south corridors. The impact to traffic movement and the ability of our emergency response services depends upon the ability of our citizens to move effectively through our north/south corridors. We believe that the draft EIS must address this issue.

- **Access to Community Medical Services**

It is the City of Port Huron's position that Practical Alternative 2 does not adequately address how the citizens of our community will be able to access community medical services. The impact to the community's north/south corridors extends beyond the commercial and residential issues addressed above in this regard. We believe that the draft EIS must address this issue.

- **In-transit Hazardous Materials**

It is the City of Port Huron's position that Practical Alternative 2 does not adequately address the movement of in-transit hazardous materials throughout the city. The City believes that the study needs to take a second look at this issue in relationship to how

Practical Alternative 2 interfaces with existing Federal, State and Community response plans. We believe that the draft EIS must address this issue.

- **General Emergency Response**

It is the City of Port Huron's position that Practical Alternative 2 has not taken into proper consideration the impact the Alternative would have on the City's ability to provide police and fire response within the community. Practical Alternative 2 will place additional administrative and physical burdens upon the City of Port Huron's Fire and Police Departments. This will create longer response times to police and fire emergencies because of the Alternative's impact on traffic patterns within the city. One of the core responsibilities of a city is to provide these essential services to its citizens in a timely fashion. We believe that the draft EIS must address these issues.

- **Noise Pollution**

It is the City of Port Huron's position that Practical Alternative 2 will bring about a significant rise in the noise levels in the adjacent undisturbed neighborhoods to the Alternative. We believe that the draft EIS must address this issue.

These are some of the key concerns the community of Port Huron has regarding Practical Alternative 2. It should be noted for the record that many of the concerns the community has about Practical Alternative 2 are not manifested within Practical Alternative 3. The intent of this letter is to bring to the attention of the State Administrative Team these nine concerns and formally ask that these concerns be addressed under the EIS process through a collaborative effort. The City of Port Huron has taken note that under U. S. Customs and Border Protection planning guidelines, community concerns are given consideration in development of "port of entry footprints." As part of the EIS process, the City of Port Huron would like the opportunity to have greater collaboration with Customs and Border Protection and the Michigan Department of Transportation in evaluating how these nine concerns are addressed in the draft EIS.

We look forward to continually working with the State of Michigan through the EIS process.

Sincerely,



Thomas J. Hutka  
City Manager



STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

KIRK T. STEUDLE  
DIRECTOR

May 23, 2006

Mr. James J. Steele, Administrator  
Federal Highway Administration  
315 West Allegan Street, Room 2001  
Lansing, Michigan 48933

Dear Mr. Steele:

The Michigan Department of Transportation (MDOT) is requesting the Federal Highway Administration (FHWA) approve the division of the current Blue Water Bridge Plaza Environmental Impact Statement (EIS) Study into two separate environmental clearances. MDOT proposes to divide the study into two separate studies, each with its own independent utility. The proposed studies would be:

1. The Black River/I-94 Corridor Study – Complete an Environmental Assessment (EA) for the I-94 corridor in Port Huron from the intersection of M-25/Hancock Street to the future site of an international welcome center in Port Huron Township. The enclosed map lays out the proposed corridor study area and properties impacted by the project.
2. Blue Water Bridge Plaza Project – Complete the current EIS for the Blue Water Bridge Plaza expansion project with the study encompassing the current two practical alternatives (sites located in Port Huron Township and in the City of Port Huron), and a hybrid alternative that will be proposed by the U.S. Customs and Border Protection (CBP). The enclosed map identifies the locations of the two practical alternatives. Once the proposed CBP alternative is presented to MDOT, it will be considered as a new practical alternative and be evaluated as part of the EIS for this project.

While MDOT is requesting to divide the current study into two environmental documents, the overall project concept of addressing long-term border needs remains the same. Both projects will improve access to and from the border while having independent utility. Implementation of the I-94 corridor project would provide significant benefits to international trade movements, improve safety at the border, and reduce the environmental impacts of increasing trade movements across the bridge, even if a decision to approve the no-build alternative for the plaza is made. Approval of this request will facilitate completion of the entire border improvement concept sooner by enabling MDOT to focus as soon as possible on the final design and construction of the corridor. Improvements to the corridor, especially reconstruction of the Black River Bridge, are logical first phases of MDOT's long-term plan to improve security, safety, and mobility at Michigan's border crossings.

#### Major Components of the EA and EIS Studies

1. The I-94/Black River Bridge Corridor EA Study will include the following components:
  - a. A new welcome center to be located on MDOT property in Port Huron Township.
  - b. Widening of eastbound I-94 to five lanes (three dedicated lanes to Canada and three local traffic lanes).
  - c. Exit ramp to Pine Grove Avenue.
  - d. Extension of a three-lane M-25 westbound to Lapeer connector.

Mr. James J. Steele  
Page 2  
May 23, 2006

- e. Improvements to the Lapeer connector.
  - f. A reconstructed Water Street interchange.
  - g. A nine-lane Black River Bridge.
  - h. Access improvements to the current Blue Water Bridge Plaza from I-94.
  - i. Improvements to Hancock St./M-25 intersection.
  - j. Improvements to the Lapeer connector.
2. The Blue Water Bridge Plaza EIS Study will include the following:
    - a. City of Port Huron Plaza Alternative 2.
    - b. Port Huron Township Plaza Alternative 3.
    - c. CBP hybrid alternative.
    - d. The no-build alternative.
    - e. Improvements to Pine Grove and neighboring streets.
    - f. I-94/Pine Grove Avenue exit ramp.

### **Justification**

Environmental clearance for the Blue Water Bridge Plaza project was scheduled to be completed in 2005. Our current estimate for completion of environmental clearance is late 2007 to spring 2008. The 2-2½ year delay is due largely to the following reasons:

1. Continual changes to CBP requirements that have increased the plaza footprint from an original 50-60 acres to 90-100 acres, resulting in a change from an EA to an EIS study.
2. A long history of delays in securing information and approvals from CBP.

There is a strong likelihood that ongoing changes in management at CBP, uncertainty of future Land Border Station Port of Entry Design Guidelines, and the multi-layered complex change of command at the agency will result in future delays at key decision-making points of the process (e.g., refinements to a proposed CBP hybrid alternative, approval of the draft and Final EIS, sign off on the Record of Decision [ROD], etc.). There is high risk that the ROD will not be approved until sometime in 2008.

Both phases, as presented, have independent utility. The I-94/Black River Corridor Study does not preclude any existing or potential new practical alternative from being selected. This project is needed even if the no-build alternative is selected for the Blue Water Bridge Plaza EIS. The corridor project will improve the movement of people and goods through the current or future port of entry into and out of the U.S. By separating local traffic from international traffic, this project will reduce congestion, improve safety, and enhance the local human and natural environments. Incorporating the replacement of the Black River Bridge in this project will enable MDOT to provide critically needed reconstruction and expansion of the existing bridge. The I-94/Black River corridor project has logical termini at Hancock Street to the north and the future international welcome center to the south and west.

Based on environmental analysis done to date, MDOT believes that the corridor study should be cleared as an EA. The potential environmental impacts of this project and the lack of significant local controversy concerning corridor improvements, in our opinion, warrant the completion of an EA as

Mr. James J. Steele  
Page 3  
May 23, 2006

opposed to an EIS. MDOT will conduct additional public information meetings, context sensitive solution workshops, and a public hearing to ensure public input in the selection of the preferred corridor alternative.

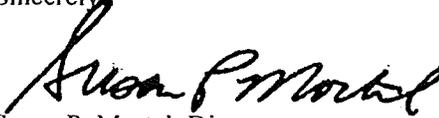
MDOT will continue the Blue Water Bridge Plaza EIS, which will focus on an analysis of a new CBP hybrid alternative, the two existing practical alternatives, the no-build alternative and the plaza connections to the I-94/I-69 International Trade Corridor and to the local streets and state trunkline system. The next steps of this study will be to complete a detailed environmental analysis of the CBP alternative, determine its traffic impacts, and seek public and stakeholder input in the analysis of this alternative. MDOT will work to secure a consensus among federal cooperating agencies, state permit agencies, and U.S. and Canadian stakeholders on a preferred alternative for this project.

MDOT believes that dividing the current study into two separate studies would have the following benefits:

1. Reduce the uncertainty to the current schedule for replacement of the Black River Bridge, enabling this project to go forward as quickly as possible. Final design for the Black River Bridge reconstruction would be completed in 2008, allowing construction to begin in 2009.
2. Focus CBP, General Services Administration, and other border inspection agencies' attention on plaza location and port of entry facility needs, where their expertise is strongest.
3. Facilitate right-of-way acquisition in the I-94/I-69 corridor in a more timely fashion through the completion of a Finding of No Significant Impact.
4. Community uncertainty over project right-of-way needs would be resolved in a more timely fashion.
5. Corridor construction costs would be reduced because of an earlier start date for the overall project.

MDOT looks forward to your approval of this request. If you have any questions or need additional information, please contact either me or Z. Kris Wisniewski, Blue Water Bridge Project Manager, at 517-335-2614.

Sincerely



Susan P. Mortel, Director  
Bureau of Transportation Planning

Enclosures

cc: James Kirschensteiner, FHWA  
Abdel Abdella, FHWA  
Ryan Rizzo, FHWA  
Todd Davis, Wilbur Smith Associates



GSA Great Lakes Region

June 8, 2006

Mr. Kris Wisniewski  
Michigan Department of Transportation  
Bureau of Transportation Planning  
425 West Ottawa Street  
3<sup>rd</sup> Floor  
Lansing, Michigan 48909

Subject: "Hybrid" Alternative for the Blue Water Bridge Plaza  
Port Huron, Michigan

Dear Mr. Wisniewski:

Enclosed please find a copy of U. S. Customs and Border Protection's (CBP) proposal for a "hybrid" alternative for the renovation of the Blue Water Bridge inspection plaza project. This hybrid alternative expands the current bridge plaza and keeps the international inspection functions in Port Huron, while moving most of the non-inspection functions, such as the Welcome Center and MDOT Office and Maintenance Facilities, to the Township site.

In addition to the CBP requirements, GSA is also providing the following requirements for the Food and Drug Administration and for the U. S. Department of Agriculture, Veterinary Services.

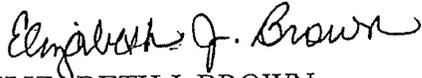
FDA requires 1,200 useable square feet of office and lab inspection space in the Commercial Secondary Inspection Building and 4 secured parking spaces for federally owned vehicles.

Veterinary Services requires its own separate building of approximately 10,000 useable square feet. Additionally, Vet Services requires approximately 8,000 square feet of outside truck staging area, 1,000 square feet of ramping for animal off-loading, and an outside canopied area adjacent to the building for outside inspections when the truck does not require off-loading.

With regard to the Veterinary Services requirements, GSA is aware that there is a local ordinance in the City of Port Huron that prohibits these types of animal inspections within the City limits. GSA and Veterinary Services are willing to work with the Michigan Department of Transportation to establish the best location for this requirement.

If you have any questions regarding the requirements for any of the federal agencies, please feel free to contact me at (312) 886-7122, or via email at [elizabeth.brown@gsa.gov](mailto:elizabeth.brown@gsa.gov).

Sincerely,



ELIZABETH J. BROWN  
Realty Specialist/Project Manager  
Office of Border Stations

Enclosures

cc: Mr. Gary Ragatz  
U. S. Customs and Border Protection  
Office of Finance  
Indianapolis, IN

Ms. Saundria Jessup  
Food and Drug Administration  
Office of Real Property Services  
Rockville, MD

Mr. Gary Crook  
U. S. Department of Agriculture  
Animal Plant Health Inspection Service, Realty Team  
Minneapolis, MN

CANDICE S. MILLER  
10TH DISTRICT, MICHIGAN

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Congress of the United States  
House of Representatives  
Washington, DC 20515-2210

COMMITTEE ON  
ARMED SERVICES  
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CHAIRMAN,  
REGULATORY AFFAIRS  
CRIMINAL JUSTICE, DRUG POLICY,  
AND HUMAN RESOURCES

COMMITTEE ON  
HOUSE ADMINISTRATION

June 27, 2006

Mr. Kris Wisniewski  
Van Wagoner Building  
425 W. Ottawa Street  
PO Box 30050  
Lansing, MI 48909

Dear Mr. Wisniewski,

I am writing to express my concern over the pace of progress and the direction that the Michigan Department of Transportation (MDOT) has taken on the American Plaza at the Blue Water Bridge. As you know, the Blue Water Bridge is the second busiest commercial crossing on our nation's Northern Border, Canada is Michigan's largest trading partner, and our entire region is very dependant on the expeditious flow of goods and traffic through this gateway. A Federal Highway Administration funded study concluded that the delays at the Blue Water Bridge are costing the national economy roughly \$150 million per year.

So I was particularly pleased in September 2002, when MDOT began a study of the future traffic needs of the existing Plaza, with a goal of completing the study within 24-36 months on a budget of \$2.3 million. In November 2003, MDOT released information on six Illustrative Alternatives. At that time, the maximum preliminary estimate for Alternative A was \$225 million. Alternative F, which morphed into Practical Alternative 3, was anticipated to cost between \$150-170 million. As of March 2006, in addition to being significantly behind schedule, the estimated cost for Alternative 3 had risen to \$415 million and Alternative 2 was estimated at \$375 million.

As you know, I have repeatedly expressed my concerns to you about your insistence on continuing to expend time and resources on exploring Alternative 3 in Port Huron Township, which calls for the new plaza to be built 1 ½ miles from the border despite the valid concerns of U.S. Customs and Border Protection (CBP). I have told you that it was my impression after meeting with CBP that they would never agree to Alternative 3 because of security concerns, and that there is no other border crossing in the nation where they have allowed such a plan, concerns that I understand have also been shared with MDOT. It only makes sense that the Department of Homeland Security and CBP should have a great deal of input on international border crossings because of their responsibility to secure our nation, but you told me they did not have veto power and that you had hired some consultants that would show them they were wrong.

I have been convinced all along that whatever proposal was finally decided upon it would most likely be within the existing footprint, an area that apparently you are very familiar with, as you lived in that area when you served as a City Council member in Port Huron many years ago. I also expressed my concern about the property owners in the area who cannot properly plan when they are not given a clear idea of what is going to happen to the area, especially as it seems that there have been so many public hearings where MDOT has not been able to answer residents' questions or advance any specific plan.

Recently, CBP has advanced their ideas for expansion of the American Plaza within the existing footprint, and I see that now you intend to hold a series of six or more public hearings, and you are cautioning that people should not expect to get any specific information about a proposal. What, may I ask, is the purpose for another such meeting without specifics?

While all this has been taking place on the American side of the bridge, the Canadians have developed a \$100 million plan to expand their plaza. They have acquired additional property, began construction of new lanes, and have nearly finished new buildings. All this is being done while we have conducted study after study and then debated their conclusions.

There is no question in my mind that the expansion of this Plaza is critical to our state and national economies and that there are numerous stakeholders at the federal, state, and local levels. Because of that I personally worked very hard to secure funding in last year's transportation bill, and helped secure \$43 million for this project. Of that sum, \$20 million was set aside in the Projects of Regional and National Significance account, making it the only project in the entire state of Michigan to receive funding from that account. Clearly, Congress recognizes the importance of this project and will be monitoring its progress to ensure that these funds are spent appropriately.

I must say I am seriously dismayed by what appears to be a lack of direction or leadership from MDOT thus far and I would ask the following question: Of the \$43 million how much has MDOT expended and on what? How much has this project cost MDOT thus far and how has the money been spent?

Recently the people of our state watched while MDOT spent a number of years and millions of dollars to study another potential crossing of the Detroit River between Wayne County and Canada. The plug was pulled on this project, leaving the taxpayers with nothing to show for it except a big bill. I will not sit idly by and watch that happen with the Blue Water Bridge Plaza project. Please be advised if I cannot be assured that this project is moving forward in a way that will deliver tangible results for the taxpayers, then I will begin steps to re-program the money to a project that will actually improve our transportation system. Under no circumstances did we all work so hard to get this federal funding for the money to be spent on studies and a plan that ends up on a dusty shelf.

I urge you to not let your vision of a perfect plaza become the enemy of a good proposal that results in a more secure border and better flow of traffic that will have a positive impact on our economy for generations. Waiting further increases costs and lessens the chances of the taxpayers seeing a real return on their tax dollars. Please keep these things in mind when working on this project.

I also would again offer my assistance in working to expedite your work with any federal agency. If I can facilitate your work in any way, please do not hesitate to contact either myself or my staff. I look forward to a quick reply to my questions.

Sincerely,

A handwritten signature in black ink that reads "Candice S. Miller". The signature is written in a cursive, flowing style.

Candice S. Miller  
Member of Congress

Cc: The Honorable Jennifer Granholm  
The Honorable Judson Gilbert  
The Honorable Philip LaJoy  
The Honorable Kirk Steudle



WIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
LANSING

KIRK T. STEUDLE  
DIRECTOR

June 30, 2006

The Honorable Candice S. Miller  
United State House of Representatives  
228 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Miller:

I am responding to your letter of June 27, 2006, to Kris Wisniewski, Michigan Department of Transportation (MDOT) Project Manager for the Blue Water Bridge (BWB) Plaza Study. To help answer your questions about the chronology of this study, we have enclosed a separate document with historical information. We are pleased to respond to your comments concerning the progress of this study and document MDOT's efforts at the Blue Water Bridge (BWB) to ensure that traffic and trade flow efficiently and safely between Michigan and Canada.

MDOT has long recognized the economic impact of trade with Canada to our state. Increased trade with our neighbors to the north has been a key component of Michigan's economic strategy to expand its economy and provide good-paying jobs for Michigan citizens. The signing of various auto pacts and the North American Free Trade Agreement (NAFTA) between the U.S. and Canada has resulted in a significant expansion of trade and traffic between the two countries. In the late 1990s, traffic delays at the BWB grew in frequency and length. By the time MDOT initiated its study for an expanded plaza, delays of two hours or more were common.

When MDOT began this study in 2002, we sought the active involvement of the then U.S. Customs Service and the U.S. Immigration and Naturalization Service. Our efforts to engage these agencies in an active dialogue concerning infrastructure and border staffing needs were largely met by indifference and an unwillingness to discuss the issue. For the past three years, the U.S. Customs and Border Protection (CBP), the successor to the U.S. Customs Service, has been unwilling to provide critical information to our planning and engineering teams to help them design a new plaza that meets long-term inspection needs. The information CBP has provided has often been vague and contradictory, further complicating our planning and engineering challenge. This lack of engagement has resulted in a two-year delay in the environmental approval process. It took your involvement and the involvement of Senators Levin and Stabenow to secure a commitment from CBP to assign a higher-level, Washington-based, CBP staff member (Linda Walfish) to act as a liaison between MDOT, the Federal Highway Administration (FHWA), and CBP. However, it remains difficult to get answers from CBP in a timely manner.

The Honorable Candice S. Miller  
Page 2  
June 30, 2006

In February, we were promised CBP requirements for a new BWB Plaza by the first week of March. As you know, we received CBP's BWB plaza requirements on June 9, without the promised footprint layout for their hybrid alternative. Instead, our study team was directed to revise a long ago rejected illustrative alternative to accommodate CBP's requirements.

The BWB project team reviewed the new requirements, met with CBP staff to seek clarifications, and is in the process of designing a plaza layout that meets their needs and complies with federal engineering and traffic standards. Our initial analysis of CBP's new requirements shows that major changes to the Alternative 2 layout must be developed, including changes to Pine Grove Avenue and the local street network to make the hybrid viable. While we are encouraged that CBP is taking the City of Port Huron's concerns into consideration, this proposal will shift the plaza more to the north of Alternative 2 and result in taking properties that until now were not considered part of the project. We are concerned the new requirements will impact project right-of-way needs and future traffic flows on Pine Grove Avenue and create other impacts on the community that, according to the federal National Environmental Policy Act (NEPA) process, will need to be thoroughly evaluated and shared with stakeholders.

The study team estimates that developing the site layouts and changes to the local street system will take approximately four to six weeks to accomplish. Before we release the hybrid alternative for public comment, we will seek CBP approval to ensure our proposed layout addresses all of CBP's requirements. We do not know how long it will take to get CBP approval and who at CBP will be empowered to make that decision. To save as much time as possible, we have engaged the City of Port Huron to be part of the development process for the hybrid. CBP has indicated a willingness to speed their review and approval process.

#### **Projected Plaza Cost Increases:**

In regard to the other concerns and comments in your letter, you are correct in saying that the estimated cost of the plaza has risen dramatically over time. As you know, we first estimated plaza needs at about 30 to 35 acres based on early information provided to us by local and regional CBP staff. These estimates were reflected in the Illustrative Alternatives that were shared with all stakeholders and the public. As we proceeded into the alternative refinement stage, CBP changed the requirements to include an area for outbound inspections. These new requirements resulted in increasing a minimum plaza size to 90 acres.

We have also had to honor FHWA's request to accommodate a dedicated FAST/NEXUS lane and the City of Port Huron's request for a new direct exit ramp at Pine Grove Avenue to meet future planned downtown development efforts. Doing so has resulted in the need to significantly expand the I-94/Black River Bridge corridor. You should know that MDOT had long planned to replace the existing four-lane Black River Bridge with a new six-lane structure. To meet the needs of CBP, FHWA, and the city, our study team determined that the planned six-lane I-94 lane bridge over the Black River would be inadequate and that a nine or ten-lane bridge was needed.

I-94 would need to be widened to separate local and international traffic and to add more approach lanes to the plaza. The Water Street interchange would have to be reconstructed to accommodate these changes, along with improved connections at the Lapeer Avenue connector. The result of these requests and changes to requirements resulted in escalated cost and time estimates to complete the project. At this point, we do not have a cost estimate for the CBP hybrid plaza and the state and local road changes the hybrid plaza will require. The other major impact on the project schedule is that environmental, economic, and neighborhood impacts have grown to the extent that a full Environmental Impact Statement (EIS) is required under federal law pursuant to the NEPA. The greater engineering and planning requirements of an EIS, as spelled out in NEPA and United States Department of Transportation regulations, have resulted in a study budget increase of \$8 million (total costs of the EIS study are now estimated at \$11.5 million), as well as an 18-24 month increase in time to secure a federally approved Record of Decision (ROD).

#### **Federal NEPA Requirements and Alternative 3 (Alt 3):**

We would like to take this opportunity to further explain Alt 3, the off-site alternative. Alt 3 emerged as a practical alternative, in large part, due to the environmental and economic impacts that a 90-acre plaza would have on the City of Port Huron. In a written communication, the city expressed its objections to you and MDOT regarding the on-site alternative (Alt 2). These objections focused primarily on a significant loss of residential and commercial tax base, deterioration in emergency medical services to the community, and the major split between north and south Port Huron that would occur by placing this large plaza right in the middle of the community.

MDOT developed Alt 3 to avoid most of these impacts to the city and to provide a 150-acre site with great flexibility for CBP to meet long-term needs, including the option to implement a reverse inspection program jointly with the Canadian government in the future. Because this alternative met all the requirements as a viable plaza alternative and CBP remained willing to consider an off-site location, this alternative was advanced to the Practical Alternative stage of the study.

The primary reason MDOT has not dropped Alt 3 from further consideration is that the NEPA statute requires MDOT to carry all practical alternatives and the no-build alternative through draft EIS and public hearing stages of the study process. MDOT can recommend in the draft EIS which alternative(s) to carry forward into the final EIS and seek stakeholder and public input concerning its recommendation prior to a federal approval of the ROD. One lesson MDOT has learned about NEPA is that failure to follow the exact requirements of federal law can result in a judicial ruling that voids the entire EIS process and sends the project back to square one. A perfect example of this happening is the EIS prepared by the Peace Bridge Authority in New York. The Peace Bridge Authority's failure to follow the letter of federal law set back the construction of a new span across the Niagara River for many years.

The Honorable Candice S. Miller  
Page 4  
June 30, 2006

It is NEPA that requires MDOT to carry forward all practical alternatives and the no-build alternative through the completion of the EIS, and in the case of the no-build, federal approval of the ROD. To drop Alt 3 from further consideration at this point would violate the federal NEPA process.

### **CBP Responses to Alt 3:**

MDOT has attempted to help CBP understand the ramifications of Alt 3. For nearly two years, CBP staff continued to provide input to MDOT on what would be needed to make Alt 3 a viable alternative. During that period, the study team made many changes to Alt 3 to meet CBP's changing requirements. Each time we came to CBP with solutions, they changed or added new requirements.

As you know, HNTB, a nationally respected expert in infrastructure security, has reviewed CBP's requirements for both alternatives. They concluded that both alternatives could be adequately secured and offered recommendations on how to achieve an acceptable level of security. You received a copy of their report and met with the HNTB project manager, who explained their findings to you. CBP rejected their findings.

The December 30, 2005, letter from Richard Balaban, Assistant Commissioner, Office of Finance, U.S. Customs and Border Protection, was the first official written communication from a high level CBP representative indicating CBP's preference for Alt. 2. A careful read of that letter indicates that CBP left the door open for further consideration of Alt 3 approval if we met the new requirements outlined in the letter.

You are correct that we received the General Services Administration's and CBP's latest requirements for a plaza. This past February, CBP promised to deliver to MDOT and FHWA, not only their plaza requirements, but also drawings showing a new layout for their proposed hybrid. As stated earlier, we received their requirements, but no layouts for a new plaza footprint. MDOT is preparing a viable alternative plan for stakeholders and the public to review and comment. It is our intention to release CBP's requirements to the public and provide a timeframe for conversion of these requirements into a viable practical alternative. Since receiving these requirements, we have met with CBP to seek clarification and strengthen the communications process with them. We came out of our meeting with CBP encouraged by what appears to be a change in a new seriousness on their part to become full partners with us in this planning process. We are currently estimating that it will take approximately six to eight weeks to develop a layout that, from an engineering and traffic perspective, is viable and meets federal NEPA requirements for a practical alternative. It is our intention to release it to all stakeholders once CBP signs off on the plan layout and hold a public meeting to obtain community input on the proposal. If things proceed in a timely manner, a public meeting will take place in late August.

### **Blue Water Bridge Authority (BWBA) and its Future Expansion Plans:**

You are correct in indicating that the BWBA moved forward with modification to the BWB Plaza in order to increase capacity and speed vehicles through customs. However, when you closely examine the BWBA's long-term plans, you will find the changes they are planning and implementing will only add a small amount of capacity to their facilities. The buildings under construction or planned for construction essentially replace currently outdated Canadian Border Service Agency facilities at the plaza. BWBA is increasing truck primary processing capacity by a few booths. Its new connection to Highway 402 will, undoubtedly, ease congestion and improve safety, but comes nowhere near the capacity expansion under consideration by MDOT. We are, in fact, concerned that BWBA's plans to address a projected growth in commercial traffic of 150 percent by 2030 may be inadequate.

We have worked closely and cooperatively with the Ontario Ministry of Transportation (MTO) on its proposal to add a FAST lane to Highway 402. The MTO is able to move more quickly to construct that lane because its environmental analysis has shown minimal environmental and economic impacts to the community. There is no displacement of businesses and residents by these projects. There is no need to build new bridges on Highway 402 and all of the improvements take place on land already owned by BWBA or MTO. BWBA and MTO operate under environmental regulations that are not nearly as rigorous as those required by federal NEPA regulations. It is MDOT's position that because environmental requirements on both sides of the border are so dissimilar, there is no basis to make any useful comparisons between the two countries' processes in addressing border needs.

### **Values and Visions Workshop:**

You asked about the purpose of the upcoming values and visions workshops. Essentially, these workshops will help MDOT to design a new plaza (whichever alternative is finally selected) and I-94 corridor improvements that, to the greatest extent possible, reflect the community's interests and its needs for the future of the Blue Water area. We use this process, in part, to detect and address community concerns before they elevate to elected officials.

These workshops will not delay the preferred alternative selection process. Any delay right now is due to the need for project staff to convert new CBP requirements into a viable practical alternative. In fact, the workshops facilitate public outreach while we sort through the CBP's submission. The final four out of seven planned workshops will focus solely on the alternative selected. The first three workshops help determine community priorities at a neighborhood and community level.

**Use of Federal Earmarked Funds:**

You asked if any of the SAFETEA-LU earmark funds have been spent yet. The answer is no. FHWA has told MDOT that under federal law, these funds cannot be spent until the project clears the federal NEPA environmental review with a final ROD.

Under a new program, Special Experimental Project 15, the U.S. Secretary of Transportation can waive certain regulations that, while not violating NEPA and other federal laws, will significantly speed the project delivery process. MDOT will soon ask you and other members of the Michigan delegation to support a request for a Special Experimental Project 15 waiver when it is submitted to FHWA in Washington. Acquiring real estate for the project can be a long and drawn out process which results in project delays. By getting an early start on property acquisition, prior to the signing of the ROD, MDOT hopes to save anywhere from one to two years to complete the project.

**Study Expenses:**

You also asked how much money has been spent on the study. Our most recent estimate of expenditures on the study is approximately \$4.5 million. The total cost of the environmental study, including design, is estimated at \$11 million. The funds spent to date are federal aid funds, along with state matching funds, that come to Michigan through existing core programs, such as Interstate Maintenance and National Highway System funds. No border funds have been spent on the study or for property acquisitions. This total cost includes completion of the federal environmental clearance process and up to 30 percent of the final project design.

At this time, the current projected delivery cost of the BWB project is estimated to range between \$375 and \$425 million.

**Detroit River International Crossing (DRIC):**

We are surprised by your characterization that the "plug has been pulled" on the DRIC. The fact is, that process is continuing. This is a federal project in partnership with the Canadian government and we have every expectation that the DRIC process will continue.

**MDOT Leadership and Project Direction:**

In regard to your comment about the lack of direction or leadership from MDOT, we believe that just the opposite is true. MDOT has developed a clear plan, not only for the completion of the environmental study, but also for the design and construction of the project. We are still confident that with the cooperation of our federal and local partners, we can complete the entire project (Plaza and I-94 corridor) in the 2011-2012 time frame. I would be pleased to meet with you, as well as other members of the Michigan delegation to present and discuss this plan.

The Honorable Candice S. Miller  
Page 7  
June 30, 2006

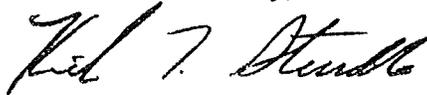
Finally, I want to emphasize to you that MDOT has concerns about whether the BWB Plaza project is a high priority for CBP. While CBP has indicated this project is in its five-year plan, the agency has not committed funds for this project and has informed MDOT it has no plans or money to increase staffing levels when the plaza expansion is complete. As you know, a multi-million dollar investment by the State of Michigan in a plaza not properly staffed will not solve the border delay problem. We want to work with you and the Michigan delegation to ensure that adequate federal funds are available to construct these facilities and also properly staff them.

Thank you for your past work with CBP and your offer to assist in completing this project by expediting and facilitating MDOT's work with federal agencies. We need your continued help to secure timely cooperation from CBP to complete federal environmental requirements and deliver a completed BWB Plaza project.

In addition to seeking a Special Experimental Project 15 waiver, we have requested the Michigan Office of FHWA to approve the division of the current BWB Plaza EIS Study into two separate environmental clearances, an Environmental Assessment (EA) for the Black River Bridge/I-94 Corridor and an EIS for the BWB Plaza. We believe this split will have many benefits, including reducing uncertainty and reducing corridor costs. We request your assistance and support here also.

Please feel free to contact me at (517) 373-2114 if you wish to discuss the BWB Plaza project in greater detail.

Sincerely,



Kirk T. Steudle  
Director

Enclosure

BTP:POLICY:ZW:bh

bcc: Governor Jennifer Granholm  
Senator Judson Gilbert  
Representative Philip LaJoy  
K. Steudle  
D. Beattie  
J. Shimm  
L. Hank  
V. Blaxton  
R. DeCook  
B. Shreck  
S. Mortel  
T. Hoeffner  
Z. Wisniewski

### Blue Water Bridge Plaza Study Chronology

September 11, 2001	Terrorist attacks lead to temporary closing of the border and subsequent long delays for crossings.
September 2002	Study begins
September to December 2002	First stakeholder meetings including U.S. Customs and U.S. INS
September 2002	First request of facility needs from U.S. Customs and U.S. INS
2003	Implementation of FAST pre-clearance program for trucks
March 13, 2003	First Public Meeting
April 7, 2003	Draft facility needs received from GSA including CBP facility needs
April 29, 2003	Initial Concepts Charrette with stakeholders
June 17, 2003	Illustrative Alternatives presented to stakeholders based on facility needs provided
September 23, 2003	Illustrative Alternatives presented to public
October 16, 2003	Finalization of Statement of Purpose and Need
February 10, 2004	Meeting with Federal Inspection Agencies to go over needs and concerns of alternatives developed to date
May 17, 2004	Updated Alternatives presented to public based on revised facility needs
September 9, 2004	Meeting with CBP in Washington D.C. to discuss CBP's decision making process and the importance of the project
November and December 2004	Meetings and E-mail with CBP exchanged updating their facility needs including Outbound Inspection based on use of Border Wizard
Fall 2004	Practical Alternatives Developed based on updated facility needs
February 4, 2005	Practical Alternatives reviewed with stakeholders
February 9, 2005	Practical Alternatives presented to the public
June 8, 2005	Meeting with CBP in Washington D.C. includes discussion of Cooperating Agency relationship and the need for final facility needs approval
August 8, 2005	Meeting with CBP in Indianapolis to go over Practical Alternative details
September 1, 2005	Study Security and Emergency Management Task Force Meeting
January 6, 2006	DEIS prepared and sent to Cooperating Agencies including CBP
February 6, 2006	CBP proposed additional hybrid alternative. CBP also recognizes priority importance of the project.
June 9, 2006	MDOT receives official GSA/CBP letter spelling out requirements for hybrid alternative

*Copy given to Dave*



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Michigan Division

315 West Allegan Street, Room 201  
Lansing, Michigan 48933

July 12, 2006

Ms. Susan P. Mortel, Bureau Director  
Bureau of Transportation Planning (B340)  
Michigan Department of Transportation  
Lansing, Michigan

Dear Ms. Mortel:

Blue Water Bridge Plaza Environmental Study

Reference is made to your letter of May 23, 2006, which requested FHWA approval to divide the current Environmental Impact Statement (EIS) study into two separate environmental studies. Your proposal would continue the EIS for the Blue Water Plaza and undertake a new Environmental Assessment (EA) for the Black River/I-94 corridor leading to the Blue Water Plaza. The major components of both the EIS and EA are outlined in your letter.

After reviewing the components for the EA and the EIS and also the preliminary information on the "hybrid" alternative presented by Customs and Border Protection (CBP), we find substantial merit in dividing the study into two components, each of which have logical termini and independent utility. The proposed improvements to the existing plaza through either practical alternative 2 or the CBP "hybrid" alternative appear to have independent utility from the improvements components 1.a through j. listed in your letter provided adequate connections are made to the plaza. We do not believe practical alternative 3 in the township has independent utility from the I-94 corridor components since the plaza at this location could not operate without the necessary I-94 corridor improvements. With the exception noted above regarding alternative 3, we concur with the components 2.a through f. listed in your letter as being reasonable components for the plaza EIS.

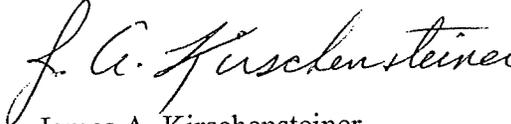
With regard to the EA, components 1.a through j. could be designed and constructed absent any action at the plaza and, therefore, would have independent utility. Based on the impacts studied to this point and presented in the pre-draft EIS, it appears that there would be a reasonable expectation that work in the I-94 corridor (components 1.a through j.) would have no significant impacts after appropriate avoidance, minimization, or mitigation is carried out and, therefore, a FONSI could result. This may be verified after the EA study is completed.



In conclusion, the FHWA approves the MDOT's request to split the current environmental study into an EIS for the plaza improvements and and EA for the I-94 corridor improvements. The exception, as we noted above, is the alternative 3. Alternative 3, including the necessary I-94 corridor improvement components to make it viable, needs to be studied in the EIS.

The FHWA will put a Notice in the Federal Register to amend the Notice of Intent issued on January 12, 2005.

Sincerely,



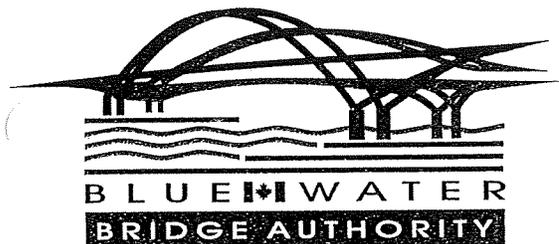
James A. Kirschensteiner  
Assistant Division Administrator

For: James J. Steele  
Division Administrator

cc: Kris Wisniewski, MDOT (B340)  
Del Abdalla  
Ryan Rizzo

Project 20014





July 25, 2006

Federal Highway Administration  
315 W. Allegan Street  
Room 201  
Lansing, MI 48933

**Attention: Mr. James Steele, Division Administrator**

Dear Jim:

**Re: U.S. Customs and Border Protection Hybrid Alternative, American Plaza Port of Entry Alternative**

The Blue Water Bridge Authority (BWBA) has been briefed by the U.S. Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) on a Hybrid Alternative Plaza Plan being put forward by CBP to correct the design deficiencies in the American Plaza Port of Entry in Port Huron, Michigan. CBP is taking this action in an effort to bring the Study to a close and complete the Port of Entry reconfiguration within its 5 year Capital Improvement Plan. The Study, requested in 1999 by the BWBA and CBP and begun in 2001, was intended to look at the concerns raised by both organizations with the Michigan Department of Transportation (MDOT) design of the American Plaza Port of Entry. The Study was to be concluded by the spring of 2004, and it was the hope of the BWBA that a new Port of Entry would be in place by 2006.

It is generally recognized that the exiting American Plaza Port of Entry at the Blue Water Bridge Gateway is inadequate for effectively and efficiently processing current (and projected) volumes of traffic—currently, traffic delays and long queues are common for vehicles attempting to enter the United States. These problems exist because the design of the existing American Plaza Port of Entry restricts traffic westbound into the United States from Canadian Highway 402 to one lane. It is clear that until the American Plaza design deficiencies are corrected, the full potential of the twinning of the Blue Water Bridge Gateway cannot be achieved and the full benefit of the investments already made cannot be realized by our two nations.

The American Plaza Port of Entry's initial configuration was designed for the original single span of the Blue Water Bridge. This initial plaza design was adjusted by MDOT during the twinning of the Gateway. The current plaza design is dysfunctional in part because it requires all commercial vehicles to be in the

left lane to access the U.S. Customs checkpoint for trucks, while all passenger vehicles must be in the right lane to reach their appropriate checkpoint at the U.S. Plaza. The lane assignments for trucks and cars leaving Canada are cars on the left and trucks on the right, similar to the manner in which they respectively use the highways approaching the bridge on both sides of the border crossing.

The American Plaza configuration required a 100-percent weaving movement for all the traffic leaving the Canadian Plaza and caused a westbound gridlock on the bridge shortly after the westbound span was reopened. The BWBA erected a barrier wall to bring all of the traffic into one lane on the bridge approach as a short-term traffic management protocol to ensure the safety of the traveling public.

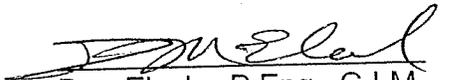
This traffic management protocol was intended to be a short-term safety solution until the American Plaza Port of Entry could be rebuilt. The consequence of this action by the BWBA has been to reduce the three-lane westbound capacity of the gateway to one lane. This necessary safety protocol has resulted in a considerable underutilization of the significant investment made to build the twin spans.

BWBA, the co-operator of the Blue Water Bridge Gateway, is taking this opportunity to write to the record its support for CBP's Hybrid Alternative Plaza Plan proposal for the redevelopment of the American Plaza Port of Entry at the Blue Water Bridge Gateway. It is our understanding that this alternative has been presented by CBP as a compromise to reduce the impacts and concerns of the City of Port Huron regarding Alternative 2 and to address the security issues raised by CBP associated with Alternative 3. Although the full impact of the proposal has not been fully evaluated, initial observations indicate that the alternative proposal, known as the Hybrid Alternative Plaza Plan, requires a land area 30% smaller than Alternative 2, addresses access issues raised by the City of Port Huron, and requires the relocation of substantially fewer homes and businesses. Since this alternative is to be constructed partially on the existing plaza site, CBP's concern regarding border security associated with the remoteness of Alternative 3 is also addressed.

In supporting the CBP Hybrid Alternative Plaza Plan proposal, the BWBA is also withdrawing its support of Alternative 3. Based on information provided by MDOT, the BWBA earlier had outlined its support for Alternative 3. At the time it offered that support, the BWBA did not know CBP had informed MDOT that this alternative was incompatible with the facility's primary purpose—security and border protection—and that CBP was developing an alternative that would fully support that mission.

Attached for your review are our thoughts on several key issues recently raised during the Study process. We urge the Federal Highway Administration to expeditiously bring this Study to a conclusion in a timely manner. Finally, we ask that the Federal Highway Administration acknowledge the end user U.S. agency's desire, CBP, to have a new Port of Entry in place within their 5 Year Capital Improvement Plan timeframe.

Yours truly,



Dan Elash , P.Eng., C.I.M.  
Chief Operating Officer  
Blue Water Bridge Authority

c.c. Kris Wisniewski  
Van Wagoner Building  
425 W. Ottawa Street  
P.O. Box 30050  
Lansing, MI 48909

Paul McAllister  
Environmental Planning  
Environmental Section  
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STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

ANIFER M. GRANHOLM  
GOVERNOR

KIRK T. STEUDLE  
DIRECTOR

August 9, 2006

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

Dear Mr. Steele:

The Michigan Department of Transportation (MDOT) is requesting your review and approval of the Special Experimental Project (SEP-15) application for the Blue Water Bridge Plaza and I-94/Black River Bridge Corridor projects in Port Huron, Michigan. The application is requesting a waiver to the existing federal requirements concerning the acquisition of right-of-way using federal-aid funds. MDOT believes that implementing the strategies outlined in the application will not impair the Federal Highway Administration's (FHWA's) ability to carry out its stewardship responsibilities to protect the environment and American taxpayers.

Approving this SEP-15 application will enable MDOT to streamline the project delivery process for both the I-94/Black River Bridge Corridor and the Blue Water Bridge Plaza. Completing comprehensive transportation improvements will improve the flow of international trade between the United States and Canada.

As you are aware, MDOT initiated the Blue Water Bridge Plaza study in 2002 as an environmental assessment with the intention of delivering a completed project by 2010. Delays in securing critical project information from Customs and Border Protection (CBP) and expansion of the plaza footprint, due to changes in CBP requirements, resulted in upgrading the project to an Environmental Impact Statement (EIS). The current schedule calls for completion of the EIS by the end of 2007 and project delivery in 2014. MDOT has developed a new project plan (enclosed) that will shorten project delivery by two years. This aggressive project timetable cannot be achieved without FHWA's approval of this application.

Border delays increase costs of U.S. and Canadian businesses and make them less competitive in the global market place. Companies are less willing to invest in facility expansion/renovation and to locate new facilities in Michigan. In an FHWA funded study, MDOT found that border delays at the Blue Water Bridge were costing the state and U.S. economies \$150 million per year. While travel delays have declined over the past year, due largely to improvements in vehicle processing, the projected growth in traffic at this crossing will lead to serious border delays in the future. Delays in the completion of the I-94 trade corridor and the Blue Water Bridge Plaza project will lead to the loss of more jobs in Michigan, which has already experienced massive manufacturing job losses.

Mr. James J. Steele  
Page 2  
August 9, 2006

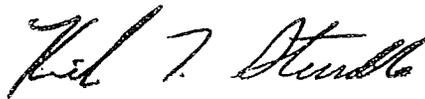
The State of Michigan has placed a high priority on addressing border crossing and trade corridor infrastructure needs critical to Michigan's economic well-being. Adding border capacity at Port Huron and in Detroit is critical to the protection of existing good-paying jobs and to Michigan's hopes for creating new jobs through the growth in international trade.

The Ambassador Bridge Gateway Project, which will improve commercial and passenger vehicle traffic flow at the Ambassador Bridge, is scheduled for completion in 2008. A new Detroit/Windsor border crossing is planned for completion by 2013. To avoid greater delays between the Ontario and Michigan frontiers, MDOT has determined that completion of the Blue Water Bridge Plaza expansion project should occur in 2011-2012. This means that construction needs to begin in 2008.

Without FHWA's approval of the enclosed SEP-15 application, MDOT will be unable to meet this aggressive schedule. Changes in federal real estate acquisition policy, project financing requirements, and contracting will help MDOT meet its ambitious goal of expanding capacity at the borders, reducing border delays, enhancing national security, and improving the environment in a timely fashion.

MDOT looks forward to your approval of this request. If you have any questions or need additional information, please contact either me or Z. Kris Wisniewski, Blue Water Bridge Plaza Project Manager, at 517-335-2614.

Sincerely,



Kirk T. Steudle  
Director

Enclosures

cc: Senator Carl Levin  
Senator Debbie Stabenow  
Congresswoman Candice Miller  
Jim Kirschensteiner, FHWA  
Larry Tibbits  
Susan Mortel  
Ron DeCook  
Z. Kris Wisniewski  
Vanessa Blaxton



U.S. General Services Administration

September 1, 2006

James Steele  
Division Administrator  
Federal Highway Administration  
315 W. Allegan St., Room 207  
Lansing, MI 48933-1528

Dear Mr. Steele:

We would like to follow up on the Customs and Border Protection (CBP) letter that was undated and received via e-mail on August 24, 2006 from Roger Petzold addressing concerns regarding the NEPA schedule timeline and ownership of the Blue Water Bridge. Although CBP's concerns are understandable, the letter was sent inadvertently and not through the lines of communication as agreed to during our meeting in Lansing, MI this past February.

We understand that a new timeline for the Blue Water Bridge EIS has been discussed, which actually yields a record of decision (ROD) that is shorter than the timeline originally envisioned. Once GSA has the opportunity to review the timeline with CBP, we will work with you to ensure the project moves forward as expeditiously as possible.

With regards to the ownership issue, we understand GSA Region 5 is looking into pursuing a prospectus lease with the ownership to be considered sometime in the future. The Border Station Center will continue to work with the region and CBP to ensure all alternatives are identified and analyzed prior to approaching FHWA and Michigan DOT. In that way we can develop and move forward with a recommendation agreeable to all parties. Please be assured, this effort will be discussed and any decision made will be communicated in a timely manner and through the proper channels.

We thank you for your understanding. If you have any questions or need additional information please contact me at (303) 236-8000 ext. 2371.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Oberg".

James L. Oberg  
Director,  
Northern Border Program Office  
Office of the Chief Architect

Cc: Roger Petzold, FHWA  
Kris Wisniewski, Michigan DOT  
Trent Frazier, CBP HQ  
Chad Gilchrist, CBP HQ  
Billy James, GSA, Region 5  
Julie Milner, OCA, BSC

Office of the Chief Architect  
Border Station Center (PMAA)  
1800 and F. Street, NW  
Room 3341  
Washington, DC 20405-0001  
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CANDICE S. MILLER  
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(586) 997-5010  
FAX: (586) 997-5013



Congress of the United States  
House of Representatives  
Washington, DC 20515-2210

COMMITTEE ON  
ARMED SERVICES  
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CHAIRMAN,  
REGULATORY AFFAIRS  
CRIMINAL JUSTICE, DRUG POLICY,  
AND HUMAN RESOURCES  
-----  
COMMITTEE ON  
HOUSE ADMINISTRATION

September 20, 2006

The Honorable Kirk Steudle  
MI Department of Transportation  
Van Wagoner Building  
P.O. Box 30050  
Lansing, MI 48909

Dear Mr. Steudle,

Thank you for your recent update on the progress of the Blue Water Bridge Plaza Project. As you know, this project is of utmost importance to my constituents and to the economic well-being of our great state. Furthermore, our nation's homeland defense and economic security will be greatly bolstered by the completion of this project. I am encouraged that the July 21 meeting I helped broker among this project's stakeholders has led to more frequent and healthier communication among all involved.

With regards to your recent application to the Federal Highway Administration (FHWA), I appreciate that you are trying to find innovative ways to move this project forward. However, I would like to ensure that I have a complete and proper understanding of your application before I convey my approval to FHWA.

Based on previous discussions, it is my understanding that if FHWA were to approve your application that federal funds could be used to acquire properties from voluntary sellers who would be impacted no matter what alternative is selected. Please confirm that this is exactly the authority you are seeking.

I feel very strongly that no properties outside this scope should be acquired until a Record of Decision has been reached and the community has been informed of it. The purchasing of property will create a truly chaotic atmosphere unless it is made clear that only properties affected by any alternative are being purchased. Residents, business owners, and homeowners in and around Port Huron have already suffered enough anxiety because of this project.

Also, at the July 21 meeting in Washington, D.C., you and your team indicated that you expected a preferred alternative to be announced to the public in November, 2006. I would appreciate your assurance that you remain on schedule to make that announcement.

I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Candice S. Miller". The signature is written in a cursive style with a large, prominent initial "C".

Candice S. Miller  
Member of Congress



U.S. Customs and  
Border Protection

SEP 26 2006

TO: Jim Oberg  
Director, Northern Border Program  
General Services Administration – Border Station Center

FROM: Trent Frazier  
Chief, Field Operations Branch  
Office of Finance, Portfolio Management Division

SUBJECT: Blue Water Bridge Alternative 4 Concept

Thank you for the opportunity to review the Blue Water Bridge Alternative 4 concept drawing. U.S. Customs and Border Protection (CBP) has conducted a preliminary review to determine whether the overall site size and layout concept is appropriate.

At this time the drawing represents an acceptable concept with which to move forward in the environmental study process. This concept approval is made knowing that CBP's requirements will be further defined through facility modeling and through the feasibility study process. Moreover, any design must pass rigorous traffic engineering thresholds to demonstrate sufficient ability to accommodate turning radii and safe and efficient traffic movement. If the Alternative 4 concept does not currently take industry-standard turning radii and traffic measures into account, the overall layout and size may be affected.

Thank you for your assistance on this important project. We continue to look forward to working with you on this and on other projects along our borders.

If you have any questions, please call Chad Gilchrist at 202-344-3617, or email him at [chad.gilchrist@dhs.gov](mailto:chad.gilchrist@dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "TF", with a long horizontal line extending to the right.

Trent Frazier



September 29, 2006

Kris Wisniewski  
Federal Bi-national Policy Specialist  
Bureau of Transportation Planning  
Michigan Department of Transportation  
Van Wagoner Building  
425 West Ottawa St.  
P.O. Box 30050  
Lansing, Mi., USA 48909

556 Christina Street N.  
Sarnia, ON N7T 5W6  
Tel (519) 336-2400  
Fax (519) 336-2085  
info@sarnialambtonchamber.com  
www.sarnialambtonchamber.com

Dear Mr. Wisniewski;

The Sarnia Lambton Chamber of Commerce has 900 business members, employing more than 18,000 people in the Sarnia Lambton community. On behalf of our membership, the Chamber of Commerce Board of Directors and our Transportation Committee has provided comment and advice to many levels of government and groups concerning transportation issues impacting our community. We would like you to know that following considerable involvement and information collection, concerning the Blue Water Bridge U.S. Plaza Study, Alternative 4 (also know as the hybrid alternative) is the preferred alternative of our Chamber.

With this letter we are entering into the official record support for alternative 4 and withdrawing our support for alternative 3. Our Chamber of Commerce and members now believe that alternative 4 is the most feasible plaza alternative and best meets the current and future needs of the border crossing shared by our countries for the following reasons.

As we understand, alternative 4:

- This hybrid alternative would require purchasing substantially fewer homes than original Alternatives 1 and 2.
- With the relocation of Pine Grove Avenue to the West, no local street or roadway will be located within the port limits.
- The proposed hybrid alternative will permit entrance to the City of Port Huron from Canada and entrance to the Blue Water Bridge from the city.
- The proposed hybrid alternative will preserve both Pine Grove Avenue and 10<sup>th</sup> Avenue as separate roadways (important to the city).

The expansion of the U.S. Plaza will improve border-crossing efficiency by reducing the capacity constraints of the existing plaza and thus allowing for the increased utilization of the existing capacity potential of the six-lane gateway. Alternative 1 was dropped as an alternative in 2005. Alternative 2 and 3 face significant opposition from Customs and Border Protection and the local public. Additionally, the No Build Alternative is not an option given the public safety, traffic volume change projections and congestion issues that exist at the gateway today.

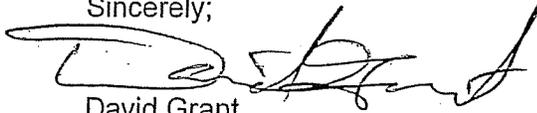
The Chamber of Commerce supports Alternative 4 as best serving the traffic demands and inspection needs of our international gateway thereby meeting the

common goal of optimizing the operations of the border between Ontario and Michigan.

We very much would like to have your work advanced by a year. Your present plan anticipates the bridge to be constructed and open by 2012. This is 13 years after the renewed original span and the new span were put into full operation in 1999. It is time that MDOT completed its work and minimize any further delays in the process.

Should additional information become available, we would be most pleased to provide additional comment as to how it may affect our Chamber alternative preferences.

Sincerely;



David Grant  
Chairman, Board of Directors



Garry McDonald  
President



Charter Township of  
**Fort Gratiot**

JAMES E. BUCKLEY  
*Supervisor*

ROBERT C. CRAWFORD  
*Clerk*

JUDITH A. REYNOLDS  
*Treasurer*

October 23, 2006

Kris Wisniewski  
425 W. Ottawa St.  
Lansing, MI 48909

RE: Blue Water Bridge Plaza Resolution -- Practical Alternative #4

Dear Kris:

Enclosed for your review is a copy of the Resolution regarding the Blue Water Bridge Plaza Study Practical Alternative #4, which was passed at the last Board of Trustees Regular Meeting last Wednesday, October 18, 2006.

I would appreciate it if you would forward a copy to the rest of the trustees as well. As always, if you have any questions please feel free to contact me at 650-0221.

Sincerely,

James E. Buckley  
Fort Gratiot Township Supervisor

JEB:jms

Enclosure

10/27/06 11:13

ASN - Assignment Information

ANN

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Document: 35163 Correspondence Date: 10/24/2006  
Correspondence Location: EXEC -- Assigned by Location: EXEC

Contact Names and Titles:  
CANDICE S MILLER MEMBER OF CONGRESS

Organization:  
CONGRESS OF THE UNITED STATES HOUSE  
OF REPRESENTATIVES

City, State: WASHINGTON DC

Type of Correspondence: LETTER

Correspondence Subject:  
RE: MDOT'S SEP-15 APPLICATION TO  
THE FEDERAL HIGHWAY ADMINISTRATION

Assigned to: MORTEL  
Location: BTP Bureau of Transportation Planning  
for Action: ACTION AS NEEDED

Assigned Date: 10/27/2006 Due Date: 11/10/2006 Completed: 00/00/0000

Assignment Details:

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CANDICE S. MILLER  
10TH DISTRICT, MICHIGAN

WASHINGTON OFFICE:  
228 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2106  
FAX: (202) 226-1169

DISTRICT OFFICE:  
48653 VAN DYKE AVENUE  
SHELBY TOWNSHIP, MI 48317  
(586) 997-5010  
FAX: (586) 997-5013



35163

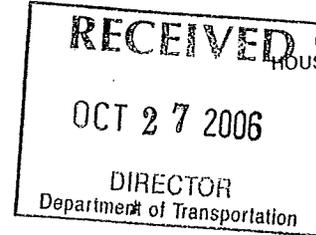
COMMITTEE ON  
ARMED SERVICES  
READINESS  
PROJECTION FORCES

COMMITTEE ON  
GOVERNMENT REFORM

CHAIRMAN,  
REGULATORY AFFAIRS  
CRIMINAL JUSTICE, DRUG POLICY,  
AND HUMAN RESOURCES

## Congress of the United States

House of Representatives  
Washington, DC 20515-2210  
October 24, 2006



COMMITTEE ON  
HOUSE ADMINISTRATION

The Honorable Kirk Steudle  
MI Department of Transportation  
Van Wagoner Building  
P.O. Box 30050  
Lansing, MI 48909

Dear Mr. Steudle:

Thank you for your recent letter to clarify certain aspects of the Michigan Department of Transportation's (MDOT) recent Special Experimental Project (SEP-15) application to the Federal Highway Administration.

I am pleased to hear that MDOT has only requested to be able to purchase property and right-of-way from voluntary sellers in the footprint agreed to by the relevant agencies, and that the purchase of these properties will not influence the National Environmental Policy Act decision.

With these assurances, I have sent a letter to the Federal Highway Administration indicating my support for MDOT's SEP-15 application. I have attached a copy of the letter for your records.

Please do not hesitate to contact me in the future if you believe I can assist you in moving this important project forward.

Sincerely,

Candice S. Miller  
Member of Congress

CANDICE S. MILLER  
10TH DISTRICT, MICHIGAN

WASHINGTON OFFICE:  
228 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2106  
FAX: (202) 226-1169

DISTRICT OFFICE:  
48653 VAN DYKE AVENUE  
SHELBY TOWNSHIP, MI 48317  
(586) 997-5010  
FAX: (586) 997-5013



Congress of the United States  
House of Representatives  
Washington, DC 20515-2210  
October 24, 2006

COMMITTEE ON  
ARMED SERVICES  
READINESS  
PROJECTION FORCES

COMMITTEE ON  
GOVERNMENT REFORM  
CHAIRMAN,  
REGULATORY AFFAIRS  
CRIMINAL JUSTICE, DRUG POLICY,  
AND HUMAN RESOURCES

COMMITTEE ON  
HOUSE ADMINISTRATION

Mr. Roger Petzold  
Federal Highway Administration  
Office of Interstate and Border Planning  
400 7<sup>th</sup> Street, SW, Room 3301  
Washington, D.C. 20590

Dear Mr. Petzold:

It is my understanding that the Michigan Department of Transportation (MDOT) has recently submitted to the Federal Highway Administration (FHWA) the Special Experimental Project (SEP-15) application in order to accelerate completion of the Blue Water Bridge Plaza Project in Port Huron, Michigan. I write today in support of this application.

If granted, this application will permit MDOT to use federal funds to acquire property and right-of-way from voluntary sellers within the footprint that has been agreed to by the relevant agencies. MDOT will also be able to hire design consultants and resolve design exception issues which should expedite the latter stages of this project.

The project study, which has been underway since 2002, has encountered numerous hurdles. This application presents an opportunity to more quickly reach the goal of an updated and expanded plaza, which will have a tremendous economic impact on Michigan and the rest of the United States. I appreciate the full and prompt attention that you will give to this application.

Sincerely,

A handwritten signature in cursive script that reads "Candice S. Miller".

Candice S. Miller  
Member of Congress



U.S. Department  
of Transportation

Federal Highway  
Administration

Michigan Division

*Lloyd - Please  
hold on to*

315 W. Allegan St., Room 201  
Lansing, Michigan 48933

October 31, 2006

Director, Office of the Federal Register  
National Archives and Records Administration  
Washington, DC 20408

Dear Director:

Environmental Impact Statement  
Blue Water Bridge Plaza Study  
St. Clair County, Michigan

Attached for inclusion in the Federal Register are three (3) signed duplicate originals for the revised Blue Water Bridge Plaza Study in St. Clair County, Michigan. We request the "Notice" be published in the Federal Register on the next available Federal Highway Administration publication date.

Sincerely,

*a. a. Abdalla*

Abdelmoez Abdalla  
Environmental Program Manager

For: James J. Steele  
Division Administrator

Attachments

cc: Paul McAllister, MDOT, Environment (B340)  
Kris Wisniewski, MDOT, Planning (B340)  
Todd Davis, Wilbur Smith Associates, Inc., Lansing  
Kreig Larson, FHWA, Wash. HEPE-1  
Ron Moses, FHWA, Illinois

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT: St. Clair County, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

**SUMMARY:** The FHWA is reissuing this notice to advise the public of changes to the Environmental Impact Statement that will be prepared for proposed improvements to the United States Port of Entry Plaza for the Blue Water Bridge in St. Clair County, Michigan. This Notice revises the published Notice of Intent of January 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Kirschensteiner, Assistant Division Administrator, Federal Highway Administration, 315 W. Allegan Street, Room 201, Lansing, Michigan 48933, Telephone: (517) 702-1835; or Mr. Paul McAllister, Supervisor, Environmental Section, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, MI 48909, Telephone: (517) 335-2622.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the Michigan Department of Transportation (MDOT) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for potential improvements to the United States Border Plaza at the Blue Water Bridge. The federal cooperating agencies for the project include: U. S. Coast Guard, U.S. General Service Administration (GSA), U.S. Environmental Protection Agency (U.S.EPA), U.S. Army Corps of Engineers, and U.S. Customs and Border Protection (CBP).

The Blue Water Bridge is a major passenger and commercial border crossing between the United States and Canada and is the northern termination point for Interstate routes I-69 and I-94 in the United States and for Highway 402 in Canada. MDOT owns and operates the Blue Water Bridge Border Plaza. Several agencies operate on the United States Plaza. These agencies are responsible for inspecting vehicles, goods, and people entering the United States and include: CBP, the United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA). The inspection agencies lease facilities on the United States Plaza from MDOT through GSA, which serves as the federal leasing agent. MDOT collects tolls from vehicles departing the United States for Canada on the plaza.

The study area is located within the City of Port Huron and Port Huron Township. The study area consists of approximately 30 blocks (195 acres) of urban land use surrounding the existing plaza and ramps, and it extends to the west along I-69/I-94 for approximately 2.2 miles. The study area includes the existing plaza, the Black River Bridge, the Water Street interchange, and locations for off-site inspection facilities, located north of I-69/I-94 and west of the Water Street Interchange.

In September 2002, this project started as an Environmental Assessment (EA) and has proceeded through the scoping phase, purpose and need documentation, and alternatives development. Three resource agency meetings and four public information meetings have been held. As a result of identified potentially significant impacts, FHWA and MDOT concluded that an Environmental Impact Statement (EIS) should be completed.

The purposes of this Environmental Impact Statement are to:

- Accommodate projected 2030 traffic growth and potential future facility needs,
- Minimize backups on Highway 402 and I-69/I-94 and correct existing traffic weaving issues,
- Accommodate the latest inspection technologies and procedures,
- Provide flexibility to accommodate future unknown inspection technologies and procedures,
- Improve border security,
- Provide facilities that ensure cars and trucks do not leave the plaza without being inspected,
- Improve safety on the bridge, plaza, and I-69/I-94,
- Reduce vehicle and pedestrian conflicts on the plaza,
- Improve access between the plaza and the Port Huron area, and
- Minimize routing of commercial traffic to local roads during maintenance operations.

The need for improvements to the United States Plaza at the Blue Water Bridge is supported by several key issues including:

- Traffic growth and repeated traffic backups,
- Insufficient truck parking for inspection purposes,
- The introduction of new inspection technology,
- Emerging Security issues,
- Insufficient space for the increased number of border inspection agents,
- Traffic conflicts and crash history, and
- Inadequate connections between the plaza and local roads needing improvements.

In the fall of 2005, a preliminary Draft Environmental Impact Statement (DEIS) was completed and circulated to the Federal cooperating agencies for review and comment. As a result of this coordination effort, the CBP requested that another alternative be considered for evaluation and inclusion in the DEIS.

In an effort to continue to move independent and critical road and bridge portions of the project forward, MDOT and FHWA have separated the Blue Water Bridge Plaza Study into two projects: a) An EIS for the Blue Water Bridge Plaza that will focus specifically on plaza expansion and improvements, and b) An Environmental Assessment that will address transportation improvements along I-69/I-94 and the creation of a new off-site welcome center. The improvements covered in the EA are independent of any of the alternatives under consideration for the plaza improvements. The FHWA has reviewed and concluded that the improvements that will be studied in the EA have independent utility and logical termini

The purposes of the I-69/I-94 EA Corridor improvements are:

- Accommodate projected 2030 traffic growth,
- Improve the safety on the Black River Bridge and reduce weaving movements at the Water Street Interchange,
- Replace the aging Black River Bridge spans,
- Improve vehicle access to the Port Huron Area, and
- Create a more visible and accessible Welcome Center.

The need for improvements to the I-69/I-94 Corridor is supported by several key issues:

- Traffic growth,
- Traffic backups,
- Traffic conflicts and crash history,
- The current condition of existing roadways in the corridor, and
- The current condition of the Black River Bridge.

The study boundaries for the I-69/I-94 Environmental Assessment are located along I-69/I-94 and the M-25 connector. The northern terminus for the EA is the M-25 connector intersection with Hancock Street and the southern terminus is the I-69/I-94 bridge over Lapeer Road. The EA study area includes the I-69/I-94 ramps to and from existing plaza, the Black River Bridge, the Water Street interchange and the Lapeer connector interchange.

The purpose and need and study boundaries for the plaza Environmental Impact Statement remain the same as described earlier. The study area includes a potential location for a relocated plaza in Port Huron Township.

A range of plaza and transportation improvement alternatives for the plaza EIS, will be analyzed. Reasonable alternatives under consideration include: taking no action, expanding the existing plaza location in the City of Port Huron (two alternatives), and relocating the major plaza functions to an off-site plaza location in Port Huron Township.

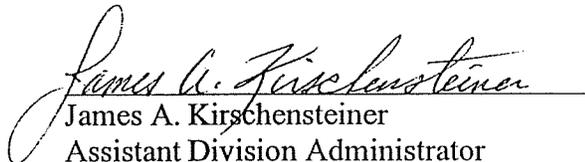
The EIS study area for the off-site plaza, along with subsequent improvements to I-94/I-69 and the EA improvements to I-94/I-69, overlap for this alternative, but only for this alternative.

Agencies and citizen involvement will continue to be solicited throughout this process. A public meeting and a public hearing will be held on the Draft Environmental Impact Statement (DEIS). Public notice will be given of the time and place of the hearing. The DEIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: October 31, 2006

  
James A. Kirschensteiner  
Assistant Division Administrator  
Lansing, Michigan



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Office of the Administrator

December 7, 2006

400 Seventh St., S.W.  
Washington, D.C. 20590

In Reply  
Refer To: HOA-3

Mr. Kirk T. Steudle  
Director, Michigan Department of Transportation  
Murray D. Van Wagoner Building  
P.O. Box 30050  
Lansing, MI 48909

Dear Mr. ~~Steudle~~: *Kirk*

---

The Federal Highway Administration (FHWA) has completed its review of the Michigan Department of Transportation (MDOT) Special Experimental Project No. 15 (SEP-15) application for the Blue Water Bridge Border Plaza Reconstruction (BWBB Plaza) and the I-94/Black River Bridge Corridor Improvement (I-94/BRB) Projects (Projects) requesting the participation of Federal funds in the acquisition of right-of-way as costs are incurred and prior to the completion of the environmental review process. The application was received by the FHWA Michigan Division Office (Division Office) on August 10, 2006, and was forwarded to the SEP-15 Steering Committee (Steering Committee) on August 21, 2006. The Steering Committee coordinated the review of the application within FHWA and recommended that the application be accepted for administration under SEP-15 based on the unique set of circumstances under which the experimental features will be tested.

I concur with the Steering Committee. As a jointly developed project with other Federal agencies, the BWBB Plaza is a major part of the North American Free Trade Agreement System, both regionally and nationally. The FHWA's acceptance of the Projects for administration under SEP-15 will expedite the development of the BWBB Plaza and reduce potential liabilities for the city, State, and Nation due to project delays. The FHWA's response to the proposed experimental features for the Projects is discussed below.

The FHWA's acceptance of the Projects for administration under SEP-15 does not commit Federal-aid funding for the Projects and does not waive any other Federal requirements applicable to the Project. Until there is formal FHWA project approval for the BWBB Plaza and I-94/BRB, the FHWA retains the right to deny Federal funding for the Projects at anytime. If you wish to proceed with the Projects under the SEP-15 program, the next major action will be to work with you to draft an Early Development Agreement (EDA) for the Projects. The EDA will contain parameters to guide key elements of the Projects and identify the performance measures that will be used to evaluate the success of the experimental features.



## Background

The Blue Water Bridge (BWB) is a major passenger and commercial border crossing between the United States (U.S.) and Canada. The BWB is the third busiest United States International border crossing and is the termination point for I-94/I-69 in the U.S. and for Highway 402 in Canada. MDOT owns and operates the BWB in conjunction with the Canadian Blue Water Bridge Authority. MDOT also owns and operates the BWBB Plaza and collects tolls from vehicles departing the United States for Canada on the plaza. In an FHWA funded study in 2002, MDOT found that border delays at the BWB were costing the State and U.S. economies \$150 million per year. MDOT reports that travel delays have declined over the past year, due largely to improvements in vehicle processing, however, the projected growth in traffic at the border crossing will lead to serious delays in the future.

It is our understanding that the study area is substantially constrained by its location within the City of Port Huron and Port Huron Township. It is a defined area of approximately 30 blocks (195 acres) of urban land use surrounding the existing plaza and ramps, and extends to the west along I-94/I-69 for approximately 2.2 miles. The proposed properties, which include entire square blocks within the City of Port Huron, located at the base of the BWB are expected to be incorporated into an expanded border crossing facility that will meet current National security requirements and standards. The security requirements for the BWBB Plaza and the I-94/BRB necessitate the acquisition of right-of-way beyond what would be required for a traditional highway facility.

In September 2002, the environmental review for the Projects began with the preparation of an Environmental Assessment (EA) and has proceeded through the scoping phase, Purpose and Need documentation, and alternatives development. As a result of identified potentially significant impacts, the FHWA and MDOT concluded that an Environmental Impact Statement (EIS) should be completed for the plaza extension and necessary improvements to I-94 and surrounding connecting roadways. A range of plaza and transportation improvement alternatives have been analyzed within the recommended study area and a draft EIS was scheduled to be released in January 2006. However, after discussions and exchanges of information with the General Services Administration and the U.S. Customs and Border Protection Agency, and presentation of alternatives not addressed in the Draft EIS, MDOT requested on May 23, 2006, to split the environmental review process for the Projects into two studies. The Division Office approved MDOT's request on July 12, 2006, and the Projects are now proceeding under separate environmental review processes. An EIS is being prepared for the BWBB Plaza while an EA is being prepared for the I-94/BRB.

## Experimental Features

**Experimental Feature 1:** MDOT requests to deviate from FHWA's regulations that prohibit the acquisition of right-of-way, except for purchases that satisfy hardship or protective acquisition criteria, prior to final FHWA approval pursuant to the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. § 4321 et seq.). The purpose is to allow MDOT to purchase right-of-way in the vicinity of the BWB and along the I-94/BRB corridor during the environmental review process. MDOT would acquire property only from those property owners who agree to a voluntary sale to MDOT. MDOT would only acquire parcels that are within the overlapping footprint of all the alternatives advanced. MDOT would not allow the acquisition of properties to affect the decision on a preferred alternative for the Projects. All property acquisitions will be conducted in accordance

with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act, 42 U.S.C. § 4601 et. seq.).

*Purpose:* MDOT seeks FHWA's approval of this experimental feature so it will have the ability to acquire right-of-way before completion of the NEPA process that will provide a greater degree of flexibility to MDOT to plan for and establish staging facilities needed in the early phases of the Projects. MDOT estimates that the experiment would also allow commercial and residential property owners who wish to relocate to do so now rather than waiting an estimated 1 to 3 years until completion of the NEPA process. According to MDOT, the proposed voluntary acquisition process would save MDOT a minimum of \$5 million in right-of-way costs and accelerate the project delivery schedule for the BWBB Plaza by 1 year.

*Deviation from FHWA requirements:* This experimental feature deviates from FHWA's Advance Acquisition of Real Property statute, right-of-way acquisition regulations, and Environmental Impact and Related Procedures regulations because MDOT seeks to acquire right-of-way prior to completion of NEPA. (23 U.S.C. § 108(c)(2); 23 C.F.R. 710.305 and 711.113(a).) Generally, contact with affected property owners must be deferred until after NEPA approval. (23 C.F.R. 710.203(a)(3).) However, States may acquire property in advance of completion of NEPA as set forth in 23 U.S.C. § 108 and 23 C.F.R. 710.501 and 710.503.

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*FHWA Response:* MDOT may conditionally proceed with this experimental feature. MDOT may only acquire those properties offered for sale voluntarily by the landowner and which are acquired in their entirety. These advance purchases would be on a volunteer basis, which means that eminent domain will not be used until the environmental process is complete. When acquiring properties, MDOT must have appropriate safeguards in place to avoid the appearance of undue influence on property owners and perceptions of unfavorable treatment for those properties that are not acquired. MDOT must ensure that no activities take place on the acquired properties that could produce an environmental impact. Only general property management activities to keep the property in good condition relative to the surrounding area may be undertaken. For example, the MDOT should: (1) not undertake substantial ground disturbing activities; (2) not demolish structures on the property except, after consultation with FHWA, to the extent necessary to neutralize or eliminate substantial health or safety risks; or (3) take appropriate steps to secure and monitor vacant property to prevent vandalism, illegal occupants, deterioration of the property, etc.

The Uniform Act must be adhered to on all acquisitions, including the relocation provisions. MDOT will not be required to obtain concurrence from the Environmental Protection Agency pursuant to 23 C.F.R. 710.501(c)(2) but it must show that the acquisition of properties under this experimental feature did not influence the NEPA decision. No parkland or historical property (or other sites subject to section 4(f) of the U.S. Department of Transportation Act of 1966, 49 U.S.C. § 303, may be acquired prior to completion of the NEPA process.

**Experimental Feature 2:** MDOT requests to deviate from FHWA's regulations that prohibit the participation of Federal-aid funds in the acquisition of right-of-way prior to the conclusion of the NEPA process. (23 U.S.C. § 108(c)(2); 23 C.F.R. 710.203 and 710.501) MDOT requests to use Federal-aid funds, matched by State transportation dollars, to finance the acquisition of properties acquired under experimental feature 1. MDOT proposes to use Federal funds designated in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU,

Pub. L. 109-59, 119 Stat. 1144, §1108, amending 23 U.S.C. §104(k)(1) (2006)) for the BWBB Plaza and funds from FHWA border and corridor programs.

*Purpose:* According to MDOT, the total right-of-way costs for the Projects will be approximately \$150 million, including an estimated \$40 million over the next 2 years for acquisition of property under experimental feature 1. However, MDOT estimates that the cost of voluntary advanced right-of-way acquisitions will exceed available State funds. Additionally, MDOT has determined that the approval to use Federal-aid funds would accelerate the delivery of the BWBB Plaza by 1 to 2 years.

*Deviation from FHWA requirements:* The FHWA's early acquisition statute and regulation prohibit Federal reimbursement of acquisition costs incurred by a State prior to completion of the NEPA process and execution of a project agreement with the FHWA. (23 U.S.C. § 108(c)(2); 23 C.F.R. 710.203, 710.501(c), and 771.113(a).) MDOT requests reimbursement with Federal funds as costs are incurred. Currently, reimbursement takes place only after the parcels are incorporated into the project. Provisions relating to early acquisition that is eligible for Federal-aid reimbursement include obtaining concurrence from the Environmental Protection Agency that the acquisition did not influence the environmental assessment for the project. (23 U.S.C. § 108(c)(2) and 23 C.F.R. 710.501(c)(2).)

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*FHWA Response:* The FHWA accepts this experimental feature, however, no Federal-aid funds may be used for the early acquisition of right-of-way until (1) MDOT develops a conceptual Study Relocation and Acquisition Plan (risk assessment) to evaluate factors such as cost, complexity of the acquisition, and social/economic issues and (2) a public hearing has been held, or an opportunity for such a hearing, has been afforded to affected landowners. MDOT must comply with the early acquisitions requirements of 23 U.S.C. § 108(c)(2) and 23 C.F.R. 710.501(c) as discussed and modified in the FHWA's response to experimental feature 1.

In order to carry out this experimental feature, FHWA and MDOT would need to execute a project agreement for the acquisition of parcels pursuant to 23 C.F.R. 630.112(c)(1). Under the terms of the project agreement, MDOT will be required to reimburse FHWA for all Federal funds, including High Priority Project funds, by the close of the 5<sup>th</sup> fiscal year following the fiscal year in which the project is authorized, for the amount of Federal funds used in the acquisition, including relocation costs, of parcels not incorporated, or planned to be incorporated, into the Projects. These conditions and any additional requirements, regarding experimental feature 2 will be fully addressed in the EDA.

*Experimental Feature 3:* MDOT anticipates a number of design exceptions to the Projects and may seek FHWA approval to review and rule on key design exceptions that may be identified during the early preliminary engineering process.

*Purpose:* MDOT estimates that a decision by FHWA to grant design exceptions during the early preliminary engineering process would reduce the time required by MDOT to complete final right-of-way plans by as much as three to six months.

*Deviation from FHWA requirements:* None.

*FHWA Response:* We are unaware of any statutory or regulatory requirement that would prevent MDOT and the Division Office from coming to an early resolution of design exceptions. Design

exceptions are expressly permitted in 23 C.F.R. 625.3(f). Approval of design exceptions may be given on a project basis to designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for experimental features on projects and projects where conditions warrant that exceptions be made. However, the determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of the section due to increased traffic demands or changed conditions. (23 C.F.R. 625.3(f).) As long as MDOT complies with the requirements of 23 C.F.R. 625.3(f), no SEP-15 approval is needed for the design exceptions anticipated by MDOT.

*Experimental Feature 4:* In MDOT's SEP-15 application, the State requests to deviate from FHWA's design-build rule, 23 C.F.R. 636.109, and issue a Request for Proposals prior to final FHWA approval pursuant to NEPA. However, after further discussion with MDOT and reviewing the time-line for delivery of the NEPA document and issuance of a design-build contract for the Projects, MDOT and FHWA agree that this experimental feature is not necessary at this time.

#### **Proposed Performance Measures and Reports**

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The SEP-15 program requires each approved experiment to be governed by a set of performance measures and for the project sponsor to submit reports prepared by an independent party, as deemed necessary by the FHWA, for each experimental feature. Performance measures will include those, which evaluate the effectiveness of the acquisition process and measure the estimated time and cost savings discussed herein. MDOT will be required to conduct an independent evaluation of the experiment to be submitted to the FHWA Michigan Division Administrator within 6 months after completion of the NEPA process. The evaluation should utilize stakeholder input from property owners, tenants, State DOT personnel, FHWA Division Office staff, and environmental process participants. It should provide objective analysis of the positive and negative results of the advance acquisitions, including any impacts on the environmental process and impacts on the project schedule and costs. FHWA will provide questions to be researched by MDOT's independent evaluators with the stakeholders. The performance measures and reporting requirements will be fully developed in the EDA and incorporated into a project timeline.

I have asked Ms. Susan B. Lauffer, Director, Office of Real Estate Services, and Mr. James J. Steele, Division Administrator for the FHWA Michigan Division Office, to serve as the co-facilitators for the SEP-15 project. Ms. Lauffer and Mr. Steele will establish a FHWA interdisciplinary team to work with MDOT to develop the provisions of the EDA.

Sincerely,



J. Richard Capka  
Administrator



STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

GER M. GRANHOLM  
GOVERNOR

KIRK T. STEUDLE  
DIRECTOR

December 11, 2006

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

Re: SAFETEA LU 6002 Environmental Assessment (EA) Initiation Letter

Dear Mr. Steele:

Consistent with your June 2006 communication in which you concurred with the Michigan Department of Transportation's (MDOT) decision to separate the Blue Water Bridge Plaza Study into two separate environmental documents this communication serves to inform you that MDOT is initiating an EA for the I-94/I-96 corridor portion of the study. The EA will be prepared pursuant to the National Environmental Policy Act of 1969, as amended and the new efficient environmental review regulations contained within Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

The corridor EA will be prepared to evaluate potential impacts from the proposed roadway improvements starting at the Lapeer Road overpass to just west of the existing plaza in St. Clair County, Michigan. The length of this project is approximately 2.2 miles. Improvements to be evaluated within the EA include reconstructing and widening the I-94/I-69 mainline in order to separate international and local traffic, replacing and widening the Black River Bridge structure, modernizing the Water Street interchange, and relocating the existing MDOT welcome center west of the Lapeer Connector.

At this time MDOT anticipates the following federal approvals will be required for this project; FHWA review and approval of the EA/FONSI and design, a Coast Guard permit for the construction of a new Black River bridge structure, a United States Army Corps of Engineers permit, and a joint USACOE/DEQ Clean Water Act 404 permit.

MDOT will continue its efforts to prepare an Environmental Impact Statement (EIS) to evaluate potential impacts to the plaza and local access to the plaza.

If you have any questions, please contact me at (517) 335-4627.

Sincerely,

Matt Webb, AICP  
MDOT Project Manager

cc: Margaret Barondess  
Ryan Rizzo  
Todd Davis, Wilbur Smith Associates, Inc.



## COUNTY OF ST. CLAIR



Metropolitan Planning Commission  
WILLIAM KAUFFMAN, Director

December 14, 2006

Ms. Margaret Barondess, Manager  
Environmental Section, MDOT  
P.O. Box 30050  
Lansing, Michigan 48909

**RE: Invitation to Become a Participating Agency on the Proposed I-69/I-94 EA Corridor Study, St. Clair County, Michigan**

Dear Ms. Barondess:

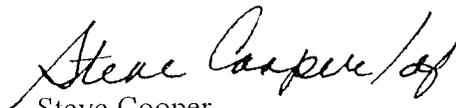
On behalf of the St. Clair County Metropolitan Planning Commission (SCCMPC) I am requesting that SCCMPC be recognized and designated as a Participating Agency on the above referenced project.

Although the SCCMPC did not receive an invitation, the Commission feels that they can offer significant value to the process. In addition to developing a myriad of County plans, the MPC acts as the Policy Body for the St. Clair County Transportation Study (SCCOTS). In addition, the MPC works hand in hand with the SCCOTS to develop the County's Long Range Transportation Plan and plays a key role in the plan's approval process.

As the Chairperson of the MPC, I formally request that the St. Clair County Metropolitan Planning Commission be designated as a Participating Agency on the I-69/I-94 Corridor Study. If you have any questions regarding the MPC or its role in land use or transportation planning within the St. Clair County community, please feel free to contact our Executive Director, Bill Kauffman.

The MPC looks forward to participating with and contributing this most important community project.

Sincerely,

  
Steve Cooper  
Chairperson

cc: Matt Webb, MDOT  
Paul McAllister, MDOT  
Kris Wisniewski, MDOT  
St. Clair County Board of Commissioners  
S. Groden, St. Clair County Administrator  
SCCOTS  
SCCMPC



## COUNTY OF ST. CLAIR

St. Clair County Transportation Study  
WILLIAM KAUFFMAN, Director



# SCCOTS

December 19, 2006

Mr. Kris Wisniewski, Project Manager  
Blue Water Bridge Plaza  
Bureau of Transportation Planning  
P.O. Box 30050  
Lansing, Michigan 48909

RE: Blue Water Bridge Plaza Mitigation Committee

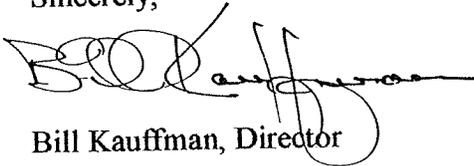
Dear Kris:

During the December 12 BWB Plaza Advisory Committee you mentioned the formation of a study group that would develop a strategy aimed at mitigating impacts of the proposed bridge plaza. You referred to specific units of government that would be involved. Although I am sure it was a slip on your part, you failed to include St. Clair County in that list.

As you know from some of our previous discussions, St. Clair County would like to be included in these discussions. In fact, the County is involved in developing a comprehensive list of initiatives that we intend to share with this study group and present to MDOT.

Please provide us with reassurance that the County will be invited to participate in this important aspect of the bridge plaza project.

Sincerely,



Bill Kauffman, Director

cc: S. Groden  
SCCOTS  
MPC

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