



JENNIFER GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES  
LANSING

DR. WILLIAM ANDERSON  
DIRECTOR

February 1, 2006

LLOYD BALDWIN  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
425 WEST OTTAWA  
PO BOX 30050  
LANSING MI 48909

RE: ER-930512 Proposed Improvements to the Blue Water Bridge Plaza Alternatives 2 and 3,  
Port Huron, St. Clair County (FHWA)

Dear Mr. Baldwin:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the effects of the proposed undertaking in alternatives 2 and 3 do not meet the criteria of adverse effect [36 CFR § 800.5(a)(1)]. Therefore, the project will have no adverse effect [36 CFR § 800.5(b)] on historic properties within the area of potential effects for the above-cited undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. In all cases, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

This letter evidences the FHWA's compliance with 36 CFR § 800.4 "Identification of historic properties" and 36 CFR § 800.5 "Assessment of adverse effects", and the fulfillment of the FHWA's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.5(c) "Consulting party review".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2721 or by email at ER@michigan.gov. Please reference our project number in all communication with this office regarding this undertaking. Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC:DLA:ROC:bgg

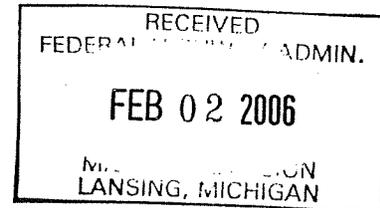


**DEPARTMENT OF THE ARMY**  
DETROIT DISTRICT, CORPS OF ENGINEERS  
BOX 1027  
DETROIT, MICHIGAN 48231-1027

January 27, 2006

IN REPLY REFER TO

Engineering & Technical Services  
Regulatory Office  
File No. 93-012-062-1



Abdelmoez A. Abdalla  
Environmental Program Manager  
U.S. Department of Transportation Federal Highway Administration  
315 West Allegan Street, Room 201  
Lansing, Michigan 48933

Dear Mr. Abdalla:

We have reviewed the January 6, 2006 Draft Environmental Impact Statement (DEIS) with accompanying Technical Memorandums, both prepared for agency review of work in waters of the United States, including wetlands, related to Blue Water Bridge Plaza Alternatives: PA1, PA2, and PA3, respectively, at Port Huron, Michigan.

Be advised that a Department of the Army permit will be required for any removal or installation of structures waterward of the OHWM of the Black River (580.3' IGLD 1985) as well as any excavation or discharge of fill material in the Black River and, based solely on materials in the DEIS, in adjacent wetlands referenced as 34, 35 and 36 on Figure 3.9, and as 45, 46 and 47 on Figure 3.10 of the DEIS (copies enclosed, aerial photos with wetlands depicted according to wetland type). We have requested supporting documentation of the wetland delineations supplied in the DEIS. The wetland delineation must be prepared in accordance with the current Federal method using the 1987 Corps of Engineers Wetland Delineation Manual. Should additional information indicate additional wetland areas beyond the above named areas the Corps reserves the right to alter this jurisdictional determination.

With your completed application we will require the following information:

a. Provide drawings of the proposed project prepared in accordance with the enclosed application and appendices. The drawings must be on 8.5 x 11" white paper, with all notations legible for reproduction and public notice purposes. Submit the fewest number of sheets necessary to adequately show the proposed activity, but be sure to include: one sheet for a location map

indicating the general location of only the portion of the proposed work requiring a Corps permit and the precise location of the work site relative to nearby streets and landmarks; plan views drawn to scale showing the existing and proposed conditions and relationship to surrounding features and structures; cross-section sheets drawn to scale indicating known elevations. Be sure to include any temporary construction measures.

b. Names and mailing addresses of adjacent riparian property owners.

c. The proposed discharges, dredging and structures waterward of the OHWM are generally depicted in drawings only as a finished structure. However, such a structure typically requires several intermediate steps, such as excavation or dredging into the bank or bottom, construction of a cofferdam, placement of bedding material, placement of forms, backfill around the finished structure. Each step must be specified in any authorization, which we issue. Please describe the constructions sequence and the materials, quantities and dimensions associated with each step.

d. Any maps produced by the consultant or from other sources are preliminary estimates of the areal extent of our jurisdiction and must be verified by the Corps in writing before becoming official.

e. The quantities of dredged or fill material expressed in cubic yards, as well as the overall length and width of each area of discharge of fill material.

f. Identify the permanent disposal area(s) for any dredged material.

g. You have anticipated a requirement of compensatory mitigation and submitted several potential mitigation sites. Compensatory mitigation ratios for wetland impacts vary. Determination of mitigation ratios depends on replacement of a wetland's functions and values, probability of success, time lag for replacement of functions, and other variables. Find enclosed the Detroit District U.S. Army Corps of Engineers Mitigation Guidelines and Requirements, also available online under the title *District Mitigation Guidelines, March 2005* at: <http://www.lre.usace.army.mil/who/regulatoryoffice/districtinformation/>

h. As per our February 2, 2004 letter we reiterate our invitation that the EIS address the areas evaluated in our public interest review so that we might adapt it *in toto* as our environmental assessment. Those areas include: economics; aesthetics; general environmental concerns; wetlands; cultural values; flood hazards; floodplain values; food and fiber production' navigation; shore erosion and accretion recreation; water supply and conservation;

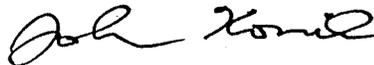
water quality; energy needs; safety needs and welfare of the people; and considerations of private ownership.

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects, which the proposed activity is likely to have on the public and private uses to which the area is suited.

Please provide the above information at the time you submit your application for a Department of the Army Permit. Your response and/or any questions may be directed to Patrick O'Connor at the above address or telephone (313) 226-1328. Please refer to File Number: 93-012-062-1.

Sincerely,



John Konik  
Chief, Regulatory Office  
Engineering & Technical Services

Enclosures

Copy Furnished

MDEQ, Wendy Fitzner



U.S. Customs and  
Border Protection

*Letter hand delivered  
to me by Linda Wolfson  
at our mtg 2/12/06*

Susan P. Mortel  
Bureau Director  
Michigan Department of Transportation  
Bureau of Transportation Planning  
Van Wagoner Building  
425 Ottawa Street  
Lansing, Michigan 48909

Dear Ms. Mortel:

The U.S. Customs and Border Protection (CBP) has reviewed the Executive Summary and the final Blue Final Security Assessment and Analysis, dated December 23, 2005, for the Water Blue Water Bridge Plaza Study, commissioned by the Michigan Department of Transportation (MDOT). CBP is pleased to provide the following general comments and the attached specific comments for the December 23, 2005, report.

- 1) The security reports are flawed by not considering the overriding goal of protecting the American public and economy from a terrorist attack by the introduction of a terrorist and terrorist vehicles into the United States. Many of the conclusions related to the security risks are flawed. The reports ignore an attack for the purpose of shutting the trade corridor between the United States and Canada. Additionally, the reports ignore the inherent security issues associated with the bridge over the Black River and its accessibility and vulnerability to a terrorist attack that could also close the entire secure corridor for days or weeks, depending on how long it would take to replace or repair the bridge.
- 2) It was CBP's understanding that the Security Assessment and Analysis would develop innovative solutions to the CBP security requirements for a secure corridor. Instead, the reports sought to redefine and reduce our security requirements. This is unacceptable. The construction of a new Detroit River International Crossing will likely improve transit conditions not only for Detroit, but also Port Huron.
- 3) There are no existing design requirements for a secure corridor because none exist as proposed in Alternative 3. For this reason, CBP provided the security requirements for this unique situation. The reports quote other standards but this leads to design characterizations that are out-of-context.

- 4) The report quotes the GSA Port-of-Entry Security Standards as defined in the U.S. Land Port of Entry Design Guide, revised on February 2, 2001. This Guide pre-September 11th, was based on outdated policy. A partial (draft) updated Design Guide was made available to MDOT. In addition, our future requirements are likely to become stricter as new regulations are enacted, new technology becomes available, and as Border Patrol enhances its presence between the ports thereby increasing illegal activity through the ports (perceived by some criminal elements as a path of less resistance).
- 5) Non-essential, non-CBP facilities should not be included in the CBP plaza of Alternative 2.
- 6) The CBP-HNTB October 24, 2005, meeting minutes paraphrased by HNTB don't necessarily portray an accurate and complete documentation of the discussion and understanding of the security issues. The December 23rd final reports were issued without consideration of CBP comments, or a telephone inquiry to CBP, on the status of our review. Consequently the final reports are flawed.
- 7) The report mentions examples of secure corridors at Pharr, Texas, and Lewistown, New York. However, the situations are different. In particular, these locations are not in urban areas and do not have major bi-national trade corridors to protect.

Should you require additional information or wish to discuss these comments further, please contact Mr. Gary Ragatz, Chief, Field Operations Branch, at (317) 298-1170.

Sincerely,



Renee M. Smoot  
Executive Director  
Asset Management

Enclosure (s)

cc: Dan Elash, President, Blue Water Bridge Authority  
Alan D Cutcher, Mayor, City of Port Huron  
James Kirschensteiner, Assistant Division Director, Federal Highway Administration

## HTNB SECURITY REPORT SPECIFIC COMMENTS BLUE WATER BRIDGE PLAZA STUDY

1) The report did not fully comprehend all of the CBP requirements, especially those with security. The recommendation to reduce the requirement for a barrier in the sterile corridor separating in-bound and out-bound traffic, and the use of Jersey barriers for the corridor outside buffer zone, demonstrate this. Much of the assessment seems anecdotal and would not be supported by law enforcement statistics and responses to Non-Intrusive Inspection equipment alerts. Since September 11, 2001, the primary mission of land ports has been the protection of trade corridors from terrorism, and the prevention of terrorists and/or terrorist weapons entering into the United States. However, the report declares that terrorism is not the primary security threat at the port of entry, and focuses on traffic safety, emergency response, and unauthorized entry of goods and people (not necessarily related to terrorism). Furthermore, the report's risk analysis is based on the plaza concept that is not necessarily valid for a corridor. A corridor concept has yet to be proven viable.

2) Page 6, Section 4.1 The newly formed U.S.-Canada Security and Prosperity Partnership on Critical Infrastructure Protection is likely to identify the Blue Water Bridge and the associated CBP and Canada Border Services Agency plazas as critical bi-national infrastructures requiring additional protective measures. If so, the sterile corridor concept may come under closer scrutiny and be severely restricted, if not forbidden, as an option.

3) Page 7, Section 4.1 CBP disagrees with the statement, "Based on our research, the HNTB Security Task Force believes the primary security threats...are attempts to introduce contraband." The conclusion is illogical when you consider that earlier in the document the writers admit there is no existing facility similar to Practical Alternative 3 (PA-3) to which to compare for historical perspective. To use the existing plaza's history as the basis of the conclusion for all alternatives is inherently flawed. Additionally, in the same section we disagree with the conclusion, "The Task Force does not view the federal customs inspection plaza or the secure connecting corridor as high-value terrorist targets." Port Huron is the 4th busiest commercial land-border crossing in the country. CBP and the commerce community consider the U.S. and Canadian inspection plazas and connecting bridge vital critical infrastructure that could harm the regional and national economies if it is shut down due to a terrorist incident.

4) Page 8, Section 4.2 CBP disagrees with the conclusion, "The security team believes that a terrorist attack on the bridge is unlikely, and an attack on the plaza or secure corridor is even less likely." The plaza and secure corridor are much easier targets than the bridge itself, especially the secure corridor due to the bridges that are at or near grade. The bridge over the Black River in PA-3 is especially vulnerable because of the water access and the fact that it is at grade. Once again, the conclusion is inherently flawed.

5) Page 8, Section 4.2 The task force states that the plaza and the secure corridor design should focus on prevention of unauthorized entry, traffic safety, and first responder ability. However, the corridor's most important economic attribute is its role as a major North American trade route. CBP emphasizes this because the report does not acknowledge this, and hence recommendations do not accurately reflect what is at stake. Ontario accounts for nearly 60% of all Canada-U.S. trade. Over 65% of Canada-U.S. truck traffic and over 50% of Canada-U.S. auto traffic pass through the five Ontario trade corridors. This includes the high volume trade crossings of the Ambassador Bridge and the Blue Water Bridge.

6) Page 8, Section 5 CBP disagrees with the statement, "The increased perimeter and footprint does not increase the likelihood of an attack..." Military protocol identifies that the larger the perimeter to secure, the more vulnerable the perimeter is to a breach.

7) Page 9, Section 5.1 HNTB rates potential threat probabilities from high to low. A terrorist attack is given low probability. However, the probabilities do not consider the consequences. For example, an attack has major consequences for the flow of commerce. In contrast, the report states that traffic accidents are given high probability. However, when accidents occur, their consequences are quickly ameliorated, and CBP considers their impact temporary and short.

8) Page 9, Section 5.1 The report states that "it would be much easier for an illegal alien, would-be terrorist, or smuggler to enter the United States via a maritime conveyance at almost any point along the Michigan shore line." While this may be true if this is the intent of the individual, the report does not consider that the objective of the individual may be to shut down the commerce/trade corridor. This can only be achieved at the port-of-entries. Furthermore, terrorists like those from the September 11 events, did not enter the United States via illegal smuggler routes, nor are they necessarily aware of smuggling routes. Finally, terrorists could copy smuggler methods along the southern border and use diversions (port runners, premeditated staged accidents) at ports to attempt easier entry.

9) Page 9, Section 5.1 A secure corridor offers higher probabilities for increased traffic accident back-ups since the corridor extends the distance to the plaza. Currently, if a backup occurs along the highway after the bridge, vehicles can leave the plaza at a local exit and bypass the highway. Local diversion of traffic is impossible with a secure corridor. A secure corridor will offer more opportunities to terrorists to close the trade corridor. As an example, sabotaging the softer Black River Bridge target instead of the Blue Water Bridge.

10) Page 9, Section 5.1 CBP disagrees with the conclusion, "Attempted entry by an individual who has hostile intent and intends to proceed elsewhere within the United States: Low probability." Also, we disagree with the conclusion, "Explosive devices targeting the plaza or the corridor...: Low probability." Once again, the Task Force bases the conclusions on the history of the existing plaza without due consideration to

the reconfigurations that will occur with the expansion based on either PA-2 or PA-3. The report suggests that an individual who attempts to smuggle goods would avoid ports with their strict screening processes and enter the United States in presumably little watched areas away from the ports. However, such areas are monitored by the Border Patrol, and more importantly, in fact, thousands of criminals are arrested annually at ports dispels the perceived notion that criminals prefer to take their chances with the Border Patrol.

11) Page 10, Section 5.2 No direct mention of the most critical negative impact, which is the closing of a commercial trade corridor.

12) Page 11, Section 6.1.1 The report downplays the value of concrete security walls with the recommended substitution for less secure materials such as fencing and non-specified opaque materials, especially over vulnerable areas such as the Black River Bridge.

13) Page 13, Section 6.1.2 CBP does not agree with the recommendation for an 8 foot high median fence in the secure corridor. It does not provide enough of a deterrent to possible interaction between inbound and outbound travelers.

14) Page 13, Section 6.1.3 The report suggests using concrete median barriers in the buffer zone outside the secure corridor. This is less than what CBP determined as requirements. Concrete median Jersey barriers are ineffective in deterring people.

15) Page 15, Section 6.4 CBP cannot support a bypass of the secure corridor for emergency responders. All entrances into the space between the plazas must be from the US or Canadian primary areas, as they are now. CBP views the corridor similar to a tunnel.

16) Page 17, Section 6.7 The CBP does not support splitting its resources into two halves, one at the plaza, and one at the foot of the bridge for RPMs or NEXUS drivers. Splitting of resources will decrease the effectiveness of CBP officers to accomplish their mission.

17) Page 17, Section 7 The analysis is faulty as there is no mention of the importance in keeping trade and commerce flows open.

18) Page 19, Section 9 For all the reasons stated above, CBP disagrees with the conclusion, "the risk of criminal activity or terrorist attack does not change based on the location of the customs plaza." Additionally, we disagree with the belief, "that the risk of a terrorist attack is not altered by the selection of either alternative." Clearly, Alternative PA-3 as it is currently drawn up adds more vulnerability and, thus, increases the risks.

19) Page 19, Section 8 For all the reasons stated above, we disagree with the conclusion, "both alternatives, with the proposed mitigation, meet the intent of CBP in protecting the customs plaza and the border from all reasonable threats."

20) Attachments Examples provided remove the secure buffer zones (as described by CBP) outside the secure corridor. Secured buffer zones are an important deterrent in allowing more CBP reaction time and information on possible corridor breaches. Instead the report recommends Jersey barriers 4 feet from the corridor's exterior walls. Several of the drawing attachments are inconsistent with recommendations in the report regarding fence and barrier heights.

21) Finally, CBP would not want to expend resources by monitoring and addressing sterile corridor breaches. This would be the responsibility of MDOT.

U.S. Department of Homeland Security  
Washington, DC 20229  
U.S. Customs and Border Protection

FEB3 2006

Mr. Abdelmoez A. Abdalla  
Environmental Programs Manager  
U.S. Department of Transportation, FHWA-Michigan Division  
315 W. Allegan  
Lansing, Michigan 48933

Dear Mr. Abdalla:

The U.S. Customs and Border Protection (CBP) is pleased to submit the attached comments on the Preliminary Draft Environmental Impact Statement (PDEIS) Statement of January 6, 2006, for the Blue Water Bridge Plaza Study, St. Clair County, Michigan.

These comments are in response to your letter of January 5, 2006, to the Director, Logistics Division, Office of Field Operations, CBP. CBP fully supports the project that will serve as a critically needed replacement to the current facility at the Port Huron Land Port of Entry. It is the desire of CBP that the outcome of the proposed action provides the most secure and safest Port of Entry possible which meets all CBP Operational requirements, and to the maximum extent practicable, has the least impact possible on the adjacent neighborhood or community.

CBP prefers Practical Alternative (PA) - 2 for this project. However, CBP is willing to discuss a hybrid alternative that would combine components of PA- 2 and PA-3. The hybrid alternative could provide the best possible outcome for the impacted communities, the State of Michigan, and ensure consistency with the CBP border management policies on safety and security. The attached consolidated CBP comments further discuss this proposed hybrid alternative.

In the continued spirit of partnership and cooperation, CBP looks forward to the opportunity to further discuss our comments regarding the hybrid alternative and all safety and security issues. If you have any questions or concerns, please contact Mr. Gary Ragatz, Chief, Field Operations Branch, at (317) 298-1170.

Renee M. Smoot  
Executive Director  
Asset Management  
Enclosure

cc: Dan Elash, Blue Water Bridge Authority, President  
Alan D. Cutcher, Mayor, City of Port Huron  
Susan Mortel, Michigan Dept of Transportation

Consolidated CBP Review Comments

Preliminary Draft Environmental Impact Statement

For the Blue Water Bridge Plaza Study, Saint Clair County, Michigan February 3, 2006

1. Executive Summary Page E-3, 2<sup>nd</sup> paragraph: The narrative states that the purpose of the project is to provide an updated plaza facility to meet the impacts associated with traffic growth, potential facility needs, and to meet the current and future inspectional technologies, inspection procedures, improve port security, and provide enhanced control of private commercial vehicles entering the US. The purpose and need for this project is to address the direct and indirect traffic impacts which resulted from the twining of the Blue Water Bridge in 1997, the previous traffic management decisions, as well as to meet CBP's increased inspection requirements, safety and security requirements. As the end user, CBP's requirements provide the preponderance of the purpose and need for this project. However, these functional and operational requirements have not been identified and used as the basis for the alternative analysis in the DEIS.

**Comment:** I believe that we should incorporate their functional requirements as specified in their document "Port Huron POB Blue Water Bridge Project Requirements."

I also believe that we should include our HNTB analysis of their requirements and how we can respond to them. So we either attach both as addenda items or incorporate the analyses in our DEIS proper. Personally, I prefer the addenda concept and where ever appropriate in the document refer to these addenda.

2. Executive Summary, Page E-10, 2<sup>nd</sup> paragraph, Security Design Elements, bullets 1 and 2: The stated security design elements of a 20 foot high barrier along the perimeter road and the 8 foot high barrier separating the inbound and outbound traffic in the secure corridor contradicts Figure E-13 and the figure shown at the top of page 3.5.12. Throughout this PDEIS the required CBP safety and security specifications have not been accurately depicted or described. These safety and security requirements must be consistently and uniformly presented in the DEIS.

**Comment:** Same as my previous comment.

3. Executive Summary pages E-9 through E-11: The DEIS indicates that the emergency access will be provided at three locations. CBP has not agreed that access will be allowed at the current plaza or in the secured corridor. CBP has also not supported a controlled access point that would allow traffic out of the secured corridor into the local road system in case of emergency. The DEIS restates at the bottom of page E-10 that the City of Port Huron emergency responders would be unaffected in their response times because of access at the current plaza. Again, CBP has not agreed to allowing access at the current plaza.

**Comment:** We can comment in the report that CBP has not agreed to this and say this is a point of contention to be resolved in future discussions. Say MDOT is concerned about their position because, in our opinion, it risks the safety of users of the facility and increases the risk to the two spans of the Blue Water Bridge. Again, we can excerpt our position from the HNTB study.

4. Executive Summary, Page E-9 (Sheet 0, Figure EA): The DEIS shows the secure corridor truly not starting until after the Salt storage building, and the layout allows incoming and outgoing vehicles to commingle in the duty free shop and/or the MOOT maintenance facility areas away from the view of CBP personnel, which will provide opportunities for the conduct of unlawful and potentially terrorist activities. In addition to the security concerns created by the location of and access to the duty free shop in PA-3, the DEIS fails to identify the bridges along the secured corridor as potential security concerns. The proposed bridge over the Black River along the secured corridor provides a convenient target for terrorists seeking to interrupt access to the crossing through the corridor by way of an explosive device designed to take down the bridge.

**Comment:** This too can be addressed by incorporating our threat assessment analysis in the document. Also, they don't seem to understand that this is a footprint document and their concerns can be addressed in design. Maybe we should say so in the document.

5. Chapter 1 pages 1-10 and 1-11. The DEIS states that backups entering the U.S. are common and often extend five miles. While backups do occur, they are not "common" as they may have been in previous years and they certainly have not reached two to five miles with any consistency. CBP agrees that additional primary inspection lanes are required to process traffic during peak periods; the reports indicated in this section are based on traffic volumes and flow from 2003 and 2004. CBP believes that the language should be amended to accurately reflect current conditions and not contribute to public misconceptions about long delays in crossing the border.

**Comment:** I agree with CBP on this issue. I also believe we need to add a new section in the document that talks about the current problems with the data used to size the Port of Entry. Also, we should talk about future programs such as Outbound Inspection, new document requirements, expansion of ACE for which we have no idea of their impacts on plaza size.

6. Chapter 1, Page 1-17, Section Improving Local Roads, and Access to Port Huron, paragraph one and three. The PDEIS states that the additional goal of the project is to improve access to local access roads and provide drivers with the opportunity to shop at the duty free store before leaving the plaza. CBP's primary function at this and all Ports of Entry is to inspect and facilitate free trade, commerce, and travel across the international border. Providing improved local access roads and additional shopping is an ancillary benefit from the proposed action and not germane to the purpose and need for the project.

**Comment:** These issues are very germane to purpose and need because they are included in our Purpose and Need Statement. This project is not solely to meet CBP needs but transportation and economic needs within the state of Michigan. It is an FHWA document and the time to challenge the purpose and need of the project is now long gone.

7. Chapter 2, Section 2.1,1 Alternatives Considered, Page 2.1-2, Initial Concepts: The PDEIS identified 19 proposed alternatives that were considered and evaluated to determine whether they met the purpose and need for the project. These 19 alternatives were considered and not further analyzed which resulted in the final three alternatives described in the PDEIS. CBP believes that the one alternative that was not considered and may be the most viable alternative is the expansion of the existing plaza and moving all non-CBP operations and facilities out of the expanded plaza. This hybrid alternative uses the best of Alternatives PA-2 and PA-3 and offers the potential of smaller footprint and lesser impact to the City of Port Huron, Port Huron Township, and the adjacent neighborhoods. This alternative would potentially reduce project cost and completion times by eliminating the secure corridor proposed in Alternative PA-3 while providing the additional space required by MOOT and the Michigan State Police. It is strongly recommended that MDOT include this viable alternative within the alternative analysis of the DEIS.

**Comment:** This alternative was never brought up by CBP during the three years of review and analysis of alternatives. So it should not be included in the DEIS; however, there it should be considered along with other alternatives offered by other stakeholders and cooperating agency after the current DEIS is released. CBP should be informed that compromise solutions often times come out of a public debate over the DEIS.

8. Chapter 2, Section 2.2, Practical Alternatives, Page 2.2-1, Paragraph 1, first bullet: The PDEIS states that the No Build Alternative would involve no expansion of the existing plaza. That statement is accurate, however, the No Build alternative reflects that MDOT will improve the existing 1-94 Black River Highway Bridge and other work at the existing plaza with an estimated cost of 18.6 million dollars. The No Build Alternative analyzed throughout the PDEIS clearly does not meet the standard associated the "No Action" alternative specified in 40 CFR Section 1502.14(d). The DEIS must be revised to either add the required No Action alternative or revise the No Build alternative to reflect it's interrelated impacts, or delete the alternative as it does not meet the required standard of "no action".

**Comment:** We need to explain to them what we are allowed to do under a no build scenario more clearly.

9. Chapter 2, Section 2.2.1, What Design Criteria were Used in Developing the Practical Alternatives, Page 2.2-1: This section fails to identify the security and safety criteria

identified by CBP at the October 24, 2005 meeting with HNTB Federal Services Corporation and referenced in their final Security Technical Memorandum of December 23, 2005 for MDOT. CBP recommends that MDOT ensure that all CBP operational requirements identified in the Security Technical Memorandum are addressed uniformly and consistently throughout the alternative analyses in the DEIS.

**Comment:** My comments for Point 1 of CBP's comments applies here also.

10. Chapter 2, Table 2.3.1 Measures of Effectiveness, Page 2.3-3: The table provided fails to provide a comparative security analysis for each of the alternatives described. Under Security Rating, the table only states that CBP prefers PA-2 for Security, which appears arbitrary and provides no comparative analysis of the security values associated with the No Build and PA-3 alternatives. CBP recommends the insertion of a table, which demonstrates why alternative PA-2 provides the greatest security advantage and the basis for assigning the "advantages" shown on pages 2.3-2 though 2.3-7 and the concluding summary.

**Comment:** No problem including a table here. It should include our analysis, their requirements, and their response to our security study when we get it.

11. Chapter 2, Improve Security, page 2.3-5, paragraph 3: The narrative discussion fails to equally address potential neighboring impacts from a terrorist attack for A-2 and PA-3. CBP recommends the revision of the DEIS narrative in this section to equally address potential neighboring impacts from PA-2 and PA-3 and remove all similar inequities throughout the DEIS.

**Comment:** We can add a section that reflects HNTB analysis of this issue along with CBP's response to it and state that it will be further analyzed before selection of the preferred alternative with the assistance of DHS who are the experts in infrastructure protection.

12. Chapter 3, Page 3.5-1, last paragraph, last sentence. The narrative states that section 3.5-2 discusses the recommended design considerations presented that the Oct 24 and 25, 2005 meeting. The safety and security design considerations identified by CBP at the referenced October 24, 2005 meeting have not been consistently and uniformly integrated or discussed within the DEIS. The inconsistencies in safety and security throughout the DEIS must be corrected.

**Comment:** Again we can develop an expanded safety and security requirement section. Lay out CBP's requirements and our response to them and refer to this section wherever this issue is stated in document.

13. Chapter 3, Page 3.5-9 and 3.5-10, discusses allowance for three areas of access to the corridor. CBP does not support this access.

**Comment:** Again let's state their position and our response to it.

14. Chapter 3, Page 3.5-11 again proposes a moveable barriers and gates in the corridor, which is not supported by CBP.

**Comment:** This can be addressed in the safety and security section, including both agencies positions that need to be resolved prior to selection of the recommended alternative.

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.

**Comment:** See above comments on how to talk about safety and security; or just state here that we disagree.

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?

**Comment:** On response time, we can say that both alternatives would impact response times if we did not have multiple entries onto the plaza and bridge which are not supported by CBP.

Duty free issues can be resolved in the refinements to the recommended alternative and in design.

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?

**Comment:** Good question. Is this something we have to develop for the DEIS or is this part of the refinement process. I leave the answer to this up to our experts.

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.

**Comment:** I agree.

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.

**Comment:** I agree.

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.

**Comment:** This is an issue for which we asked CBP comments about concerning where they would located radiation portals under this scenario. They never gave us an answer.

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.

**Comment:** This is an issue that we should address in the document as a potential safety concern. While we in transportation know that the corridor will be designed to federal safety standards, not everyone knows that, including CBP.

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.

**Comment:** While this is a refinement issue of a recommended alternative, we can state in the document how we address this potential problem.

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

FEB 3 2006

Mr. Abdelmoez A. Abdalla  
Environmental Programs Manager  
U.S. Department of Transportation, FHWA-Michigan Division  
315 W. Allegan  
Lansing, Michigan 48933

Dear Mr. Abdalla:

The U.S. Customs and Border Protection (CBP) is pleased to submit the attached comments on the Preliminary Draft Environmental Impact Statement (PDEIS) Statement of January 6, 2006, for the Blue Water Bridge Plaza Study, St. Clair County, Michigan. These comments are in response to your letter of January 5, 2006, to the Director, Logistics Division, Office of Field Operations, CBP. CBP fully supports the project that will serve as a critically needed replacement to the current facility at the Port Huron Land Port of Entry. It is the desire of CBP that the outcome of the proposed action provides the most secure and safest Port of Entry possible which meets all CBP operational requirements, and to the maximum extent practicable, has the least impact possible on the adjacent neighborhood or community.

CBP prefers Practical Alternative (PA) - 2 for this project. However, CBP is willing to discuss a hybrid alternative that would combine components of PA- 2 and PA-3. The hybrid alternative could provide the best possible outcome for the impacted communities, the State of Michigan, and ensure consistency with the CBP border management policies on safety and security. The attached consolidated CBP comments further discuss this proposed hybrid alternative.

In the continued spirit of partnership and cooperation, CBP looks forward to the opportunity to further discuss our comments regarding the hybrid alternative and all safety and security issues. If you have any questions or concerns, please contact Mr. Gary Ragatz, Chief, Field Operations Branch, at (317) 298-1170.

Sincerely,

A handwritten signature in cursive script, appearing to read "Renee Smoot".

Renee M. Smoot  
Executive Director  
Asset Management

Enclosure

cc: Dan Elash, Blue Water Bridge Authority, President  
Alan D. Cutcher, Mayor, City of Port Huron  
Susan Mortel, Michigan Dept of Transportation

Consolidated CBP Review Comments  
Preliminary Draft Environmental Impact Statement  
For the Blue Water Bridge Plaza Study, Saint Clair County, Michigan

February 3, 2006

1. Executive Summary Page E-3, 2<sup>nd</sup> paragraph: The narrative states that the purpose of the project is to provide an updated plaza facility to meet the impacts associated with traffic growth, potential facility needs, and to meet the current and future inspectional technologies, inspection procedures, improve port security, and provide enhanced control of private commercial vehicles entering the US. The purpose and need for this project is to address the direct and indirect traffic impacts which resulted from the twining of the Blue Water Bridge in 1997, the previous traffic management decisions, as well as to meet CBP's increased inspection requirements, safety and security requirements. As the end user CBP's requirements provide the preponderance of the purpose and need for this project. However, these functional and operational requirements have not been identified and used as the basis for the alternative analysis in the DEIS.
2. Executive Summary, Page E-10, 2<sup>nd</sup> paragraph, Security Design Elements, bullets 1 and 2: The stated security design elements of a 20 foot high barrier along the perimeter road and the 8 foot high barrier separating the inbound and outbound traffic in the secure corridor contradicts Figure E-13 and the figure shown at the top of page 3.5.12. Throughout this PDEIS the required CBP safety and security specifications have not been accurately depicted or described. These safety and security requirements must be consistently and uniformly presented in the DEIS.
3. Executive Summary pages E-9 through E-11: The DEIS indicates that the emergency access will be provided at three locations. CBP has not agreed that access will be allowed at the current plaza or in the secured corridor. CBP has also not supported a controlled access point that would allow traffic out of the secured corridor into the local road system in case of emergency. The DEIS restates at the bottom of page E-10 that the City of Port Huron emergency responders would be unaffected in their response times because of access at the current plaza. Again, CBP has not agreed to allowing access at the current plaza.

4. Executive Summary, Page E-9 (Sheet D, Figure E.4): The DEIS shows the secure corridor truly not starting until after the Salt storage building, and the layout allows incoming and outgoing vehicles to commingle in the duty free shop and/or the MDOT maintenance facility areas away from the view of CBP personnel, which will provide opportunities for the conduct of unlawful and potentially terrorist activities. In addition to the security concerns created by the location of and access to the duty free shop in PA-3, the DEIS fails to identify the bridges along the secured corridor as potential security concerns. The proposed bridge over the Black River along the secured corridor provides a convenient target for terrorists seeking to interrupt access to the crossing through the corridor by way of an explosive device designed to take down the bridge.
5. Chapter 1 pages 1-10 and 1-11. The DEIS states that backups entering the U.S. are common and often extend five miles. While backups do occur, they are not "common" as they may have been in previous years and they certainly have not reached two to five miles with any consistency. CBP agrees that additional primary inspection lanes are required to process traffic during peak periods; the reports indicated in this section are base on traffic volumes and flow from 2003 and 2004. CBP believes that the language should be amended to accurately reflect current conditions and not contribute to public misconceptions about long delays in crossing the border.
6. Chapter 1, Page 1-17, Section Improving Local Roads, and Access to Port Huron, paragraph one and three. The PDEIS states that the additional goal of the project is to improve access to local access roads and provide drivers with the opportunity to shop at the duty free store before leaving the plaza. CBP's primary function at this and all Ports of Entry is to inspect and facilitate free trade, commerce, and travel across the international border. Providing improved local access roads and additional shopping is an ancillary benefit from the proposed action and not germane to the purpose and need for the project.
7. Chapter 2, Section 2.1,1 Alternatives Considered, Page 2.1-2, Initial Concepts: The PDEIS identified 19 proposed alternatives that were considered and evaluated to determine whether they met the purpose and need for the project. These 19 alternatives were considered and not further analyzed which resulted in the final three alternatives described in the PDEIS. CBP believes that the one alternative that was not considered and may be the most viable alternative, is the expansion of the existing plaza and moving all non-CBP operations and facilities out of the expanded plaza. This hybrid alternative uses the best of Alternatives PA-2 and PA-3 and offers the potential of smaller footprint and lesser impact to the City of Port Huron, Port Huron Township, and the adjacent neighborhoods. This alternative would potentially reduce project cost and completion times by eliminating the secure corridor proposed in Alternative PA-3 while providing the additional space required by MDOT and the Michigan State Police. It is strongly recommend that MDOT include this viable alternative within the alternative analysis of the DEIS.

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12. Chapter 3, Page 3.5-1, last paragraph, last sentence. The narrative states that section 3.5-2 discusses the recommended design considerations presented that the Oct 24 and 25, 2005 meeting. The safety and security design considerations identified by CBP at the referenced October 24, 2005 meeting have not been consistently and uniformly integrated or discussed within the DEIS. The inconsistencies in safety and security throughout the DEIS must be corrected
13. Chapter 3, Page 3.5-9 and 3.5-10, discusses allowance for three areas of access to the corridor. CBP does not support this access.

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?
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U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
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FEB 3 2006

Mr. Abdelmoez A. Abdalla  
Environmental Programs Manager  
U.S. Department of Transportation, FHWA-Michigan Division  
315 W. Allegan  
Lansing, Michigan 48933

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